



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**AMENDMENTS TO THE CONSTITUTION**  
**OF UKRAINE**

**adopted on**  
**8 December 2004<sup>1</sup>**

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<sup>1</sup> *The text of the Constitution as it stood before 8 December 2004 appears in document CDL(2003)086*



**Law**  
**On Amendments to the Constitution of Ukraine**

The Verkhovna Rada of Ukraine (Parliament) hereby ordains:

I. To introduce to the Constitution of Ukraine ([as published in] Vidomosti of the Verkhovna Rada, 1996, No. 30, p. 141) the following amendments:

1) Articles 76, 78, 81 - 83, 85, 87, 89, 90, 93, 98, 112 - 115 shall be reworded as follows:

**Article 76**

The constitutional membership of the Verkhovna Rada of Ukraine is 450 National Deputies of Ukraine who are elected on the basis of universal, equal and direct suffrage, by secret ballot.

Any citizen of Ukraine who has attained the age of twenty-one on the day of elections, has the right to vote, and has resided in Ukraine for the past five years, shall be eligible to be elected a National Deputy of Ukraine.

A citizen who has a criminal record for committing an intentional crime shall not be eligible to be elected to the Verkhovna Rada of Ukraine if the record has not been cancelled and erased under the procedure established by law.

The powers of National Deputies of Ukraine are determined by the Constitution and laws of Ukraine.

The Verkhovna Rada of Ukraine is elected for a term of five years;

...

**Article 78**

National Deputies of Ukraine exercise their powers on a permanent basis.

A National Deputy of Ukraine shall not have any other representative mandate, be in the civil service, hold any other paid offices, carry out gainful or business activity (with the exception of teaching, scientific, and creative activities), or to be a member of the administration/governing body of a profit-seeking enterprise or organisation.

Requirements concerning the incompatibility of the deputy's mandate with other types of activity are established by law.

Where there emerge circumstances preventing the National Deputy of Ukraine from fulfilling a requirement concerning incompatibility of the deputy's mandate with other types of activity, the National Deputy of Ukraine shall within twenty days from the date of the emergence of such circumstances shall withdraw from the business concerned or apply personally for divesting himself or herself of National Deputy powers;

...

## **Article 81**

Powers of National Deputies of Ukraine shall terminate simultaneously with the termination of powers of the Verkhovna Rada of Ukraine.

Powers of a National Deputy of Ukraine shall terminate prior to the expiration of his or her term in office in the event of:

- (1) his or her resignation through a personal application;
- (2) a guilty verdict against him or her entering into legal force;
- (3) a court declaring him or her incapacitated or missing;
- (4) termination of his or her citizenship or his or her departure from Ukraine for permanent residence abroad;
- (5) his or her failure, within twenty days from the date of the emergence of circumstances preventing him or her from fulfilling a requirement concerning incompatibility of the deputy's mandate with other types of activity, to remove such circumstances;
- (6) his or her failure, as having been elected from a political party (an electoral bloc of political parties), to join the parliamentary faction representing the same political party (the same electoral bloc of political parties) or his or her withdrawal from such a faction;
- (7) his or her death.

The pre-term termination of powers a National Deputy of Ukraine shall also be caused by the early termination, under the Constitution of Ukraine, of powers of the Verkhovna Rada of Ukraine, with such termination of the Deputy's powers taking effect on the date when the Verkhovna Rada of Ukraine of a new convocation opens its first meeting.

A decision on early termination of powers a National Deputy of Ukraine on grounds referred to in subparagraphs (1), (4) of the second paragraph of this Article shall fall within the competence the Verkhovna Rada of Ukraine, while the ground referred to in subparagraph (5) of the second paragraph of this Article shall be a matter to be decided by court.

Where a guilty verdict against a National Deputy of Ukraine enters into legal force or where a court declares a National Deputy of Ukraine incapacitated or missing, his or her powers terminate on the date when the court decision becomes legally effective, while in the event of the Deputy's death on the date of his or her death as certified by the relevant document.

Where a National Deputy of Ukraine, as having been elected from a political party (an electoral bloc of political parties), fails to join the parliamentary faction representing the same political party (the same electoral bloc of political parties) or withdraws from such a faction, the highest steering body of the respective political party (electoral bloc of political parties) shall decide to terminate early his or her powers on the basis of a law, with the termination taking effect on the date of such a decision.

## **Article 82**

The Verkhovna Rada of Ukraine works in sessions.

The Verkhovna Rada of Ukraine is competent on the condition that no less than two-thirds of its constitutional membership has been elected.

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

The first meeting of the Verkhovna Rada of Ukraine is opened by the eldest National Deputy of Ukraine.

## **Article 83**

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

Special sessions of the Verkhovna Rada of Ukraine, with the stipulation of their agenda, are convoked by the Chairperson of the Verkhovna Rada of Ukraine, on the demand of the President of Ukraine or on the demand of no fewer National Deputies of Ukraine than one-third of the constitutional membership of the Verkhovna Rada of Ukraine.

In the event that the President of Ukraine declares, by proclaiming a decree, a state of martial law or of emergency upon the whole territory of Ukraine or in some areas of the State, the Verkhovna Rada of Ukraine shall assemble within two days without convocation.

In the event that the term of powers of the Verkhovna Rada of Ukraine expires while a state of martial law or of emergency is in effect, its powers are extended until the day when the Verkhovna Rada of Ukraine elected after the cancellation of the state of martial law or of emergency convenes its first meeting of the first session.

Rules on the conduct of work of the Verkhovna Rada of Ukraine shall be laid down in the Constitution of Ukraine and the Rules of Procedure of the Verkhovna Rada of Ukraine.

According to election results and on the basis of a common ground achieved between various political positions, a coalition of parliamentary factions shall be formed in the Verkhovna Rada of Ukraine to include a majority of National Deputies of Ukraine within the constitutional membership of the Verkhovna Rada of Ukraine.

A coalition of parliamentary factions in the Verkhovna Rada of Ukraine shall be formed within a month from the date of the first meeting of the Verkhovna Rada of Ukraine to be held following regular or special elections to the Verkhovna Rada of Ukraine, or within a month from the date when activities of a coalition of parliamentary factions in the Verkhovna Rada of Ukraine terminated.

A coalition of parliamentary factions in the Verkhovna Rada of Ukraine submits to the President of Ukraine, in accordance with this Constitution, proposals concerning a person's candidature for the office of the Prime Minister of Ukraine and also, in accordance with this Constitution, proposes candidatures for the membership of the Cabinet of Ministers of Ukraine.

Frameworks for forming, organising, and terminating activities of a coalition of parliamentary factions in the Verkhovna Rada of Ukraine shall be established by the Constitution of Ukraine and the Rules of Procedure of the Verkhovna Rada of Ukraine.

A parliamentary faction in the Verkhovna Rada of Ukraine whose members make up a majority of National Deputies of Ukraine within the constitutional membership of the Verkhovna Rada of Ukraine shall enjoy the same rights under this Constitution as a coalition of parliamentary factions in the Verkhovna Rada of Ukraine;

...

### **Article 85**

Powers of the Verkhovna Rada of Ukraine shall include:

(1) introducing amendments to the Constitution of Ukraine within the limits and under the procedure specified in Chapter XIII of this Constitution;

(2) instituting an All-Ukrainian referendum on issues referred to in Article 73 of this Constitution;

(3) adopting laws;

(4) approving the State Budget of Ukraine and introducing amendments thereto; exercising control over the implementation of the State Budget of Ukraine and adopting decision in regard to the report on its implementation;

(5) determining the principles of domestic and foreign policy;

(6) approving national programmes of economic, scientific-technical, social, national-cultural development, and of the protection of the environment;

(7) calling elections of the President of Ukraine within the terms specified in this Constitution;

(8) hearing annual and special messages of the President of Ukraine on the internal and external situation of Ukraine;

(9) declaring war upon the submission by the President of Ukraine and concluding peace; approving a decision by the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine;

(10) removing the President of Ukraine from office under a special procedure (impeachment) as provided for in Article 111 of this Constitution;

(11) considering and adopting a decision in regard to the approval of the Action Programme of the Cabinet of Ministers of Ukraine;

(12) appointing to office - upon the submission by the President of Ukraine - the Prime Minister of Ukraine, the Minister of Defence, the Minister of Foreign Affairs of Ukraine; appointing to office - upon the submission by the Prime Minister of Ukraine - other members of the Cabinet of Ministers of Ukraine, the Chairperson of the Antimonopoly Committee of Ukraine, the Chairperson of the State Committee on Television and Radio Broadcasting of Ukraine, and the Chairperson of the State Property Fund of Ukraine; dismissing from office the officials mentioned above; deciding on the resignation of the Prime Minister of Ukraine and of members of the Cabinet of Ministers of Ukraine;

(12<sup>1</sup>) appointing to office and dismissing from office - upon the submission by the President of Ukraine - the Head of the Security Service of Ukraine;

(13) exercising control over activities of the Cabinet of Ministers of Ukraine, in accordance with this Constitution and law;

(14) confirming decisions on loans and economic aid to be granted by Ukraine to foreign states and international organisations and also decisions on the receipt by Ukraine of loans not envisaged by the State Budget of Ukraine from foreign states, banks and international financial organisations; exercising control over the use of such funds;

(15) adopting the Rules of Procedure of the Verkhovna Rada of Ukraine;

(16) appointing to office and dismissing from office the Chairperson and other members of the Chamber of Accounting;

(17) appointing to office and dismissing from office the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine; hearing his or her annual reports on the situation with regard to the observance and protection of human rights and freedoms in Ukraine;

(18) appointing to office and dismissing from office the Chairperson of the National Bank of Ukraine upon the submission by the President of Ukraine;

(19) appointing and dismissing one-half of the membership of the Council of the National Bank of Ukraine;

(20) appointing and dismissing one-half of the membership of the National Council of Ukraine on Television and Radio Broadcasting;

(21) appointing to office and dismissing from office, upon the submission of the President of Ukraine, the members of the Central Electoral Commission;

(22) confirming the general structure and numerical strength of the Security Service of Ukraine, the Armed Forces of Ukraine, other military formations created in accordance with laws of Ukraine, and of the Ministry of Internal Affairs of Ukraine, as well as defining their functions;

(23) approving decisions on providing military assistance to other states, on sending units of the Armed Forces of Ukraine to a foreign state, or on admitting units of armed forces of foreign states onto the territory of Ukraine;

(24) establishing national symbols of Ukraine;

(25) granting consent for the appointment to office or dismissing from office by the President of Ukraine of the Prosecutor General of Ukraine; taking a vote of no confidence in the Prosecutor General of Ukraine, the result of which shall be his or her resignation from office;

(26) appointing and dismissing one-third of the members of the Constitutional Court of Ukraine;

(27) electing judges for permanent terms;

(28) causing the early termination of powers of the Verkhovna Rada of the Autonomous Republic of Crimea where the Constitutional Court of Ukraine finds that the Verkhovna Rada of the Autonomous Republic of Crimea has violated the Constitution of Ukraine or laws of Ukraine; calling special elections to the Verkhovna Rada of the Autonomous Republic of Crimea;

(29) establishing and abolishing districts, establishing and altering the boundaries of districts and towns/cities, assigning inhabited localities to the category of towns/cities, naming and renaming inhabited localities and districts;

(30) calling regular and special elections to bodies of local self-government;

(31) giving its approval to decrees by the President of Ukraine - within two days from the moment of his or her relevant address - on introducing a state of martial law or of emergency in Ukraine or in some areas of the State, on declaring total or partial mobilisation, and on declaring particular areas to be ecological emergency zones;

(32) granting its consent – by adopting a relevant legal act - to the binding character of international treaties of Ukraine and denouncing international treaties of Ukraine;

(33) exercising parliamentary control within the scope provided for by this Constitution;

(34) adopting decisions on forwarding an inquiry to the President of Ukraine at request by a National Deputy of Ukraine, a group of National Deputies or by a Committee of the Verkhovna Rada of Ukraine, provided that such a request has been supported by no less than one-third of the constitutional membership of the Verkhovna Rada of Ukraine;

(35) appointing to office and dismissing from office the Head of Staff of the Verkhovna Rada of Ukraine; approving the budget of the Verkhovna Rada of Ukraine and the structure of its staff;

(35) confirming the list of objects owned by the State that are not subject to privatisation; establishing legal principles to underlie the expropriation of objects of private ownership;

(36) confirming – by adopting a relevant legal act – the Constitution of the Autonomous Republic of Crimea or amendments thereto.

The Verkhovna Rada of Ukraine shall also exercise any other powers falling within its competence under the Constitution of Ukraine.

...

#### **Article 87**

The Verkhovna Rada of Ukraine, on the proposal by the President of Ukraine or by National Deputies of Ukraine making up no less than one-third of the constitutional membership of the Verkhovna Rada of Ukraine, may consider an issue of responsibility of the Cabinet of Ministers of Ukraine and pass - by a majority of votes of its constitutional membership - a resolution of no confidence in the Cabinet of Ministers of Ukraine.

The issue of responsibility of the Cabinet of Ministers of Ukraine may not be considered by the Verkhovna Rada of Ukraine more than once during one regular session or within one year after the approval of the Action Programme of the Cabinet of Ministers of Ukraine, or during the final session of the Verkhovna Rada of Ukraine.

...

#### **Article 89**

In order to carry out its legislative drafting activities, prepare and conduct the preliminary consideration of issues falling within its competence, and performing its functions of control under this Constitution of Ukraine, the Verkhovna Rada of Ukraine shall set up Committees of the Verkhovna Rada of Ukraine composed of National Deputies of Ukraine and elect Chairpersons, Deputy Chairpersons, and Secretaries to these Committees.

Within the scope of its competence, the Verkhovna Rada of Ukraine may set up temporary special commissions for the preparation and preliminary consideration of issues.

In order to investigate matters of public concern, the Verkhovna Rada of Ukraine shall set up temporary investigatory commissions, provided that the measure has received votes of no less than one-third of the constitutional membership of the Verkhovna Rada of Ukraine.

Findings and proposals made by temporary investigatory commissions shall not be decisive for investigation and court.

The organisation and procedure for activities of Committees of the Verkhovna Rada of Ukraine and of its temporary special or temporary investigatory commissions shall be established by law;

#### **Article 90**

Powers of the Verkhovna Rada of Ukraine shall terminate on the date when the Verkhovna Rada of Ukraine of a new convocation opens its first meeting.

The President of Ukraine may order the early termination of powers of the Verkhovna Rada of Ukraine where:

- (1) there is a failure to form within one month a coalition of parliamentary factions in the Verkhovna Rada of Ukraine as provided for in Article 83 of this Constitution;
- (2) there is a failure, within sixty days following the resignation of the Cabinet of Ministers of Ukraine, to appoint members of the Cabinet of Ministers of Ukraine;
- (3) the Verkhovna Rada of Ukraine fails, within thirty days of a single regular session, to commence its plenary meetings.

The early termination of powers of the Verkhovna Rada of Ukraine shall be decided by the President of Ukraine following relevant consultations with the Chairperson and Deputy Chairpersons of the Verkhovna Rada of Ukraine and with Chairpersons of Verkhovna Rada parliamentary factions.

Powers of the Verkhovna Rada of Ukraine, which convenes following special elections conducted after the pre-term termination by the President of Ukraine of powers of the Verkhovna Rada of Ukraine of the previous convocation, shall not terminate within one year from the day of its election.

The pre-term termination of powers of the Verkhovna Rada of Ukraine may not be caused during the last six months of its term or of the term of the President of Ukraine.

...

### **Article 93**

The right of legislative initiative in the Verkhovna Rada of Ukraine belongs to the President of Ukraine, National Deputies of Ukraine, the Cabinet of Ministers of Ukraine, and the National Bank of Ukraine.

The draft laws defined by the President of Ukraine as urgent shall be considered out of turn by the Verkhovna Rada of Ukraine;

...

### **Article 98**

The Chamber of Accounting shall, on behalf of the Verkhovna Rada of Ukraine, exercise control over State Budget revenues and the use of State Budget funds.

...

### **Article 112**

In the event of pre-term termination of powers of the President of Ukraine in accordance with Articles 108, 109, 110 and 111 of this Constitution, the execution of the office of the President of Ukraine, for the period pending the election of the new President of Ukraine and his or her assumption of office, shall be vested in the Chairperson of the Verkhovna Rada of Ukraine. The Chairperson of the Verkhovna Rada of Ukraine, while executing the office of the President of Ukraine, shall not exercise the powers specified in subparagraphs 2, 6 - 8, 10 - 13, 22, 24, 25, 27, and 28 of Article 106 of the Constitution of Ukraine.

...

### **Article 113**

The Cabinet of Ministers of Ukraine is the highest authority within the system of executive authorities.

The Cabinet of Ministers of Ukraine is responsible to the President of Ukraine and the Verkhovna Rada of Ukraine as well as under the control of and accountable to the Verkhovna Rada of Ukraine within the limits provided for by this Constitution of Ukraine.

In its activities, the Cabinet of Ministers of Ukraine is guided by this Constitution, laws of Ukraine, and also by decrees made by the President of Ukraine and resolutions made by of the Verkhovna Rada of Ukraine in accordance with the Constitution and laws of Ukraine.

### **Article 114**

The Cabinet of Ministers of Ukraine is composed of the Prime Minister of Ukraine, the First Vice Prime Minister, Vice Prime Ministers, and Ministers.

The Prime Minister of Ukraine is appointed by the Verkhovna Rada of Ukraine upon the submission by the President of Ukraine.

The name of a candidate for the office of the Prime Minister of Ukraine shall be put forward by the President of Ukraine following the relevant proposal by the parliamentary coalition formed in the Verkhovna Rada of Ukraine as provided for in Article 83 of the Constitution of Ukraine or by a parliamentary faction whose National Deputies of Ukraine make up a majority of the constitutional membership of the Verkhovna Rada of Ukraine.

The Minister of Defence and the Minister of Foreign Affairs of Ukraine are appointed by the Verkhovna Rada of Ukraine upon the submission by the President of Ukraine; the other members of the Cabinet of Ministers of Ukraine are appointed upon the submission by the Prime Minister of Ukraine.

The Prime Minister of Ukraine manages the work of the Cabinet of Ministers of Ukraine and directs it for the implementation of the Action Programme of the Cabinet of Ministers of Ukraine adopted by the Verkhovna Rada of Ukraine.

### **Article 115.**

The Cabinet of Ministers of Ukraine divests itself of its powers before the newly-elected Verkhovna Rada of Ukraine.

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

The resignation of the Prime Minister of Ukraine or the adoption by the Verkhovna Rada of Ukraine of a resolution of no confidence in the Cabinet of Ministers of Ukraine shall result in the resignation of the entire Cabinet of Ministers of Ukraine.

In such cases, the Verkhovna Rada of Ukraine shall form a new Cabinet of Ministers of Ukraine within the terms and under the procedure provided for by this Constitution.

The Cabinet of Ministers of Ukraine that has divested itself of its powers before the Verkhovna Rada of Ukraine or whose resignation has been accepted by the Verkhovna Rada of Ukraine shall continue to perform its functions until the newly formed Cabinet of Ministers of Ukraine starts its work.”

**2)** The first paragraph of Article 77 shall be reworded as follows:

“Regular elections to the Verkhovna Rada of Ukraine take place on the last Sunday of the last month of the fifth year of the duration of the Verkhovna Rada of Ukraine.”

**3)** In Article 88:

(a) the first paragraph shall be reworded as follows:

“The Verkhovna Rada of Ukraine elects from among its members the Chairperson of the Verkhovna Rada of Ukraine, the First Deputy Chairperson and the Deputy Chairperson of the Verkhovna Rada of Ukraine, and it is also empowered to remove them from these offices.”

(b) subparagraph 2 of the second paragraph shall be reworded as follows:

“(2) organises work of the Verkhovna Rada of Ukraine and co-ordinates activities of its bodies;”

(c) the third paragraph shall be reworded as follows:

“The Chairperson of the Verkhovna Rada of Ukraine exercises powers as specified in this Constitution, in compliance with the procedure set out in the Rules of Procedure of the Verkhovna Rada of Ukraine;”

**4)** the fourth paragraph of Article 94 shall be reworded as follows:

“Where a law, during its repeat consideration, again receives votes of no less than two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine, the President of Ukraine shall be obliged to sign and to officially promulgate it within ten days. In the event that the President of Ukraine does not sign such a law, it shall be without delay promulgated officially by the Chairperson of the Verkhovna Rada of Ukraine and published under his or her signature;”

**5)** the fifth paragraph of Article 103 shall be reworded as follows:

“The regular election of a new President of Ukraine shall take place [before the expiry of the powers of the President of Ukraine in office] on the last Sunday of the last month of the fifth year of his or her term of office. In the event of pre-term termination of powers of the President of Ukraine, the election of the President of Ukraine is held within ninety days from the date of termination of his or her powers;”

**6)** in Article 106:

**a)** subparagraphs 8 - 16, 19, 22 i 30 of the first paragraph shall be reworded as follows:

“(8) terminates the powers of the Verkhovna Rada of Ukraine in cases specified by this Constitution;

(9) puts forward, following the relevant proposal by the parliamentary coalition formed in the Verkhovna Rada of Ukraine as provided for by Article 83 of the Constitution of Ukraine, the name of a candidate to be appointed to the office of the Prime Minister of Ukraine by the Verkhovna Rada of Ukraine, no later than fifteen days after the receipt of such a proposal;

(10) puts forward to the Verkhovna Rada of Ukraine the name of a candidate to be appointed to the office of the Minister of Defence of Ukraine and the Minister of Foreign Affairs of Ukraine;

(11) appoints to office and dismisses from office the Prosecutor General of Ukraine, with the consent of the Verkhovna Rada of Ukraine;

(12) appoints and dismisses one-half of the membership of the Council of the National Bank of Ukraine;

(13) appoints and dismisses one-half of the membership of the National Council of Ukraine on Television and Radio Broadcasting;

(14) puts forward to the Verkhovna Rada of Ukraine the name of a candidate to be appointed to, or to be dismissed from, the office of the Head of the Security Service of Ukraine;

(15) suspends the operation of acts by the Cabinet of Ministers of Ukraine on grounds of their inconsistency with this Constitution and challenges concurrently the constitutionality of such acts before the Constitutional Court of Ukraine;

(16) revokes acts of the Council of Ministers of the Autonomous Republic of Crimea;

...

(19) forwards to the Verkhovna Rada of Ukraine a submission on the declaration of a state of war and, in case of armed aggression against Ukraine, adopts a decision on the use of the Armed Forces and other military formations established in accordance with laws of Ukraine;

...

(22) appoints and dismisses one-third of the composition to the Constitutional Court of Ukraine;

...

(30) has the power to veto laws adopted by the Verkhovna Rada of Ukraine (except for laws on amendments to the Constitution of Ukraine), with such laws being subsequently returned to the Verkhovna Rada of Ukraine for repeat consideration.”

**6)** the fourth paragraph shall be reworded as follows:

“Acts issued by the President of Ukraine within the scope of his or her competence as provided for in subparagraphs 5, 18, 21, 22, and 23 of this Article shall be co-signed by the Prime Minister of Ukraine and the Minister responsible for the act and its implementation.”

**7)** in Article 116:

**a)** the Article shall be supplemented by subparagraphs (9<sup>1</sup>) and (9<sup>2</sup>) worded as follows:

“(9<sup>1</sup>) sets up, re-organises, and liquidates, in accordance with law, ministries and other central executive authorities, acting therewith within the limits of funds allocated for the maintenance of executive authorities;

(9<sup>2</sup>) appoints to office and dismisses from office, upon the submission by the Prime Minister of Ukraine, the chief officers of central executive authorities who are not members of the Cabinet of Ministers of Ukraine.”

**6)** subparagraph 10 shall be reworded as follows:

“(10) performs some other functions as provided for by the Constitution and laws of Ukraine.”

8) the first paragraph of Article 120 shall be reworded as follows:

“Members of the Cabinet of Ministers of Ukraine and chief officers of central and local executive authorities shall not be entitled to combine their official activities with any other work (with the exception of teaching, scientific and creative activities performed outside of their working hours) or to be members of an administrative body or board of supervisors of a profit-seeking enterprise or organisation;”

9) Article 121 shall be supplemented by subparagraph 5 worded as follows:

“(5) supervision over the respect for human rights and freedoms and over how laws governing such issues are observed by executive authorities, bodies of local self-government and by their officials and officers;”

10) the first paragraph of Article 122 shall be reworded as follows:

“Public prosecution of Ukraine is headed by the Prosecutor General of Ukraine, who is appointed to office and dismissed from office by the President of Ukraine, with the consent of the Verkhovna Rada of Ukraine. The Verkhovna Rada of Ukraine may take a vote of no confidence in the Prosecutor General of Ukraine, which entails his or her resignation from office.”

11) the first paragraph of Article 141 shall be reworded as follows:

The council of a village, town, city, district, or of an oblast is composed of deputies elected for a five-year term by residents of this village, town, city, district, or of the oblast on the basis of universal, equal and direct suffrage and by secret ballot.”

## **II. Final and transitional provisions**

1. On the condition that the Verkhovna Rada of Ukraine adopts no later than 01 September 2005 the Law of Ukraine on Amendments to the Constitution of Ukraine improving the system of local self-government, this Law shall enter into force on 01 September 2005, with the exception of the fifth paragraph of Article 76, the first paragraph of Article 77, subparagraph 6 of the second paragraph and the sixth paragraph of Article 81, the sixth through tenth paragraphs of Article 83, subparagraph 1 of the second paragraph of Article 90, the first paragraph of Article 141 of the Constitution of Ukraine as amended by this Law – all these provisions shall enter into force on the day when the Verkhovna Rada of Ukraine to be elected in 2006 assumes its powers.

In the event that the Verkhovna Rada of Ukraine fails to adopt no later than 01 September 2005 the Law of Ukraine on Amendments to the Constitution of Ukraine improving the system of local self-government, this Law shall enter into force on 01 January 2006, with the exception of the fifth paragraph of Article 76, the first paragraph of Article 77, subparagraph 6 of the second paragraph and the sixth paragraph of Article 81, the sixth through tenth paragraphs of Article 83, subparagraph 1 of the second paragraph of Article 90, the first paragraph of Article 141 of the Constitution of Ukraine as amended by this Law – all these provisions shall enter into force on the day when the Verkhovna Rada of Ukraine to be elected in 2006 assumes its powers.

2. The Verkhovna Rada of Ukraine, elected in 2002, shall continue to exercise its constitutional powers until the Verkhovna Rada of Ukraine to be elected in 2006 assumes its powers.

3. The election of 450 National Deputies of Ukraine making up the constitutional membership of the Verkhovna Rada of Ukraine shall take place in 2006 on the basis of universal, equal and direct suffrage, by secret ballot, in compliance with Proportional Representation rules underlying the election of National Deputies of Ukraine in a multi-mandate national constituency, according to the lists of parliamentary candidates as proposed by political parties, electoral blocs of political parties, and in accordance with the law.

**President of Ukraine**

**L. Kuchma**

**Kyiv**

**8 December 2004**

**No. 2222-IV**