

Draft

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THE LAW OF UKRAINE

“On Purification of Government”

This Law sets out the legal and organisational framework for the vetting of public officials and equated categories, officers of local self-government bodies with the aim to restore trust in government and create conditions for the development of a new state government in conformity with European standards.

CHAPTER I

GENERAL PROVISIONS

Article 1. Definitions

Whenever used in this Law, the following terms shall have the meanings as given below:

vetting – measures providing verification of information on persons indicated in Article 3 hereof;

appointment – appointment of a person for a position specified in Article 3, paragraph 1 hereof, and appointment through the transfer of a person to another position within the same public authority body (public authority) or local self-government body, appointment through transfer to a position from one public authority body (public authority) or local self-government body to another, and through the transfer of a person who occupies a position within a public authority body (public authority) to be liquidated, to a position within another public authority body (public authority) which assumes the powers and functions of the public authority body (public authority) to be liquidated, execution of an employment contract (agreement) with the person subject to vetting;

persons subject to vetting – the persons indicated in Article 3 hereof.

Article 2. Basic principles of vetting

Pursuant to this Law, the vetting shall be based on the principles of:

- rule of law;
- lawfulness;
- comprehensive implementation of legal, socio-economic, informational and other vetting measures;
- inevitability of liability of persons subject to vetting for corrupt practices and other offences;
- open and transparent performance of public authority bodies and local self-government bodies in the implementation of vetting measures;
- public involvement in vetting actions, state protection of persons who assist in implementation of such measures.

Article 3. Persons subject to vetting

The persons subject to vetting are:

- 1) persons authorised to perform public functions in state or local government:
 - a) Chair of the Parliament of Ukraine, his/her First Deputy and Deputy, Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, Vice Prime Minister of Ukraine, ministers, other heads of central bodies of executive authorities who are not the members of the Cabinet of Ministers of Ukraine and their deputies, Head of the Security Service of Ukraine, Prosecutor General of Ukraine, President of the National Bank of Ukraine, Chair of the Audit Chamber, Ukrainian Parliament Commissioner for Human Rights, Chair of the Verkhovna Rada of the Autonomous Republic of Crimea, Chair of the Council of Ministers of the Autonomous Republic of Crimea;
 - b) Members of the Parliament of Ukraine, Members of the Parliament of the Autonomous Republic of Crimea;
 - c) military officers of the Military Forces of Ukraine and other military formations set up in accordance with the law, excepted military personnel undertaking regular military service and military personnel drafted for military service;
 - d) judges of the Constitutional Court of Ukraine, other professional judges, President, members, disciplinary inspectors of the High Qualifications Commission of Judges of Ukraine, employees of the Secretariat of this Commission, President, Deputy President, section secretaries of the High Council of Justice and other members of the High Council of Justice;
 - e) rank-and-file and supervisory officers with bodies of internal affairs, State Penitentiary Service, the State Service for Special Communications and Information Protection of Ukraine, tax police, supervisory officers with civil defence bodies and departments;
 - f) officials and officers of the Office of the Prosecutor-General of Ukraine, Security Service of Ukraine, diplomatic service;
 - g) members of the Central Election Commission;
 - h) officials and employees of other public authority bodies (public authorities), authorities of the Autonomous Republic of Crimea, local government employees;
- 2) persons who apply for the positions listed in paragraph 1 hereof.

Article 4. Grounds for disqualification

Persons subject to vetting shall be disqualified if they:

1) occupied the following position during the period from 25 February 2010 to 22 February 2014:

- a) President of Ukraine, Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, Vice Prime Minister of Ukraine;
- b) minister, head of another central body of executive authorities who is not member of the Cabinet of Ministers of Ukraine, Head of the Security Service of Ukraine, Prosecutor General of Ukraine, President of the National Bank of Ukraine, Chair of the Audit Chamber, Chair of the Antimonopoly Committee of Ukraine, Chair of the State Property Fund of Ukraine, Director of the Bureau for Anti-Corruption Policy at the Secretariat of the Cabinet of Ministers of Ukraine, Chair of the Council of Ministers of the Autonomous Republic of Crimea;
- c) Government Commissioner for Anti-Corruption Policy, Secretary of the National Security and Defence Council of Ukraine;
- d) Chairperson of the State Affairs Directorate;
- e) member of the High Qualifications Commission of Judges of Ukraine, member of the High Council of Justice;
- f) head of the regional public prosecutor's office, head of the public prosecutor's office of Kyiv, Sevastopol, the Autonomous Republic of Crimea, head of the district, cross-district, or city public prosecutor's office, head of a specialised public prosecutor's office, their first deputy and deputy;

2) occupied the following position during the period from 1 December 2013 to 22 February 2014, and did not resign at their own request from public authority bodies (public authorities):

- a) Ukrainian Parliament Commissioner for Human Rights, first deputy minister, first deputy head of another central executive authority, heads and members of the boards of public authority bodies (public authorities); head of a territorial local subdivision of a ministry, another central executive authority, and the board of public authority bodies (public authorities); his/her deputy, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, heads of regional and district state administrations, heads of Kyiv or Sevastopol city and district administrations and district subdivisions thereof, their first deputy, deputy, head of the Presidential Administration of Ukraine, first deputy head of the Presidential Administration of Ukraine, deputy head of the Presidential Administration of Ukraine, head of the Secretariat of the Cabinet of Ministers of Ukraine, first deputy head of the Secretariat of the Cabinet of Ministers of Ukraine, deputy head of the Secretariat of the Cabinet of Ministers of Ukraine, members of the National Security and Defence Council of Ukraine;
- b) head of a subdivision with the Presidential Administration of Ukraine, his/her first deputy, deputy, head of a subdivision with the Secretariat of the Cabinet of Ministers of Ukraine, their first deputy, deputy, head of a local state administration;
- c) supervisory personnel with bodies of internal affairs and tax police;
- d) heads and deputy heads of territorial subdivisions of the Ministry of Internal Affairs of Ukraine and the Security Service of Ukraine in regions, Kyiv and Sevastopol, as well as in city, district, cross-district, and city district departments thereof;

3) as well as:

- a) officers of law enforcement bodies, public officials and officers with local self-government bodies, citizens of Ukraine legally proved to be guilty of damaging the life, health, or property of citizens who participated in mass protest actions between 21 November 2013 and 22 February 2014;

- b) officers of law enforcement agencies who took part in detaining the participants of civic protest actions and mass events from 25 February 2010 to 22 February 2014 and against persons released under the Law of Ukraine “On Elimination of Negative Effects and Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Assemblies” of 29 January 2014 No.737-VII, Law of Ukraine “On Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Assemblies, and Abrogation of Certain Laws of Ukraine” of 21 February 2014 No.743-VII, Law of Ukraine “On Amendments to the Law of Ukraine ‘On Amnesty in Ukraine’ Concerning Full Rehabilitation of Political Prisoners” of 27 February 2014 No.792-VII, and legally qualified as political prisoners:
- c) officers of law enforcement agencies who executed and/or, by commission or omission, helped through execution of statements, administrative offence reports, suspicious activity reports, crime bills, etc. concerning participants of civic protest actions and mass events in the period from 25 February 2010 to 21 February 2014 and against persons released under the Law of Ukraine “On Elimination of Negative Effects and Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Assemblies” of 29 January 2014 No.737-VII, Law of Ukraine “On Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Assemblies, and Abrogation of Certain Laws of Ukraine” of 21 February 2014 No.743-VII, Law of Ukraine “On Amendments to the Law of Ukraine ‘On Amnesty in Ukraine’ Concerning Full Rehabilitation of Political Prisoners” of 27 February 2014 No.792-VII;
- d) investigation officers of pre-trial investigative bodies, interrogating officers, operatives, inspectors, who conducted investigations and investigative actions against participants of civic protest actions and mass events in the period from 25 February 2010 to 22 February 2014 and against persons released under the Law of Ukraine “On Elimination of Negative Effects and Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Rallies” of 29 January 2014 No.737-VII, Law of Ukraine “On Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Rallies, and Abrogation of Certain Laws of Ukraine” of 21 February 2014 No.743-VII, Law of Ukraine “On Amendments to the Law of Ukraine ‘On Amnesty in Ukraine’ Concerning Full Rehabilitation of Political Prisoners” of 27 February 2014 No.792-VII;
- e) officers of public prosecutor’s offices who supervised proceedings, submitted reports, approvals, supported motions for application of preventive measures, supported public prosecution in the court of law, made an omission against participants of civic protest actions and mass events in the period from 25 February 2010 to 22 February 2014 and against persons released under the Law of Ukraine “On Elimination of Negative Effects and Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Assemblies” of 29 January 2014 No.737-VII, Law of Ukraine “On Prevention of Persecution and Punishment of Persons with Regard to the Events During Peaceful Assemblies, and Abrogation of Certain Laws of Ukraine” of 21 February 2014 No.743-VII, Law of Ukraine “On Amendments to the Law of Ukraine ‘On Amnesty in Ukraine’ Concerning Full Rehabilitation of Political Prisoners” of 27 February 2014 No.792-VII;
- f) public officials and officers of local self-government bodies who, by commission or omission purposed to impede or impeded exercise by Ukrainian citizens of constitutional right to peaceful assembly and hold rallies, meetings, marches and demonstrations in the period from 21 November 2013 to 22 February 2014, as established by a court;

- g) persons who cooperated with secret services of other states as secret informers or assistants in effective supply of information, as established by a court;
 - h) persons who publicly called for separatism, disturbance of territorial integrity and sovereignty of Ukraine, provoked ethnic discord;
 - i) persons who made public statements and took other public actions implying racial, social, cultural or religious intolerance towards Ukrainian nationals and other nationalities living in the territory of Ukraine, as established by a court;
 - j) heads, deputy heads and secretaries of pooling stations implicated in falsifications of Ukrainian presidential elections in Ukraine in 2004 and parliamentary elections of 2012, as established by a court;
 - k) persons who organised and committed acts causing losses to the public budget amounting to one million hryvnias or more, or losses to local budgets amounting to more than 50 thousand hryvnias, as established by a court;
 - l) persons who, by commission or omission, made possible violation of human rights and fundamental freedoms recognised by the judgement of the European Court of Human Rights, UN Human Rights Committee and other international organizations;
 - m) judges dismissed for breach of oath;
- 4) persons who prior to 19 August 1991:
- a) were elected (appointed) and worked in supervisory positions in the Communist Party of the USSR (CPSU), Communist Party of Ukraine and other Union republics of the USSR from the level of district committee and above, or as members of the CPSU Central Committee;
 - b) were elected and worked in supervisory positions in the Central Committee of the All-Union Leninist Young Communist League (AULYCL), Central Committee of the Leninist Young Communist League of Ukraine (LYCLU) and other Union republics of the USSR, in regional committees of the AULYCL, LYCLU and other Union republics of the USSR;
 - c) were in capacity of a staff member, secret agent, or an officer performing supervisory functions with the Fifth Directorate of the KGB Ukrainian SSR, KGB USSR, KGB of other Union republics of the USSR; collaborated with the KGB USSR, KGB Ukrainian SSR, KGB of other Union republics of the USSR; graduated from higher education institutions of the KGB USSR (except in technical specializations);
 - d) served in or collaborated with secret services of other countries as a private or secret agent or a secret staff agent;
 - e) worked as a chief of political department (directorate) in the Military Forces of the USSR, Ministry of Internal Affairs of the USSR;
 - f) were involved in the organisation of political persecutions of members of the Ukrainian national liberation movement during the Second World War and in the post-war period, as established by a court;
- 5) failed to undergo examination of the declaration of assets, income, expenses and financial liabilities of the person subject to vetting and his/her close relatives for the preceding 3 years, and/or failed to prove the legality of incomes, as defined by this Law;
- 6) have records in the Unified State Register of Persons Who Committed Corruption Offences, prosecuted for corruption-related offences, in respect of whom the courts delivered respective decisions, which have entered into legal force, and have a record of disciplinary action for corruption offences;
- 7) hold the citizenship of foreign states;

8) deliberately provided misleading information in the written consent to undergo vetting;

9) refused to undergo vetting.

CHAPTER II CONDUCTING OF VETTING

Article 5. Organisation of vetting

The organisation of vetting shall be assigned to the head (deputy head) of the relevant public authority body (public authority) where the person subject to vetting is employed, and/or who appoints the person subject to vetting (executes with this person an employment contract (agreement)), or where the person subject to vetting has applied to a position, except the cases envisaged by this Law (hereinafter – vetting authority).

The organisation of vetting of the persons subject to vetting who occupy an elective position, or apply to it, shall be assigned to the Central Election Commission as the vetting authority according to this Law.

For the purpose to secure organisation of vetting, the head of the vetting authority shall submit for approval to the local bodies of the National Agency of Ukraine for Public Service draft vetting implementation plan of the vetting authority's employees, agreed with the territorial body of the central executive authority for the of state tax policy implementation.

The following information shall be verified:

reliability of information contained in the written consent to undergo vetting submitted by the person subject to vetting, in the form approved by the National Agency of Ukraine for Public Service;

reliability of information provided in the declaration of assets, income, expenses, and financial liabilities of the person subject to vetting and his/her close relatives for the preceding 3 years at the positions listed in Article 3, paragraph 1 hereof, according to the form set up by the Law of Ukraine “On Principles of Preventing and Countering Corruption”, the conformity of the set form of declaration, verification of information contained in the declaration by validation of charging, completeness, and timeliness of paying taxes and levies (compulsory payments), and the correlation between income and outcome;

prosecution of the person for corruption-related offences.

The Cabinet of Ministers of Ukraine coordinates the activities of executive authorities in the implementation of vetting procedures, approves the Procedure of implementation of indirect (intermediate) methods by the territorial bodies of the central executive authority for the state tax policy implementation where the person subject to vetting is registered or submits the declaration of assets, income, expenses, and financial liabilities of the person subject to vetting and his/her close relatives for the preceding 3 years at the positions, the conformity of the set form of declaration, verification of information contained in the declaration by validation of charging, completeness, and timeliness of paying taxes and levies (compulsory payments), and the correlation between income and outcome, according to this Law.

The National Agency of Ukraine for Public Service shall control and coordinate implementation of vetting and approves vetting measures plans to be performed by vetting authorities according to the procedure specified by the Cabinet of Ministers of Ukraine.

For the purposes of vetting of the officers performing supervisory functions in vetting authorities, public monitoring over implementation of vettings and challenging the decisions of vetting authorities, the National Agency of Ukraine for Public Service shall establish a central vetting commission and territorial vetting commissions which must include on a voluntary base at least one

public representative with a right to vote and one representative of the mass media. The National Agency of Ukraine for Public Service set up rules of formation and rules of procedure of such commissions.

Members of the central vetting commission and territorial vetting commissions are appointed for a one-year term with no right of reappointment.

The central vetting commission shall be the vetting authority for the persons subject to vetting specified in Article 3, paragraphs 1a, 1b hereof.

Procedures of identification, termination and investigation of corruption-related offences shall be carried out by specifically authorized subjects in the field of countering corruption, including bodies of the prosecutor's office, special task forces on combatting organised crime at the Ministry of Internal Affairs of Ukraine, special task forces on combatting corruption and organised crime at the Security Service of Ukraine, unless otherwise provided by law.

Coordination of identification of facts specified in Article 4, paragraph 4 hereof shall be carried out by the Institute of National Remembrance.

Coordination of activity of law enforcement bodies concerning vetting shall be carried out by the Prosecutor General of Ukraine and his subordinate prosecutors within the limits of their competence and authority.

Article 6. Preparation of vetting procedure

Vetting shall be performed upon the written consent of the person subject to vetting to be submitted within ten days from the start of the vetting process, carried out by a vetting authority in accordance with the plan approved by the National Agency of Ukraine for Public Service. In case of appointment to the position on a competitive basis the person subject to vetting shall submit such consent within three days from the day of receipt of vetting information on the result of the competition.

In case of appointment or transfer to a position specified in Article 3, paragraph 1 hereof, the person subject to vetting which already underwent the vetting shall inform accordingly in writing when consenting to vetting.

The person subject to vetting shall submit the following documents to the relevant authority:

- 1) written consent to vetting;
- 2) autobiography;
- 3) a copy of their identity card;
- 4) declaration of assets, income, expenses, and financial liabilities of the person subject to vetting and his/her close relatives (husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, great-grandfather, great-grandmother, grandson, granddaughter, great-grandson, great-granddaughter, adoptive parent or adopted child, legal guardian, ward, as well as cohabitee, who share a household and possess reciprocal rights and duties with the person subject to vetting, including persons who cohabit but are not in a registered marriage).

In case the candidate did not submit the consent to vetting, the vetting shall not be performed, and his/her appointment or recommendation for appointment to the position shall not be considered.

The person subject to vetting shall inform the vetting authority about his/her refusal to undergo vetting within ten days from the start of the vetting process, carried out by a vetting authority in accordance with the plan approved by the National Agency of Ukraine for Public Service.

The person who refused to undergo vetting shall be considered as failed to undergo vetting. Information about refusal shall be published on the website of the National Agency of Ukraine for Public Service.

Article 7. Terms of vetting

Vetting shall be implemented in accordance with the plan of vetting approved by the National Agency for Public Service of Ukraine within the term not exceeding 30 working days from the submission date of the consent to vetting.

The vetting of the persons subject to vetting who apply for an elective position shall be carried out within the term not exceeding 15 working days from the submission date of the consent to vetting. This term may not be extended.

In case of necessity the term of vetting may be extended up to 45 working days, whereas the person subject to vetting shall be informed accordingly.

Article 8. Vetting

Upon receipt of the written consent, but no later than the following day the vetting authority shall send to the relevant public authority bodies (public authorities) authorized to verify information specified in Article 5, paragraph 4 hereof, the request to verify information concerning the person subject to vetting, and shall notify the National Agency of Ukraine for Public Service about commencement of vetting of the person subject to vetting. This notification shall be placed on the web-site of the National Agency of Ukraine for Public Service.

A notification of the commencement of vetting shall include postal and electronic addresses and contact phone number of the vetting authority and of the public authority bodies (public authorities) authorized to perform vetting. Civic associations, their members or authorised representatives, as well as other individuals and legal entities submit to these authorities information about the person subject to vetting within 14 days from the moment of publication on the web-site of the National Agency of Public Service of Ukraine of information about commencement of vetting procedure of the person subject to vetting, and within 5 days - for this one who applies for an elective position.

An enquiry about vetting of information concerning persons subject to vetting appointed and dismissed by the President of Ukraine or the Cabinet of Ministers of Ukraine shall be made to the relevant public authorities authorized to verify information specified in Article 5, paragraph 4 hereof, no later than the next working day after obtaining consent from the person subject to vetting by the Head of the Presidential Administration of Ukraine or Head of the Secretariat of the Cabinet of Ministers of Ukraine respectively (their deputies or another official designated by them) through the National Agency of Ukraine for Public Service.

The enquiry shall be signed by the head of the vetting authority or, in case of absence, a person acting in this capacity, or one of the deputies in accordance with the allocation of functional responsibilities.

An enquiry about vetting of information concerning the persons subject to vetting who occupy or apply for an elective position, shall be made to the relevant public authorities authorized to verify information specified in Article 5, paragraph 4 hereof, no later than the next working day after obtaining consent from the person subject to vetting by the Central Election Commission or deputy Head of the Central Electoral Commission respectively through the National Agency of Ukraine for Public Service.

The enquiry shall annex copies of documents specified in Article 6, paragraph 3 hereof, which shall be sent to all authorities (departments) implementing vetting.

During the vetting, exchange of information among authorities (departments) implementing vetting shall be carried out in accordance with procedure established by the National Agency of Ukraine for Public Service.

The details of interaction between public authority bodies (public authorities) and authorities (departments) implementing vetting in the course of vetting of persons applying for the positions associated with secret information, shall be defined by the National Agency of Ukraine for Public Service.

Public authority bodies (public authorities) authorized to perform vetting and authorities (departments) which implement vetting (vetting authorities) are obliged in the course of vetting to verify information concerning the person subject to vetting submitted by civic associations, their members or authorised representatives, as well as by other individuals or legal entities.

Article 9. Details of the vetting procedure

Women on maternity leave shall undergo vetting within six months after their returning to the office.

The persons subject to vetting shall undergo vetting in the following order:

- vetting of the chief of the vetting authority;

- vetting of deputy chiefs of the vetting authority, chiefs of subdivision with the vetting authority and persons employed in the human resources department (or another department) of the vetting authority;

- vetting of other employees of the vetting authority.

If necessary, a vetting authority can create a special subdivision for the organisation and implementation of vetting.

The schedule of vetting of the persons subject to vetting shall be approved by an order of the chief of the vetting authority on the basis of the plan of vetting approved by the National Agency of Ukraine for Public Service, and be brought to the notice of the persons subject to vetting no later than a month before the commencement of the vetting.

Article 10. Statement on the results of vetting

A statement on the results of vetting and existence (absence) of legal grounds preventing the person subject to vetting from occupying the position and/or staying in the position, signed by the chief of the authority (department) which implemented vetting and, in case of absence, a person acting in this capacity, or a deputy chief of this authority (department) in accordance with the allocation of functional responsibilities, shall be submitted to the vetting authority which made the enquiry within no later than seven days from the date of receipt of the enquiry.

A statement on the results of verification of information concerning persons subject to vetting appointed and dismissed by the President of Ukraine or the Cabinet of Ministers of Ukraine, signed by the chief of the authority (department) which implemented vetting and, in case of absence, a person acting in this capacity, or a deputy chief of this authority (department) in accordance with the allocation of functional responsibilities, shall be submitted, within no later than seven days from the date of receipt of the enquiry, to the National Agency of Ukraine for Public Service, which summarises such statements within three days of the receipt thereof and sends them to the Presidential Administration of Ukraine or Secretariat of the Cabinet of Ministers of Ukraine, respectively.

A statement on the results of verification of information concerning persons subject to vetting occupying or applying for an elective position, signed by the chief of the authority (department) which implemented vetting and, in case of absence, a person acting in this capacity, or a deputy

chief of this authority (department) in accordance with the allocation of functional responsibilities, shall be submitted, within no later than seven days from the date of receipt of the enquiry. The National Agency of Ukraine for Public Service summarises such statements within three days from the receipt thereof and sends them to the Central Election Commission, which is the vetting authority.

A copy of the statement on the results of vetting and existence (absence) of legal grounds preventing the person subject to vetting from occupying the position and/or staying in the position shall be signed by the chief of the authority (department) that implemented vetting and, in case of absence, a person acting in this capacity, or a deputy chief of this authority (department) in accordance with the allocation of functional responsibilities. A copy of the statement shall be submitted to the National Agency of Ukraine for Public Service which, within three days from the date of receipt thereof, shall summarise it and send it, within no later than seven days from the date of receipt of the statement from the vetting authority which made the enquiry, its conclusion concerning the advisability or non-advisability of occupying the position and/or tenure of office by the person subject to vetting.

Article 11. Conclusion about the findings of vetting

On the basis of statements specified in Article 8, paragraph 1 hereof, as well as on advice by the National Agency of Ukraine for Public Service, the human resources department (or another department) of the vetting authority, which made enquiries, shall prepare a conclusion about the findings of the vetting, subsequently signed by its chief.

The conclusion about the findings of verification of information concerning persons subject to vetting appointed and dismissed by the President of Ukraine or the Cabinet of Ministers of Ukraine shall be prepared by the relevant subdivision of the Presidential Administration of Ukraine on the basis of a summarised statement specified in Article 8, paragraph 2 hereof, submitted by the National Agency of Ukraine for Public Service, with the exception of the persons subject to vetting specified in Article 3, paragraphs 1a, 1b hereof.

The conclusion about the findings of verification of information concerning the persons subject to vetting occupying or applying for an elective position, prepared by the National Agency of Ukraine for Public Service shall be submitted to the Central Election Commission and published by the National Agency of Ukraine for Public Service, as specified herein.

The persons subject to vetting have the right to be acquainted with the conclusion about the findings of vetting and, in case of disagreement with the results of vetting, may submit their written comments to the abovementioned authorities.

In case of receipt of comments on the results of vetting from a person subject to vetting, the authorities (departments) which implemented vetting shall provide a written response within ten days from the date of receipt of comments, copies of which shall also be sent to the vetting authority.

On the basis of the received conclusion about the findings of vetting, the head of the vetting authority shall make a decision about appointment, tenure of office, or dismissal of the person subject to vetting.

The conclusion about the findings of a previous vetting shall be attached to the documents submitted by the person subject to vetting, or to their personal file.

Conclusions about the findings of vetting and statements on vetting shall not be classified unless they contain sensitive information. Such documents are stored according to the procedure established by law.

The National Agency of Ukraine for Public Service shall specify the procedure of publication on its web-site of information concerning the progress of vetting of a person subject to vetting, starting from the moment of obtaining their consent to vetting to the completion thereof, as well as of

statements of results of vetting, conclusions about the findings relating to persons subject to vetting who have already been vetted, copies of their declarations of assets, income, expenses, and financial liabilities concerning the person subject to vetting and his/her close relatives for the preceding 3 years.

CHAPTER III CONSEQUENCES AND ACCOUNTABILITY BASED ON RESULTS OF VETTING

Article 12. Consequences of vetting

In case the vetting authority (official), responsible for vetting, establishes discrepancies in the documents submitted by the person subject to vetting, the latter shall be granted the opportunity to explain such a fact in writing within five days from the date of establishing discrepancies.

In case of discovery, in the process of vetting of declarations of assets, income, expenses, and financial liabilities concerning the person subject to vetting and his/her close relatives for three previous years, of arithmetic or logical errors, the authorised department shall immediately notify the person who submitted of the declaration, and this person has the right to submit a written explanation and/or corrected declarations to the authorised department within five days of receipt of such a notification.

In case of establishing, as a result of vetting, of information on the person subject to vetting that does not conform to the legal requirements for applicants, specified herein, the authority (official) responsible for designation of candidates to positions, shall disqualify the person subject to vetting from occupying this position.

In case of establishing, as a result of vetting, of information on the person subject to vetting that does not conform to the legal requirements for holding a position, specified herein, the authority (official) responsible for designation of candidates to positions, shall submit appropriate proposals concerning the impossibility of the person subject to vetting further holding the position to the vetting authority, with exception of the persons subject to vetting applying for (or holding) elective positions or positions eligible for non-competitive appointment.

In case of establishing, as a result of vetting and examination of the above-mentioned explanations, that the person subject to vetting submitted forged documents and/or knowingly false information, the authority (official) responsible for designation of candidates to positions shall inform law enforcement authorities about the revealed fact within three days and rejects the person subject to vetting from being appointed to the position, or submit appropriate proposals concerning the impossibility of the person subject to vetting further holding the position to the vetting authority.

Conclusions about the findings on vetting of judges of general jurisdiction courts, containing information on the person subject to vetting that does not conform to the legal requirements for holding a position, specified herein, shall be submitted by the vetting authority to the High Council of Justice and the High Qualifications Commission for of Judges of Ukraine within three days of the moment of its signing by the chief of the vetting authority. The High Council of Justice and High Qualifications Commission for of Judges of Ukraine shall consider the above-mentioned statement within three months.

Corruption offences, as well as submission of forged documents and/or false information by the person subject to vetting, shall incur criminal, administrative, civil, or disciplinary liability, according to the procedure established by law.

Persons subject to vetting who were disqualified or did not submit consent to vetting (with exception of the persons subject to vetting applying for (or holding) elective positions or positions eligible to non-competitive appointment) are subject to dismissal by the vetting authority and

deprived of their right to occupy any positions specified in Article 3, paragraph 1 for 10 years from the moment of dismissal.

Information on conclusions about vetting of the persons subject to vetting applying for (or holding) elective positions or positions eligible for non-competitive appointment shall be published on the website of the National Agency of Ukraine for Public Service.

Persons subject to vetting specified in Part one of this article, who resigned from their office before the enactment of this Law, shall be deprived of the right to occupy any positions in government bodies for 10 years from the date of enactment of this Law.

In case of did not submitting consent to vetting by a person subject to vetting who applies for a position, the vetting shall not be carried out, and the applicant's appointment to the position or proposal thereto, shall not be considered.

Persons subject to vetting who applied for positions and failed to undergo the vetting shall be denied the right to occupy the position they applied for.

This Article shall not apply to persons engaged in warfare during the anti-terrorist operation in the east of Ukraine.

Article 13. Procedure of dismissal of persons who failed to undergo the vetting

Starting from the day of receipt of the Statement of vetting which gives evidences on the grounds for dismissal of the person subject to vetting from the occupied position, the vetting authority, by decision of the chief (deputy chief) of the vetting authority where the person subject to vetting is employed, shall remove such a person from office according to the procedure established by law, until the conclusion on the findings of vetting are prepared.

By decision of the chief (deputy chief) of the vetting authority where the person subject to vetting is employed, a person subject to vetting with a protocol on an administrative corruption offence shall be suspended from office according to the procedure established by law until the case is considered by court, unless otherwise provided by the Constitution and laws of Ukraine.

Early termination of the subject's authority in elective office, termination of the subject's authority in office, and dismissal, which are performed by decision of the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, dismissal of a military official from military service in connection with restrictions provided herein, as well as suspending of such a person, shall be carried out with due regard for the procedures specified by the Constitution and laws of Ukraine.

Other persons subject to vetting, who failed to undergo the vetting and/or brought to responsibility for offences related to violation of restrictions provided herein, shall be dismissed from office (service) on the grounds of a decision taken by the vetting authority.

The chief of the vetting authority shall notify the National Agency of Ukraine for Public Service within three days, according to the procedure specified by the National Agency of Ukraine for Public Service, of the dismissal of the person subject to vetting from office on the grounds of statement on the results of vetting, as specified herein, or in connection with bringing the person subject to vetting to responsibility on the grounds of violation of restrictions specified herein.

Restrictions banning a person dismissed from office in connection with liability for a corruption offence from conducting activities associated with public functions in central or local government, or other activities qualified as such, shall be imposed from the day of dismissal of the person, following the notification from the vetting authority about the dismissal of the person subject to vetting from office.

Article 14. Restrictions on persons subject to vetting who have resigned from office

Persons subject to vetting who failed to undergo the vetting accordance with the requirements specified herein, within 10 years from the date of leaving, or resigning from office (service) may not:

- 1) disclose or otherwise use in their interests the information which became known to them because of performing their functions (duties), notwithstanding the cases established by law;
- 2) represent the interests of any person in cases (including those considered in courts) if the other party is represented by the body (bodies) where they worked prior to dismissal (resignation).

Article 15. Appealing decisions made by vetting authorities

Following a complaint made by any citizen of Ukraine, the Central Vetting Commission shall revise the decision made by a vetting authority concerning employees of central executive authorities, whilst having the powers of an appropriate vetting authority.

Following a complaint from any citizen of Ukraine, the territorial vetting commission shall revise a decision made by a vetting authority concerning employees of vetting authorities located within the corresponding territory, notwithstanding those employees whose cases are revised by the Central Vetting Commission, and have the powers of an appropriate vetting authority.

Complaints about decisions made by vetting authorities may be submitted to appropriate vetting commissions within one year of the date when the decision was made.

Decisions made by vetting authorities may be appealed to the administrative courts under a procedure established by legislation.

Article 16. Restrictions on the use of official position

Persons engaged in implementation of vetting of persons subject to vetting are forbidden from using their official position and related possibilities to ensure passing the vetting procedure for themselves and/or other persons, including:

- 1) unlawful assistance to persons subject to vetting during vetting procedure;
- 2) unlawful assistance to a person subject to vetting who failed to undergo the vetting in holding office and/or appointment to a position;
- 3) unlawful interference with the work of public authority bodies (public authorities) and officials concerning the procedure of vetting;
- 4) violating the requirements of this Law.

Violation of part one of this Article is the grounds for removal of the persons specified therein from office due to breach of oath and deprivation of the right to occupy any positions specified in Article 3, paragraph 1 hereof within 10 years of the date of dismissal.

CHAPTER IV

PUBLIC INVOLVEMENT IN VETTING

Article 17. Public involvement in vetting

Civic associations, their members or authorised representatives and other natural or legal persons have the right to:

- 1) provide information on the person subject to vetting, obligatory for consideration by vetting authorities and public authority bodies (public authorities) with jurisdiction over vetting procedure, including information concerning established facts of committed offences, within 14 days from the moment of publication of a notification on the commencement of vetting

procedure for the person subject to vetting on the website of the National Agency of Ukraine for Public Service (for the persons subject to vetting applying for elective office – within 5 days);

- 2) request and receive from public authority bodies and local governments information about their activity concerning vetting procedure, in any amount and manner not prohibited by law;
- 3) exercise public control over the enforcement of this Law, using forms of control not prohibited by legislation.

A civic association, natural, or legal person must not be denied access to information regarding the competence of subjects carrying out vetting and the main directions of their activity. Such information shall be provided in a procedure established by law.

Article 18. Informing the public about the progress and findings of vetting

Upon receipt of notification about the commencement of vetting of the person subject to vetting, the National Agency of Ukraine for Public Service shall publish this information on its website not later than on the following day.

Within one month of signing of the conclusion on the findings of vetting, vetting authorities are obliged to publish on the website of the National Agency of Ukraine for Public Service the following:

A list of persons subject to vetting who failed to undergo the vetting;

conclusions about the findings of vetting of persons subject to vetting who have undergone vetting;

declarations of property, income, expenditure, and financial liability concerning the person subject to vetting who have undergone vetting’

other information specified herein.

Vetting authorities are obliged to publish information concerning the measures undertaken with regard to vetting annually, not later than 15 April.

Article 19. State protection for persons involved in implementing vetting

Persons implementing vetting are protected by state. State ensures implementation by law enforcement bodies of legal, organisational, technical, and other measures directed at protecting persons who carry out vetting, as well as their family members, from unlawful attempts on their lives, health, homes, and other property.

State protection of other persons involved in implementing vetting shall be conducted in accordance with the Law of Ukraine “On Protection of Individuals Involved in Criminal Procedure.”

An individual may not be dismissed, forced to resign, or face disciplinary action or any other negative corrective actions (transfer, attestation, change of working conditions, etc.) by their supervisor or employer as a result of reporting a violation of requirements hereof by another person.

CHAPTER V

CONTROL AND OVERSIGHT OVER ENFORCEMENT OF THIS LAW

Article 20. Control over enforcement of this Law

The Verkhovna Rada of Ukraine shall exercise parliamentary control over the enforcement of this Law within the limits established by the Constitution of Ukraine.

Other public authority bodies shall exercise control over the implementation of this Law within their powers and in a manner provided by the Constitution and laws of Ukraine.

CHAPTER VI FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come in force on the date of its publication.
2. The Cabinet of Ministers of Ukraine shall:

Within three months of the date of enactment of this Law:

draft and propose to the Verkhovna Rada of Ukraine draft laws on judicial reform, “On Prosecutor’s Office,” “On the Security Service of Ukraine,” “On Police,” “On the National Bureau of Investigation,” “On the Cabinet of Ministers of Ukraine,” “On Public Service,” which shall provide the change of powers and goals of the system of public authority bodies (public authorities) on the basis of common European principles of Public Service, reduction of number of staff in public authority bodies (public authorities) and due to this the increase of salaries paid to employees of public authority bodies (public authorities);

ensure the vetting, by vetting authorities, of the National Agency of Ukraine for Public Service, central executive authority for the realisation of state tax policy, and their territorial bodies on a local level;

ensure the adoption of regulatory legal acts stipulated herein;

harmonise its regulatory legal acts with this Law;

ensure harmonisation of regulatory legal acts of ministries and other central executive authorities with this Law;

ensure submission, by vetting authorities, of the draft plans on vetting of the employees of these authorities to the National Agency of Ukraine for Public Service;

within a year of the date of enactment of this Law:

ensure vetting, by vetting authorities, of employees of these authorities in accordance with plans of vetting of employees, approved by the National Agency of Ukraine for Public Service;

ensure that vetting authorities hold open competitions to fill vacancies of civil servants in these authorities, with obligatory involvement of representatives of the public and mass information media;

take steps to reduce the number of staff in public authority bodies (public authorities) and due to this to increase salaries paid to employees of public authority bodies (public authorities).

3. The National Agency of Ukraine for Public Service shall, after the enactment of this Law:
 - ensure, within three months, the creation of central and territorial vetting commissions;
 - within six months:
 - ensure the adoption of regulatory legal acts specified herein;
 - approve plans of vetting of employees of vetting authorities by these authorities.
 - harmonise their regulatory legal acts with this Law.

4. The following legislative acts shall be amended:

1) Article 36 of the Labour Code of Ukraine (*Bulletin of the Verkhovna Rada of UkrSSR*, 1971, Appendix to No.50, p. 375) shall be edited in the following manner:

Part One shall be added with a new paragraph in the following edition:

“9) in accordance with law”;

Part Two shall be added with the words “while in cases stipulated by Paragraph 8, the individual is subject to removal from office according to the procedure established by the Law of Ukraine ‘On Purification of Government’.

2) Article 15 of the Law of Ukraine “On Public Service” (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No.52, p.490 with subsequent changes) shall be provided with Part Seven in the following edition:

“Regarding persons applying for a position in the public service, vetting shall be carried out with their written consent and in accordance with the procedure established by the Law of Ukraine ‘On Purification of Government.’ In case of competitive selection for public service, such vetting shall be carried out after the competition among persons recommended for appointment to the position is conducted”;

3) Article 37 of the Law of Ukraine “On Public Service” (*Bulletin of the Verkhovna Rada of Ukraine*, 2012, No.26, p. 273, with subsequent changes) shall be supplemented with a new section in the following edition:

“5. “Regarding persons applying for a position in public service, vetting shall be carried out with their written consent and in accordance with the procedure established by the Law of Ukraine ‘On Purification of Government.’ In case of competitive enrolment in Public Service, such vetting shall be carried out after the competition among individuals recommended for appointment to the position is conducted”;

4) Article 5 of the Law of Ukraine “On Service in Local Government” (*Bulletin of the Verkhovna Rada*, 2001, No.33, p. 175, with subsequent changes) shall be supplemented with a new section in the following edition:

“Regarding persons applying for positions in local government, vetting shall be carried out with their written consent and in accordance with the procedure established by the Law of Ukraine ‘On Purification of Government.’ In case of competitive enrolment in local government, such vetting shall be carried out after the competition among individuals recommended for appointment to the position is conducted”.

**Chair of the Verkhovna Rada
of Ukraine**

OLEKSANDR TURCHYNOV