

**TABLE OF AMENDMENTS TO THE CURRENT LEGISLATION
according to the Draft Law on the National Bureau of Anti-Corruption Investigations of Ukraine**

Current legislation	Proposed amendments (marked in bold font)
Criminal Procedure Code of Ukraine	
<p><u>Article 95</u></p> <p>Article 95. Declarations and notifications of crime</p> <p>Declarations or notifications of crime by representatives of authorities, civil society or individual citizens can be oral or written. Oral declarations shall be put in the record which is signed by the applicant and the official who accepted the declaration. At the same the applicant shall be warned of the responsibility for false accusation and this fact shall be noted in the record.</p> <p>Written declaration shall be signed by the person who submits it. Before the case is opened the identity of the applicant shall be verified, he shall be warned of the responsibility for false accusation and he shall certify the latter in writing.</p> <p>Notifications by enterprises, institutions, organisations and officials shall be submitted in writing.</p> <p>Notifications by representatives of authorities, civil society or individual citizens who apprehended a suspect at the crime scene or with instruments (signs) of crime can be oral or written.</p>	<p>Article 95. Declarations and notifications of crime</p> <p>Declarations or notifications of crime by representatives of authorities, civil society or individual citizens can be oral or written. Oral declarations shall be put in the record which is signed by the applicant and the official who accepted the declaration. At the same the applicant shall be warned of the responsibility for false accusation and this fact shall be noted in the record.</p> <p>Written declaration shall be signed by the person who submits it. Before the case is opened the identity of the applicant shall be verified, he shall be warned of the responsibility for false accusation and he shall certify the latter in writing.</p> <p>Notifications by enterprises, institutions, organisations and officials shall be submitted in writing.</p> <p>Notifications by representatives of authorities, civil society or individual citizens who apprehended a suspect at the crime scene or with instruments (signs) of crime can be oral or written.</p> <p>The law can provide for special procedure for submission of declarations and notifications of crime.</p>

Article 112

Article 112. Investigative jurisdiction

Paragraph 1:

In cases related to crimes punishable under Articles 157, 158, 158-1, 159, 159-1, 160, 161, 162, 163, 166, 168, second paragraph, Articles 170, 171, 172, 173, 175, 176, third paragraph, 177, third paragraph, Articles 182, 183, 184, second paragraph, Article 209, 229, third paragraph, Articles 233, 234, 235, 236, 237, 238, 244, 253, 271, 272, 273, 274, 275, 276, 281, 335, 336, 338, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 392, 397, 398, 399, 400, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, 441, 445 of the Criminal Code of Ukraine, as well as in all cases related to crimes committed by officials who hold especially important offices under Article 9, first paragraph, of the Law of Ukraine “On Civil Service” and by persons who hold positions of the 1 – 3 category, by members of law enforcement authorities, - pre-trial investigation is conducted by investigators of prosecutor’s offices. Investigators of prosecutor’s offices may investigate other crimes upon decision of the Prosecutor General of Ukraine, his/her deputies, oblast prosecutor, and prosecutors assimilated to them.

In cases related to crimes punishable under Articles 157, 158, 158-1, 159, 159-1, 160, 161, 162, 163, 166, 168, second paragraph, Articles 170, 171, 172, 173, 175, 176, third paragraph, 177, third paragraph, Articles 182, 183, 184, second paragraph, Article 209, 229, third paragraph, Articles 233, 234, 235, 236, 237, 238, 244, 253, 271, 272, 273, 274, 275, 276, 281, 335, 336, 338, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 392, 397, 398, 399, 400, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, 441, 445 of the Criminal Code of Ukraine (2341-4), as well as in all cases related to crimes committed by officials who hold especially important offices under Article 9, first paragraph, of the Law of Ukraine “On Civil Service” (3723-12) and by persons who hold positions of the 1 – 3 category, by members of law enforcement authorities, - pre-trial investigation is conducted by investigators of prosecutor’s offices, **except for cases when the pre-trial investigation according to this Article is conducted by investigators of the National Bureau of Anti-Corruption Investigations of Ukraine.** Investigators of prosecutor’s offices may investigate other crimes upon decision of the Prosecutor General of Ukraine, his/her deputies, oblast prosecutor, and prosecutors assimilated to them.

New paragraph 5

In cases of crimes punishable under Articles 191, 209, 364, 365, 368, 368-1, 369, 369-1 of the Criminal Code of Ukraine¹ the pre-trial investigation is conducted by investigators of the National Bureau of Anti-Corruption Investigations of Ukraine if at least one of the following conditions is present:

the crime was committed by people's deputy of Ukraine [member of parliament]; Prime Minister of Ukraine, member of the Cabinet of Ministers of Ukraine; civil servant whose post belongs to the 1-2 categories of posts; deputy of the Verkhovna Rada of the Autonomous Republic of Crimea, deputy of the oblast [regional] council, councils of cities of Kyiv and Sevastopol; official of the local self-government whose post belongs to the 1-2 categories of posts; judge of the Constitutional Court of Ukraine and judge of general jurisdiction courts, people's assessor and juror; prosecutor, assistant to prosecutor, investigator of the prosecutor's office; person of commandment level of the law enforcement body; military serviceman of commandment level of the Armed Forces of Ukraine or Security Service of Ukraine;

the value of the object of crime or amount of the harm inflicted on the protected by law rights and interests of natural and legal persons or state and public interests equals or exceeds the triple amount of the bribe of especially gross size according to Article 368 of the Criminal Code of Ukraine [approximately 48,000 EUR];

the crime punishable under Article 369 of the Criminal Code of Ukraine [active bribery] was committed concerning an official

¹ Criminal offences mentioned here take into account the amendments adopted on 11 June 2009 and coming into force on 1 January 2010 (Law No. 1508-VI). See relevant provisions (as amended by the Law No. 1508-VI) at the end of this document.

	<p>mentioned in paragraph 2 of the Note to Article 364 of the Criminal Code of Ukraine [i.e. a foreign public official];</p> <p>In cases of crimes referred to the investigative jurisdiction of the National Bureau of Anti-Corruption Investigations of Ukraine that were committed by employees of the National Bureau of Anti-Corruption Investigations of Ukraine, the pre-trial investigation is conducted by investigators of the special units of the interior bodies.</p>
<p><u>Paragraph 5</u></p> <p>In cases related to crimes punishable under Articles 191, 210, 211, 255, 256, and 257 of the Criminal Code of Ukraine, - pre-trial investigation is conducted by the agency which instituted criminal proceedings. Whenever investigation of these and other crimes reveals crimes punishable under Articles 364, 365, 366, 367, 368, 369, 370 of the Criminal Code of Ukraine, linked to crimes in whose respect criminal proceedings are instituted, they are investigated by the agency which instituted criminal proceedings.</p>	<p><u>New paragraph 6</u></p> <p>In cases related to crimes punishable under Articles 191, 210, 211, 255, 256, and 257 of the Criminal Code of Ukraine, - pre-trial investigation is conducted by the agency which instituted criminal proceedings. Whenever investigation of these and other crimes reveals crimes punishable under Articles 364, 365, 366, 367, 368, 369, 370 of the Criminal Code of Ukraine, linked to crimes in whose respect criminal proceedings are instituted, they are investigated by the agency which instituted criminal proceedings. If the crime falls under jurisdiction of the National Bureau of Anti-Corruption Investigations of Ukraine, the relevant criminal case, in its part concerning such crime, is transferred to the National Bureau of Anti-Corruption Investigations of Ukraine for investigation.</p>
<p>Article 117. Disputes over investigative jurisdiction</p> <p>District prosecutor resolves disputes over jurisdiction among investigators operating within the boundaries of one and same district, while disputes among investigators of transport prosecutor’s office are decided by transport prosecutor who acts as a district, city prosecutor.</p> <p>Prosecutor of the Autonomous Republic of Crimea, oblast prosecutor resolves disputes over jurisdiction among investigators operating within</p>	<p><u>Article 117.</u> New paragraph 4</p> <p>District prosecutor resolves disputes over jurisdiction among investigators operating within the boundaries of one and same district, while disputes among investigators of transport prosecutor’s office are decided by transport prosecutor who acts as a district, city prosecutor.</p> <p>Prosecutor of the Autonomous Republic of Crimea, oblast prosecutor resolves disputes over jurisdiction among investigators operating within</p>

<p>the boundaries of various districts of the Crimea, and a particular oblast, respectively, while disputes among investigators of different transport prosecutor’s offices which act as district, city prosecutor’s offices are decided by transport prosecutor, disputes among investigators of different urban districts – by the prosecutor of the city of Kyiv, city prosecutor or deputies thereof.</p> <p>Prosecutor General of Ukraine or his/her deputy resolves disputes over jurisdiction if a criminal proceeding has been instituted in several districts or cities belonging to different oblasts.</p>	<p>the boundaries of various districts of the Crimea, and a particular oblast, respectively, while disputes among investigators of different transport prosecutor’s offices which act as district, city prosecutor’s offices are decided by transport prosecutor, disputes among investigators of different urban districts – by the prosecutor of the city of Kyiv, city prosecutor or deputies thereof.</p> <p>Prosecutor General of Ukraine or his/her deputy resolves disputes over jurisdiction if a criminal proceeding has been instituted in several districts or cities belonging to different oblasts.</p> <p>Dispute over jurisdiction in the case that can fall under jurisdiction of the National Bureau of Anti-Corruption Investigations of Ukraine is resolved by the Prosecutor General of Ukraine or his deputy.</p>
<p>Civil Code of Ukraine</p>	
<p>Article 1074. Restriction of the right of disposal of an account</p> <p>1. The restriction of the client’s right of disposal of the money at his account shall not be allowed, except for cases of such restriction according to the court decision in cases provided for in the law.</p>	<p>Article 1074. Restriction of the right of disposal of an account</p> <p>1. The restriction of the client’s right of disposal of the money at his account shall not be allowed, except for cases of such restriction according to the court decision in cases provided for in the law and except for such restriction in accordance with the Law of Ukraine “On the National Bureau of Anti-Corruption Investigations of Ukraine”.</p>
<p>Law of Ukraine “On the Procuracy”</p>	
	<p><u>New Article 17-1</u></p> <p>Article 17-1. Prosecutors of the National Bureau of Anti-Corruption Investigations of Ukraine</p> <p>Prosecutor General of Ukraine seconds prosecutors to the National Bureau of Anti-Corruption Investigations of Ukraine to carry out prosecutorial supervision and support state accusation in cases under the</p>

	<p>National Bureau of Anti-Corruption Investigations of Ukraine’s investigative jurisdiction.</p> <p>The decision to second a prosecutor to the National Bureau of Anti-Corruption Investigations of Ukraine and recall a prosecutor from the National Bureau of Anti-Corruption Investigations of Ukraine shall be endorsed by the Verkhovna Rada Committee whose competence includes issues of the fight against corruption.</p> <p>Prosecutors who are seconded to the National Bureau of Anti-Corruption Investigations of Ukraine remain on service in the bodies of the procuracy.</p> <p>The number of prosecutors seconded to the National Bureau of Anti-Corruption Investigations of Ukraine and the order of their service at the National Bureau of Anti-Corruption Investigations of Ukraine are determined by the Prosecutor General of Ukraine.</p> <p>Prosecutors seconded to the National Bureau of Anti-Corruption Investigations of Ukraine are subordinated directly to the Prosecutor General of Ukraine.</p>
<p>Law of Ukraine “On Operative-Detective Activity”</p>	
<p><u>Article 5, paragraph 1</u></p> <p>Article 5. Units engaged in the operative-detective activity</p> <p>The operative-detective activity is carried out by the following operative units:</p> <p>Ministry of internal affairs of Ukraine - criminal, transport and special militia, special units on the fight against organized crime, judicial militia;</p> <p>Security Service of Ukraine - counter-intelligence, military counter-intelligence, protection of the national statehood, special units on the fight against corruption and organized crime, technical operative unit, internal investigation unit, unit for operative documenting, units for the fight</p>	<p>Article 5. Units engaged in the operative-detective activity</p> <p>The operative-detective activity is carried out by the following operative units:</p> <p>Ministry of internal affairs of Ukraine - criminal, transport and special militia, special units on the fight against organized crime, judicial militia;</p> <p>Security Service of Ukraine - counter-intelligence, military counter-intelligence, protection of the national statehood, special units on the fight against corruption and organized crime, technical operative unit, internal investigation unit, unit for operative documenting, units for the fight</p>

<p>against terrorism, and units for protection of participants of the criminal legal proceeding and officials of law enforcement authorities;</p> <p>Service of foreign intelligence of Ukraine – secret agent intelligence, technical operative, personal security;</p> <p>State Border Protection Service of Ukraine – intelligence service of the specially authorized central organ of executive authority on state border protection (secret agent intelligence, technical operative, internal investigations), operative-detective units of the accordingly specially authorized central organ of executive authority on state border protection and its territorial bodies, subdivisions on the state border protection of bodies of state border protection and Coast guard, internal investigations, provision of personal security, operative documenting and technical operative;</p> <p>State guard service - unit of the operative guard provision exceptionally with the purpose of providing safety of persons and objects being under the state guard;</p> <p>Bodies of the state tax service - operative units of tax militia;</p> <p>Bodies and institutions of the State department of Ukraine on execution of sentences - operative units;</p> <p>Intelligence agency of the Ministry of Defence of Ukraine - operative, technical operative, internal investigations units.</p>	<p>against terrorism, and units for protection of participants of the criminal legal proceeding and officials of law enforcement authorities;</p> <p>Service of foreign intelligence of Ukraine – secret agent intelligence, technical operative, personal security;</p> <p>State Border Protection Service of Ukraine – intelligence service of the specially authorized central organ of executive authority on state border protection (secret agent intelligence, technical operative, internal investigations), operative-detective units of the accordingly specially authorized central organ of executive authority on state border protection and its territorial bodies, subdivisions on the state border protection of bodies of state border protection and Coast guard, internal investigations, provision of personal security, operative documenting and technical operative;</p> <p>State guard service - unit of the operative guard provision exceptionally with the purpose of providing safety of persons and objects being under the state guard;</p> <p>Bodies of the state tax service - operative units of tax militia;</p> <p>Bodies and institutions of the State department of Ukraine on execution of sentences - operative units;</p> <p>Intelligence agency of the Ministry of Defence of Ukraine - operative, technical operative, internal investigations units.</p> <p>National Bureau of Anti-Corruption Investigations of Ukraine – operative units, units for technical support of operative-detective activity and internal control units.</p>
<p><u>Article 8, paragraph 1</u></p> <p>Article 8. Rights of units engaged in the operative-detective activity</p> <p>While fulfilling the tasks of operative-detective activity subject to availability of grounds provided in Article 6 of this Law the operative units shall have the right:</p>	<p>Article 8. Rights of units engaged in the operative-detective activity</p> <p>While fulfilling the tasks of operative-detective activity subject to availability of grounds provided in Article 6 of this Law the operative units shall have the right:</p>

<p>...</p>	<p>...</p> <p>7-1) with a view to detect and document the facts of corruption crimes punishable under Articles 368, 369 and 369-1 of the Criminal Code of Ukraine, to conduct an operation of controlled commission of the relevant acts.</p> <p>Such operation is conducted with authorisation of prosecutor on the basis of a grounded submission of the head of the agency where the operative-detective unit belongs.</p> <p>The procedure for receiving authorisation, maximum term of its validity and procedure for conducting the operation of controlled commission of the corruption act shall be determined by the Cabinet of Ministers of Ukraine and approved by the Prosecutor General of Ukraine.</p>
<p><u>Article 9</u></p> <p>Article 9. Guarantees of legality during the operative-detective activity</p> <p>In each case of availability of grounds for conducting operative-detective activity an operative-detective case [file] shall be opened. The decision about opening such a case is subject to approval by head of the internal affairs body, Security Service, State Border Protection Service of Ukraine, Guard Service for the high ranked officials, Service of foreign intelligence of Ukraine, of operative units of tax militia, sentence execution authorities, intelligence agency of the Ministry of Defence of Ukraine, of intelligence agency of the specially authorized central organ of executive authority on state border protection or his authorized deputy.</p> <p>The control over operative-detective activity is carried out by the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, Service of foreign intelligence of Ukraine, by the specially authorized central organ of executive authority on state border protection, by State</p>	<p>Article 9. Guarantees of legality during the operative-detective activity</p> <p>In each case of availability of grounds for conducting operative-detective activity an operative-detective case [file] shall be opened. The decision about opening such a case is subject to approval by head of the internal affairs body, Security Service, State Border Protection Service of Ukraine, Guard Service for the high ranked officials, Service of foreign intelligence of Ukraine, of operative units of tax militia, sentence execution authorities, intelligence agency of the Ministry of Defence of Ukraine, of intelligence agency of the specially authorized central organ of executive authority on state border protection or his authorized deputy, office [Central, regional or local] of the National Bureau of Anti-Corruption Investigations of Ukraine.</p> <p>The control over operative-detective activity is carried out by the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine,</p>

<p>guard service of Ukraine, by the State tax administration of Ukraine, by the State department of Ukraine on execution of sentences, by the intelligence agency of the Ministry of Defence of Ukraine.</p> <p>...</p> <p>In cases of violation of human rights and freedoms or rights and freedoms of legal entities in the process of the operative-detective activity as well as in case when involvement of a person being subject of the operative-detective measures, was not confirmed, Security Service of Ukraine, Ministry of Internal Affairs of Ukraine, specially authorized central organ of executive authority on state border protection, of State guard service of Ukraine, State tax administration of Ukraine, State department of Ukraine on execution of sentences or intelligence agency of the Ministry of Defence of Ukraine, intelligence agency of the specially authorized central organ of executive authority on state border protection, Service of foreign intelligence of Ukraine are obliged forthwith to restore the violated rights and reimburse caused material and moral losses in full.</p> <p>...</p>	<p>Service of foreign intelligence of Ukraine, by the specially authorized central organ of executive authority on state border protection, by State guard service of Ukraine, by the State tax administration of Ukraine, by the State department of Ukraine on execution of sentences, by the intelligence agency of the Ministry of Defence of Ukraine, by the National Bureau of Anti-Corruption Investigations of Ukraine.</p> <p>...</p> <p>In cases of violation of human rights and freedoms or rights and freedoms of legal entities in the process of the operative-detective activity as well as in case when involvement of a person being subject of the operative-detective measures, was not confirmed, Security Service of Ukraine, Ministry of Internal Affairs of Ukraine, specially authorized central organ of executive authority on state border protection, of State guard service of Ukraine, State tax administration of Ukraine, State department of Ukraine on execution of sentences or intelligence agency of the Ministry of Defence of Ukraine, intelligence agency of the specially authorized central organ of executive authority on state border protection, Service of foreign intelligence of Ukraine, the National Bureau of Anti-Corruption Investigations of Ukraine are obliged forthwith to restore the violated rights and reimburse caused material and moral losses in full.</p> <p>...</p>
<p><u>Article 9-1</u></p> <p>Article 9-1. Terms for proceedings based on operative-detective cases</p> <p>The operative-detective cases shall be open:</p> <p>1) in relation to the unidentified persons who prepare or have committed a crime as well as persons who hide from investigation bodies, court or avoid serving of criminal sentences – until their identification or finding, but not more than limitation period for bringing to criminal responsibility or limitation period for execution of the sentence;</p> <p>2) in relation to persons being subject to investigation of a criminal</p>	<p>Article 9-1. Terms for proceedings based on operative-detective cases</p> <p>The operative-detective cases shall be open:</p> <p>1) in relation to the unidentified persons who prepare or have committed a crime as well as persons who hide from investigation bodies, court or avoid serving of criminal sentences – until their identification or finding, but not more than limitation period for bringing to criminal responsibility or limitation period for execution of the sentence;</p> <p>2) in relation to persons being subject to investigation of a criminal case</p>

<p>case – until their court sentence comes into legal force, until court order about closing of the case, court ruling (decision) about application of measures of medical or educating character or until the criminal case is closed by court, prosecutor, investigator, organs of preliminary investigation;</p> <p>3) in relation to missing persons - until there are found finding or until the court decision recognising them as missing or announcing them as deceased comes into legal force;</p> <p>4) in relation to persons regarding whom there is information about participation in preparation or commission of crime – up to six months;</p> <p>5) in relation to intelligence measures in the interests of the safety of society and the state security - until completion of intelligence measures or exhausting of potential for their conduction;</p> <p>6) in relation to persons regarding whom there is information about their participation or involvement in terrorist activity, terrorist group or terrorist organization, as well as to the material, organizational or other assistance to creation of a terrorist group or terrorist organization – up to 5 years.</p> <p>If there is information obtained during operative-detective activity about participation of a person in preparation or commission of a serious crime or an especially serious crime the term for keeping the operative-detective case open can be extended up to 12 months by the heads of main, independent departments of the Ministry of Internal Affairs of Ukraine, Central department of the Security Service of Ukraine, main departments, departments of the Ministry of Internal Affairs of Ukraine and tax militia of the State tax administration of Ukraine in the Autonomous Republic Crimea, regions, cities of Kyiv and Sevastopol, regional organs and organs of military counter-intelligence of the Security Service of Ukraine, of intelligence agency of the specially authorized central bodies of executive authority on state border protection, of territorial bodies of the specially authorized central body of executive</p>	<p>– until their court sentence comes into legal force, until court order about closing of the case, court ruling (decision) about application of measures of medical or educating character or until the criminal case is closed by court, prosecutor, investigator, organs of preliminary investigation;</p> <p>3) in relation to missing persons - until there are found finding or until the court decision recognising them as missing or announcing them as deceased comes into legal force;</p> <p>4) in relation to persons regarding whom there is information about participation in preparation or commission of crime – up to six months;</p> <p>5) in relation to intelligence measures in the interests of the safety of society and the state security - until completion of intelligence measures or exhausting of potential for their conduction;</p> <p>6) in relation to persons regarding whom there is information about their participation or involvement in terrorist activity, terrorist group or terrorist organization, as well as to the material, organizational or other assistance to creation of a terrorist group or terrorist organization – up to 5 years.</p> <p>If there is information obtained during operative-detective activity about participation of a person in preparation or commission of a serious crime or an especially serious crime the term for keeping the operative-detective case open can be extended up to 12 months by the heads of main, independent departments of the Ministry of Internal Affairs of Ukraine, Central department of the Security Service of Ukraine, main departments, departments of the Ministry of Internal Affairs of Ukraine and tax militia of the State tax administration of Ukraine in the Autonomous Republic Crimea, regions, cities of Kyiv and Sevastopol, regional organs and organs of military counter-intelligence of the Security Service of Ukraine, of intelligence agency of the specially authorized central bodies of executive authority on state border protection, of territorial bodies of the specially authorized central body of executive authority on state border protection,</p>
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<p>authority on state border protection, by Head of the State Border Protection Service of Ukraine, by Head of the Service of foreign intelligence of Ukraine, chief of the intelligence agency of the Ministry of Defence of Ukraine or their deputies.</p> <p>Further extension of the operative-detective case, but not more than for 18 months, can be effected by the Minister for Internal Affairs of Ukraine, Head of the Security Service of Ukraine, First Deputy Head of the State tax administration of Ukraine - chief of tax militia, Head of the State Border Protection Service of Ukraine, Head of the Service of foreign intelligence of Ukraine, chief of intelligence agency of the Ministry of Defence of Ukraine and chief of the State Guard Service of Ukraine.</p> <p>...</p>	<p>by Head of the State Border Protection Service of Ukraine, by Head of the Service of foreign intelligence of Ukraine, Director of the National Bureau of Anti-Corruption Investigations of Ukraine, chief of the intelligence agency of the Ministry of Defence of Ukraine or their deputies.</p> <p>Further extension of the operative-detective case, but not more than for 18 months, can be effected by the Minister for Internal Affairs of Ukraine, Head of the Security Service of Ukraine, First Deputy Head of the State tax administration of Ukraine - chief of tax militia, Head of the State Border Protection Service of Ukraine, Head of the Service of Foreign Intelligence of Ukraine, Director of the National Bureau of Anti-Corruption Investigations of Ukraine, chief of Intelligence Agency of the Ministry of Defence of Ukraine and chief of the State Guard Service of Ukraine.</p> <p>...</p>
<p>Law of Ukraine “On Preliminary Detention”</p>	
<p><u>Article 8, paragraph 2</u></p> <p>Detained persons are placed in cells in compliance with the following isolation requirements:</p> <p>...</p> <p>detained members of the staff of the intelligence bodies of Ukraine – separately from other persons in detention;</p> <p>...</p> <p>persons who previously worked in the bodies of interior, Military Service of Order in the Armed Forces of Ukraine, Security Service, prosecution, ministry of justice and courts – separately from other persons in detention;</p> <p>...</p>	<p>Detained persons are placed in cells in compliance with the following isolation requirements:</p> <p>...</p> <p>detained members of the staff of the intelligence bodies of Ukraine and employees of the National Bureau of Anti-Corruption Investigations of Ukraine – separately from other persons in detention;</p> <p>...</p> <p>persons who previously worked in the bodies of interior, Military Service of Order in the Armed Forces of Ukraine, Security Service, prosecution, ministry of justice, the National Bureau of Anti-Corruption Investigations of Ukraine and courts – separately from other persons in detention;</p> <p>...</p>

Law of Ukraine “On the Protection of Participants of Criminal Trial”	
<p><u>Article 3, paragraph 3</u></p> <p>3. Protection measures are carried out, according to the investigative jurisdiction, by the bodies of the security service or of the interior, in whose structure special units shall be established for this purpose. Protection of persons related to criminal cases that are being dealt with by the prosecutor’s office or court shall be carried out, according to the decision of the latter, by the bodies of the security service, of interior or bodies for execution of sentences.</p> <p>...</p>	<p>3. Protection measures are carried out, according to the investigative jurisdiction, by the bodies of the security service, of the interior or the National Bureau of Anti-Corruption Investigations of Ukraine, in whose structure special units shall be established for this purpose. Protection of persons related to criminal cases that are being dealt with by the prosecutor’s office or court shall be carried out, according to the decision of the latter, by the bodies of the security service, bodies of the interior, the National Bureau of Anti-Corruption Investigations of Ukraine or bodies for execution of sentences.</p> <p>...</p>
Law of Ukraine “On the State Protection of the Staff of Courts and Law Enforcement Agencies”	
<p><u>Article 2, paragraph 1.1.</u></p> <p>Article 2. Main terms</p> <p>1. Law enforcement agencies – bodies of the procuracy, interior, security service, Military Service of Order in the Armed Forces of Ukraine, customs bodies, bodies of protection of the state border, bodies of the state tax service, bodies and institutions of the execution of punishments, bodies of the state control and inspection service, bodies for protection of fish resources, protection of woods, and other bodies that carry out law enforcement or law protection functions.</p>	<p>1. Law enforcement agencies – bodies of the procuracy, interior, security service, Military Service of Order in the Armed Forces of Ukraine, the National Bureau of Anti-Corruption Investigations of Ukraine, customs bodies, bodies of protection of the state border, bodies of the state tax service, bodies and institutions of the execution of punishments, bodies of the state control and inspection service, bodies for protection of fish resources, protection of woods, and other bodies that carry out law enforcement or law protection functions.</p>
<p><u>Article 14</u></p>	

<p>Article 14. Bodies that decide on taking special measures for ensuring security</p> <p>Decision to take special measure for ensuring security shall be made by</p> <p>a) heads of the bodies of interior – concerning protection of employees of the relevant body of interior, bodies of protection of woods, fish resources, customs bodies, bodies and institutions for execution of punishments and their close relatives;</p> <p>b) heads of the bodies of the security service – concerning protection of employees of the security service and bodies of the Department of State Guard and their close relatives;</p> <p>c) heads of the prosecutor’s offices – concerning protection of employees of the bodies of procuracy and their close relatives;</p> <p>d) president of court – concerning protection of employees of the relevant court and other bodies mentioned in Article 2 of this Law and their close relatives;</p> <p>e) heads of the bodies of state border protection - concerning protection of employees of these bodies and their close relatives;</p> <p>f) heads of the intelligence bodies - concerning protection of employees of these bodies and their close relatives;</p> <p>g) heads of the management bodies of the Military Service of Order in the Armed Forces of Ukraine - concerning protection of military servicemen and employees of this Service and their close relatives.</p>	<p>Article 14. Bodies that decide on taking special measures for ensuring security</p> <p>Decision to take special measure for ensuring security shall be made by</p> <p>a) heads of the bodies of interior – concerning protection of employees of the relevant body of interior, bodies of protection of woods, fish resources, customs bodies, bodies and institutions for execution of punishments and their close relatives;</p> <p>b) heads of the bodies of the security service – concerning protection of employees of the security service and bodies of the Department of State Guard and their close relatives;</p> <p>c) heads of the prosecutor’s offices – concerning protection of employees of the bodies of procuracy and their close relatives;</p> <p>d) president of court – concerning protection of employees of the relevant court and other bodies mentioned in Article 2 of this Law and their close relatives;</p> <p>e) heads of the bodies of state border protection - concerning protection of employees of these bodies and their close relatives;</p> <p>f) heads of the intelligence bodies - concerning protection of employees of these bodies and their close relatives;</p> <p>g) heads of the commandment bodies of the Military Service of Order in the Armed Forces of Ukraine - concerning protection of military servicemen and employees of this Service and their close relatives;</p> <p>h) Director of the National Bureau of Anti-Corruption Investigations of Ukraine, directors of the regional and local offices of the National Bureau of Anti-Corruption Investigations of Ukraine – concerning protection of relevant employees of the National Bureau of Anti-Corruption Investigations of Ukraine and their close relatives.</p>
<p><u>Article 15, paragraph 1</u></p> <p>Article 15. Bodies that carry out protection measures</p>	<p>Article 15. Bodies that carry out protection measures</p>

<p>1. Special protection measures to ensure security of the staff of courts and law enforcement bodies and their close relatives shall be carried out:</p> <p>a) concerning employees of the security service and bodies of the Department of State Guard – by bodies of the security service;</p> <p>b) concerning employees of the bodies of state border protection – by bodies of the state border protection;</p> <p>c) concerning employees of the intelligence bodies and their close relatives – by relevant intelligence bodies;</p> <p>d) concerning other employees mentioned in Article 2 of this Law – by bodies of interior;</p> <p>e) concerning military servicemen and employees of the Military Service of Order in the Armed Forces of Ukraine – by the management bodies of the Military Service of Order in the Armed Forces of Ukraine;</p> <p>For this purpose the mentioned bodies shall establish special units in their structure.</p>	<p>1. Special protection measures to ensure security of the staff of courts and law enforcement bodies and their close relatives shall be carried out:</p> <p>a) concerning employees of the security service and bodies of the Department of State Guard – by bodies of the security service;</p> <p>b) concerning employees of the bodies of state border protection – by bodies of the state border protection;</p> <p>c) concerning employees of the intelligence bodies and their close relatives – by relevant intelligence bodies;</p> <p>d) concerning other employees mentioned in Article 2 of this Law – by bodies of interior;</p> <p>e) concerning military servicemen and employees of the Military Service of Order in the Armed Forces of Ukraine – by the management bodies of the Military Service of Order in the Armed Forces of Ukraine;</p> <p>f) concerning employees of the National Bureau of Anti-Corruption Investigations of Ukraine and their close relatives – by relevant units of the National Bureau of Anti-Corruption Investigations of Ukraine.</p> <p>For this purpose the mentioned bodies shall establish special units in their structure.</p>
<p>Law of Ukraine “On the Procedure for Compensation of Damage Caused to Citizen by Illegal Actions of Pre-trial Investigation Bodies, Bodies of Procuracy and Courts”</p>	
<p><u>Article 15</u></p> <p>Restoration of service, pension, residential, and other personal and property rights and compensation of other damages caused to military servicemen of the Armed Forces of Ukraine, State Border Protection Service of Ukraine, other military formations created according to the legislation of Ukraine, as well as to persons of commandment and soldier level of the bodies of interior of Ukraine shall be carried out according to rules established by this Law.</p>	<p>Restoration of service, pension, residential, and other personal and property rights and compensation of other damages caused to military servicemen of the Armed Forces of Ukraine, State Border Protection Service of Ukraine, other military formations created according to the legislation of Ukraine, as well as to persons of commandment and soldier level of the bodies of interior of Ukraine, employees of the National Bureau of Anti-Corruption Investigations of Ukraine shall be carried out according to rules established by this Law.</p>

Law of Ukraine “On Banks and Banking Activity”	
<p><u>Article 62, paragraph 1</u></p> <p>Article 62. Procedure for accessing bank secrets</p> <p>Access to information concerning natural and legal persons that contains bank secret shall be provided by banks:</p> <ol style="list-style-type: none"> 1) upon written request or written authorisation of the owner of such information; 2) upon written order of court or according to the court decision;’ 3) to the bodies of procuracy, Security Service of Ukraine, Ministry of Interior of Ukraine, Antimonopoly Committee of Ukraine – upon their written order concerning operations on the accounts of a specific legal person or a private entrepreneur for specific period of time; 4) to the bodies of the State Tax Service of Ukraine – upon their written order on the issues if taxation or foreign currency control concerning operations on the accounts of a specific legal person or a private entrepreneur for specific period of time; 5) to the specially authorised executive body on financial monitoring – upon its written order concerning additional information on the financial operation which became subject of the financial monitoring; 6) to the bodies of the state bailiff service – upon their written order on the issues of execution of court decisions concerning the status of accounts of a specific legal person or a private entrepreneur. 	<p>Article 62. Procedure for accessing bank secrets</p> <p>Access to information concerning natural and legal persons that contains bank secret shall be provided by banks:</p> <ol style="list-style-type: none"> 1) upon written request or written authorisation of the owner of such information; 2) upon written order of court or according to the court decision;’ 3) to the bodies of procuracy, Security Service of Ukraine, Ministry of Interior of Ukraine, the National Bureau of Anti-Corruption Investigations of Ukraine, Antimonopoly Committee of Ukraine – upon their written order concerning operations on the accounts of a specific legal person or a private entrepreneur for specific period of time; 4) to the bodies of the State Tax Service of Ukraine – upon their written order on the issues if taxation or foreign currency control concerning operations on the accounts of a specific legal person or a private entrepreneur for specific period of time; 5) to the specially authorised executive body on financial monitoring – upon its written order concerning additional information on the financial operation which became subject of the financial monitoring; 6) to the bodies of the state bailiff service – upon their written order on the issues of execution of court decisions concerning the status of accounts of a specific legal person or a private entrepreneur.

Law of Ukraine “On the Committees of the Verkhovna Rada of Ukraine”

Article 14. The controlling function of the committees

1. The controlling function of the committees [of the Verkhovna Rada of Ukraine] includes:

1) analysis of the practice of implementation of legislative acts in the activity of state authorities, their officials concerning the issues referred to the competence of committees, preparation and submission of relevant conclusions and recommendations to the consideration of the Verkhovna Rada of Ukraine;

2) participation – upon instruction of the Verkhovna Rada of Ukraine – in the conduct of the Day of the Government of Ukraine;

3) control over execution of the State Budget of Ukraine in the part referred to their competence in order to ensure expedience, efficiency and effectiveness of the use of state funds according to the procedure established by law;’

4) organisation and preparation – upon instruction of the Verkhovna Rada of Ukraine – of parliamentary hearings;

5) organisation and preparation of committee hearings;

6) preparation and submission to the consideration of the Verkhovna Rada of Ukraine of inquiries to the President of Ukraine from the committee according to Article 85, paragraph 1, subparagraph 34, of the Constitution of Ukraine;

7) interaction with the Accounting Chamber;

8) interaction with the Ombudsperson;

9) forwarding materials for respective reaction within limits established by law to the bodies of the Verkhovna Rada of Ukraine, state authorities, their officials.

New subparagraph 10 of Article 14

Article 14. The controlling function of the committees

1. The controlling function of the committees [of the Verkhovna Rada of Ukraine] includes:

1) analysis of the practice of implementation of legislative acts in the activity of state authorities, their officials concerning the issues referred to the competence of committees, preparation and submission of relevant conclusions and recommendations to the consideration of the Verkhovna Rada of Ukraine;

2) participation – upon instruction of the Verkhovna Rada of Ukraine – in the conduct of the Day of the Government of Ukraine;

3) control over execution of the State Budget of Ukraine in the part referred to their competence in order to ensure expedience, efficiency and effectiveness of the use of state funds according to the procedure established by law;’

4) organisation and preparation – upon instruction of the Verkhovna Rada of Ukraine – of parliamentary hearings;

5) organisation and preparation of committee hearings;

6) preparation and submission to the consideration of the Verkhovna Rada of Ukraine of inquiries to the President of Ukraine from the committee according to Article 85, paragraph 1, subparagraph 34, of the Constitution of Ukraine;

7) interaction with the Accounting Chamber;

8) interaction with the Ombudsperson;

9) forwarding materials for respective reaction within limits established by law to the bodies of the Verkhovna Rada of Ukraine, state authorities, their officials;

	<p>10) in cases provided for by laws of Ukraine – endorsement of appointment to and dismissal from posts in the state authorities, endorsement of the composition of collective bodies of power, endorsement of draft legal normative acts, of secondment of persons to state authorities, authorisation of creation or liquidation of structural units of state authorities or other changes in their organisational structure.</p>
<p align="center">Law of Ukraine “On the Framework for Prevention and Counteraction to Corruption” [Law of 11 June 2009 No. 1506-VI, comes into force on 1 January 2010]</p>	
<p><u>Article 2, paragraph 1</u></p> <p>1. Subjects of responsibility for corruption offences shall be: 1) persons authorised to perform functions of the State or local self-government: ... e) persons of soldier and commandment level of the bodies of interior, tax militia, state sentence execution service, bodies and units of the civil protection, State Service of Special Communication and Protection of Information of Ukraine; ...</p>	<p>1. Subjects of responsibility for corruption offences shall be: 1) persons authorised to perform functions of the State or local self-government: ... e) persons of soldier and commandment level of the bodies of interior, tax militia, the National Bureau of Anti-Corruption Investigations of Ukraine, state sentence execution service, bodies and units of the civil protection, State Service of Special Communication and Protection of Information of Ukraine; ...</p>
<p><u>Article 3, paragraph 4</u></p> <p>4. Specially authorised subjects who within their competence directly carry out measures to detect, suppress or investigate corruption offences (hereinafter – specially authorised subjects in the area of countering corruption) shall be determined by law. Specially authorised subjects in the area of countering corruption are special units on the fight against organised crime of the Ministry of</p>	<p>4. Specially authorised subjects who within their competence directly carry out measures to detect, suppress or investigate corruption offences (hereinafter – specially authorised subjects in the area of countering corruption) shall be determined by law. If not provided otherwise by law the specially authorised subjects in the area of countering corruption shall be:</p>

<p>Interior of Ukraine, tax militia, units on the fight against corruption and organised crime of the Security service of Ukraine, Military Service of Order in the Armed Forces of Ukraine, if otherwise is not provided by law.</p> <p>Prosecutor General of Ukraine and prosecutors subordinated to him shall carry out within their powers determined by law the coordination of activity of law enforcement agencies on the issues of countering corruption.</p>	<p>the National Bureau of Anti-Corruption Investigations of Ukraine that counteracts corruption offences which are referred to its competence by the law and which are committed by senior officials authorised to perform functions of the State and pose a special social danger;</p> <p>special units on the fight against organised crime of the Ministry of Interior of Ukraine, tax militia, Military Service of Order in the Armed Forces of Ukraine.</p> <p>Prosecutor General of Ukraine and prosecutors subordinated to him shall carry out within their powers determined by law the coordination of activity of law enforcement agencies on the issues of countering corruption.</p>
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Criminal Code of Ukraine

(as amended by the Law No. 1508-VI adopted on 11 June 2009 – marked in bold font; amendments come into force on 1 January 2010)

Article 191. Misappropriation, embezzlement or conversion of property by abuse of official post

1. Misappropriation or embezzlement of somebody else's property by a person to whom it was entrusted

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labour for a term up to two years, or restraint of liberty for a term up to four years, or imprisonment for a term up to four years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Misappropriation, embezzlement or conversion of property by abuse of official post -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if repeated or committed by a group of person upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for a term of three to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Any such actions as provided for by paragraphs 1, 2 or 3 of this Article, if committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of five to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

5. Any such actions as provided for by paragraphs 1, 2, 3 or 4 of this Article, if committed in respect of an especially gross amount, or by an organized group, -

shall be punishable by imprisonment for a term of seven to twelve years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

Article 209. Legalising (laundering) proceeds from crime

1. Conducting financial transaction or concluding an agreement involving money or other property obtained as a result of committing a socially dangerous unlawful action which

preceded legalisation (laundering) of profits, as well as carrying out actions aimed at concealing or masking illegal origin of such money or other property or possession thereof, rights to such money or property, source of their origin, location, displacement, and acquiring, owing, or disposing of money or other property obtained as a result of committing a publicly dangerous unlawful action which preceded legalisation (laundering) of profits, -

shall be punishable by imprisonment for a term of three to six years, with deprivation of right to hold certain positions or engage in certain activities for a term up to two years, with forfeiture of money or other property obtained as proceeds from crime, and with confiscation of property.

2. Actions as referred to in paragraph 1 of the present Article, if committed repeatedly or by a group of individuals upon prior conspiracy, or if committed in large amounts, -

shall be punishable by imprisonment for a term of seven to twelve years, with deprivation of right to hold certain positions or engage in certain activities for a term up to three years, with forfeiture of money or other property obtained as proceeds from crime, and with confiscation of property.

3. Actions as referred to in paragraph 1 or 2 of the present Article, if committed by an organized group or if committed in large amounts, -

shall be punishable by imprisonment for a term of eight to fifteen years, with deprivation of right to hold certain positions or engage in certain activities for a term up to three years, with forfeiture of money or other property obtained as proceeds from crime, and with confiscation of property.

Note. 1. Under this Article, it is understood that a socially dangerous unlawful action which preceded legalisation (laundering) of profits is considered to be an action which is punishable, under the Criminal Code of Ukraine, with imprisonment for a term of three and more years (except actions punishable under Articles 207 and 212 of the Criminal Code of Ukraine), or which is a crime under criminal statute of another State, such crime being punishable under the Criminal Code of Ukraine, and as result of which illegal proceeds were obtained.

2. Legalizing (laundering) proceeds from crime is considered to be committed in a large amount if the value of money or other property involved in the crime concerned exceeds six thousand non-taxable minimum incomes of citizens.

3. Legalizing (laundering) proceeds from crime is considered to be committed in an especially large amount if the value of money or other property involved in the crime concerned exceeds eighteen thousand non-taxable minimum incomes of citizens.

Article 364. Abuse of authority or office

1. Abuse of authority or office, that is a wilful use of authority or official position contrary to the official interests by an official for mercenary motives or other personal benefit or benefit of any third persons, where it caused any substantial damage to legally protected rights,

freedoms and interests of individual citizens, or state and public interests, or interests of legal entities, -

shall be punishable by correctional labour for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years **and with the fine from 250 to 750 tax-free minimum incomes.**

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of three to six years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years **and with the fine from 500 to 1000 tax-free minimum incomes.**

3. Any such actions as provided for by paragraph 1 or 2 of this Article, of committed by a law enforcement officer, -

shall be punishable by imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

Note:

1. Officials in Articles 364, 365, 368, 368-1 and 369 mean persons who permanently, temporary or according to special authorisation carry out functions of representatives of the state or local self-government, and also permanently or temporary occupy in state authorities, bodies of local self-government, state and communal unitary enterprises, institutions or organisations positions, which are related to organizational, managerial, administrative or executive functions, or are specifically authorised to perform such functions according to the powers given to them by the state authority, body of local self-government, central bodies of special status, authorised corporate body or authorised official of the enterprise, institution, organization, court or by law.

2. Officials also mean officials of foreign states (persons who occupy positions in legislative, executive, administrative or judicial body of the foreign state, as well as other persons who perform state functions for the foreign state, in particular for the state authority or state enterprise), as well as officials of international organisations (employees of the international organisation or other persons authorised by such organisation to act on its behalf).

3. For the purposes of Articles 364, 365 and 367, significant damage with reference to any pecuniary losses shall mean any damage that equals or exceeds 100 tax-free minimum incomes.

4. For the purposes of Articles 364 to 367, grave consequences with reference to any pecuniary losses shall mean any such consequences that equal or exceed 250 tax-free minimum incomes.

Article 365. Excess of authority or official powers

1. Excess of authority or official powers, that is a wilful commission of acts, by an official, which patently exceed the rights and powers vested in him/her, where it caused any substantial damage to the legally protected rights and interest of individual citizens, or state and public interests, or interests of legal entities, -

shall be punishable by the correctional labour for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term of two to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years **and with the fine from 250 to 500 tax-free minimum incomes.**

2. Excess of authority or official powers accompanied with violence **or threat of the use of violence**, use of weapons **or special means**, or actions that caused pain or were derogatory to the victim's personal dignity in the absence of signs of torture, -

shall be punishable by imprisonment for a term of three to eight years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years **and with the fine from 500 to 1000 tax-free minimum incomes.**

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if they caused any grave consequences, -

shall be punishable by imprisonment for a term of seven to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years **and with the fine from 750 to 1500 tax-free minimum incomes.**

Article 368. Taking a bribe

1. Taking a bribe of any kind, by an official, in return for taking or refraining from any action for the benefit of the person that gave the bribe or for the benefit of any third person by means of authority or official powers entrusted in this official, -

shall be punishable by a fine of 750 to 1,500 tax-free minimum incomes, or imprisonment for a term of two to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Taking a bribe of gross amount by an official who occupies a responsible position, or by a group of persons upon their prior conspiracy, or if repeated, or accompanied with requests of a bribe, -

shall be punishable by imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and confiscation of property.

3. Receiving a bribe in especially great amount by an authorized person in responsible position, or by a group of persons upon proceeding conspiracy, or if repeated, or accompanied by the extortion of a bribe,

shall be punishable by the imprisonment for a term of ten to fifteen years with the confiscation of property and with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note:

1. A bribe of gross amount shall mean a bribe that equals or exceeds of 200 tax-free minimum incomes, and a bribe of especially gross amount shall mean a bribe that equals or exceeds 500 tax-free minimum incomes.

2. Officials who occupy responsible positions shall mean persons referred to in paragraph 1 of the Note to Article 364, whose positions pursuant to Article 25 of the Law of Ukraine "On Civil Service" are referred to the third, fourth, fifth and sixth categories, and also judges, prosecutors and investigators, heads and deputy heads of government and public agencies, local government organs, their divisions and units. Officials who occupy especially responsible positions shall mean persons referred to in paragraph 1 of Article 9 of the Law of Ukraine "On Civil Service"² and persons whose positions are referred to the first and second categories pursuant to Article 25 of that Law.

3. For the purposes of Articles 368 and 369 of this Code, a repeated offense shall mean an offense committed by a person who had previously committed any of the criminal offenses provided for by these articles **or Articles 235-4 and 235-5 of this Code [235-4 "Commercial bribery", 235-5 "Bribery of a person who provides public services"]**.

4. Request of a bribe shall mean a demand of a bribe by an official accompanied with a threat to take or refrain from any actions through abuse of authority or official position, which may cause any harm to the rights and legal interests of the person who gives the bribe, or wilful creation of conditions, by an official, in which a person is compelled to give a bribe to prevent any harmful consequences to his/her rights and legal interests.

Article 368-1. Illicit enrichment

1. Obtaining by an official of an illegal advantage or transfer by him of such advantage to close relatives (illicit enrichment), -

shall be punishable by fine in the amount from 100 to 500 tax-free minimum incomes or restriction of liberty for the term of up to 2 years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Illicit enrichment if its object was an illegal advantage of significant amount, -

² Article 9, paragraph 1, of the Law "On Civil Service": President of Ukraine, President of the Verkhovna Rada of Ukraine and his deputies, chairs of committees of the Verkhovna Rada of Ukraine and their deputies, people's deputies of Ukraine, Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine, President and judges of the Constitutional Court of Ukraine, President and judges of the Supreme Court of Ukraine, president and judges of the higher specialised courts of Ukraine, Prosecutor General of Ukraine and his deputies.

shall be punishable by fine in the amount from 500 to 1000 tax-free minimum incomes or restriction of liberty for the term of up to 3 years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Illicit enrichment if its object was an illegal advantage of gross amount, -

shall be punishable by restriction of liberty for the term from 2 to 5 years or imprisonment for the term of from 3 to 5 years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Illicit enrichment if its object was an illegal advantage of especially great amount, -

shall be punishable by imprisonment for the term of from 5 to 10 years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with confiscation of property.

Note. “Illicit enrichment of significant amount” means such that exceeds 100 tax-free minimum incomes, “of gross amount” – such that exceeds 200 tax-free minimum incomes, “of especially great amount” – such that exceeds 500 tax-free minimum incomes.

[According to the Note to new Article 235-1, “illegal advantage” in Articles 368-1 and 369-1 means money or other property, benefits, concessions, services of material or non-material nature that are promised, proposed, provided or received free of charge or at the price that is lower than the minimum market price without legal grounds]

Article 369. Proposing or giving a bribe

1. Proposing a bribe, -

shall be punishable by a fine of 30 to 100 tax-free minimum incomes, or restriction of liberty for a term of up to 2 years.

2. Giving a bribe, -

shall be punishable by a fine of 250 to 750 tax-free minimum incomes, or restriction of liberty for a term of from 2 to 5 years.

3. Repeated giving of a bribe, -

shall be punishable by the imprisonment for a term of 3 to 6 years with the fine of 500 to 1000 tax-free minimum incomes, with or without the confiscation of property.

4. Giving a bribe to official who occupies responsible position or with the prior collusion of a group of persons, -

shall be punishable by the imprisonment for a term of 4 to 8 years, with or without the confiscation of property.

5. Giving of a bribe to official who occupies an especially responsible position or by an organised group of persons or member of such group, -

shall be punishable by the imprisonment for a term of 5 to 10 years, with or without the confiscation of property.

6. A person who proposed or gave a bribe shall be discharged from criminal liability, if the bribe was demanded from this person, or if, after giving the bribe and before any criminal prosecution was initiated against him/her, this person voluntarily reported the fact of bribing to the agency competent to open criminal case.

Article 369-1. Trafficking in influence

1. Proposing or giving an illegal advantage to a person who proposes or promises (agrees) in exchange for such an advantage to exert influence on decision-making by a person authorised to perform state functions, -

shall be punishable with the fine of 200 to 500 tax-free minimum incomes or restriction of liberty for the term of 2 to 5 years.

2. Receiving of an illegal advantage in exchange for exerting influence on decision-making by a person authorised to perform state functions, or proposing to exert such influence in exchange for such an advantage, -

shall be punishable by the fine of 750 to 1500 tax-free minimum incomes or imprisonment for the term of 2 to 5 years.

3. Receiving of an illegal advantage in exchange for exerting influence on decision-making by a person authorised to perform state functions accompanied with extortion of such advantage, -

shall be punishable by imprisonment for the term of 3 to 8 years with confiscation of property.

Note. Persons who are authorised to perform state functions are the persons determined in paragraphs 1 and 2 of Article 2 of the Law of Ukraine "On the Framework for Prevention and Counteraction to Corruption".

[According to the Note to new Article 235-1, "illegal advantage" in Articles 368-1 and 369-1 should be understood as money or other property, benefits, concessions, services of material or non-material nature that are promised, proposed, provided or received free of charge or at the price that is lower than the minimum market price without legal grounds]