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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

ON THE PUBLIC PROSECUTOR'S OFFICE

OF UKRAINE

The Law of Ukraine On the Public Prosecutor's Office

This Law sets forth the legal framework of organization of the Public Prosecutor's Office of Ukraine, the public prosecution system, the status of public prosecutors, procedures for prosecutorial self-governance, and establishes the system and the general procedures supporting operations of the Public Prosecutor's Office.

Section 1. The Principles of Organization and Operation of Public Prosecutor's Offices

Article 1. Public Prosecutor's Office

1. The Public Prosecutor's Office of Ukraine is a public authority constituting a unified system that shall, in line with the procedures set hereby, perform functions established by the Constitution of Ukraine with the aim of protecting human rights and freedoms, common interests of the society and the state.

Article 2. Functions of the Public Prosecutor's Office

1. The Public Prosecutor's Office shall be entrusted with:
- 1) supporting the prosecution in court on behalf of the state;
 - 2) representation of interests of an individual or the state in court in the cases stipulated by the law;
 - 3) supervision over observance of laws by the authorities involved in the detective operations, inquiries and pre-trial investigation;
 - 4) supervision over observance of laws in the enforcement of court judgments delivered in criminal cases, as well as in application of other coercive measures related to restraint of individual personal liberty.
2. For the purpose of performing its functions, the Public Prosecutor's Office shall carry out international cooperation.
3. The Public Prosecutor's Office shall not be charged with functions that are not established in the Constitution of Ukraine.

Article 3. Principles of Operation of the Public Prosecutor's Office

1. The Public Prosecutor's Office shall work by the principles of:
- 1) the rule of law, according to which an individual, his/her rights and freedoms are recognized as the greatest values and determine the content and direction of the state functions;
 - 2) legality, justice, impartiality, and objectivity;
 - 3) territoriality;
 - 4) independence of public prosecutors, which implies existence of safeguards against illegal political, financial or other influence on a public prosecutor in connection with his/her decision-making when performing official duties;
 - 5) political neutrality of the Public Prosecutor's Office;
 - 6) inadmissibility of illegitimate interference of the Public Prosecutor's Office in the functions of the legislative, executive, and judicial authorities;
 - 7) respect for independence of judges, which shall imply prohibition of public expression of doubt regarding legality of court judgments beyond the procedure of appealing them in the manner prescribed by the procedural law;
 - 8) transparency of operations of the Public Prosecutor's Office, which shall be guaranteed with an open and competitive appointment to the position of a public prosecutor, free access to reference information, provision of information upon request, unless the law sets limitations on its disclosure.

Article 4. Legislation on the Public Prosecutor's Office and the Status of Public Prosecutors

1. Organization and operations of the Public Prosecutor's Office in Ukraine and status of the public prosecutors shall be established by the Constitution of Ukraine, this law and other laws of Ukraine, valid international treaties, the binding nature of which is stipulated by the Verkhovna Rada of Ukraine.

Article 5. Execution of Functions of the Public Prosecutor's Office Exclusively by Public Prosecutors

1. Functions of the Public Prosecutor's Office in Ukraine shall be executed exclusively by public prosecutors. Delegation of functions of the Public Prosecutor's Office, as well as appropriation of these functions by other authorities or officials shall be prohibited.

Article 6. Information about Operations of the Public Prosecutor's Office

1. The Prosecutor General's Office of Ukraine shall regularly inform the public about its operations by means of publications in the media, responses to requests according to the procedures stipulated by law, and other information methods.

2. The Prosecutor General's Office of Ukraine shall inform the Verkhovna Rada of Ukraine about operations of the Public Prosecutor's Office no less frequently than once a year.

3. Information about operations of the Public Prosecutor's Office shall be published in national printed media and on the official website of the Prosecutor General's Office of Ukraine.

Section 2. Organizational Principles of the Public Prosecutor's Office

Article 7. The System of the Public Prosecutor's Office

1. The system of the Public Prosecutor's Office shall be composed of:

- 1) the Prosecutor General's Office of Ukraine;
- 2) regional public prosecutor's offices;
- 3) local public prosecutor's offices.

2. The Prosecutor General's Office of Ukraine shall be the highest public prosecution authority in respect to regional and local public prosecutor's offices, while the regional public prosecutor's office shall be a senior prosecutor's office in respect of the local public prosecutor's offices located within an administrative territorial unit subject to territorial jurisdiction of the regional public prosecutor's office.

3. Unity of the system of the Public Prosecutor's Office shall be guaranteed by:

- 1) unified principles of organization and operations of the Public Prosecutor's Office;
- 2) the unified status of Public Prosecutors;
- 3) the unified procedures of organizational support for Public Prosecutors' operations;
- 4) funding of the Public Prosecutor's Office exclusively by the State Budget of Ukraine;
- 5) resolution of the Public Prosecutor's Office's internal issues by prosecutorial self-governance authorities.

Article 8. The Prosecutor General's Office of Ukraine

1. The Prosecutor General's Office of Ukraine shall organize and coordinate operations of all public prosecutor's offices in order to ensure efficient performance of the prosecution service.

2. The Prosecutor General's Office of Ukraine shall be headed by the Prosecutor General of Ukraine who shall have his/her First Deputy and Deputies.

3. In the structure of the Prosecutor General's Office of Ukraine, the following units shall be established: Main Directorates, Directorates, and Departments.

Article 9. Powers of the Prosecutor General of Ukraine

1. The Prosecutor General of Ukraine shall:

- 1) represent the Public Prosecutor's Office as a public authority in relations with other central authorities, local government authorities, individuals, institutions and organizations, as well as with prosecution services of other states and international organizations;
- 2) organize operations of the Prosecutor General's Office of Ukraine;
- 3) for the purpose of ensuring efficient performance of the Public Prosecutor's Office's, organize and coordinate activity of Regional and Local Public Prosecutor's Offices;
- 4) appoint Public Prosecutors to administrative positions and dismiss them from administrative positions in compliance with the procedures established hereby;
- 5) appoint and dismiss public prosecutors and senior public prosecutors of the Prosecutor General's Office of Ukraine as well as Advisors to the Prosecutor General as prescribed by this Law;
- 6) appoint and dismiss the employees of the Prosecutor General's Office of Ukraine other than public prosecutors;
- 7) notify the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine within the ten-day period of vacant or temporary vacancies available in the Prosecutor General's Office of Ukraine;
- 8) perform distribution of duties among the First Deputy and Deputies of the Prosecutor General of Ukraine;
- 9) appoint and dismiss Heads and Deputy Heads of units of the Prosecutor General's Office of Ukraine;
- 10) approve acts on issues related to organization of the activity of the prosecution service;
- 11) support compliance with requirements for professional training of public prosecutors of the Prosecutor General's Office of Ukraine;
- 12) approve general methodological guidelines for public prosecutors to promote equal application of legal provisions in Ukraine in the process of prosecutor's work;
- 13) exercise other powers established hereby and in other laws.

2. The Prosecutor General of Ukraine shall issue orders within the scope of his/her administrative powers.

3. In the absence of the Prosecutor General of Ukraine, his/her powers shall be performed by a Deputy Prosecutor General of Ukraine in accordance with the distribution of responsibilities.

Article 10. Regional Public Prosecutor's Offices

1. Regional public prosecutor's offices shall operate within the Public Prosecution Service of Ukraine comprising Public Prosecutor's Offices of the regions, the Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol.

2. The regional public prosecutor's office shall be headed by the Head of the regional public prosecutor's office - the Public Prosecutor of the region, the Autonomous Republic of Crimea, and the cities of Kyiv or Sevastopol, having his/her First Deputy and Deputies.

3. In the structure of the regional public prosecutor's offices of Ukraine, the following units shall be established: Directorates and Departments.

Article 11. Powers of the Head of the Regional Public Prosecutor's Office

1. The Head of the regional public prosecutor's office shall:

- 1) represent the regional public prosecutor's office as a public authority in relations with other central authorities, local government authorities, individuals, institutions and organizations;
- 2) organize operations of the regional public prosecutor's office;
- 3) appoint and dismiss public prosecutors and senior public prosecutors of regional and local public prosecutor's offices as prescribed hereby;

4) in order to ensure efficient performance of functions of the prosecution service, organize and coordinate activity of local public prosecutor's offices located within the administrative territorial units subject to territorial jurisdiction of the regional public prosecutor's office;

5) perform distribution of duties among the First Deputy and Deputy Heads of the regional public prosecutor's office;

6) approve acts on issues related to organization of the operation of the regional public prosecutor's office;

7) appoint and dismiss the employees of the regional public prosecutor's office other than public prosecutors;

8) notify the High Qualifications and Disciplinary Commission of Prosecutors within the ten-day period of vacant or temporary vacancies available in the regional public prosecutor's office;

9) appoint and dismiss Heads and Deputy Heads of structural units of the regional public prosecutor's office;

10) control administration and analysis of statistical data, organize studies and generalization of the administration of legal practices, and information analysis for public prosecutors to improve performance of their functions;

11) provide for compliance with requirements regarding professional training of public prosecutors of the regional public prosecutor's office;

12) exercise other powers established by this Law and other legislation.

2. The head of the regional public prosecutor's office shall issue orders within the scope of his/her administrative powers.

3. In the absence of the head of the regional public prosecutor's office, his/her duties shall be performed by a deputy head of the regional public prosecutor's office in accordance with the distribution of duties.

Article 12. Local Public Prosecutor's Offices

1. Local public prosecutor's offices shall operate within the system of the prosecution service of Ukraine: City Public Prosecutor's Offices (except for the cities of Kyiv and Sevastopol), Raion Public Prosecutor's Offices and District Public Prosecutor's Offices in the cities of Kyiv and Sevastopol.

2. Upon the decision of the Prosecutor General of Ukraine coordinated with the Council of Public Prosecutors of Ukraine, the following authorities can also be established:

- Inter-Raion Public Prosecutor's Offices - whose territorial jurisdiction shall cover several raions;

- District Public Prosecutor's Offices in Cities - whose territorial jurisdiction shall cover a district in a city divided into districts.

In the event the decision is made on establishment of an inter-raion or a district public prosecutor's office in the City, the respective raion and city public prosecutor's offices shall be eliminated, and their territorial jurisdiction shall be transferred to the newly established public prosecutor's office. This rule shall not apply to the public prosecutor's offices whose territorial jurisdiction covers the cities of Kyiv and Sevastopol.

3. The local public prosecutor's office shall be headed by the head of the local public prosecutor's office: the public prosecutor of the city, raion, or city district, or inter-raion public prosecutor, having his/her first deputy and deputies.

Article 13. Powers of the Head of the Local Public Prosecutor's Office

1. The head of the local public prosecutor's office shall:

1) represent the local public prosecutor's office as a public authority in relations with other central authorities, local government authorities, individuals, institutions and organizations;

2) organize operation of the local public prosecutor's office;

3) perform distribution of duties among the first deputy and deputy heads of the local public prosecutor's office;

4) notify the High Qualifications and Disciplinary Commission of Prosecutors within the ten-day period of vacant or temporary vacancies available in the local public prosecutor's office;

5) admit and dismiss the employees of the local public prosecutor's office who are not public prosecutors;

6) control administration and analysis of statistical data, organize studies and generalization of the administration of legal practices and information analysis for public prosecutors to improve performance of their functions;

7) support compliance with requirements for professional training of public prosecutors of the local public prosecutor's office;

8) exercise other powers established by this Law and other legislation.

2. The head of the local public prosecutor's office shall pass orders regarding issues within the scope of his/her administrative powers.

3. In the absence of the head of the local public prosecutor's office, his/her administrative duties shall be performed by a deputy head of the local public prosecutor's office in accordance with the distribution of duties.

Article 14. Quantitative Composition and Structure of Public Prosecutor's Offices

1. The number of public prosecutors and other employees of the Public Prosecutor's Office, as well as the structure of the Prosecutor General's Office of Ukraine, regional and local public prosecutor's offices, and the National Academy of Prosecutors of Ukraine shall be established with the Order of the Prosecutor General of Ukraine in view of the amount of work for the Public Prosecutor's Office and within the expenditures allocated in the State Budget of Ukraine for functions of Public Prosecutor's Offices.

2. In the structure of the Public Prosecutor's Offices and the National Academy of Prosecutors of Ukraine, positions of civil servants and other employees shall be established, whose operation shall be governed by this Law and other legislative acts of Ukraine.

Section 3. The Status of Public Prosecutors

Article 15. The Status of the Public Prosecutor

1. Public Prosecutors include:

- 1) Prosecutor General of Ukraine;
- 2) First Deputy Prosecutor General of Ukraine;
- 3) Deputy Prosecutor General of Ukraine;
- 4) Advisor to the Prosecutor General of Ukraine;
- 5) Head of a unit at the Prosecutor General's Office of Ukraine;
- 5) Deputy Head of a unit at the Prosecutor General's Office of Ukraine;
- 6) Senior Public Prosecutor at the Prosecutor General's Office;
- 7) Public Prosecutor at the Prosecutor General's Office of Ukraine;
- 8) Head of the Regional Public Prosecutor's Office;
- 9) First Deputy Head of the Regional Public Prosecutor's Office;
- 10) Deputy Head of the Regional Public Prosecutor's Office;
- 11) Head of a unit at the Regional Public Prosecutor's Office;
- 12) Deputy Head of a unit at the Regional Public Prosecutor's Office;
- 13) Senior Public Prosecutor of the Regional Public Prosecutor's Office;
- 14) Public Prosecutor of the Regional Public Prosecutor's Office;
- 15) Head of the Local Public Prosecutor's Office;
- 17) First Deputy Head of the Local Public Prosecutor's Office;
- 18) Deputy Head of the Local Public Prosecutor's Office;
- 19) Senior Public Prosecutor of the Local Public Prosecutor's Office;
- 20) Public Prosecutor of the Local Public Prosecutor's Office;

2. Public prosecutors in Ukraine shall have a uniform status regardless of the level of the Public Prosecutor's Office in the prosecution service structure or the administrative position of the public prosecutor at the Public Prosecutor's Office.

Article 16. Guarantees of the Independence of the Public Prosecutor

1. Independence of the public prosecutor shall be guaranteed by:

- 1) special procedures for his/her appointment to, and dismissal from, the position, and disciplinary sanctions;
- 2) procedures of exercise of powers stipulated in the procedural and other laws;
- 3) prohibition of illegal interference with the exercise of the Public Prosecutor's powers;
- 4) statutory liability for contempt of the public prosecutor;
- 5) separate statutory procedures for financing and organizational support for the Public Prosecutors' offices;
- 6) established financial, social and pension support for public prosecutors;
- 7) functioning of the prosecutorial self-governance institutions;
- 8) statutory personal security arrangements for public prosecutors, members of their families, their property, as well as other legal safeguards.

2. When performing prosecutorial functions, public prosecutors shall be independent of any illegitimate influence, pressure, interference, and shall be guided in their operation exclusively by the Constitution and the laws of Ukraine.

3. The Prosecutor General of Ukraine shall be immediately notified about initiation of criminal proceedings against a public prosecutor.

4. Central and local government authorities, their officials and officers, as well as individuals and legal entities and their associations shall be obliged to respect independence of the public prosecutor and shall not encroach upon it. Interference in execution of prosecutorial functions, influence on public prosecutors exerted in any way, disrespect of public prosecutors shall be prohibited and entail liability established by law.

5. A public prosecutor may submit a statement about a threat to his/her independence to the Council of Public Prosecutors of Ukraine which shall be obliged to immediately check and consider such statement with his/her participation and take the necessary measures to eliminate the threat.

Article 17. Subordination of Public Prosecutors and Execution of Orders

1. Public prosecutors shall exercise their powers within the limits established by law and shall be subordinated to their superiors in respect to implementation of administrative orders related to organizational aspects of public prosecutor's work and operations of Public Prosecutor's Offices.

Administrative subordination of public prosecutors shall not be a ground for limiting or infringing their independence in the exercise of their prosecutorial powers.

2. The Prosecutor General of Ukraine shall be entitled to issue administrative orders binding upon all public prosecutors.

The head of the regional public prosecutor's office shall be entitled to issue administrative orders binding upon the first deputy, deputies, heads and deputy heads of structural units, senior public prosecutors and public prosecutors of the respective regional public prosecutor's office and heads of district public prosecutor's offices located within the administrative territorial unit subject to territorial jurisdiction of the regional public prosecutor's office.

The head of the local public prosecutor's office shall be entitled to issue administrative orders binding upon his/her first deputy, deputies, heads and deputy heads of the units, senior public prosecutors and public prosecutors of the respective local public prosecutor's office.

First deputies, deputy heads of public prosecutor's offices, heads and deputy heads of structural units shall, in accordance with the distribution of duties, be entitled to issue administrative orders binding upon subordinated public prosecutors of the respective Public Prosecutor's Office.

3. When exercising powers associated with performance of prosecutorial functions, public prosecutors shall be independent and independently make decisions regarding the procedure of exercising such powers, guided by law.

Higher Public Prosecutors shall be entitled to pass instructions to public prosecutors of a lower level, to coordinate their certain decisions and carry out other actions directly related to

this public prosecutor's implementation of prosecutorial functions exclusively within the limits and in compliance with the procedure set by law. The Prosecutor General of Ukraine may issue instructions for all public prosecutors.

Higher public prosecutors shall be interpreted as follows:

1) for public prosecutors and senior public prosecutors of local public prosecutor's offices — the head of the local public prosecutor's office or his/her first deputy or deputy in accordance with the distribution of duties;

2) for public prosecutors, senior public prosecutors, heads and deputy heads of units at the regional public prosecutor's offices — the head of the regional public prosecutor's office or his/her first deputy and deputy in accordance with the distribution of duties;

3) for the head of the local public prosecutor's office and his/her first deputy and deputies — the head of the respective regional public prosecutor's office or his/her first deputy or deputy in accordance with the distribution of duties;

4) for the head of the regional public prosecutor's office and his/her first deputy or deputies, the head and deputy heads of a unit, the senior public prosecutor, the public prosecutor of the Prosecutor General's Office of Ukraine — the Prosecutor General of Ukraine or his/her First Deputy or Deputy in accordance with the distribution of duties;

5) for the First Deputy, Deputy Prosecutor General of Ukraine and Advisor to the Prosecutor General of Ukraine — the Prosecutor General of Ukraine.

4. Administrative orders and instructions directly relating to the public prosecutor's exercise of prosecutorial functions and issued within the respective competence shall be binding upon the respective public prosecutors. Issuance or execution of a manifestly criminal order or instruction shall entail liability under the law.

Article 18. Incompatibility Requirements

1. A public prosecutor may not hold his/her office while holding offices at any other central and local government authority or having a representative mandate.

2. A public prosecutor shall comply with the restrictions regarding multiple employments and performance of other forms of activity as stipulated in the Law of Ukraine *On the Principles of Preventing and Combating Corruption*.

3. A public prosecutor shall not be a member of a political party or take part in political actions, rallies, or strikes.

4. While in office, a public prosecutor shall not run as a candidate for elective offices at central and local government authorities or take part in election campaigns.

5. Upon his/her request, a public prosecutor shall have the right to be seconded to a Qualifications and Disciplinary Commission of Prosecutors, the National Academy of Prosecutors of Ukraine or other institutions as prescribed by law.

Article 19. General Rights and Duties of a Public Prosecutor

1. A public prosecutor shall have the right to take part in prosecutorial self-governance to resolve internal operational issues of the Public Prosecutor's Office in compliance with the procedure established by law. Public prosecutors may be members of trade unions, establish non-governmental organizations and to be involved in them for the purpose of defending their rights and interests, and improving their professional level.

2. A public prosecutor shall be obliged to improve his/her professional level and undertake respective advanced training for that purpose.

A public prosecutor shall regularly take training courses at the National Academy of Prosecutors of Ukraine. Such training shall include the rules of the prosecutorial ethics.

3. A public prosecutor shall strictly adhere to the public prosecutor's oath.

4. A public prosecutor shall:

1) show respect for individuals in the process of executing his/her powers;

2) not disclose information that is confidential under the law;

3) abide by the provisions of the anti-corruption law;

4) abide by the rules of the prosecutorial ethics, in particular, not behave in a way that may compromise him/her as a public prosecutor or damage the reputation of the prosecution service.

Article 20. Liability of the Public Prosecutor

1. Damage inflicted with illegitimate decisions, actions or inactivity of a public prosecutor shall, regardless of his/her fault, be reimbursed by the state according to the procedures stipulated by law.

Upon reimbursing the damage, the state shall have the right to demand recourse from the public prosecutor at fault to the amount of the paid reimbursement provided that his/her actions constituted a criminal offense as confirmed with a court's judgment of guilt against him/her that has come into effect.

Article 21. The Public Prosecutor's ID Card

1. Public prosecutors shall have a service ID card. The Regulations on the service ID card and its sample shall be approved by the Cabinet of Ministers of Ukraine.

2. The service ID card shall be handed over by the Prosecutor General of Ukraine or other person on his/her behalf.

Article 22. Class Ranks of the Public Prosecutor

1. The following class ranks shall be assigned to public prosecutors:

- 1) State Counselor of Justice of Ukraine;
- 2) State Counselor of Justice of the 1st class;
- 3) State Counselor of Justice of the 2nd class;
- 4) State Counselor of Justice of the 3rd class;
- 5) Senior Counselor of Justice;
- 6) Counselor of Justice;
- 7) Junior Counselor of Justice;
- 8) Lawyer of the 1st class;
- 9) Lawyer of the 2nd class;
- 10) Lawyer of the 3rd class.

2. The terms of staying in the class ranks shall be:

- 1) for the Lawyer of the 2nd and 3rd class — two years;
- 2) for the Lawyer of the 1st class and the Junior Counselor of Justice — three years;
- 3) for the Counselor of Justice and the Senior Counselor of Justice — four years.

3. The class rank of the Lawyer of the 3rd class shall be assigned simultaneously with appointment to the position of public prosecutor.

4. The assignment of the next class rank shall be carried out exclusively in the sequential order after expiration of the term of holding a class rank, except for the class ranks established in paragraphs 2-4 of Part One of this Article. Such class ranks shall be assigned by the President of Ukraine upon the motion of the Prosecutor General of Ukraine for exemplary execution of official duties.

A class rank of the State Counselor of Justice of Ukraine shall be assigned to the Prosecutor General by the President of Ukraine simultaneously with the appointment to the position.

5. Early assignment of a class rank shall be performed before expiry of the term of the current class rank only if a public prosecutor takes a position to which a higher class rank applies, but not more than two class ranks higher than the current rank of the public prosecutor. The Regulation on class ranks' correspondence to positions in the prosecution service shall be adopted by the Council of Prosecutors of Ukraine.

6. Class ranks other than those indicated in paragraphs 1-4 of Part One of this Article shall be assigned by the Prosecutor General of Ukraine.

7. The Prosecutor General shall stay in his/her class rank for life. Deprivation of a class rank shall only be possible following a court judgment in cases stipulated by law. A public

prosecutor's class rank can only be lowered following a respective disciplinary sanction against the public prosecutor.

Section 4. Exercise of Public Prosecutors' Powers

Article 23. Public Prosecution in the Court

1. A public prosecutor shall prosecute criminal offenses in the court, enjoying the rights and fulfilling the duties as established by the Code of Criminal Procedures of Ukraine.

Article 24. Representation of Interests of a Citizen or the State in the Court

1. The public prosecutor's representation of interests of a citizen or the state in the court shall take the form of procedural and other actions aimed at protection of interests of a citizen or the state in the court in the manner prescribed by procedural law.

2. The public prosecutor shall exercise representation of interests of a citizen in the court in the cases when the latter is incapable of independently protecting his/her infringed or contested rights or of exercising the procedural competences because of his/her minor age, incapacity or limited capacity. The public prosecutor shall confirm existence of such circumstances by providing the relevant evidence to the court.

3. The public prosecutor shall exercise representation of interests of the state in the court in the cases of violations or a threat of violation of public interests, unless their protection is carried out or duly carried out by a central government authority, local government authority or another authority the competence of which includes the respective powers, as well as in case of absence of such an authority. The public prosecutor shall substantiate the fact of a violation or a threat of violation of public interests and the necessity of their protection.

4. In compliance with the procedures established by the criminal procedure legislation, the public prosecutor shall also represent interests of a citizen or the state in the court in the cases when damage is inflicted on the citizen or the state as a result of a criminal offense or another publicly dangerous act as stipulated in the law on criminal liability.

5. With the aim of establishing grounds for representation of interests of a citizen or the state, in cases stipulated in Parts Two and Three of this Article, the public prosecutor shall be entitled to:

1) with the ID card that confirms his/her position, freely enter the premises of central and local government authorities, military units, government-owned and municipal companies, institutions and organizations, agencies of the Pension Fund and compulsory state social insurance funds without special permits, where such permits are applied;

2) demand with a written request, study and receive free of charge copies of documents and materials of the central and local government authorities, military units, government-owned and municipal companies, institutions and organizations, agencies of the Pension Fund and compulsory state social insurance funds that are held by these entities, including documents that contain commercial secrets, limited access information or general information on the status of protection of the rights and interests of citizens or the state and the measures to support them. Receipt of information containing banking secrecy shall be performed in accordance with the procedures and in the scope established by the Law of Ukraine *On Banks and Banking Activity*;

3) have free access to information databases of central and local government authorities, the Pension Fund of Ukraine and compulsory state social insurance funds;

4) apply to public supervision (control) authorities, other authorized officials, officers and authorities with requests to conduct inspections or audits of the central and local government authorities, military units, government-owned and municipal companies, institutions and organizations, agencies of the Pension Fund of Ukraine and compulsory state social insurance funds, as well as requesting assignment of experts to provide consultation or other assistance during the public prosecutor's exercise of his/her powers;

5) in compliance with the established procedures, see files in the courts, take notes and receive copies of the documents free of charge;

6) receive oral or written explanations from officials and officers of the central and local government authorities, military units, government-owned and municipal companies, institutions and organizations, agencies of the Pension Fund of Ukraine and compulsory state social insurance funds, including through summoning the respective persons to a Public Prosecutor's Office. Obtaining of explanations from other individuals, including by their summoning to a Public Prosecutor's Office, shall only be possible with their consent.

6. In the presence of the circumstances as specified in Paragraphs Two through Four of this Article, in accordance with the procedural law and legislation regulating enforcement proceedings, the public prosecutor shall have the right to:

- 1) file claims (statements, lawsuits) to the court;
- 2) enter proceedings initiated upon claims (statements, lawsuits) of other persons at any stage;
- 3) initiate review of court decisions, including in cases initiated upon claims (statements, lawsuits) of other persons;
- 4) participate in trials;
- 5) participate in proceedings for enforcement of judgments in a case where the public prosecutor represented the interests of a citizen or the state in the court.

7. Provided the grounds for representation of interests of citizens or the state in the court have been established, the public prosecutor shall have the right to address a note of alert to the central and local government authorities, military units, government-owned and municipal companies, institutions and organizations, agencies of the Pension Fund and compulsory state social insurance funds whose decisions, actions or inactivity pose a threat or violate the interests of a citizen or the state, and propose pre-trial settlement of the dispute suggesting to:

- 1) eliminate the infringement of the law, the causes and conditions that contributed into it;
- 2) hold the liable persons accountable as established by the law;
- 3) reimburse the damages;
- 4) cancel an act or its sections or bring it in line with the law;
- 5) stop illegitimate actions or inactivity of officials and employees.

The public prosecutor's note of alert on pre-trial dispute settlement shall include information about the circumstances based on which the public prosecutor arrived at the conclusion about violation or a threat of violation of the interests of a citizen or the state, the arguments confirming these circumstances, and references to the relevant legislative provisions.

Within fifteen days from the date of receipt of the note, the relevant person shall be entitled to take the measures suggested by the public prosecutor leading to the pre-trial dispute settlement. Should the person fail to respond, refuse to take measures, or take the measures that the public prosecutor believes insufficient for pre-trial dispute settlement, the public prosecutor may, within one month, file a claim (statement, lawsuit) to the court.

8. Should elements of an administrative or criminal offense be found, the public prosecutor shall be obliged to undertake actions according to the procedures stipulated by law.

Article 25. Specific Features of Particular Forms of Representation of the Interests of a Citizen or the State in the Court

1. The right to file a claim (statement, lawsuit) within the civil, administrative, or economic proceedings shall belong to the Prosecutor General of Ukraine, his/her First Deputy and Deputies, heads of regional and local public prosecutor's offices, their first deputies and deputies.

2. The right to file a civil claim within the criminal proceedings shall belong to the public prosecutor who takes part in it.

3. The right to file an appeal or cassation complaint against the judgments in civil, administrative, and economic proceedings shall belong to the public prosecutor who took part in the court proceedings, as well as, regardless of his/her participation in consideration of the case, to a higher public prosecutor: the Prosecutor General of Ukraine, his/her First Deputy and Deputies, heads of regional and local public prosecutor's offices, first deputy and deputy heads of regional public prosecutor's offices.

4. The right to file a claim for revision of a court judgment under new circumstances in civil, administrative, and economic proceedings shall belong to the Prosecutor General of Ukraine, his/her First Deputy and Deputies, and heads of regional public prosecutor's offices.

5. The right to file a claim for revision of a judgment by the Supreme Court of Ukraine against judgments passed in civil, administrative, and economic proceedings shall belong to the Prosecutor General of Ukraine, his/her First Deputy and Deputies.

6. The right to file an appeal, a cassation complaint, an application for revision of a court judgment under new circumstances, applications for revision of a judgment by the Supreme Court of Ukraine against judgments passed in criminal proceedings shall belong to the public prosecutor who took part in the court proceedings, as well as, regardless of his/her participation in the case, to a higher public prosecutor: the Prosecutor General of Ukraine, his/her First Deputy and Deputies, heads of regional public prosecutor's offices, their first deputies and deputies.

7. The right to amend, recall, give up a claim (application, lawsuit), an appeal, a cassation complaint, an application for revision of a judgment under new circumstances, or an application for revision of a judgment by the Supreme Court of Ukraine shall belong to the public prosecutor who filed them or a higher public prosecutor.

Article 26. Supervision over Observance of Laws by the Agencies Conducting Detective Operations, Inquiries, and Pre-Trial Investigations

1. A public prosecutor shall supervise observance of laws by the agencies conducting detective operations, inquiries and pre-trial investigation enjoying the rights and fulfilling the duties as stipulated in the Law of Ukraine *On Detective Operations* and the Code of Criminal Procedures of Ukraine.

Written instructions by the public prosecutor issued within his/her competence to the agencies involved in the detective operations, inquiries and pre-trial investigations shall be binding for these agencies and immediately executed.

2. The Prosecutor General of Ukraine, heads of the regional and local public prosecutor's offices, their first deputies and deputies shall, in accordance with the distribution of duties and while exercising supervision over observance of laws by the agencies conducting detective operations, inquiries and pre-trial investigations, coordinate actions of law-enforcement agencies of the respective level in the field of combating crime and corruption. Public prosecutors shall exercise the coordination authorities by holding joint meetings, establishing multi-agency working groups, holding coordinated measures, and carrying out analytical activities. Organization of the work to coordinate activities of law-enforcement agencies in the field of combating crime and corruption shall be regulated by the Regulations adopted by the Prosecutor General of Ukraine.

Article 27. Supervision over Observance of Laws in the Enforcement of Judgments Delivered in Criminal Cases, as well as in Application of Other Coercive Measures Related to Restriction of Personal Liberty

1. In the process of supervision over observance of laws in the enforcement of court judgments delivered in criminal cases, as well as in application of other coercive measures related to restraint of individuals' personal liberty, the public prosecutor shall be entitled to:

1) at any time, by presenting the ID card confirming his/her position, attend a place of detention of individuals detained, a pre-trial detention facility, an institution in which convicted persons serve their sentences, institutions where those individuals to whom medical or educational coercive measures are applied are held, as well as any other facilities where individuals are forcibly held following a judicial judgment or a decision by an administrative authority;

2) interview individuals held in the facilities indicated in paragraph 1 of this Part, see the documents which serve as a ground for keeping these individuals in such facilities, convicting or applying coercive measures to such individuals;

3) check legality of orders, directives, and other acts of the respective authorities and institutions, and, should they run counter to the law, demand that the officials or officers cancel them and eliminate the resulting violations of law as well as cancel illegitimate individual acts;

4) request that officials or officers provide explanations regarding the violations committed, as well as request elimination of the violations, causes and conditions that contributed into them, bringing those guilty to accountability as prescribed by law;

5) see documents of enforcement proceedings regarding enforcement of court judgments in criminal cases, take notes, make copies and, according to the procedures established by law, appeal against decisions, actions or inactivity of public enforcement officers;

6) request that managers of higher authorities conduct inspections of their subordinated and controlled agencies and pre-trial detention facilities, penitentiary institutions, facilities for application of coercive measures and other facilities where individuals are forcibly kept following a judicial judgment or a decision by an administrative authority;

7) file claims (lawsuits) to the court in cases prescribed by law.

2. The Prosecutor General shall supervise compliance with laws in the process of enforcement of court judgments delivered in criminal cases, as well as in application of other coercive measures related to restraint of personal liberty through regular inspections, as well as to properly respond to information about possible violations of the law contained in complaints, applications, or any other sources.

3. A public prosecutor shall be obliged to immediately release a person illegally kept in custody, pre-trial detention centers, facilities restricting liberty or penitentiary facilities, institutions for enforcement of coercive measures, as well as other facilities where individuals are forcibly kept following a judicial judgment or a decision by an administrative authority.

4. The public prosecutor's instructions on compliance with the procedures and conditions established by legislation for detention of individuals in the facilities where they are forcibly kept following a judgment or a decision by an administrative authority shall be binding and subject to immediate execution.

Section 5. Procedures for Taking Public Prosecutor's Office

Article 28. Requirements to Candidate Public Prosecutors

1. A candidate for appointment as a public prosecutor at a Local Public Prosecutor's Office shall be a citizen of Ukraine having the higher legal education degree, the experience of work in the field of law of no less than two years and a command of the state language.

For the purposes hereof:

1) higher legal education degree is a degree obtained in Ukraine at the education qualification level of the Specialist or Master, as well as higher education degree in the field of law at the respective education qualification level obtained abroad and recognized in Ukraine in the manner prescribed by law;

2) work experience in the field of law is work experience in the field after obtaining a high education degree of Specialist or Master of Law.

2. A candidate for appointment as a public prosecutor at a Regional Public Prosecutor's Office shall be a citizen of Ukraine having the experience of work at the position of public prosecutor for no less than three years.

3. A candidate for appointment as a public prosecutor at the Prosecutor General's Office of Ukraine shall be a citizen of Ukraine having the experience of work at the position of public prosecutor for no less than five years.

4. A public prosecutor in the regional prosecutor's office or the Prosecutor General's Office shall be appointed according to procedures established by Article 39 of this Law. The special features of appointment of the Prosecutor General of Ukraine shall be regulated hereby.

5. An individual may not be appointed to the position of a public prosecutor if he/she:

1) is recognized by court as having limited capacity or incapable;

2) suffers diseases that prevent him/her from performance of official duties as a public prosecutor;

3) has an unexpunged or outstanding conviction, or has during the recent twelve months been charged with an administrative penalty for committing a corruption offense.

Article 29. Selection of Candidate Public Prosecutors

1. A candidate public prosecutor shall be selected on a competitive basis from among those individuals who meet the requirements established by Article 28 hereof, following results of a screening examination conducted in accordance with the requirements hereof.

2. Anyone who meets the requirements set for candidate public prosecutors shall be entitled to file their application for participation in selection of candidate public prosecutors to the Regional Qualification Disciplinary Commission of Prosecutors.

Article 30. Selection Procedures for Candidate Public Prosecutors and Appointment to the Position of a Public Prosecutor

1. Selection of candidate public prosecutors and their appointment to the position of public prosecutor shall be carried out in line with the procedure established hereby, and shall include:

1) the decision of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine on selection of candidates for the position of public prosecutor shall be published in the website of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine and must contain the list of requirements that candidate public prosecutor must meet, the list of documents to be submitted to the Regional Qualifications and Disciplinary Commission of Prosecutors, and the deadline for submitting them;

2) submission by the individuals who have expressed their desire to become public prosecutors of the respective application and documents to the Regional Qualifications and Disciplinary Commission of Prosecutors, as determined hereby;

3) performance by the Regional Qualifications and Disciplinary Commission of Prosecutors of a check of compliance with requirements imposed on candidate public prosecutors based on the documents filed by the candidate public prosecutors;

4) passing of a proficiency test by individuals meeting the requirements established for candidate public prosecutors;

5) publication of the list of the candidates who successfully passed the test by the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine on its website;

6) organization of a special check of the candidates who successfully passed the test by the Regional Qualifications and Disciplinary Commission of Prosecutors;

7) drafting by the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine of the rating lists of the candidate public prosecutors from among the individuals who successfully passed the proficiency test and for whom the special check has been completed, as well as their inclusion into the reserve to fill in vacant positions of public prosecutors.

8) special training taken by the candidate public prosecutors;

9) announcement by the Regional Qualifications and Disciplinary Commission of Prosecutors, of a competition for filling vacant positions of public prosecutors among the candidates who are included into the reserve and have undertaken special training, in case of appearance of such vacancies;

10) holding of the competition for filling in vacant positions of public prosecutors based of the ratings of the candidates by the regional qualifications and disciplinary commission of prosecutors;

11) a recommendation submitted by the regional qualifications and disciplinary commission of prosecutors to the head of the regional public prosecutor's office regarding appointment of a candidate to the position of public prosecutor;

12) appointment of the candidate to the position of public prosecutor;

13) taking the public prosecutor's oath by the candidate.

Article 31. Procedures for Candidate Public Prosecutors Applying to the Regional Qualifications and Disciplinary Commission of Public Prosecutors

1. An individual wishing to participate in the selection process for the position of public prosecutor shall submit the following information:

- 1) written application for participation in the selection process for the position of public prosecutor;
- 2) copy of the passport confirming Ukrainian citizenship;
- 3) application form for the position of prosecutor containing information about the candidate and his/her autobiography;
- 4) copies of documents confirming the level of education, scientific or academic degree;
- 5) copy of the employment record;
- 6) health certificate issued in the Ministry of Health format;
- 7) copy of the military ID (for military personnel or reservists);
- 8) information on the clearance level (if any);
- 9) written consent to the collection, storage and use of personal information to assess candidate's fitness to work as public prosecutor and to perform a background check;
- 10) declaration of assets, income, expenses and financial liabilities over the previous year in the format established by the Law of *Ukraine On Prevention and Combating Corruption*.

The format and the content of the application form for participation in the selection of candidate public prosecutors shall be approved by the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine and posted on its website.

It is prohibited to request that the candidate provide information other than covered in this Article.

2. Receipt of documents shall be completed by the deadline specified in the candidate selection notice.

3. Only the individuals who submitted all the required documents and meet the requirements established for a candidate public prosecutor shall be allowed to participate in the selection process. A justified explanation shall be made by the Regional Qualifications and Disciplinary Commission of Public Prosecutors in case of refusal of admission to the proficiency test.

Article 32. Proficiency Test

1. The proficiency test is administered to verify the level of theoretical knowledge in the field of law, European standards of human rights, proficiency in the state language, analytical and practical skills of candidates and consists of anonymous tests and practical exercises.

2. The regional qualifications and disciplinary commission of public prosecutors shall inform candidate public prosecutors admitted to the proficiency test about the date, time and place of the test not later than seven days before the specified date.

3. The regional qualifications and disciplinary commission of public prosecutors shall administer proficiency test in a specially allocated room. The proficiency test process is recorded with technical means of video and sound recording.

4. After the proficiency test is over, the regional qualifications and disciplinary commission of public prosecutors shall arrange verification of test results, count the number of points received by the candidate public prosecutors and report the results of the test to the High Qualifications and Disciplinary Commission of Public Prosecutors.

5. The High Qualifications and Disciplinary Commission of Public Prosecutors shall receive the results of the proficiency test from the regional Qualifications and Disciplinary Commissions and determine the passing score, which may not be less than 60 percent of the maximum possible score.

6. The TORs of the proficiency test procedure and evaluation methodology shall be approved by the High Qualifications and Disciplinary Commission of Public Prosecutors.

7. The results of the proficiency test shall be valid for two years.

8. The candidate failing the proficiency test may be allowed to take the test again not earlier than in one year.

9. The High Qualifications and Disciplinary Commission of Public Prosecutors shall rank candidate public prosecutors according to their score based on the results of the proficiency test.

10. The information on the results of the proficiency test and candidate's ranking is public and posted on the website of the High Qualifications and Disciplinary Commission of Public Prosecutors.

Article 33. Background Check of Candidates

1. The Regional Qualifications and Disciplinary Commission of Public Prosecutors shall organize background check for the candidates who have successfully passed the test administered by the relevant regional qualification commission of public prosecutors. The details on the person subject to the background check and its procedure are established by the Law of Ukraine *On Prevention and Combating Corruption*.

2. When the results of the background check reveal that a candidate public prosecutor has submitted false information, the regional qualifications and disciplinary commission of public prosecutors shall inform thereof the High Qualifications and Disciplinary Commission of Public Prosecutors which then rules against the candidate's admission to the reserve for the position of prosecutor.

The decision to refuse admission to the reserve may be appealed by the candidate in court.

3. The High Qualification Commission shall grant admission to the public prosecutor reserve to the candidates who successfully passed the test, supported by the results of the background check allowing admission to the reserve.

4. Candidates admitted to the reserve shall be instructed by the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine to take special training courses.

Article 34. Special Training for Candidate Public Prosecutors

1. Candidate public prosecutors shall take training at the National Prosecution Academy of Ukraine for six months to obtain knowledge and practical skills as a public prosecutor as well as study legal drafting and the rules of prosecutorial ethics.

2. The candidate public prosecutor shall receive a monthly stipend for the period of candidate's special training in the amount of at least one monthly minimum wage as established by the law.

3. The curriculum and the procedure of candidate's special training shall be approved by the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine.

Article 35. Competition for the Position of Public Prosecutor

1. With the purpose of administering competition for the position of public prosecutor, the regional qualifications and disciplinary commission shall post relevant information on its website no later than ten days before the competition.

2. The competition announcement shall mention the local public prosecutor's office featuring a public prosecutor vacancy, the number of such vacancies and the application deadline.

3. Candidate public prosecutors who are registered in the reserve and have taken special training may file a written application prior to the date set by the regional qualifications and disciplinary commission. The application shall include information on the local public prosecutor's office where a candidate wishes to fill the vacant position.

4. The regional qualifications and disciplinary commission shall administer the competition for the position of public prosecutor on the basis of candidates' ranking. When several candidates have an equal score, the preference shall be given to the candidate who has temporarily held a public prosecutor's position or has more experience in the field of law.

5. Following the competition results, the regional qualifications and disciplinary commission shall file a statement to the head of the respective regional prosecutor's office requesting to appoint the candidate public prosecutor in the local prosecutor's office he/she has applied for.

Article 36. Appointment to the Position of Public Prosecutor

1. The head of the regional public prosecutor's office shall issue an order appointing the prosecutor to the office not later than 30 days following the receipt of the appointment statement from the regional qualifications and disciplinary commission.

Article 37. The Oath of Public Prosecutor

1. The person appointed to the post of public prosecutor shall assume the prosecutor's duties after taking the Oath of Public Prosecutor as follows:

"I, (full name), entering the service in the office of public prosecutor, dedicate my work to serving the Ukrainian people and the Ukrainian state and solemnly swear that I will

Strictly abide by the Constitution and laws of Ukraine;

Promote the assertion of the rule of law, legality and order through faithful performance of my duties;

Protect the rights and freedoms of man and citizen, the interests of the society and the state;

Continuously develop my professional skills, adhere to fundamental principles, be honest, perform my duties faithfully and impartially, and hold the high rank of public prosecutor with dignity."

2. The text of the Oath shall be signed by the public prosecutor and stored in his personal file. The Oath Procedure shall be established by the Prosecutor General of Ukraine. A note shall be made in the employment record confirming that the oath has been taken.

Article 38. The Procedure for Appointing a Public Prosecutor to a Temporary Vacancy

1. In case of available short-term vacancy in a local office of public prosecutor (due to prolonged temporary disability, 3-year maternity leave, secondment to work in other agencies on a regular basis, etc.) the Regional Qualifications and Disciplinary Commission of Public Prosecutors shall announce a competition among those who are in the reserve to fill the position of public prosecutor and have taken special training. The competition is administered in accordance with Article 35 of this Law subject to conditions laid down in this Article.

2. The competition notice shall state that the public prosecutor position offered for the competition is temporarily vacant with indication of the period during which the person will stay in this position, if possible.

3. When a public prosecutor holding the relevant position on a permanent basis returns to work, the prosecutor who is temporarily working in this position shall apply to be transferred to another post under the procedures established by this Law. In the following cases the public prosecutor shall be dismissed and registered with the public prosecutors' reserve: failure to submit such application by the public prosecutor, lack of vacancies to complete the transfer and/or a lack of agreement for the transfer, failure to win the competition for transfer to a higher level prosecutor's office. The period of temporary employment shall not be included in the period of validity of the proficiency test results.

Article 39. Procedures for Transferring a Prosecutor to another Public Prosecutor's Office

1. A public prosecutor may submit a written application for transfer to a position at another office of public prosecutor of the same or lower level. The transfer shall be approved by the head of the Regional Public Prosecutor's Office which territorial jurisdiction extends to the administrative and territorial unit where the office of public prosecutor is located and where the public prosecutor in question intends to transfer. The prosecutor's application with agreement to transfer shall be approved by the head of the office of public prosecutor where the prosecutor intends to transfer and supplemented with a statement of availability of a vacancy or temporary vacancy in the relevant office of public prosecutor. A corresponding statement shall be issued by the Regional Qualifications and Disciplinary Commission of Public Prosecutors exercising jurisdiction over administrative and territorial unit where the public prosecutor's office is located and where the prosecutor in question intends to transfer.

2. A public prosecutor may be transferred to a higher level public prosecutor's office (the Prosecutor General's Office of Ukraine or any regional office of public prosecutor) to a vacant or temporarily vacant post by the head of a higher prosecution authority (the Prosecutor General's Office of Ukraine or the head of the regional public prosecutor's office) on the basis of the competition results. The competition procedures shall be established by the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine. The requirements for prosecutor's participation in the competition include filing the transfer application approved by the head of the prosecution authority where the prosecutor intends to transfer. A relevant competition shall be carried out by:

1) the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine – in case of transfer of a public prosecutor to the Prosecutor General's Office;

2) the Regional Qualifications and Disciplinary Commission of Public Prosecutors exercising jurisdiction over an administrative and territorial unit where the office of public prosecutor is located and where the prosecutor in question intends to be transferred – in case of transfer to the regional office of public prosecutors from a local office.

3. When the prosecutor holding the position on a permanent basis returns to work, the public prosecutor who is temporarily working in this position shall be transferred to another post based on his application and under the procedures established by this Law. In the following cases public prosecutor shall be dismissed: failure to submit such an application by the prosecutor, lack of vacancies to complete the transfer and/or a lack of agreement for the transfer, failure to win the competition for transfer to a higher level prosecution authority.

4. Transfer of public prosecutor to another office of public prosecutor is based on the principles of voluntariness and transparency, with consideration of the person's professional, moral and other qualities.

Article 40. Procedures for Appointing Public Prosecutor to Administrative Office

1. The following are the administrative positions in the office of public prosecutor:

- 1) Prosecutor General of Ukraine;
- 2) First Deputy Prosecutor General;
- 3) Deputy Prosecutor General;
- 4) Head of the Regional Public Prosecutor's Office;
- 5) First Deputy Head of the Regional Public Prosecutor's Office;
- 6) Deputy Head of the Regional Public Prosecutor's Office;
- 7) Head of the Local Public Prosecutor's Office;
- 8) First Deputy Head of the Local Public Prosecutor's Office;
- 9) Deputy Head of the Local Public Prosecutor's Office.

2. The term of office of a public prosecutor in an administrative position specified in paragraphs 2-9, Part One of this Article shall be five years. The appointment shall be made by the Prosecutor General of Ukraine upon the recommendation of the Council of Public Prosecutors of Ukraine.

3. The work of a public prosecutor in an administrative position in the public prosecutor's office does not exempt him from exercising his powers of public prosecutor in an appropriate office under this Law.

Article 41. Appointment of the Prosecutor General of Ukraine

1. The Prosecutor General of Ukraine shall be appointed by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine in the manner prescribed by this Law.

2. A citizen of Ukraine fulfilling the following requirements is eligible for appointment to the post of the Prosecutor General of Ukraine:

- 1) Degree in law;
- 2) Experience in the field of law for at least ten years;
- 3) In one of the positions indicated in Article 15 hereof;
- 4) Proficiency in the state language;
- 5) Lacking circumstances specified in Part Five, Article 28 of this Law;
- 6) High moral, professional and organizational qualities.

3. Appointment to the post of the Prosecutor General of Ukraine shall also mean the appointment of the person to the post of a public prosecutor at the Prosecutor General's Office of Ukraine, unless the person has already taken this post at the time of the appointment.

Article 42. Procedures of Dismissal of a Public Prosecutor from the Administrative Office and Termination of His/Her Administrative Powers

1. Public prosecutor's dismissal from an administrative position is established in paragraphs 2-9, Part One, Article 40 of this Law and shall be carried out by the Prosecutor General of Ukraine upon the recommendation of the Council of Public Prosecutors for the following reasons:

1) Application for early termination of powers in the administrative post at one's own will;
2) Transfer to a position in another public prosecutor's office;
3) Improper performance of duties prescribed for the relevant administrative office by public prosecutor who holds the administrative position.

2. Administrative powers of a public prosecutor shall be terminated if:

1) his/her term of administrative office is terminated;
2) he/she is dismissed or his/her prosecutorial powers are terminated.

3. Availability of grounds set forth in paragraph 3, Part One of this Article shall be established by the Council of Public Prosecutors of Ukraine in compliance with the following personal guarantees referred to in Article 48 of this Law: receiving notices, obtaining copies of documents that were the basis for the inquiry, participation in the meeting and engaging a representative, providing explanations, issuing objection statements, petitions and challenges, receiving copies of relevant decisions.

4. Dismissal of a public prosecutor from the administrative office or termination of his/her administrative powers shall not terminate his prosecutorial powers except as provided for in paragraph 2, Part Two of this Article.

Article 43. The Grounds for Dismissal of the Prosecutor General of Ukraine from an Administrative Office and Termination of his Powers in the Position

1. The Prosecutor General of Ukraine shall be dismissed from the administrative position by:

1) The President of Ukraine, following the person's application for early termination of powers in the administrative position;
2) The President of Ukraine on his/her own initiative.

2. The powers of the Prosecutor General of Ukraine in an administrative position shall be terminated in case of:

1) No confidence vote against the Prosecutor General by the Parliament of Ukraine resulting in his resignation from the administrative position;
2) Dismissal of the Prosecutor General from office by the President of Ukraine.

3. Dismissal of the Prosecutor General of Ukraine from the administrative office or termination of his/her administrative powers shall not terminate his prosecutorial powers.

Section 6. Disciplinary Liability of a Public Prosecutor

Article 44. The Grounds for Disciplinary Action against a Public Prosecutor

1. A public prosecutor may be subject to disciplinary action in accordance with disciplinary proceeding for the following reasons:

1) a failure to perform or improper performance of official duties;
2) an unreasonable delay in consideration of an application;
3) a disclosure of secrets protected by law which became known to the prosecutor while exercising his powers;

4) a violation of the legal procedures for submission of the declaration of assets, income, expenses and financial liabilities;

5) a regular or one-off gross violation of prosecutorial ethics;

- 6) a violation of internal service regulations;
 - 7) an intervention or any other influence of a public prosecutor in cases or the manner other than established by the law related to the work of another prosecutor, staff members, officials or judges, including through public statements about their decisions, actions or inaction in the absence of signs of an administrative or criminal offense;
 - 8) a public statement violating the presumption of innocence.
2. Bringing public prosecutor to a disciplinary action does not preclude from bringing him/her to an administrative or criminal liability in cases prescribed by law.

Article 45. The Agencies Conducting Disciplinary Proceedings

1. Disciplinary proceedings shall be conducted by:
 - 1) the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine against prosecutors of the Prosecutor's General Office of Ukraine and Regional Public Prosecutor's Offices;
 - 2) Regional Qualifications and Disciplinary Commissions of Public Prosecutors against the prosecutors of relevant local public prosecutor's offices.

Article 46. Disciplinary Proceedings against a Public Prosecutor

1. Disciplinary proceedings are a procedure of reviewing complaints (applications) containing information about a disciplinary offense committed by a public prosecutor. The review is conducted by an agency responsible for disciplinary proceedings.
2. The right to address the authority responsible for disciplinary proceedings with a complaint (application) about a disciplinary violation by a public prosecutor is an obligation for anyone who is aware of such cases. The High Qualifications and Disciplinary Commission of Public Prosecutors shall post the recommended sample complaint (application) on its website.
3. If the complaint (application) about a disciplinary violation by a public prosecutor is filed by a member of the agency conducting disciplinary proceedings, such member shall have no right to decide on opening of disciplinary proceedings, perform checks, and vote when deciding upon the results of the review about the presence of the public prosecutor's misconduct.
4. The name of a public prosecutor shall not be disclosed until the agency responsible for disciplinary proceedings makes its decision on the case.

Article 47. Initiation of Disciplinary Proceedings and Review of Complaints (Applications)

1. The secretariat of the authority conducting disciplinary proceedings shall register the complaint (application) on the day of receipt. Using an automated system, it shall identify a member of the agency conducting disciplinary proceedings who decides to initiate disciplinary proceedings.
2. A member of the agency conducting disciplinary proceedings shall make a reasoned decision to refuse to initiate disciplinary proceedings when:
 - 1) the complaint (application) does not contain specific facts of an alleged misconduct of a public prosecutor;
 - 2) the complaint (application) is anonymous;
 - 3) the complaint (application) was filed on grounds not specified in Article 44 of this Law.
 - 4) the public prosecutor who is a subject of a complaint (application) has been dismissed or had his powers terminated;
 - 5) the disciplinary offence as indicated in the complaint (application) has already been investigated and decided upon by the agency responsible for disciplinary proceedings and the decision has not been revoked in the manner prescribed by law.
3. In the absence of the grounds stipulated by section Two of this Article, a member of the agency performing disciplinary proceedings shall decide to initiate disciplinary proceedings against a public prosecutor.
4. After the initiation of disciplinary proceedings, a member of the agency conducting the proceedings shall perform an inquiry of the circumstances reported in the complaint (application). In the event when the inquiry uncovers other circumstances that may become

grounds for bringing the public prosecutor to disciplinary actions, this information shall be included in the opinion of the member of the agency responsible for disciplinary proceedings based on the inquiry results.

5. During the inquiry, the member of the agency performing disciplinary proceedings shall be entitled to review the documents relating to the subject matter of the inquiry, receive copies of the documents, interview prosecutors and persons familiar with the circumstances of the offense that has the elements of misconduct. Upon a written request, he/she shall be entitled to receive all the required information from the central and local government agencies, officials hereto, heads of enterprises, institutions and organizations regardless of ownership and subordination, citizens and citizens' associations.

6. The central government and local self-government agencies, officials hereto, managers of government-owned companies, institutions and organizations who received a request from a member of the agency conducting disciplinary proceedings shall respond with the information available to them within ten days from the date of receipt of the request. If necessary, the response deadline can be extended to thirty days. This shall be communicated by the member of the agency performing disciplinary proceedings to the person who sent the request for extension.

7. A failure to provide requested information by the central government and local self-government agencies, officials hereto, managers of government companies, institutions and organizations to the member of the agency performing disciplinary proceedings shall result in bringing those responsible to justice as prescribed by law.

8. A verification of information about availability of grounds for bringing a public prosecutor to disciplinary responsibility shall be made in the period not exceeding two months from the date of registration of the complaint (application), and if the verification cannot be completed within this period, it may be extended by the agency performing disciplinary proceedings but not more than for one month.

9. A member of the agency performing disciplinary proceedings shall draft an opinion based on the results of the inquiry. The opinion should include the information on presence or absence of the offense by the prosecutor and a description of circumstances confirming this. If, following the inquiry, the member of the agency performing disciplinary proceedings established the presence of the violation, the opinion shall further state the nature of the offense, its consequences, information about the identity of the prosecutor, the degree of his guilt and other circumstances relevant to the decision to impose a disciplinary sanction. It should also include proposals of the member of the agency performing disciplinary proceedings for a specific disciplinary sanction.

10. The opinion and materials collected during the inquiry shall be submitted to the agency performing disciplinary proceedings and shall be received by its members no later than five days before the meeting at which the opinion is discussed.

Article 48. Review of the Opinion on the Presence or Absence of a Public Prosecutor's Disciplinary Offense

1. Consideration of the opinion on the presence or absence of public prosecutor's misconduct shall take place at a meeting of the agency performing disciplinary proceedings. The following participants shall be invited to the meeting: the person who filed the complaint (application), the public prosecutor who is the subject of disciplinary proceedings, their representatives, and other persons where appropriate. The notice of the time and place of the meeting of the agency performing disciplinary proceedings shall be sent no later than ten days before the meeting.

2. The notice of the time and place of the meeting of the agency performing disciplinary proceedings to be sent to the prosecutor shall be supplemented with a copy of the complaint (application) and the opinion on the presence or absence of the prosecutor's misconduct.

3. The opinion on the presence or absence of the prosecutor's misconduct shall be reviewed in his presence and may be reviewed without it only when the prosecutor is properly notified, such as when:

1) the public prosecutor has informed about his consent to review the opinion in his absence;

2) the public prosecutor did not attend the meeting and did not disclose the reasons for absence;

3) the public prosecutor did not attend the meeting repeatedly and the agency performing disciplinary proceedings decided to review the opinion in his absence.

4. The prosecutor who will not participate in the meeting of the agency performing disciplinary proceedings may submit a written comment about the opinion on presence or absence of the offense. The comment shall be read at the meeting of the agency performing disciplinary proceedings.

5. The review of the opinion of presence or absence of the prosecutor's offense is adversarial. The following persons shall be heard at the meeting of the agency performing disciplinary proceedings: the member of the agency performing disciplinary proceedings who carried out the inquiry, comments of the prosecutor who is the subject of disciplinary proceedings and/or his representative and, where appropriate, other persons.

6. The prosecutor who is the subject of disciplinary proceedings and/or his representative shall have the right to submit comments, to ask questions to the participants of the proceedings, to submit objections, petitions and challenges on them.

Article 49. The Decision of the Agency Performing Disciplinary Proceedings in a Case of Disciplinary Proceedings against a Public Prosecutor

1. The agency performing disciplinary proceedings shall decide in a case of disciplinary proceedings by a majority of votes of its members. Before deciding, the agency performing disciplinary proceedings shall discuss the results of the opinion on presence or absence of prosecutor's misconduct in the absence of the prosecutor who is the subject to the proceedings and the invited persons.

2. When deciding on the application of disciplinary sanctions against a public prosecutor, the following shall be taken into account: the nature of the offense, its consequences, the personality of the prosecutor, the degree of his guilt, and the circumstances affecting the choice of the type of the disciplinary action.

3. The decision to apply disciplinary actions against a public prosecutor or a decision of the impossibility of his further tenure in the prosecutor's position may be taken no later than one year from the date when the offense was committed regardless of the time of prosecutor's temporary disability or vacation.

4. In the absence of grounds for disciplinary actions against a public prosecutor, the agency performing disciplinary proceedings shall decide to close the proceedings.

5. The decision of the agency performing disciplinary proceedings shall be in writing and shall be signed by the Chairman and the members of the agency performing disciplinary proceedings that took part in the review of the opinion on the presence or absence of an offense and shall be announced at the meeting. The decision that follows the disciplinary procedure shall include:

1) the full name and position of the prosecutor brought to disciplinary responsibility;

2) the circumstances established in the course of proceedings;

3) the grounds upon which the agency has made a decision;

4) the summary of the decision pointing to the type of disciplinary sanctions in the event of its imposition;

5) procedures and terms of appeal.

6. If there are dissenting opinion of the member of the agency performing disciplinary proceedings, it shall be in writing and shall be attached to the file, which fact shall be announced by the Chairman at the meeting. The content of the dissenting opinion shall not be disclosed at the meeting.

7. A copy of the decision made by the agency performing disciplinary proceedings shall be handed to the prosecutor in question, or it shall be sent to the prosecutor by registered mail with a return receipt within seven days. At the same time, a copy of the decision shall be sent to the head of the prosecutor's office where the public prosecutor is employed.

8. The decision of the agency performing disciplinary proceedings taken after the review of disciplinary proceedings shall be published on its website not later than seven days after adoption.

Article 50. The Types of Disciplinary Sanctions

1. The following disciplinary sanctions may be applied against a public prosecutor (except for the Prosecutor General of Ukraine):

- 1) a reprimand;
- 2) class rank demotion;

3) a ban for up to one year on a transfer to a higher public prosecutor's office or on appointment to a higher position in the prosecutor's office where the public prosecutor holds the office.

2. During one year from the date of imposition of a disciplinary sanction, the public prosecutor is deemed to have the history of disciplinary sanctions, except as provided by Section Three of this Article.

3. The prosecutor may be deemed having no history of disciplinary sanctions before the end of one year only subject to a decision of the agency that performed disciplinary proceedings upon request of the head of the relevant prosecutor's office, but no earlier than:

- 1) six months after the imposition of a disciplinary sanction provided for in subsections 1 or 2, Section One of this Article;
- 2) after the expiration of a half of the period specified by the agency that performed disciplinary proceedings – in case of disciplinary sanctions under subsection 3, Section One of this Article.

4. As a result of disciplinary proceedings, the agency performing disciplinary proceedings may decide that the public prosecutor (except for the Prosecutor General of Ukraine) can no longer hold the office, if:

- 1) the disciplinary offense committed by the prosecutor has the nature of a gross violation;
- 2) the public prosecutor committed a disciplinary offense acting in the capacity of a public prosecutor while having a record of disciplinary liability.

5. If the agency performing disciplinary proceedings reviews the results of disciplinary proceedings against a public prosecutor and establishes circumstances confirming a breach of prosecutor's compatibility requirements it shall initiate a review of the issue before the High Council of Justice.

6. If the agency performing disciplinary proceedings reviews the results of disciplinary proceedings against a public prosecutor, who holds an administrative position, and establishes the fact of improper performance of duties prescribed for the relevant administrative positions, it shall initiate a discussion at the Prosecutors' Council of Ukraine to recommend dismissal of the prosecutor from the administrative position.

Article 51. Appealing the Decision Taken as a Result of Disciplinary Proceedings

1. A prosecutor may appeal the decision taken as a result of disciplinary proceedings before the administrative court or the High Council of Justice within one month from the date when the decision was handed to him or receipt of a copy of the decision by mail.

2. The prosecutor shall appeal to the High Council of Justice through the agency that performed disciplinary proceedings.

3. The agency that performed disciplinary proceeding shall send the appeal together with the materials on disciplinary proceedings to the High Council of Justice no later than three days after receiving the appeal.

4. The High Council of Justice shall review the appeal in the manner prescribed by the law on the High Council of Justice.

5. Review of administrative lawsuits appealing a decision made by the agency that performed disciplinary proceedings or the High Council of Justice shall be conducted in the manner specified by the procedural law.

6. Filing a complaint to the High Council of Justice or an administrative lawsuit to the court against the decision of the agency that performed disciplinary proceedings to bring the prosecutor to disciplinary responsibility or on the impossibility of prosecutor's further stay in office shall suspend the effect of such decisions.

Section 7. Dismissal of Public Prosecutors, Suspension and Termination of Their Powers

Article 52. The General Terms of Public Prosecutor's Dismissal and Termination of Public Prosecutor's Powers

1. The prosecutor shall be dismissed in the following cases:
 - 1) inability to perform one's duties for health reasons;
 - 2) violation of the compatibility requirements;
 - 3) entry into force of the judgment bringing the prosecutor to administrative liability for corruption offenses;
 - 4) inability to transfer to another position or lack of consent hereto due to direct subordination to a close person;
 - 5) entry into force of a court judgment of guilt against him/her;
 - 6) termination of the citizenship of Ukraine or assuming the citizenship of another state;
 - 7) recognition as missing or dead;
 - 8) submission of a voluntary resignation application;
 - 9) in case of impossibility of further holding a temporary position;
 - 10) liquidation or reorganization of the public prosecutor's office employing the prosecutor and in case of public prosecutors' layoff hereto.
2. The persons who are eligible for deciding on the dismissal of a public prosecutor from office according to this Law are the following:
 - 1) the Prosecutor General of Ukraine may dismiss the prosecutors at the Prosecutor's General Office of Ukraine;
 - 2) the head of the regional public prosecutor's office may dismiss the prosecutors at the regional and local prosecutors' offices located within the administrative and territorial units falling under the territorial jurisdiction of the relevant regional public prosecutor's office.
2. The powers of public prosecutor shall be terminated due to the following:
 - 1) reaching the age of seventy,
 - 2) death;
 - 3) a decision of the agency performing disciplinary proceedings on the impossibility of further stay at the prosecutor's position.
3. The Prosecutor General of Ukraine shall be dismissed from office by the President of Ukraine on the grounds specified in subsections 1-3, 5-8, Section One of this Article.

Article 53. Dismissal of a Public Prosecutor due to his/her Inability to Perform Duties for Health Reasons

1. A public prosecutor may be dismissed if he cannot exercise powers for health reasons and has a medical opinion submitted by a medical commission that is established by the central executive healthcare agency or by a valid court order recognizing the public prosecutor partially or fully incapable.
2. Having recognized that a public prosecutor's health does not allow performing his/her duties for a long time or permanently, the respective qualifications and disciplinary commission of public prosecutors shall submit a motion to dismiss the prosecutor from office to the person authorized by this Law to decide on prosecutor's dismissal.

Article 54. Dismissal of a Public Prosecutor due to Violation of the Compatibility Requirements

1. A public prosecutor shall be dismissed for violation of the requirements of compatibility upon the motion of the High Council of Justice that shall be sent to the person authorized by this Law to decide on prosecutor's dismissal.

2. The motion to dismiss the Prosecutor General of Ukraine from office due to violation of compatibility requirements shall be submitted to the President of Ukraine by the High Council of Justice.

Article 55. Dismissal of a Public Prosecutor in the Case of Entry into Force of the Judgment Bringing the Prosecutor to Administrative Liability for Corruption Offenses

1. The court that issued the judgment finding the prosecutor guilty of administrative corruption offenses shall appropriately inform the person authorized by this Law to decide on prosecutor's dismissal after entry into force of the judgment. This person shall dismiss the prosecutor from office.

2. The court that issued the judgment recognizing the Prosecutor General of Ukraine guilty of administrative corruption offenses shall appropriately inform the High Qualifications and Disciplinary Commission of Public Prosecutors after judgement's entry into force. The Commission shall submit a motion to the President of Ukraine to dismiss the Prosecutor General of Ukraine from office.

3. The prosecutor cannot continue performing his duties if the judgment recognizing him guilty of administrative corruption offenses takes effect.

Article 56. Dismissal of a Public Prosecutor in the Case of Inability to Transfer to Another Position or Lack of Consent Hereto due to Direct Subordination to a Close Person

1. A public prosecutor demonstrating circumstances of direct subordination to someone with close standing shall be dismissed from office by the person authorized by this Law to decide on prosecutor's dismissal upon the motion of the relevant Qualifications and Disciplinary Commission of Public Prosecutors under the following conditions:

1) a public prosecutor or a person close to him/her fail to voluntarily address the circumstances of direct subordination within fifteen days from the date of appearance of such circumstances;

2) a public prosecutor or persons close to him/her were not transferred in due course to another position according to established procedures within 30 days from the date of appearance of such circumstances to eliminate direct subordination or did not provide consent to such transfer.

Note: The terms of "direct subordination" and "a close person" shall have the meaning specified in the Law of Ukraine *On Prevention and Combating Corruption*.

Article 57. Dismissal of Public Prosecutor in the case of Entry into Force of a Guilty Verdict against Him/Her

1. The court that issued the guilty verdict against the prosecutor shall appropriately inform the person authorized by this Law to decide on prosecutor's dismissal after entry into force of the verdict. This person shall dismiss the prosecutor from office.

2. The court that issued the guilty verdict against the Prosecutor General of Ukraine shall appropriately inform the High Qualifications and Disciplinary Commission of Public Prosecutors after entry into force of the verdict. The Commission shall submit a motion to the President of Ukraine to dismiss the Prosecutor General of Ukraine from office.

3. The prosecutor cannot continue performing his duties if the court's guilty verdict has taken effect.

Article 58. Dismissal of a Public Prosecutor in the Case of Termination of the Citizenship or Assuming Citizenship of other State

1. In case of termination of his/her citizenship or assuming citizenship of other state, a public prosecutor shall be dismissed by the person authorized by this Law to decide on prosecutor's dismissal upon the motion of the High Qualifications and Disciplinary Commission of Public Prosecutors.

2. In case of termination of his/her citizenship of Ukraine or assuming citizenship of another state, the Prosecutor General of Ukraine shall be dismissed by the President of Ukraine on his/her own initiative or upon the motion of the High Qualifications and Disciplinary Commission of Public Prosecutors.

3. The prosecutor cannot continue to exercise his/her powers upon termination of his/her citizenship or establishment of the fact of assuming citizenship of another state in the motion of the High Qualifications and Disciplinary Commission of Public Prosecutors.

Article 59. Dismissal of a Public Prosecutor if Found Missing or Dead

1. The court that decided to recognize a prosecutor missing or dead shall notify the person authorized by this Law to decide on prosecutor's dismissal from office after the entry of this decision into force. This person shall dismiss the prosecutor from office.

2. The court that decided to recognize the Prosecutor General of Ukraine missing or dead shall notify the High Qualifications and Disciplinary Commission of Public Prosecutors after the entry of this decision into force. The Commission shall submit a motion to the President of Ukraine to dismiss the Prosecutor General of Ukraine from office.

3. If the person appears after the decision on the prosecutor's dismissal from office has been made, the issue of his/her restitution shall be decided in court.

Article 60. Dismissal of a Public Prosecutor Following His/Her Voluntary Resignation

1. Regardless of motives, a public prosecutor may apply for resignation at will at any time of his tenure.

2. The statement of resignation shall be submitted to the person authorized by this Law to decide on prosecutor's dismissal.

The statement of resignation of the Prosecutor General of Ukraine shall be submitted to the President of Ukraine.

3. The prosecutor continues to exercise his/her authority until the decision to dismiss him/her has made.

Article 61. Dismissal of a Public Prosecutor in the Case of Liquidation or Reorganization of the Prosecutor's Office Employing the Prosecutor or in Case of Prosecutors' Layoff in the Prosecutor's Office

1. A public prosecutor shall be dismissed by the person authorized by this Law to decide on prosecutor's dismissal from an office upon the motion of the relevant Qualifications and Disciplinary Commission of Public Prosecutors in the case of liquidation or reorganization of the prosecutor's office or in the case of prosecutors' layoff in the prosecutor's office if:

1) the prosecutor failed to file an application for his/her transfer to another prosecution authority;

2) the prosecutor's office has no vacant positions to complete the transfer;

3) the transfer has not been approved;

4) the prosecutor failed to pass the competition for transfer to a higher level prosecutor's office.

Article 62. Dismissal of a Public Prosecutor from an Office in Case of Impossibility of Further Holding a Temporary Vacancy

1. A public prosecutor holding a temporary vacancy shall be dismissed from office by the person authorized by this Law to decide on prosecutor's dismissal upon the proposal of the

relevant Qualifications and Disciplinary Commission if the prosecutor holding this post on a permanent basis returns to work and if:

- 1) the prosecutor failed to file an application for his/her transfer to another prosecutor's office;
- 2) the prosecutor's office has no vacant positions to complete the transfer;
- 3) the transfer has not been approved;
- 4) the prosecutor failed to pass the competition for transfer to the higher level prosecutor's office.

Article 63. Termination of Powers of a Public Prosecutor

1. The powers of a public prosecutor shall cease due to his/her age starting the day after reaching the age of seventy.

2. The powers of a public prosecutor shall cease on the day of his/her death.

3. Except for the Prosecutor General of Ukraine, the powers of a public prosecutor shall cease due to the decision of the agency performing disciplinary proceedings on the impossibility of his/her further stay in the prosecutor's position:

1) on the day following the deadline for appeal against this decision and if the decision has not been appealed;

2) on the day following the day when the judgment made by the authority receiving appeal against the decision of the agency performing disciplinary proceedings became final – if the decision was appealed but the appeal was rejected.

4. Head or deputy head of the prosecutor's office employing the prosecutor whose powers have been terminated shall notify the appropriate qualifications and disciplinary commission of public prosecutors.

Article 64. The Motion of Dismissal from the Post of a Public Prosecutor

1. The motion of dismissal from the post of a public prosecutor shall be introduced by:

1) the High Qualifications and Disciplinary Commission of Public Prosecutors against prosecutors of the Prosecutor's General Office of Ukraine and regional prosecutor's offices;

2) the regional qualifications and disciplinary commission of public prosecutors against prosecutors of local prosecutor's offices.

2. The motion of a qualifications and disciplinary commission or the High Council of Justice to dismiss a public prosecutor shall contain:

1) a date of filing;

2) a full name of the public prosecutor;

3) a date of birth of the public prosecutor;

4) information about his tenure as a public prosecutor;

5) factual circumstances confirming the reason for a dismissal of a prosecutor.

3. The decision to dismiss the prosecutor shall be made by the person authorized by this Law to decide on prosecutor's dismissal solely on the basis and within the motion of the Qualifications and Disciplinary Commission of Public Prosecutors or the High Council of Justice.

Article 65. The Procedure of Dismissal of the Prosecutor General of Ukraine from the Prosecutor's Position

1. The President of Ukraine shall issue a decree on dismissal of the Prosecutor General of Ukraine from an office based on the voluntary resignation statement of the Prosecutor General of Ukraine or on the grounds stipulated herein.

Article 66. Suspension of Prosecutor's Powers

1. The powers of a prosecutor shall be suspended in the case of:

1) his/her secondment to the High Council of Justice, the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine, a regional qualifications and disciplinary commission of public prosecutors, the National Prosecution Academy of Ukraine or other authorities to work on a full-time basis;

2) removal from office in the manner prescribed by the Criminal Procedure Code of Ukraine.

2. Suspension of prosecutor's powers shall last till his/her return from secondment, dismissal from the prosecutor's office, and cancelation of criminal proceedings' security means in the form of removal from office or cancelation of an appropriate ruling or termination of validity of the ruling.

Section 8. Prosecutorial Self-Governance and Bodies Supporting the Prosecution Service

Chapter 1. The General Principles of Prosecutorial Self-Governance

Article 67. The Objectives of Prosecutorial Self-Governance

1. Prosecutorial self-governance shall mean that prosecutors decide independently and collectively on internal matters of the prosecution service to:

1) ensure a consistent organizational approach to functions of prosecutor's offices and improve the quality of prosecution services;

2) strengthen the independence of prosecutors and protection from interference in their activities;

3) be engaged in identifying needs in human resources, financial, logistical and other support to prosecutors and overseeing the compliance with standards of such support;

4) elect or appoint prosecutors to be members of other authorities as prescribed by the law.

2. The internal matters of the Public Prosecutor's Office include organizational support to prosecutor's offices and prosecutors, social protection of prosecutors and their families and issues not related directly to prosecution services.

Article 68. The Organizational Forms of Prosecutorial Self-Governance

1. In Ukraine, the prosecutorial self-governance is exercised through the All-Ukrainian Conference of Public Prosecution Employees and the Council of Public Prosecutors of Ukraine.

2. The procedures of prosecutorial self-governance shall be governed by this Law, other laws, rules and regulations adopted by prosecutorial self-governance bodies under this Law.

Chapter 2. The Prosecutorial Self-Governance Bodies

Article 69. The All-Ukrainian Conference of Public Prosecution Employees

1. The All-Ukrainian Conference of Public Prosecution Employees is the highest body of prosecutorial self-governance.

2. The Conference shall:

1) hear the reports of the Council of Public Prosecutors of Ukraine on implementation of objectives of the prosecutorial self-governance and on the state of financial and organizational support to public prosecutor's offices;

2) appoint the members of the High Council of Justice and decide on termination of their office pursuant to the Constitution and laws of Ukraine;

3) appoint the members of the Council of Public Prosecutors of Ukraine and the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine;

4) appoint the members of regional qualifications and disciplinary commissions;

5) approve the Code of Professional Ethics and Conduct of Public Prosecutors and Regulations on the Council of Public Prosecutors of Ukraine;

6) adopt Regulations on Procedures of the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine and regional qualifications and disciplinary commissions of public prosecutors;

7) submit proposals to central government authorities and their officials to address issues of operation of public prosecutor's offices;

8) address other issues of prosecutorial self-governance and exercise other powers under the laws.

3. The Conference shall make decisions binding upon the Council of Public Prosecutors of Ukraine and all prosecutors.

Article 70. The Procedure for Convening the All-Ukrainian Conference of Public Prosecution Employees

1. The Council of Public Prosecutors of Ukraine shall convene a regular session of the All-Ukrainian Conference of Public Prosecution Employees biennially. An extraordinary session of the Conference can be convened by a decision of the Council of Public Prosecutors of Ukraine.

2. The conference can be attended by the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Ombudsman of Ukraine, members of the High Council of Justice, High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine who do not vote on decisions of the Conference.

3. Delegates of the Conference and invited persons shall be notified of the date and issues to be discussed at the Conference at least thirty days prior to the Conference.

Article 71. The Delegates Electing of the All-Ukrainian Conference of Public Prosecution Employees

1. The Delegates of the Conference shall be elected at:

1) the meetings of prosecutors of the Prosecutor General's Office – five prosecutors of the Prosecutor General's Office;

2) the meetings of regional prosecutors – three prosecutors representing every regional prosecutor's office;

3) the conferences of representatives of local prosecutor's offices – three prosecutors representing each oblast, the Autonomous Republic of Crimea, Kyiv and Sevastopol cities.

2. The Delegates of the Conference shall be elected by an open ballot on an alternative basis subject to free nomination of candidates.

3. The Council of Public Prosecutors of Ukraine shall appoint the date for the conferences of representatives of local prosecutor's offices to ensure election of delegates to the All-Ukrainian Conference. It authorizes heads of the respective regional prosecutor's offices to organize and provide a logistic support to the conferences of local prosecutors.

A conference of local prosecutors shall be valid if attended by more than 50 percent of representatives of all local prosecutor's offices.

Participants of a local conference shall elect the chairman from among themselves and approve rules of procedure. All decisions shall be adopted at the conference by a majority vote of attendees with an open ballot.

4. Local prosecutor's offices shall hold meetings of prosecutors to appoint participants of local conferences, with one representative to be appointed by every meeting. Such prosecutors' meeting shall be convened by the head of the respective local prosecutor's office and be valid if attended by more than 50 percent of prosecutors of such prosecutor's office. Decisions shall be adopted by a majority vote of all prosecutors of the prosecutor's office.

Article 72. Proceedings at the All-Ukrainian Conference of Public Prosecution Employees

1. The Conference shall be valid if attended by at least two-thirds of all delegates elected.

2. The Conference shall be launched by the Chairman of the Council of Public Prosecutors of Ukraine, or by the Vice Chairman or Secretary of the Council if the Chairman is absent.

3. The Conference shall elect the presidium with open ballots, the size of the presidium to be established by the Conference. The presidium shall organize proceedings at the Conference.

4. The Conference shall discuss and approve its agenda and rules of procedure, elect a counting commission, a secretariat and other working bodies of the Conference.

5. Minutes shall be done for the Conference proceedings.

6. Decisions shall be adopted by a majority vote of all delegates elected with open or secret ballots. Decisions on the issue indicated in subsection 2, Section Two, Article 69 of this Law shall be adopted by the Conference by a secret ballot.

7. Other issues related to proceedings at the Conference shall be regulated by the rules of procedures adopted by the Conference.

Article 73. The Council of Public Prosecutors of Ukraine

1. The Council of Public Prosecutors of Ukraine is the highest body of prosecutorial self-governance in the period between All-Ukrainian Conferences of Public Prosecution Employees.

2. The Council shall consist of eleven prosecutors:

1) two representatives of the Prosecutor General's Office;

2) three representatives of regional prosecutor's offices;

3) six representatives of local prosecutor's offices.

Prosecutors who are members of a Qualifications and Disciplinary Commission may not be members of the Council.

The Council of Public Prosecutors of Ukraine is valid if at least nine members are elected.

3. The term of office of a Council's member shall be five years without the right to re-election.

4. At a session the Council shall elect the Chairman, Vice Chairman and Secretary of the Council from among its members.

5. The Council shall, between sessions of the All-Ukrainian Conference of Public Prosecution Employees, make sure that decisions of the Conference are implemented and the next Conference is convened and held. Powers and procedures of the Council shall be regulated by this Law and Regulations on the Council of Public Prosecutors of Ukraine.

6. The Council shall:

1) make recommendations on appointment and dismissal of prosecutors from administrative positions in cases established by this Law;

2) oversee measures to ensure independence of prosecutors and improve organizational support to prosecutors;

3) consider legal protection of prosecutors, social protection of prosecutors and their families and make respective decisions;

4) consider applications of prosecutors and other information regarding any threat to independence of prosecutors and take follow-up actions (notifying respective authorities of the grounds to impose criminal, disciplinary or other liability; initiating consideration of protection measures for prosecutors; publishing, on behalf of the prosecution service, of instances of violation of prosecutorial independence; notifying international organizations of the same, etc);

5) consider applications regarding inappropriate execution of administrative duties by a prosecutor holding an administrative post;

6) submit proposals on operation of the prosecution service to central and local government authorities;

7) oversee organization of operations of prosecutor's offices

8) exercise other powers established by this Law.

7. Decisions of the Council shall be binding upon all prosecutors and can be cancelled by the All-Ukrainian Conference of Public Prosecution Employees.

Article 74. Supporting Prosecutorial Self-Governance Bodies

1. The Prosecutor General's Office of Ukraine shall support the All-Ukrainian Conference of Public Prosecution Employees and the Council of Public Prosecutors of Ukraine with the funds of the state budget of Ukraine.

Chapter 3. Qualifications and Disciplinary Commissions and Other Bodies Supporting the Prosecution Service

Article 75. The Status of Qualifications and Disciplinary Commissions

1. Qualifications and disciplinary commissions are collegial bodies empowered by this Law to establish the level of professional skills of individuals willing to become prosecutors, decide on disciplinary liability, transfer and dismissal of prosecutors.

2. The system of qualifications and disciplinary commissions consists of:

- 1) the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine;
- 2) regional qualifications and disciplinary commissions active in the regions, the Autonomous Republic of Crimea, Kyiv and Sevastopol cities.

3. Procedures of the High Qualifications and Disciplinary Commission and regional qualifications and disciplinary commissions shall be established with the regulations adopted by the High Qualifications and Disciplinary Commission.

Article 76. The Members of Qualifications and Disciplinary Commissions of Public Prosecutors

1. The High Qualifications and Disciplinary Commission and regional qualifications and disciplinary commissions shall consist of eleven members each:

- 1) seven prosecutors appointed by the All-Ukrainian Conference of Public Prosecution Employees;
- 2) four individuals appointed from among researchers and teachers of legal science with a scientific or academic degree.

2. The researchers and teachers shall be appointed the members of the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine by a congress of representatives of higher education institutions and academic institutions specializing in law. Members of regional qualifications and disciplinary commissions shall be appointed by regional conferences of representatives of higher education institutions and academic institutions specializing in law; such conferences to be held according to procedure established in Articles 77 and 78 of this Law.

The congress and regional conferences may not appoint members of Ukrainian Parliament, representatives of the Cabinet of Ministers of Ukraine, central or local government authorities, researchers or professors of the National Prosecution Academy of Ukraine, other educational institutions or academic institutions managed by the prosecution service, judges, lawyers, officers of law enforcement agencies or government supervision authorities to be members of the qualifications and disciplinary commissions. The congress and regional conferences may not appoint more than one person representing the same educational institution or research center to be a member of a qualifications and disciplinary commission.

3. A qualifications and disciplinary commission shall be valid if at least two-thirds of its members are appointed.

4. The All-Ukrainian Conference of Public Prosecution Employees, the congress and regional conferences of representatives of higher education institutions and academic institutions specializing in law may appoint more individuals (up to ten) than established in Part One of this Article should the office of one or more members appointed by them within their quotas in a qualifications and disciplinary commission be terminated in the period between the All-Ukrainian Conferences of Public Prosecution Employees or before the next congress or regional conference of representatives of higher education institutions and academic institutions specializing in law. The All-Ukrainian Conference of Public Prosecution Employees, the congress and regional conferences shall appoint such individuals and establish the priority for their inclusion into respective qualifications and disciplinary commissions.

Such individuals shall automatically become members of a respective commission if the term of office of one or more members appointed within quotas of the All-Ukrainian Conference, the congress and a regional conference is terminated. The term of office of such individuals may not exceed the remaining term of the member whose powers have been terminated.

5. The term of office of a member of a qualifications and disciplinary commission shall be six years.

6. A member of a qualifications and disciplinary commission may not be a member of the Council of Public Prosecutors of Ukraine at the same time.

7. Chairman, vice chairman and secretary of qualifications and disciplinary commissions shall work on an ongoing basis and be seconded to perform their duties to respective qualifications and disciplinary commissions.

8. Chairman, vice chairman and secretary of qualifications and disciplinary commissions may not act as public prosecutors, but retain the right to participate in consideration of issues by prosecutorial self-governance bodies.

Article 77. Proceedings at Regional Conferences of Representatives of Higher Education Institutions and Academic Institutions Specializing in Law

1. Regional conferences of representatives of higher education institutions and academic institutions specializing in law held in the Autonomous Republic of Crimea, oblasts and the cities of Kyiv and Sevastopol shall be convened by the head of a respective regional qualifications and disciplinary commission at least two months prior to expiration of the term of office of its members appointed within the quota of the regional conference.

The head of the regional qualifications and disciplinary commission shall post information on the date, time and place of the regional conference on the commission's website and send it to higher education institutions of law, law departments in higher education institutions and academic institutions located in the respective administrative unit. In the case set out in paragraph 3 of this Section, he/she shall also send the information to higher education institutions, law departments in higher education institutions and academic institutions located in other administrative units.

If a number of higher education institutions of law, law departments in higher education institutions and academic institutions in the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol does not allow complying with provisions of Section Two of Article 76 of this Law, which require to appoint no more than one representative of one educational institution or research center, the head of the regional qualifications and disciplinary commission shall decide to hold a regional conference involving representatives of higher education institutions of law, law departments in higher education institutions and academic institutions operating in the closest administrative units.

2. Higher education institutions of law, law departments in higher education institutions and academic institutions shall elect three delegates each to participate in the regional conferences. Such delegates shall meet criteria established in Section One and Section Two of Article 76 of this Law. The higher education institutions of law, law departments in higher education institutions and academic institutions shall notify the head of the regional qualifications and disciplinary commission of the delegates at least ten days before the regional conference.

3. A regional conference shall be valid if attended by at least two-thirds of all delegated elected.

4. The chairman of the regional qualifications and disciplinary commission, or his deputy in his absence, shall open the conference.

The regional conference shall, by an open ballot, elect the chairman and secretary, discuss and approve its agenda and rules of procedure, elect the tabulation commission and other working bodies of the conference.

5. Candidate members of the regional qualifications and disciplinary commission who meet the criteria established in Section One and Section Two of Article 76 of this Law shall be

nominated by a majority vote of the delegates in attendance with the open ballots and included into secret ballots.

6. A candidate winning the majority by secret ballot shall be appointed a member of the regional qualifications and disciplinary commission. If a number of candidates exceeds the appointment quota, the candidates winning more votes than others shall be considered as appointed.

7. On the basis of voting results the chairman and secretary of the regional conference shall sign an appointment decision to be published on the commission's website, with a copy to be sent to the head of the regional prosecutor's office for information.

8. The regional conferences according to this Article shall be convened and held only for the purposes established by this Law.

Article 78. Proceedings at the Congress of Representatives of Higher Education Institutions and Academic Institutions Specializing in Law

1. The congress of representatives of higher education institutions and academic institutions specializing in law shall be convened by the Chairman of the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine at least three months prior to expiration of the term of office of its members appointed within the congress' quota.

The Chairman of the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine shall post information on the date, time and place of the regional conference on the Commission's website and send it to regional qualifications and disciplinary commissions to ensure that regional conferences of representatives of higher education institutions and academic institutions specializing in law are convened and held.

2. Delegates elected by the regional conferences in accordance with Article 77 of this Law shall attend the congress.

Each regional conference shall elect not more than three delegates meeting the criteria established in Section One and Section Two of Article 76 of this Law to participate in the congress.

The regional conferences shall notify the Chairman of the High Qualifications and Disciplinary Commission of the elected delegates at least 10 days prior to the congress.

3. The congress shall be valid if attended by at least two-thirds of all elected delegates.

4. The Chairman of the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine, or his deputy in his absence, shall open the congress.

The congress shall, by open ballot, elect the chair and secretary, discuss and approve its agenda and rules of procedure, elect the counting commission and other working bodies of the conference

5. Candidate members of the High Qualifications and Disciplinary Commission who meet the criteria established in Section One and Section Two of Article 76 of this Law shall be nominated by a majority vote of the delegates in attendance with open ballots and included into secret ballots.

6. A candidate winning the majority by secret ballot shall be appointed as a member of the High Qualifications and Disciplinary Commission. If a number of candidates exceeds the appointment quota, the candidates winning more votes than others shall be considered appointed.

7. On the basis of voting results the chair and secretary of the congress shall sign an appointment decision to be published on the Commission's website, with a copy to be sent to the Prosecutor General of Ukraine for information.

8. The congress of representatives of higher education institutions and academic institutions specializing in law shall be convened and held according to this Article only for the purposes established by this Law.

Article 79. Terminating Office of Members of Qualifications and Disciplinary Commissions

1. The office of a member of a qualifications and disciplinary commission of public prosecutors shall be terminated if:

- 1) the term of his/her office expires;
- 2) he/she files a resignation notice;
- 3) he/she cannot perform duties for health reasons;
- 4) a guilty verdict takes effect against him/her;
- 5) his/her citizenship is terminated or he/she becomes a citizen of other country;
- 6) he/she is announced missing or dead;
- 7) he/she dies.

2. The office of a member of a qualifications and disciplinary commission of public prosecutors shall be terminated:

1) on the grounds indicated in subsection 1, Section One of the Article – from the date following the day of expiration of the term, without any need for the respective qualifications and disciplinary commission to make a termination decision;

2) on the grounds indicated in subsections 2 – 6, Section One of the Article – on the basis of a termination decision of the qualifications and disciplinary commission;

3) on the grounds indicated in subsection 7, Section One of the Article – on the date of death, without any need for the respective qualifications and disciplinary commission to make a termination decision.

A qualifications and disciplinary commission shall make a termination decision on the grounds indicated in subsection 3, Section One of this Article subject to a medical opinion of a medical commission established by a central executive health care authority or subject to an effective court decision founding the member fully or partially incapable.

Article 80. Powers of Qualifications and Disciplinary Commissions

1. The High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine shall:

1) keep a register of the number of public prosecutor's posts in the Prosecutor General's Office, including vacant and temporarily vacant posts;

2) take part in transferring public prosecutors to the Prosecutor General's Office of Ukraine;

3) consider complaints (applications) regarding disciplinary offenses by public prosecutors of the Prosecutor General's Office of Ukraine or a regional prosecutor's office and carry out disciplinary proceedings;

4) following disciplinary proceedings and where there are grounds established by this Law, make decisions on imposing disciplinary sanctions against public prosecutors of the Prosecutor General's Office of Ukraine or a regional prosecutor's or rule that an individual can no longer hold the position of a public prosecutor;

5) exercise other powers established by the law.

2. A regional qualifications and disciplinary commission shall:

1) keep a register of the number of public prosecutor's posts in respective regional and local prosecutor's offices, including vacant and temporarily vacant posts;

2) select public prosecutor candidates as established by this Law;

3) take part in transferring public prosecutors to local or regional prosecutor's offices;

4) consider complaints (applications) regarding disciplinary offenses by public prosecutors of a local prosecutor's office and carry out disciplinary proceedings;

5) following disciplinary proceedings and where there are grounds established by this Law, make decisions on imposing disciplinary sanctions against public prosecutors or rule that an individual can no longer hold the position of a public prosecutor

6) exercise other powers established by the law.

3. For the exercise of their powers, qualifications and disciplinary commissions shall be entitled to see documents, receive copies thereof, interrogate public prosecutors and other individuals, receive, upon a written request, necessary information from central and local government authorities, their officials, heads of companies, institutions, organizations of any form of ownership and subordination, citizens and citizens' associations.

Article 81. Activities and Meetings of Qualifications and Disciplinary Commissions

1. A qualifications and disciplinary commission shall, by open or secret ballot, elect the chairman, vice chairman and secretary among its members for three years. One person cannot be re-elected chairman, vice chairman or secretary of the commission for a second consecutive term.

2. The chairman of a qualifications and disciplinary commission shall organize its activities, preside at its meetings, assign duties to the vice chairman, conduct meetings of the commission, and represent its interests before central and local government authorities, individuals, institutions and organizations. The Chairman of the High Qualifications and Disciplinary Commission shall represent the commission's interests before authorities of other countries and international organizations as well. In the absence of the chairman of the qualifications and disciplinary commission, his/her duties shall be performed by the vice chairman, or, if absent, by a member of the qualifications and disciplinary commission elected within the quota of All-Ukrainian Conference of Public Prosecution Employees and having the longest service as a public prosecutor.

3. An automated complaint (application) distribution system is in place in a qualifications and disciplinary commission to decide on initiating disciplinary proceedings. Regulations on the automated complaint (appeal) distribution system shall be approved by the High Qualifications and Disciplinary Commission of Public Prosecutors of Ukraine and agreed with the Council of Public Prosecutors of Ukraine.

4. The secretary of a qualifications and disciplinary commission shall arrange preparation of meetings and be responsible for document management.

5. Meetings of qualifications and disciplinary commissions are open except as provided for by the law. The meeting shall be valid if at least eight members of the commission participate in it.

6. The chairman of a qualifications and disciplinary commission shall establish the date, time and place of a commission's meeting, a list of issues to be considered, notify the members thereof at least five days prior to the meeting and see to it that this information is posted on the website of the qualifications and disciplinary commission.

7. A qualifications and disciplinary commission shall adopt decisions by a majority vote of the entire membership established by this Law. Decisions of qualifications and disciplinary commissions shall be in writing.

8. A decision of a qualifications and disciplinary commission shall indicate the date and place, members in attendance, issues considered and grounds for decisions made.

The decision shall be signed by the chairman and members of the qualifications and disciplinary commission in attendance. If there is a dissenting opinion, it shall be made in writing and attached to the case. The chairman shall inform the meeting thereof without disclosing the essence of the dissenting opinion.

9. Decisions of qualifications and disciplinary commissions shall be published on their websites within three days following the adoption.

Article 82. Supporting Activities of Qualifications and Disciplinary Commissions

1. The secretariat is in place to provide organizational support to a qualifications and disciplinary commission.

2. The salary, welfare support and social protection of secretariat members are set out in the Laws of Ukraine *On the Public Prosecutor's Office* and *On Public Service* and other regulatory acts and may not be below standards established for respective categories of public servants of central and local executive authorities.

3. Members of qualifications and disciplinary commissions who work on an ongoing basis shall retain the public prosecutor status, job and guarantees of material, social and welfare support envisaged by the laws for public prosecutors. The salary shall be based on the basic wages paid in the primary place of employment of an individual seconded to a qualifications and disciplinary commission and, in case of termination of office in the primary place of employment, it shall be based on the person's wage in the terminated position.

4. The salaries shall be paid from the state budget of Ukraine.

Article 83. National Prosecution Academy of Ukraine

1. The National Prosecution Academy of Ukraine is a state-run academic and research institution specializing in training of specialists with a university degree, special training of public prosecutor candidates, advanced training of public prosecutors, and R&D activities.

2. The National Prosecution Academy of Ukraine is a legal entity acting on the basis of the laws of Ukraine and the Charter approved by the Council of Public prosecutors of Ukraine.

3. The National Prosecution Academy shall operate under the Prosecutor General's Office of Ukraine.

4. Individuals holding positions of researchers and teachers of the National Prosecution Academy shall be assigned class ranks according to this Law. Regulation that set up a correspondence between positions and class ranks of researchers and teachers of the National Prosecution Academy and positions and class ranks of public prosecutors shall be approved by the Council of Public Prosecutors of Ukraine.

5. Section 9 hereof shall apply to researchers and teachers of the National Prosecution Academy who hold class ranks.

Article 84. Panels of Prosecutors

1. The Prosecutor General's Office of Ukraine and regional prosecutor's offices shall establish panels of prosecutors. They are advisory bodies considering the most important issues pertaining to the delivery of prosecution services. The Prosecutor General of Ukraine or the head of a regional prosecutor's office shall be the head of a respective panel.

2. Members of the panels shall be approved by the Prosecutor General of Ukraine.

3. Panels shall work through their meetings, bring adopted decisions to the notice of public prosecutors and implement the decisions through orders of heads of respective prosecutor's offices where necessary.

Article 85. Research and Methodology Boards, and Other Prosecutorial Institutions

1. The Prosecutor General's Office of Ukraine shall establish the Research and Methodology Board to develop and consider methodological recommendations and other proposals to improve operation of the prosecution service and update laws.

2. Members and Regulations on the Research and Methodology Board shall be approved by the Prosecutor General of Ukraine.

3. Regional prosecutor's offices may establish methodology boards. Their members shall be approved by the head of a respective regional prosecutor's office.

4. The Prosecutor General of Ukraine and the National Prosecution Academy of Ukraine can establish and manage printshops, social welfare companies and healthcare establishments, and found print media.

Section 9. Material and Social Support for the Public Prosecutor and other Prosecution Officers**Article 86. Salary of the Public Prosecutor**

1. Salary of the public prosecutor includes basic wage, class rank and long-service increments, and other payments specified by the laws.

2. The size of basic wages and other payments not covered by this Law shall be established by the Cabinet of Ministers of Ukraine.

3. The class rank increments shall be paid to public prosecutors awarded with a class rank on a monthly basis as a percentage of their salary, in particular: State Counselor of Justice – 40% ; 1st Class Councilor of Justice – 38%; 2nd Class Councilor of Justice – 36%; 3rd Class Councilor of Justice – 34%; Senior Councilor of Justice – 32%; Councilor of Justice – 30%; Junior Councilor of Justice – 28%; 1st Class Lawyer – 26%; 2nd Class Lawyer – 24%; and 3rd Class Lawyer – 22%;

4. Long-service increments shall be paid to public prosecutors on a monthly basis as a percentage of the basis salary depending on the class rank increment: from 2 to 5 years of service – 15%; from 5 to 10 years of service – 20%; from 10 to 15 years of service – 30%; from 15 to 20 years of service – 40%; over 20 years of service – 50%.

5. Public prosecutors can also get bonuses within the budget allocations for payroll. The manner, terms and the amount of a public prosecutor's bonus shall be set up in the Regulations which are subject to approval by the Prosecutor General of Ukraine.

Article 87. Public Prosecutor leave

1. The Public Prosecutor shall be entitled to 30 calendar days of annual leave including the financial assistance for health and recreation purposes in the amount not exceeding a monthly average salary of a public prosecutor.

2. The Public Prosecutor with the length of service in the public prosecutor's offices exceeding 10 years shall be entitled to extra 15 days of paid leave.

3. The Public Prosecutor shall be entitled to additional leave and other types of leave as specified by the Law.

4. In case of urgent and unpredicted assignments, an annual or extra paid leave of public prosecutors may be interrupted. Public prosecutors can take the unused leave days at any time of the corresponding year or these days will be added to the next year leave. The Public Prosecutor shall be compensated for any unforeseeable expenditures incurred as a result of leave interruption. The manner of compensation shall be established by the Cabinet of Ministers of Ukraine.

Article 88. Material Support of the Public Prosecutor

1. The Public Prosecutor without housing or those living in unsuitable housing which require improvements shall be provided with service dwellings in the form of a separate apartment or a house within six months after they have submitted a request for housing.

2. The Public Prosecutor and members of his family shall be entitled to use free medical services at public healthcare institutions in the manner established by law. Family members of the Public Prosecutor living with them shall be entitled to obtain medical services at the same medical institutions which serve public prosecutors.

3. The Public Prosecutor can obtain material assistance to settle their social and household issues; the amount of financial assistance shall not exceed an average monthly salary of a public prosecutor.

Article 89. Social Protection of the Public Prosecutor

1. In case of a severe injury or disability incurred during execution of job duties, a prosecutor shall receive compensation equaling from one to five years of monetary pay depending on the level of disability. In case of the death for the above reasons their family or dependents shall be paid one-time monetary compensation in the amount of ten year monetary pay at their last position, which is to include the basic salary and class rank increments and be awarded a loss-of-breadwinner pension equal to the monthly basic salary. The manner and conditions for compensation and one-time assistance shall be established by the Cabinet of Ministers of Ukraine.

2. The Public Prosecutor who lost his life (died) in the course of his duties or a dismissed public prosecutor who lost his life because of injuries or other health damage when carrying out his duties shall be buried at the expense of the funds allocated to the Public Prosecutor's Office in the manner and in the amount established by the Cabinet of Ministers. The bereaved families shall keep the right to obtain housing on the terms and conditions which were in effect at the moment of the Public Prosecutor's death.

3. Pensioners and members of their families shall retain the right to social protection guarantees specified by this Law and other regulatory acts. Pensioners and family members living with them shall also have the right to medical services in the medical facilities where they were registered before retirement of the public prosecutor.

Article 90. Social and Material Support for Public Prosecution Officers

1. The Cabinet of Ministers shall establish the amount, long-service increments and other payments to public prosecutors (civil servants, officials and other employees).

2. Public prosecution officers can be paid bonuses within allocations for labor remuneration. The manner, conditions and the size of bonuses for public prosecution officers shall be specified in the Regulations approved by the Prosecutor General of Ukraine.

3. Public prosecution officers and members of their families shall be entitled to free medical services at public healthcare institutions in the manner established by law.

4. Social and material issues relating to public prosecution officers and not covered by this Law shall be regulated by the Law of Ukraine *On Public Service* and other legislation.

Article 91. Retirement Provisions for Public Prosecution Officers

1. Prosecutors and investigators shall have the right to obtain pension benefits for the length of service irrespective of their age provided the length of service as of the day of application makes no less than:

before September 30, 2011 – 20 years including at least 10 years of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2011 to September 30, 2012 – 20 years and 6 months including at least 10 years and 6 months of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2012 to September 30, 2013 – 21 years including at least 11 years of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2013 to September 30, 2014 – 21 years and 6 months including at least 11 years and 6 months of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2014 to September 30, 2015 – 22 years including at least 12 years of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2015 to September 30, 2016 – 22 years and 6 months including at least 12 years and 6 months of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2016 to September 30, 2017 – 23 years including at least 13 years of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2017 to September 30, 2018 – 23 years and 6 months including at least 13 years and 6 months of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2018 to September 30, 2019 – 24 years including at least 14 years of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2019 to September 30, 2020 – 24 years and 6 months including at least 14 years and 6 months of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

from October 1, 2020 and later – 25 years including at least 15 years of work in the position of a public prosecutor or an investigator of the Public Prosecutor's Office

2. The pension shall make 80% of the amount of their monthly (current) salary that includes all types of labor compensations taxed with a uniform social tax, and before January 1, 2011 –compulsory pension insurance contributions obtained one month before applying for a pension.

3. The size of payments (except for basic wage, class rank and length service increments) to be included into the salary for the purpose of pension calculation shall be chosen by the applicant and cover any consecutive 60 calendar months before applying for pension regardless of interruptions of work within this period.

4. The average monthly amount paid during the 60 calendar month period shall be calculated by dividing the aggregate amount of such payments by 60. The above mentioned payments shall be adjusted using the basic wage and class rank increments increase ratio. The size of basic wage, class rank and length of service increments used for pension calculation shall be taken as they were in the latest position of a public prosecutor or an investigator and shall be defined at the moment of applying for pension.

5. The officers whose service record is less than specified by Part One of this Article shall be awarded a pension provided they have a corresponding length of service in the position of a prosecutor and an investigator of the Public Prosecutor's Office as well as the qualifying period for awarding a minimum old age pension as specified by paragraph one of Article 28 of the Law of Ukraine *On Compulsory State Pension Insurance*, and provided men have reached 57 years of age and women have reached the age which is five years less than the pension age established by Article 26 of the Law of Ukraine *On Compulsory State Pension Insurance (1058-15)*. In this case the pension shall be in pro rata proportion to the number of full years in the prosecutor's positions and it shall be calculated using 80% of a monthly salary for the corresponding length of service specified by Part One of this Article. The age reduction for women specified in this Article shall be applied before the end of the period for increasing the pension age, i.e. to January 1, 2022. Before reaching the age specified by the present Article, the right to pension shall be granted to men of 1960 year of birth and older after they reach the following age:

55 years – for those born before December 31, 1957

55 years and 6 months – for those born from January 1, 1958 to December 31, 1958

56 years – for those born from January 1, 1959 to December 31, 1959

56 years and 6 months – for those born on January 1, 1960 to December 31, 1960.

6. The length of service granting the right to pension under the present Article shall include the period of working in a prosecutor's positions listed in Article 15 of this Law including the time in specialized public prosecutor's offices, on internship, in the position of an assistant or senior assistant in public prosecutor's offices, in the positions of investigators, judges, senior officers of the internal affairs agencies, in tax police and criminal executive service, in the positions of officers of the Security Service of Ukraine, civil servants with a university degree in law, in research and education institutions of the Prosecutor General's Office provided such employees are awarded with a class rank, including the period in other research and education institutions provided they had a scientific or academic degree, in elected positions with state authorities, in positions at other organizations provided the employees with a class rank were seconded to these organizations and then came back to the Prosecutor's Office, on military service, half of the full-time study period in legal higher education institutions or legal departments of higher education institutions, and paid 3 year childcare leave for women.

7. The long-service pension awarded according to the present Article shall also include dependency increment to support disabled family members, dependents and lonely pensioners in the amount and on the conditions specified by the applicable Ukrainian laws.

8. The right to a long-service pension shall be also granted to persons who at the time of applying for pension work in the public prosecutor's offices or in research and academic

institutions of the Prosecutor General's Office of Ukraine as well as to persons dismissed from prosecution and investigation positions in the Public Prosecutor's Office because of health problems, downsizing, following their election to the elected positions at state authorities or local governments. The war veterans who have the required length of service for awarding the long-service pension shall be awarded the pensions irrespective of whether they worked in public prosecution agencies before applying for pension.

9. Prosecutors and investigators with a disability status of 1st and 2nd group shall be awarded a disability pension in the amount specified by Part One of this Article provided their length of service in the public prosecutor's offices makes at least 10 years.

10. In case of being elected a member of parliament, a public prosecutor and an investigator of the Public Prosecutor's Office who are entitled to long-service pensions or acquire the right to this pension while working in the elected positions shall have the right, at their discretion, either to a pension which is to be calculated on the basis of an MPs' salary or to a long-service pension.

11. Prosecutors and investigators entitled to more than one state pension shall be awarded only one pension, at their choice.

12. Individuals deprived of the class rank upon a court ruling shall lose the right to a long-service pension. Individuals dismissed from office as a result of a judgment of conviction that has taken legal effect and that is connected with a deliberate crime committed with abuse of office or a corruption offense resulting in an administrative penalty shall be also deprived of the right to the pensions specified by the present Article.

13. Long-service pensions under this Article shall be awarded, recalculated and paid by the authorized government agencies.

14. Pensioners and members of their families shall retain the right to the benefits and social protection guarantees specified by this Law and other laws. Pensioners and family members living with them shall also have the right to medical services at the medical facilities where they were registered before retirement of the public prosecution officer.

15. An individual working in the position which gives the right to a pension on the terms and conditions specified by the present Law, the laws of Ukraine *On Status of the National Deputy of Ukraine*, *On Scientific and Scientific and Technology Activity* and *On Public Service* shall be paid a pension calculated as specified by the Law of Ukraine *On Compulsory State Pension Insurance*. Upon dismissal the pension shall be calculated in accordance with this Law. The maximum pension (including increments, pay rise, additional pensions, targeted monetary assistance, pensions for special merits to Ukraine, payment indexation and other additional payments to pension specified by the law save for payments and increments to certain categories of people who have special merits to Homeland) shall not exceed ten minimum subsistence incomes set for the individuals who become disabled.

16. Prosecutors and investigators of the Public Prosecutor's Office dismissed for the first time on the grounds of retirement for length of service or as a result of disability shall be paid a monetary assistance in the amount of an average monthly salary in the year prior to the month of dismissal (with consideration of salary adjustments over this period in case of a pay rise on the day of dismissal), for each full year of work as a prosecutor or an investigator of the Public Prosecutor's Office or at the research and academic institutions of the Public Prosecutor's Office as specified in their employment records.

17. Individuals who received a monetary assistance on the grounds of retirement for length of service or as a result of disability in accordance with this Law or other laws of Ukraine, in case of their further dismissal from the Public Prosecutor's Office shall be paid a monetary assistance in the amount of an average monthly salary in the year prior to the month of dismissal (with consideration of salary adjustments over this period in case of a pay rise on the day of dismissal), for each full year of work as a prosecutor or an investigator of the public prosecutor's office or at the research and academic institutions of the Public Prosecutor's Office following the year when they received the above mentioned monetary assistance.

18. Prosecutors and investigators who are not entitled to a pension shall be paid a monetary assistance in case of their dismissal from office on the grounds of liquidation or

reorganization of the Public Prosecutor's Office where they work and should positions of public prosecutors be cut.

19. A loss-of-breadwinner pension shall be awarded to the dependents of a public prosecutor or an investigator if at the moment of his death he provided their living (children shall be awarded a pension irrespective of the fact of support) and provided his length of service in the Public Prosecutor's Office is at least 10 years. The pension shall make 60% of an average (current) monthly income per one family member and in case of two or more members of the family it shall make 80%. Dependents of a diseased public prosecutor or an investigator shall include individuals specified by Article 36 of the Law of Ukraine *On Compulsory State Pension Insurance*.

20. The pensions awarded to public prosecution officers shall be readjusted in case of a pay rise of public prosecutors with due regard of the conditions and salary elements for the corresponding categories of officers who serve in the Public Prosecutor's Office and prosecution agencies at the time of arising of the right to recalculation. In this case the awarded pensions shall be recalculated on the first day of the month following the month when the circumstances leading to the pension change took place. If the pensioner has also gained the right for a rise in the pension the difference in the pensions for the past period shall be covered for no more than 12 months. Working pensioners shall be also entitled to recalculation of their pension in case of promotion, increase in the length of service, award of a class rank or a title of honor or an academic degree or in case of a pay rise in the manner established by Parts Two, Three and Four of this Article, in case of dismissal from office, or for every two years.

Section 10. Organizational Support to the Public Prosecutor's Office

Article 92. Specifics of Support to the Public Prosecutor's Office

1. The government shall provide financing and proper conditions for operations of the Public Prosecutor's Office and activities of public prosecutors.

2. Supporting the Public Prosecution Service means:

1) allocate funds in the State Budget of Ukraine to finance the Public Prosecutor's Office at the level that will guarantee full and independent execution of authorities by the Public Prosecutor's Office according to the law;

2) provide legal guarantees that the Public Prosecution Service will be financed in a full and timely manner;

3) guarantee a sufficient level of social security for public prosecutors.

Article 93. The system for ensuring operation of the Public Prosecutor's Office

1. Ukraine has a unified system of ensuring operation of the Public Prosecutor's Office.

2. The Public Prosecution Service and other government authorities shall provide organizational support to the Public Prosecutor's Office in the cases and in the manner established by this Law and other laws.

Article 94. Principles of Financing the Public Prosecutor's Office

1. The Public Prosecutor's Office of Ukraine shall be financed with allocations from the State Budget of Ukraine.

2. The Prosecutor General's Office shall perform the functions of the major budget owner of the State Budget of Ukraine to provide financial support to the Public Prosecutor's Offices.

3. The expenditures for the maintenance of Public Prosecutor's Office specified in the State Budget of Ukraine shall not be cut within the current financial year.

Article 95. Procedure for Financing the Public Prosecutor's Office

1. The Public Prosecutor's Office shall be financed in line with the budget estimates and monthly budget breakdown approved by the Prosecutor General of Ukraine within the annual amount of allocations specified by the State Budget of Ukraine for the current financial year.

Article 96. Meeting Professional Needs of the Public Prosecutors

1. The Public Prosecutor shall be provided with a separate workplace and the required facilities.

2. The Public Prosecutor's Office shall be equipped with vehicles and material and technical facilities in the manner established by the Prosecutor General of Ukraine within the allocations specified in the State Budget of Ukraine for the maintenance of the Public Prosecutor's Offices.

3. Local state administrations and local government authorities shall lease out office premises to the Public Prosecutor's Authorities located in their territories.

Article 97. Guarantees and Compensations for Persons Summoned to the Public Prosecutor's Office

1. Individuals summoned to the Public Prosecutor's Office in the cases specified by law shall be compensated for the time spent in connection with the summoning as well as other related expenses. The compensation shall be calculated on the basis of an average salary and covered by the State Budget.

2. Fees for experts and other specialists as well as expenditures related to their summoning shall be covered by the State Budget.

3. The manner and conditions of expenditures and compensations in connection with the summoning to the Public Prosecutor's Office shall be established by the Cabinet of Ministers of Ukraine.

Section 11. International Cooperation**Article 98. International and Legal Cooperation with the Competent Agencies of Foreign States in the Area of Criminal Proceedings**

1. According to the applicable international treaties of Ukraine, the Public Prosecutor's Office shall cooperate with the competent agencies of other countries in the areas relating to procedural actions in investigation of criminal offences, extradition of persons who commit crimes, transfer of criminal proceedings, and other issues specified by such treaties. In the absence of an international treaty of Ukraine the Public Prosecutor's Office of Ukraine shall cooperate in this area on the basis of reciprocal written guarantees.

2. In cases specified by the laws, the Prosecutor General's Office of Ukraine shall act as the central authority responsible for performance of international treaties of Ukraine.

3. If an international treaty identifies a specific manner of cooperation during criminal proceedings, the Regional Public Prosecutor's Offices shall follow these cooperation rules within their competences.

4. In cases specified by laws of Ukraine and international treaties of Ukraine, public prosecutors may be delegated to international organizations of which Ukraine is a participant and to foreign diplomatic offices of Ukraine.

Article 99. International intergovernmental treaties of Ukraine concluded by the Prosecutor General's Office

1. The Prosecutor General's Office of Ukraine shall participate in development of international treaties of Ukraine relating to cooperation in the area of criminal proceedings, and conclude international intergovernmental treaties of Ukraine for cooperation on the issues of the Public Prosecutor's Office with the corresponding government authorities of foreign countries and international organizations whose authorities include the issues regulated by such treaties.

Article 100. Procedures for Concluding, Performing and Denouncing International Intergovernmental Treaties of Ukraine Executed by the Prosecutor General's Office of Ukraine

1. Proposals to conclude international intergovernmental treaties of Ukraine by the Prosecutor General's Office of Ukraine shall be agreed with the Ministry of Foreign Affairs of Ukraine.

2. The decision on holding negotiations and concluding international intergovernmental treaties by the Prosecutor General's Office of Ukraine including the decision to grant authorities to perform such actions shall be made by the Prosecutor General of Ukraine. Only authorized persons shall be entitled to negotiate the text of an international intergovernmental treaty, approve the text, state its authenticity and sign the international intergovernmental treaty of Ukraine.

3. The Prosecutor General's Office of Ukraine shall ensure performance of the commitments arising for the Ukrainian party out of international intergovernmental treaties concluded by the Prosecutor General's Office.

4. International intergovernmental treaties of Ukraine concluded by the Prosecutor General's Office of Ukraine which have come into effect for Ukraine shall be published in the Collection of International Treaties in Force and the Official Bulletin of Ukraine [*Visnyk*].

International intergovernmental treaties of Ukraine concluded by the Prosecutor General's Office of Ukraine shall be registered with the Ministry of Justice of Ukraine by including them into the Single National Register of Regulatory Acts. The originals of international intergovernmental treaties of Ukraine shall be kept by the Ministry of Foreign Affairs of Ukraine.

The Ministry of Foreign Affairs of Ukraine shall control the authenticity of the Ukrainian and foreign texts of the international intergovernmental treaties concluded by the Prosecutor General's Office of Ukraine.

5. The Prosecutor General's Office of Ukraine shall be responsible for denouncing international intergovernmental treaties of Ukraine that it has concluded.

Section XII. Final provisions

1. This Law shall come into force three months from the day following the day when the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine and the Council of Prosecutors of Ukraine announce the beginning of their operations (the announcement is to be published in *Holos Ukrainy* newspaper), with the exception of:

provisions relating to formation of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine, Regional Qualifications and Disciplinary Commissions of Prosecutors of Ukraine and the Council of Prosecutors of Ukraine which come into force six months from the day following the day of publication of this Law;

Sections VI and VIII which become effective on the day following the day of announcement by the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine and the Council of Prosecutors of Ukraine about the beginning of their operation, which is published in *Holos Ukrainy* newspaper;

Clause 13, Section XIII, which shall become effective on the day following the day of publication of this Law;

Clauses 3 and 4, Section XIII, which shall come into effect six months from the day following the day of publication of this Law;

Clause 62, Section XII, which shall come into force on January 1, 2014.

Clause 66, Section XII, which shall come into force on the day following the day of publication of this Law;

Clause 11 of section XIII which shall come into force on the day following the day of publication of this Law;

2. Until the legislation is amended to be in line with this Law, the laws and other legal acts shall be applied to the extent which does not contradict this Law.

3. The following acts shall be deemed null and void with this Law coming into effect:

1) Law of Ukraine *On Public Prosecutor's Office* dd. November 5, 1991, No. 1789-XII (Vidomosti Verkhovnoyi Rady Ukrainy, 1991, No. 53, Article 793);

2) Resolution of the Verkhovna Rada of Ukraine dd. November 5, 1991 No.1790-XII, the Law of Ukraine *On Public Prosecutor's Office* dd. November 5, 1991, No. 1790-XII (Vidomosti Verkhovnoyi Rady Ukrainy, 1991, No. 53, p. 794);

3) Resolution of the Verkhovna Rada of Ukraine dd. November 6, 1991, No.1795-XI *On Approval of Regulations on Class Ranks of Public Prosecution Officers of Ukraine* dd. November 6, 1991, No. 1795-XII (Vidomosti Verkhovnoyi Rady Ukrainy, 1992, No. 4, p. 14);

4. From the moment Sections VI and VIII of this Law come into force, Resolution of the Verkhovna Rada of Ukraine *On Approval of Disciplinary Status of the Public Prosecutor's Office of Ukraine* dd. November 6, 1991 No. 1796-XII (Vidomosti Verkhovnoyi Rady Ukrainy, 1992, No. 4, p. 15) shall be deemed null and void.

5. The following legal acts of Ukraine shall be amended:

1) The Labor Code of Ukraine (Vidomosti Verkhovnoyi Rady URSR, 1971, appendix to No.50. Article 375 as amended):

- a) Delete the words "or on the basis of the Public Prosecutor's application" in Part Four of Article 136;
- b) Replace the words "public prosecution and investigative officers" with the words "the public prosecutors" in Article 222;
- c) Delete Clause 2 of Article 231;
- d) Delete the words "or the Public Prosecutor" in Part Four of Article 233;
- e) Delete Part Three of Article 259.

2) The Code of Ukraine on Administrative Offences (Vidomosti Verkhovnoyi Rady URSR, 1984, appendix to No.51. p. 1122 as amended):

a) Article 7:

Delete the words "supervision by the Public Prosecutor" in Part Four;

Add the following text to this Part:

"The Public Prosecutor shall supervise compliance with the laws in case of taking enforcement measures for administrative offences by exercising his/her authorities as to supervision of compliance with the laws during enforcement actions relating to restriction of liberty of citizens as well as in the area of anti-corruption";

b) Delete the words "or a separate ruling of the judge or the motion of the Public Prosecutor" in Part One of Article 15;

c) Add the words "during the pre-trial investigation" to Paragraph One of Article 185⁴ ;

d) Article 185⁶:

Delete the words "or a separate ruling of the judge or the motion of the Public Prosecutor" in the title;

Paragraph One of Part One:

Delete the words "or a separate ruling of the judge";

Replace the word "them" with "it";

Delete Part Two;

e) Part Two of Article 185⁸ shall read as follows:

“Evasion from performance of legal requirement of the Public Prosecutor to come to the Public Prosecutor’s Office shall lead to a penalty from 20 to 80 tax-exempt minimum incomes of individuals.”

f) Article 188³⁵

The title shall read as follows:

“Failure to perform the legal requirements of the High Qualification Commission of Judges, Qualification and Disciplinary Commission of Public Prosecutors and the members of these authorities as to provision of information”;

Add the words “Qualifications and Disciplinary Commission of Public Prosecutors, a member of the Qualifications and Disciplinary Commission of Public Prosecutors” to Paragraph One of Part One after the words “a member of the High Qualifications Commission of Judges”;

g) The title and Part One of Article 250 shall read as follows:

“Article 250. Supervision of compliance with the laws by the Public Prosecutor in case of taking enforcement measures relating to restriction of liberty of citizens as well as in the area of anti-corruption

The Public Prosecutor supervising the compliance with the laws in case of taking enforcement measures relating to restriction of liberty of citizens as well as in the area of anti-corruption shall be entitled to: compile an administrative offence report, see the case files, participate in consideration of the case, submit petitions, check the legality of enforcement measures applied by the corresponding authorities (officials) for administrative offences, appeal the ruling or resolution on complaints about administrative offense cases, and take other actions specified by the Law”.

h) Part One of Article 255

- Clause 1:

Replace the words and numbers “Part One and Two of Article 127¹, Article 130” with the words and numbers “Article 127¹, 130”;

- Delete Paragraph 46;

- Clause 8 shall read as follows:

“8) investigator (Part Four of Article 184, Article 185⁴, 185¹¹)”;

Add Clauses 8¹, 9², 9³, 9⁴ which shall read as follows:

“8¹) authorized persons of the Secretariat of the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine or the authorized representatives of the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine (Articles 188¹⁹, 212³ (except for violation of the right to information according to the Law of Ukraine *On the Bar and Lawyer’s Practice*))”;

“9²) the Chairman, Deputy Chairman of the High Council of Justice of Ukraine (Article 188³²)”;

9³) the Chairman, Deputy Chairman of the High Qualifications Commission of Judges of Ukraine (Article 188³⁵ (in regards to non-performance of lawful requirements of the High Qualifications Commission of Judges of Ukraine or its member)) ;

9⁴) the Chairman, Deputy Chairman of the Qualifications and Disciplinary Commission of Public Prosecutors (Article 188³⁵ (in regards to non-performance

of lawful requirements of the Qualification and Disciplinary Commission of Public Prosecutors or its member)".

Clause 11 shall read as follows:

"11) the Public Prosecutor (Articles 185⁴, 185⁸, 185¹¹, 172⁴-172⁹)"

- i) Delete the words "the Public Prosecutor" in Part Four of Article 257;
- j) Article 267:

Delete the words "the Public Prosecutor" in Part One;
Delete the words "or the motion of the Public Prosecutor" in Part Two.
- k) Delete the forth sentence in Part Two of Article 279;
- l) Delete the words "or submitting the Public Prosecutor's motion against it" in the title of Section 24;
- m) Replace the words "the Public Prosecutor" with the words "the Public Prosecutor in the cases specified by Part Five of Article 7 of this Code" in Part One of Article 287;
- n) Delete Part Four of Article 288;
- o) Delete the word "the Public Prosecutor" in Article 289;
- p) Delete Article 290;
- q) Delete the words "(the motion of the Public Prosecutor)" in Article 291;
- r) Article 292:

Delete the words "and the motion of the Public Prosecutor" in the title of the Article;
Replace "are considered" with "is considered";
Replace the words "their" with "its"
- s) Article 293:
Delete the words "and the motion of the Public Prosecutor" in the title of the Article;

Delete the first words "or the motion of the Public Prosecutor" in Paragraph One and Clause One of Part One.
- t) Delete the words "or the Public Prosecutor" in Part Two of Article 294;
- u) Delete Part Two of Article 295;
- v) Delete the words "or submitting the Public Prosecutor's motion against it" and the words "or the motion" in Part Two of Article 299;
- w) Delete the words "or submitting the Public Prosecutor's motion against it" and the words "or the motion of the Public Prosecutor" in Part One of Article 303;
- x) Delete the words "or submitting the Public Prosecutor's motion against it" and the words "or the motion" in Part One of Article 307;

3) Article 30 of the Economic Procedural Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 1992, No.6. p. 56 as amended):

Add the words “the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine” after the word “process” in the title of the Article;

Add the following paragraph to Part Three of the Article:

“In order to protect the rights and freedoms of man and citizen in the cases established by law, the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine shall be entitled, personally or through his/her representative, to apply to the Economic Court of Ukraine with lawsuits (applications), participate in consideration of cases based on his/her lawsuits (applications) as well as to join the cases initiated on the basis of lawsuits (applications) of other persons at any stage of the proceedings, submit appeals and cassation appeals, petition for review of judgments by the Supreme Court of Ukraine, revision of judgments upon discovery of new facts, including in the cases initiated on the basis of lawsuits (applications) of other persons. To this end, the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine shall provide to the Economic Court the documents proving that the person cannot protect his/her interests on his/her own.”

4) Replace the words “apply to the Public Prosecutor’s Offices with the request to submit the lawsuits to the court” with “submit the lawsuits to the court” in Clause 14 of Part One of Article 91 of the Forest Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 1994, No.17. p. 99 as amended);

5) Article 381¹ of the Criminal Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2001, No.25-26. p. 131 as amended):

Delete the words “by the investigator” from the title of the Article

Add the following paragraph to the Article:

“2. Willful regular failure of an official of the detective department to comply with the lawful orders of the Public Prosecutor submitted by the latter in writing in order to supervise the compliance with the laws during detective activities shall be punished with a penalty to the amount from 300 to 500 tax-exempt minimum incomes or restriction of liberty up to three years with deprivation of the right to hold certain posts or carry out certain activities up to two years or without it”;

6) Delete the words “as well as upon the application of the Public Prosecutor” in Part One of Article 48 of the Family Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2002, No.21-22. p. 135 as amended);

7) The Criminal-Executive Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2004, No.3-4. p. 21 as amended):

a) The title and Part One of Article 22 shall read as follows:

“Article 22. Supervision of compliance with the laws during execution of criminal punishment

1. The Public Prosecutor shall supervise compliance with the laws, according to the Law *On the Public Prosecutor’s Office*, in the agencies and institutions of execution of punishment during execution of criminal judgments as well as in case of applying other enforcement measures relating to restriction of liberty of individuals”;

b) Paragraph Ten of Part One of Article 24 shall read as follows:

“The Prosecutor General of Ukraine as well as the public prosecutors authorized by him and the public prosecutors supervising compliance with the laws during execution of criminal judgments as well as in case of applying other enforcement measures relating to restriction of liberty of citizens”

8) In Part One of Article 45 of the Civil Procedural Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2004, No.40. p. 492 as amended):

Delete the words “the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine”;

Add the following paragraph:

“In order to protect the rights and freedoms of man and citizen in the cases established by law, the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine shall be entitled, personally or through his/her representative, to apply to the Economic Court of Ukraine with lawsuits (applications), participate in consideration of cases based on his/her lawsuits (applications) as well as to join the cases initiated on the basis of lawsuits (applications) of other persons at any stage of the proceedings, submit appeals and cassation appeals, petition for review of judgments by the Supreme Court of Ukraine, revision of judgments upon discovery of new facts, including in the cases initiated on the basis of lawsuits (applications) of other persons. To this end, the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine shall provide to the Economic Court the documents proving that the person cannot protect his/her interests on his/her own.”

9) The Code of Administrative Legal Proceedings of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2005, No.35-37. p. 446 as amended):

a) Delete the words “the High Council of Justice, the High Qualifications Commission of Judges of Ukraine” in Part Four of Article 18;

b) Article 20:

Add the words “Administrative Courts of Appeal and” after the words “as well as” in Part One;

The second sentence of Part Three shall read as follows: “In the cases specified by this Code, the High Administrative Court of Ukraine shall act as the court of appeal to review the rulings of the Administrative Court of Appeal according to the appeal procedure.”

c) Part One of Article 60:

Delete the words “the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine”;

Add the following paragraph:

“In order to protect the rights and freedoms of man and citizen in the cases established by law, the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine shall be entitled, personally or through his/her representative, to apply to the Economic Court of Ukraine with lawsuits (applications), participate in consideration of cases based on his/her lawsuits (applications) as well as to join the cases initiated on the basis of lawsuits (applications) of other persons at any stage of the proceedings, submit appeals and cassation appeals, petition for review of judgments by the Supreme Court of Ukraine, revision of judgments upon discovery of new facts, including in the cases initiated on the basis of lawsuits (applications) of other

persons. To this end, the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine shall provide to the Economic Court the documents proving that the person cannot protect his/her interests on his/her own.”

d) Article 171¹:

Add the words “Qualifications and Disciplinary Commission of Public Prosecutors” to the title;

Add Clause 5 to Part One of the Article, which is to be read as follows:

“5) the decisions, actions or omission by the Qualifications and Disciplinary Commission of Public Prosecutors”

Part Two shall read as follows:

“2. Acts, actions or omission thereof by the Verkhovna Rada of Ukraine and the President of Ukraine shall be appealed to the High Administrative Court of Ukraine. To this end, the High Administrative Court of Ukraine shall establish a separate chamber. Acts, actions or omission thereof by the High Council of Justice, as well as the decisions, actions or omission of the High Qualifications Commission of Judges of Ukraine, and Qualifications and Disciplinary Commission of Public Prosecutors shall be appealed to Kyiv Administrative Court of Appeal.”

Add the words “Qualifications and Disciplinary Commission of Public Prosecutors” after the words “the High Qualifications Commission of Judges of Ukraine” in Part Four;

Part Five:

- Add the words “or Kyiv Administrative Court of Appeal” after the words “the High Administrative Court of Ukraine” in Paragraph One;
- Add the words “the Qualifications and Disciplinary Commission of Public Prosecutors” after the words “the High Qualifications Commission of Judges of Ukraine” in Clause 1;
- Add the words “and the Qualifications and Disciplinary Commission of Public Prosecutors” after the words “the High Qualifications Commission of Judges of Ukraine” and add the words “the Qualification and Disciplinary Commission of Public Prosecutors” after the words “the High Qualification Commission of Judges of Ukraine” in Clause 2;

Delete the words “the High Council of Justice as well as the decisions, actions or omission of the High Qualifications Commission of Judges of Ukraine” in Part Six;

Add the following paragraph:

“7. The rulings of Kyiv Administrative Court of Appeal relating to appeals of acts, actions or omission thereof by the High Council of Justice as well as the decisions, actions or omission thereof by the High Qualifications Commission of Judges of Ukraine and the Qualifications and Disciplinary Commission of Public Prosecutors can be appealed according to the appeals procedure. The Court of Appeal in such cases shall be the High Administrative Court of Ukraine whose rulings are final and are not subject to appeal.”;

10) In Clause 9 of Section VI of the Final and Transitional Provisions of the Budget Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2010, No.50-51. p. 572 as amended):

The second sentence of sub-clause 9 shall read as follows: “The central executive authority implementing the state policy in the area of treasury servicing of public funds shall apply to the court on behalf of the state with the lawsuits to reimburse the losses caused to the state budget (local budgets)”;

Delete the words “the Public Prosecutor’s Offices on the basis of the materials submitted by the corresponding authorities” in Paragraph Five of Sub-clause Ten;

11) the Customs Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2012, No.44-48, p. 552 as amended):

- a) Delete the words (“submission of the motion by the Public Prosecutor”) in Part Two of Article 486;
- b) Delete the word “the Public Prosecutor” in Part Five of Article 529;
- c) Delete the word “submission of the motion by the Public Prosecutor” in Part One of Article 530;
- d) Delete the word “the motion by the Public Prosecutor” in the title and Part One of Article 532;
- e) Article 533:

Delete the words “or submission of the motion by the Public Prosecutor” in the title and Part One of the Article;

Delete the words “or the motion” in Part One;

- f) Delete the words “or submission of the motion by the Public Prosecutor against it” and “or the motion” in Part One of Article 539;

12) In the Code of Criminal Procedure of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2013, No.9-13, p. 88 as amended):

- a) Clauses 9 and 15 of Part One of Article 3 shall read as follows:

“9) head of the Public Prosecutor’s Office means the Prosecutor General of Ukraine, head of regional public prosecutor’s office, head of local public prosecutor’s office and their first deputies who act within their authorities.”;

“15) the Public Prosecutor is the person who holds the post as specified by Article 15 of the Law of Ukraine *On Public Prosecutor’s Office*”;

- b) Article 36:

Part Four:

- Paragraph One shall read as follows:

“The right for submitting an appeal or a cassation appeal, petition for review of judgments by the Supreme Court of Ukraine, revision of judgments upon discovery of new facts shall be also granted to the Public Prosecutors of the highest level independent of their participation in the legal proceedings: the Prosecutor General of Ukraine, heads of regional public prosecutor’s offices, their first deputies and deputies”;

- In Paragraph Two replace the words “public prosecutors of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities and equivalent public prosecutors, their” with the words “heads of regional public prosecutor’s offices, their first deputies and”; and replace the words “or the public prosecutors” with the words “heads, first deputies or deputy heads or the public prosecutors of the Public Prosecutor’s Offices”;
- Replace the words “officials of the public prosecutor’s agencies” with the words “public prosecutors of the Public Prosecutor’s Office” in Paragraph Three;
- In Part Five replace the words “his/her deputies, public prosecutors of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities and equivalent public prosecutors” with the words “heads of Regional public prosecutor’s offices, their first deputies and deputies”;
- The first sentence of Part Six shall read as follows: “6. While supervising compliance with the laws during the pre-trial investigation, the Prosecutor General of Ukraine, heads of regional public prosecutor’s offices, their first deputies and deputies shall be entitled to revoke unlawful and unjustified resolutions of investigators and the public prosecutors of lower level within the timelines of pre-trial investigations specified by Article 219 of this Code”;

c) Article 87:

Delete Clause 6 of Part Two;

Add the new paragraph after Part Two, which shall read as follows:

“3. The evidence shall be inadmissible if it is obtained:

- 1) On the basis of testimony of the witness who is later declared a suspect or found guilty in this criminal proceeding;
- 2) After the beginning of the criminal proceedings where a pre-trial investigation agency or the public prosecutor’s office exercise the authorities which are not established in this Code for pre-trial investigation of criminal offences”.

In this connection Part Three shall be considered as Part Four;

- d) Replace the word “the Public Prosecutor” with the words “the head of the Public Prosecutor’s Office” in Part Six of Article 214;

e) Clauses 1 and 2 of Part Two of Article 294 shall read as follows:

- 1) up to three months – by the head of the local Public Prosecutor’s Office;
- 2) up to six months – by the head of the Regional Public Prosecutor’s Office or his/her first deputy or deputies”;

f) Part Two of Article 312 shall read as follows:

“2. The investigator’s complaint shall be submitted to the Public Prosecutor of the higher level if it challenges the decisions, actions of omission thereof by the Public Prosecutor;

g) Article 313:

Part One:

Replace the words “The official of the Public Prosecutor’s Office of the higher level who” with the words “the Public Prosecutor of the higher level who”;

Replace the word (she) “shall” with (he) “shall”;

Part Three shall read as follows:

“3. In case of cancelling a decision or ruling that an action or omission thereof is illegal, the Public Prosecutor of the higher level shall be entitled to replace the Public Prosecutor with another one from among the officers of the same level of the Public Prosecutor’s Office during the pre-trial proceeding where the illegal decision, action or omission thereof took place”;

Replace the words “the official of the Public Prosecutor’s Office” with “the Public Prosecutor” in Part Four;

h) Article 341:

Part One:

- The first sentence of Paragraph One shall read as follows: “1. If during the court proceedings the Public Prosecutor, except where it is the Prosecutor General of Ukraine, comes to the conclusion that it is necessary to drop the charge, change it or bring additional charges the Public Prosecutor shall coordinate the corresponding procedural documents with a Public Prosecutor of a higher level.”;
 - Delete Paragraph Two;
 - Delete the words “the head of the Public Prosecutor’s Office” in Part Two;
- i) Replace the words “the Public Prosecutor of the Autonomous Republic of Crimea, oblasts, Kyiv or Sevastopol cities” with the words “the head of the Regional public prosecutor’s office” in Clause 1 of Part One of Article 481;
- j) Replace the words “the Public Prosecutor’s Office of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities and the equivalent public prosecutor’s offices”, with the words “the corresponding Regional public prosecutor’s office” in Part Four of Article 575;
- k) Replace the words “the Public Prosecutor’s Office of the Autonomous Republic of Crimea, oblasts, Kyiv or Sevastopol cities”, “the Public Prosecutor’s Office of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities” in all cases with the words “the corresponding Regional public prosecutor’s office” in the corresponding case in Parts Three and Five of Article 582;
- l) Replace the words “the Public Prosecutor of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities or his/her” with the words “the head of the corresponding Regional public prosecutor’s office, his/her first deputy or” in Part Two of Article 586;

- m) Replace the words “the Public Prosecutor’s Office of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities” with the words “the corresponding regional public prosecutor’s office” in Part One of Article 587;
- n) Replace the words “the Public Prosecutor’s Office of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities” with the words “the corresponding Regional public prosecutor’s office” in Part Two of Article 591;
- o) Replace the words “the Public Prosecutor’s Office of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities” with the words “the corresponding Regional public prosecutor’s office” in Parts Two and Three of Article 592;

13) The text of Article 27 of the Law of Ukraine *On Police* (Vidomosti Verkhovnoyi Rady URSR, 1991, No.4, p. 20 as amended) shall read as follows:

“The Public Prosecutor shall supervise compliance with the laws by the police units which perform detective operations, make inquiries and carry out pre-trial investigation as well as during execution of court rulings in criminal cases and during other enforcement measures relating to restriction of liberty of individuals”;

14) Delete the second sentence of Part One of Article 9 of the Law of Ukraine *On Basic Principles of Social Security of Disabled People in Ukraine* (Vidomosti Verkhovnoyi Rady URSR, 1991, No.21, p. 252 as amended);

15) Delete the words “and/or one of the public prosecutors of Ukraine” in Part Six of Article 34 of the Law of Ukraine *On Foreign Economic Activities* (Vidomosti Verkhovnoyi Rady URSR, 1991, No.29, p. 377 as amended);

16) The Law of Ukraine *On Freedom of Conscience and Religious Organizations* (Vidomosti Verkhovnoyi Rady URSR, 1991, No.25, p. 283 as amended):

- a) Part Five of Article 16 shall read as follows:
“ The lawsuit demanding to terminate the activity of a religious organization shall be submitted to the Administrative Court by the agency authorized to register the Charter of the specific religious organization”;

- b) Delete the words “the public prosecutor’s agencies” in Article 29.

17) Delete Article 37 of the Law of Ukraine *On Environmental Protection* (Vidomosti Verkhovnoyi Rady Ukrainy, 1991, No.41, p. 546 as amended);

18) Article 22 of the Law of Ukraine *On Social and Legal Protection of the Military Personnel and Members of their Families* (Vidomosti Verkhovnoyi Rady Ukrainy, 1992, No.15, p. 190 as amended) shall be excluded;

19) The Law of Ukraine *On Investigative Activities* (Vidomosti Verkhovnoyi Rady Ukrainy, 1992, No.22, p. 303 as amended):

- a) replace the words “public prosecutors of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities and equivalent public prosecutors, their deputies” with the words “the heads of Regional public prosecutor’s offices, their first deputies and deputies” in Part Two of Article 9¹;

b) Part One and Two of Article 14 shall read as follows:

“Compliance with the laws during investigative activities shall be supervised by the Prosecutor General of Ukraine, his/her deputies, heads of Regional public prosecutor’s offices, their first deputies and deputies as well as by the persons authorized by the order of the Prosecutor General of Ukraine, public prosecutors of the Prosecutor General’s Office of Ukraine and those authorized by the order of the head of the Regional public prosecutor’s office and the public prosecutors of the relevant Regional public prosecutor’s offices.

The head of the local Public Prosecutor’s Office and the public prosecutors of the corresponding local Public Prosecutor’s Office authorized by him shall supervise compliance with the laws during investigative activities carried out as part of the detective cases initiated by the subordinate operative departments of the law-enforcement units in their administrative areas”;

20) Article 34 of the Law of Ukraine *On Security Service of Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 1992, No.27, p. 382) shall read as follows:

“The Public Prosecutor shall supervise compliance with the laws by the units of the Security Service of Ukraine which perform investigative activities, make inquiries and carry out pre-trial investigation as well as during execution of court rulings in criminal cases and during other enforcement measures relating to restriction of liberty of individuals”;

21) The text of Article 14 of the Law of Ukraine *On Internal Troops of the Ministry of Internal Affairs of Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 1992, No.29, p. 397) shall read as follows:

“The Public Prosecutor shall supervise compliance with the laws by the internal troops by exercising his/her authority to supervise compliance with the laws during execution of court rulings in criminal cases and during other enforcement measures relating to restriction of liberty of individuals”;

22) Words “public prosecutor's office” in paragraph Three of Article 105 of the Law of Ukraine *On Veterinary Medicine* (Vidomosti Verkhovnoyi Rady Ukrainy, 2007, No. 5 – 6, p. 53 as amended) shall be excluded;

23) Replace the words “public prosecutor's offices” with words “respective authorities” in Paragraph Seven, Part One, Article 39 of the Law of Ukraine *On Labor Protection* (Vidomosti Verkhovnoyi Rady Ukrainy, 2011, No.50, p. 537 as amended);

24) Article 23 of the Principles of Health Care of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.4, p. 19 as amended) shall be excluded;

25) Law of Ukraine *On Basic Principles of Public Financial Control in Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.13, p. 110 as amended):

a) replace the words “upon a court decision delivered on the basis of a motion submitted by a public prosecutor or investigator to ensure investigation into a criminal case” with “upon a court decision delivered in criminal proceedings” in Part One of Article 2;

b) Article 11:

replace the words “upon a court decision delivered on the basis of a petition submitted by an investigator or public prosecutor to ensure investigation in criminal proceedings” with words “upon a court decision delivered in criminal proceedings” in Part Seven;

replace the words “a public financial control authority, public prosecutor or investigator that” with “An authority or person that” in Part Eight;

26) Law of Ukraine *On Pre-Trial Detention* (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.35, p. 360 as amended):

a) replace the words “a public prosecutor of the Autonomous Republic of Crimea, oblast, Kyiv city or Sevastopol city or his/her deputy” across the text with words “the head of a regional prosecutor's office, his/her first deputy or deputy” in Parts Four and Five, Article 20;

b) the title and Part One of Article 22 shall be laid down as follows:

"Article 22. Supervision under compliance with laws in pre-trial detention centers

A public prosecutor shall supervise compliance with laws in pre-trial detention centers by exercising his/her powers of supervision of compliance with laws in implementation of court rulings in criminal cases and of other enforcement measures relating to restriction of personal liberty of citizens”;

27) Replace the words “of respective commissions or on public prosecutor’s initiative” with words “or respective commissions” in Part Two of Article 20 of the Law of Ukraine *On Collective Agreements and Contracts* (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.36, p. 361 as amended);

28) Article 21 of the Law of Ukraine *On Status of War Veterans, Guarantees of Their Social Protection* (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.45, p. 425 as amended) shall be excluded;

29) Replace the words “administration of prosecutor's offices” with “prosecutor's offices, administrations” in Part Two of Article 9 of the Law of Ukraine *On Public Service* (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.52, p. 490; as amended);

30) Law of Ukraine *On State Protection of Court Staff and Law-Enforcement Agencies Staff* (Vidomosti Verkhovnoyi Rady Ukrainy, 1994, No.11, p. 50 as amended):

a) replace the words “heads of prosecutor's offices” with words “the head of a prosecutor's office” in paragraph "c", Part One, Article 14;

b) replace the word “to a public prosecutor” with word “to the court” in paragraph "c", Part One, Article 19;

c) replace the word “to a public prosecutor” with “to the court” in Part Two of Article 20;

d) Article 24:

the words “and supervision” in the title shall be excluded;

paragraph Two shall be excluded;

31) Law of Ukraine *On Ensuring Security of Persons Involved in Criminal Proceedings* (Vidomosti Verkhovnoyi Rady Ukrainy, 1994, No.11, p. 51 as amended):

a) Paragraph Two, Part Five, Article 22 shall be restated as follows:

"This decision might be appealed by a concerned party to a public prosecutor, respective higher authority which ensures the security as well as to the court according to procedures established by the Criminal Procedure Code of Ukraine;

b) Article 28:

the words "and supervision" in the title shall be excluded;

Part Two shall be excluded;

32) Part Two of Article 13 of the Law of Ukraine *On Administrative Supervision over Persons Released from Prisons* (Vidomosti Verkhovnoyi Rady Ukrainy, 1994, No.52, p. 455 as amended) shall be excluded;

33) The second sentence in Part Two of Article 12 of the Law of Ukraine *On Procedures of Reimbursement for Damage Caused to a Citizen by Illegal Actions of Detective Agencies, Pre-Trial Investigation Authorities, Prosecutor's Offices and Courts* (Vidomosti Verkhovnoyi Rady Ukrainy, 1995, No.1, p. 1 as amended) shall be excluded;

34) Article 17 of the Law of Ukraine *On Agencies and Services of Children's Affairs and Special Children's Establishments* (Vidomosti Verkhovnoyi Rady Ukrainy, 1995, No.6, Article 35 as amended) shall be restated:

"Article 17. Supervision on compliance with laws by agencies and services for children and special establishments for children

A public prosecutor shall supervise compliance with laws by authorized police units, children reception centers, comprehensive schools and vocational schools of social rehabilitation, special educational establishments of the Public Criminal Enforcement Service of Ukraine by exercising his/her powers of supervision of compliance with laws by agencies involved in investigative activities, interrogation, and pre-trial investigation, and powers of supervision of compliance with laws in implementation of court rulings in criminal cases and of other enforcement measures relating to restriction on personal liberty of citizens";

35) Part Eleven of Article 25 of the Law of Ukraine *On Nuclear Energy Use and Radiation Safety* (Vidomosti Verkhovnoyi Rady Ukrainy, 1995, No.12, p. 81 as amended) shall be excluded;

36) Part Two of Article 35 of the Law of Ukraine *On Remuneration of Labor* (Vidomosti Verkhovnoyi Rady Ukrainy, 1995, No.17, p. 121 as amended) shall be excluded;

37) Article 29 of the Law of Ukraine *On Addresses of Citizens* (Vidomosti Verkhovnoyi Rady Ukrainy, 1996, No.47, p. 256 as amended) shall be excluded;

38) The words "request prosecutor's offices of Ukraine and the Ministry of Internal Affairs of Ukraine to conduct investigations and other measures according to applicable laws" shall be replaced with words "address law-enforcement agencies regarding pre-trial investigations or other measures according to applicable laws" in Paragraph Five, Part Two, Article 9 of the Law of Ukraine *On State Regulation of Securities Market in Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 1996, No.51, p. 292 as amended);

39) Part Three of Article 27 of the Law of Ukraine *On Vacations* (Vidomosti Verkhovnoyi Rady Ukrainy, 1997, No.2, p. 4 as amended) shall be excluded;

40) Article 18¹ shall be included to the Law of Ukraine *On Local Self-Government in Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 1997, No.24 as amended) as follows:

"Article 18¹. Relations between local self-government authorities and courts of general jurisdiction

1. A local self-government authority can act as a plaintiff or defendant in courts of general jurisdiction, in particular, it can apply to the court if it is necessary for the exercise of its powers and performance of local self-government functions";

41) Part One of Article 13 of the Law of Ukraine *On the Ukrainian Parliament Commissioner for Human Rights* (Vidomosti Verkhovnoyi Rady Ukrainy, 1998, No.20, p. 99 as amended):

a) Paragraph 10 as follows shall be restated:

"10) for the purpose of protection of human rights and freedoms, personally or using his/her representative as established by law: apply to the court for protection of rights and freedoms of individuals who are unable to protect their rights and freedoms because of their physical condition, minority status, old age, full or partial incapacity; participate in trials where proceedings are initiated on the basis of his/her lawsuits (applications, petitions (motions); join cases initiated on the basis of lawsuits (applications, petitions (motions)) of other persons at any stage of the trial; initiate review of court rulings irrespective of his/her involvement in the proceedings";

b) Paragraph Twelve shall be amended with words "implement court decisions" after "activities";

42) Law of Ukraine *On High Council of Justice* (Vidomosti Verkhovnoyi Rady Ukrainy, 1998, No.25, p. 146 as amended):

a) Part Three of Article 13 shall be restated as follows:

"Procedures to convene the All-Ukrainian Conference of Public Prosecution Employees shall be established by the Law of Ukraine *On the Public Prosecutor's Office*;

b) In Paragraph Two of Article 25 the words "a decision on bringing public prosecutors to disciplinary liability" shall be replaced with words "a decision of a qualifications and disciplinary commission of public prosecutors following disciplinary proceedings";

c) Part One of Article 27:

Paragraph 5 shall be amended with the word "judges";

Paragraph 5¹ shall be amended with following:

"5¹) a decision on a complaint against a decision of a commission on qualifications and disciplinary followed by disciplinary proceedings";

d) Article 34 shall be restated with following:

"The following entities may submit a proposal to the High Council of Justice to consider incompatibility of judge's or public prosecutor's actions with his/her position:

1) the High Qualifications Commission of Judges of Ukraine provided that it adopts such decision following disciplinary proceedings

2) commission on qualifications and disciplinary provided that it adopts such decision under disciplinary proceedings

3) a member of the High Council of Justice of Ukraine under verification of information about incompatibility of actions of a judge or public prosecutor with his/her position, where such member was authorized by this Law to conduct such verification";

e) Article 36 shall be restated as follows:

"The High Council of Justice shall consider incompatibility of the public prosecutor's position with his/her other activities on the basis of motions filed by entities indicated in Article 34 hereof.

A public prosecutor whose incompatibility is challenged and/or his/her representative shall be entitled to give explanations, to ask questions to the participants of meeting, to make objections, to submit petitions and challenges.

The public prosecutor whose incompatibility is challenged must be invited to the meeting of the High Council of Justice. If the public prosecutor is not able to attend the meeting for valid reasons, he/she may give explanations in writing on the issues raised, with the explanations to be attached to verification materials. The written explanations of the public prosecutor must be read out at the meeting of the High Council of Justice. Failure of the public prosecutor to attend the meeting for the second time shall enable the meeting to consider his/her incompatibility in his/her absence.

A decision on incompatibility shall be adopted at the meeting by a majority vote of the total membership of the High Council of Justice and must be sent to, and implemented immediately by, respective persons authorized to decide on dismissal of the public prosecutor";

f) the words "public prosecutors" shall be replaced with words "on decisions of a qualifications and disciplinary commission adopted following the disciplinary proceedings" in the Paragraph One of Article 45;

g) Article 47 shall be restated as follows:

"Article 47. Considering complaints against decisions of qualifications and disciplinary commissions adopted following disciplinary proceedings

The High Council of Justice shall, in line with the report of a member of the High Council of Justice, consider complaints of public prosecutors against decisions of qualifications and disciplinary commissions adopted following disciplinary proceedings and make a decision.

A public prosecutor's complaint can be accepted by the High Council of Justice within one month following the date when the public prosecutor receives personally or by mail a copy of a decision on him/her adopted by a commission on qualifications and disciplinary following disciplinary proceedings. The High Council of Justice may extend the period for a public prosecutor to file a complaint if it acknowledges that the one-month period was missed for valid reasons.

Following consideration of the public prosecutor's complaint, the High Council of Justice under following grounds may:

1) satisfy the prosecutor's complaint, cancel the decision of the commission on qualifications and disciplinary and close the disciplinary proceedings;

2) satisfy the complaint in full or in part and change the decision of the commission on qualifications and disciplinary;

3) dismiss the complaint without changing the decision of the qualifications and disciplinary commission.

A public prosecutor whose complaint is considered by the High Council of Justice and/or his/her representative shall be entitled to provide explanations, ask questions to the meeting participants, make objections, submit petitions and challenges. The public prosecutor must be invited to the meeting of the High Council of Justice. If the public prosecutor is not able to attend the meeting for valid reasons, he/she may give explanations in writing on the issues raised. The written explanations of the public prosecutor must be read out at the meeting of the

High Council of Justice. Failure of the public prosecutor to attend the meeting for the second time shall enable the meeting to consider his/her complaint in his/her absence";

43) Article 9 of the Law of Ukraine *On the Verkhovna Rada of the Autonomous Republic of Crimea* (Vidomosti Verkhovnoyi Rady Ukrainy, 1998, No.29, p. 191 as amended) shall be amended with following:

"3. The Verkhovna Rada of the Autonomous Republic of Crimea shall be entitled to apply to the court if it is necessary for the exercise of its powers and performance of its objectives established by law";

44) Article 37 of the Law of Ukraine *On Waste* (Vidomosti Verkhovnoyi Rady Ukrainy, 1998, No.36 - 37, p. 242 as amended):

the words "and supervision" in the title shall be excluded;

Paragraph Four shall be excluded;

45) The words "or a public prosecutor" in Part Four of Article 12 of the Law of Ukraine *On Youth and Children's NGOs* (Vidomosti Verkhovnoyi Rady Ukrainy, 1999, No.1, p. 2 as amended) shall be excluded;

46) The words "their deputies and assistants" in Paragraph Three, Clause 27, Appendix 12 to the Statute of Garrison and Guard Services of the Armed Forces of Ukraine approved by the Law of Ukraine *On the Statute of Garrison and Guard Service of the Armed Forces of Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 1999, No.22 – 23, p. 196; 2013, No.21, p. 208);

47) Clause Five, Paragraph One, Article 28 of the Law of Ukraine *On Local State Administrations* (Vidomosti Verkhovnoyi Rady Ukrainy, 1999, No.20 - 21, p. 190 as amended) shall be amended with follows:

"5) apply to the court and perform other functions and powers under applicable laws";

48) Law of Ukraine *On Enforcement Proceedings* (Vidomosti Verkhovnoyi Rady Ukrainy, 1999, No.24, p. 207 as amended):

a) Part One of Article 7 shall be amended with the following:

"A public prosecutor can join enforcement proceedings initiated by others provided that he/she represented interests of a citizen or the state in the court in a respective case. The public prosecutor can see documents of such enforcement proceedings, make excerpts and copies thereof to check whether grounds are in place for him/her to join the enforcement proceedings";

b) Part One of Article 12 shall be amended after words "and a public prosecutor as a party to enforcement proceedings" with words "parties to enforcement proceedings" in;

c) Article 21:

In Clause One of Paragraph One the words "prosecutor's offices of the Autonomous Republic of Crimea, oblasts, Kyiv city and Sevastopol city, specialized prosecutor's offices with oblast status" shall be replaced with words "regional prosecutor's offices";

in Clause One of Paragraph Two the words "city, district, inter-district and other prosecutor's offices with the similar status" shall be replaced with words "local prosecutor's offices";

d) Paragraph Eleven, Part One, Article 37 shall be amended with following:

"11) adoption of a court decision on suspension of a court ruling";

e) Article 83¹ shall be emended with following:

"Article 83¹. Supervision of compliance with laws during implementation of court rulings in criminal cases

A public prosecutor shall supervise compliance with laws during implementation of court rulings in criminal cases";

49) Law of Ukraine *On Scrap Metal* (Vidomosti Verkhovnoyi Rady Ukrainy, 1999, No.25, p. 212 as amended):

a) in the title the words "and supervision" shall be excluded;

b) Article 14:

in the title the words "and supervision" shall be excluded;

Part Two shall be excluded.

50) Paragraph Three of Article 16 of the Law of Ukraine *On Transplantation of Human Organs and Other Human Anatomic Materials* (Vidomosti Verkhovnoyi Rady Ukrainy, 1999, No.41, p. 377 as amended):

the words "of investigation" shall be replaced with words "of pre-trial investigation";

the words "district (city) public prosecutor" shall be replaced with words "the head of a local prosecutor's office";

51) Part Two of Article 23 of the Law of Ukraine *On Admission Procedures and Conditions for Presence of Armed Forces Formations of Other Countries in Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 2000, No.17, p. 122 as Amended by Law No.5288–VI of September 18, 2012) shall be excluded;

52) Article 31 of the Law of Ukraine *On Psychiatric Care* (Vidomosti Verkhovnoyi Rady Ukrainy, 2000, No.19, p. 143 as amended) shall be restated with following:

"Article 31. Supervision of compliance with laws in the provision of psychiatric care

A public prosecutor shall supervise compliance with laws in the provision of psychiatric care by exercising his/her powers of supervision of compliance with laws in implementation of court rulings in criminal cases and of other enforcement measures relating to restriction on personal liberty of citizens";

53) The words "or a public prosecutor" in Part Two and Part Three of Article 8 of the Law of Ukraine *On Participation of Citizens in Protection of Public Order and State Frontiers* (Vidomosti Verkhovnoyi Rady Ukrainy, 2000, No.40, p. 338 as amended);

54) Law of Ukraine *On Political Parties in Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 2001, No.23, p. 118 as amended):

a) Paragraph Two, Part Three, Article 6 shall be restated with following:

"2) public prosecutors";

b) Part One of Article 21:

the words "on the basis of a motion" shall be replaced with words "on the basis of an administrative lawsuit";

the words "or the Prosecutor General of Ukraine" shall be excluded;

55) the words "or a public prosecutor" in Part Three of Article 8 of the Law of Ukraine *On the Animal World* (Vidomosti Verkhovnoyi Rady Ukrainy, 2002, No.14, p. 97 as amended) shall be excluded;

56) Article 17 of the Law of Ukraine *On the Military Service of Law and Order in the Armed Forces of Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 2002, No.32, p. 225) shall be excluded;

57) the words "by a public prosecutor of the Autonomous Republic of Crimea, oblast, Kyiv city or Sevastopol city within his/her powers" shall be replaced with words "by the head of a respective regional prosecutor's office" in Paragraph One, Part One, Article 31 of the Law of Ukraine *On the Status of People's Deputies of Local Councils* (Vidomosti Verkhovnoyi Rady Ukrainy, 2002, No.40, p. 290 as amended);

58) the words "and, if necessary, prosecutor's offices" in Part Five of Article 7 of the Law of Ukraine *On Fish, Aquatic Biodiversity and Fish Food Products* (Vidomosti Verkhovnoyi Rady Ukrainy, 2003, No.15, p. 107 as amended) shall be excluded;

59) the words "petition to prosecutor's offices to file a lawsuit with a court" shall be replaced with words "to address to the Court with suit" in Paragraph Nine, Part One, Article 10 of the Law of Ukraine *On the State Control Over the Land Use and Protection* (Vidomosti Verkhovnoyi Rady Ukrainy, 2003, No.39, p. 350 as amended);

60) Law of Ukraine *On Democratic Civil Control Over the Military Organization and Law-Enforcement Agencies of the State* (Vidomosti Verkhovnoyi Rady Ukrainy, 2003, No.46, p. 366):

a) Paragraph Five, Part One, Article 6 shall be shall be restated with following:

"control by court authorities and public prosecutor's offices exercised according to procedures established by the Constitution and laws of Ukraine";

b) Article 24 shall be restated with following:

"Article 24. Control of compliance with laws in civil control
Control of compliance with laws in civil control shall be exercised according to procedures established by the Constitution and laws of Ukraine".

61) the words "Prosecutor General's Office of Ukraine" in Part One of Article 15 of the Law of Ukraine *On Protection of Public Morality* (Vidomosti Verkhovnoyi Rady Ukrainy, 2004, No.14, p. 192 as amended) shall be excluded;

62) the paragraph to Part One of Article 144 of the Law of Ukraine *On the Judiciary and the Status of Judges* (Vidomosti Verkhovnoyi Rady Ukrainy, 2010, No.41 – 45, p. 529 as amended) shall be amended with following:

"The basic salary of a court administration officer whose position falls within category No.6 of public service positions shall be 30 per cent of the basic wage of a local court judge. Basic salaries of court administration officers whose positions fall within each subsequent category of public service positions shall have a multiplier of 1.3 applied in proportion to the basic salaries of the court administration officers whose positions belong to preceding categories";

63) Paragraph One, Part Two, Article 6 of the Law of Ukraine *On the State Regulation of Public Utilities* (Vidomosti Verkhovnoyi Rady Ukrainy, 2010, No.49, p. 571 as amended) shall be amended with the words "as well as in other cases if necessary for the exercise of its powers and performance of its objectives";

64) Part One of Article 37 of the Law of Ukraine *On the Cabinet of Ministers of Ukraine* (Vidomosti Verkhovnoyi Rady Ukrainy, 2011, No.9, p. 58) shall be amended with the words "in particular, apply to the court if it is necessary for the exercise of its powers and performance of its objectives established by law";

65) Add the following article 28 to the Law of Ukraine *On the Central Executive Authorities* (Vidomosti Verkhovnoyi Rady Ukrainy, 2011, No.38, p. 385 as amended):

"Article 28. Applying to the court

1. The ministries, other central executive authorities and their territorial offices shall apply to the court if it is necessary for the exercise of their powers and performance of their objectives established by law";

66) Law of Ukraine *On Free Legal Aid* (Vidomosti Verkhovnoyi Rady Ukrainy, 2011, No.51, p. 577 as amended):

a) restate Part One of Article 16 as follows:

"1. The Ministry of Justice of Ukraine shall establish centers for free secondary legal aid at the chief departments of justice in the Autonomous Republic of Crimea, oblasts, Kyiv city and Sevastopol city as well as in raion, district, city (in cities of oblast status), town and inter-district departments of justice with account of the needs of a particular administrative unit and access to secondary legal aid for citizens";

b) In Part One of Article 17:

the words "in the Autonomous Republic of Crimea, oblasts, Kyiv city and Sevastopol city" shall be excluded;

the words "to the chief department of justice in the Autonomous Republic of Crimea, oblasts, Kyiv city and Sevastopol city" shall be replaced with words "to a respective department of justice" in Paragraph Twelve;

b) Paragraph Six of Section VI "Final and Transitional Provisions" shall be restated with following:

"6. Starting with July 1, 2014, free secondary legal aid shall be provided in full to all categories of citizens indicated in Article 14";

67) Article 14 of the Law of Ukraine *On the Council of Ministries of the Autonomous Republic of Crimea* (Vidomosti Verkhovnoyi Rady Ukrainy, 2012, No.2 – 3, p. 3 as amended) shall be amended with following part:

"6. The Council of Ministries of the Autonomous Republic of Crimea shall be entitled to apply to the court if it is necessary for the exercise of its powers and performance of its objectives established by law";

68) Law of Ukraine *On Combating Human Trafficking* (Vidomosti Verkhovnoyi Rady Ukrainy, 2012, No.19 – 20, p. 173):

a) in the title of Section VII the words “and supervision” shall be excluded;

b) Article 27 shall be excluded;

69) Article 6 of the Law of Ukraine *On State Guarantees of Enforcement of Court Rulings* (Vidomosti Verkhovnoyi Rady Ukrainy, 2013, No.17, p. 158 as amended):

In Part Two:

– in Paragraph One the words “Public prosecutor's offices shall, on the basis of a motion filed by an agency of the State Treasury Service of Ukraine, apply in the interests of the state” shall be replaced with words “Agencies of the State Treasury Service of Ukraine shall apply”;

–the word “crime” shall be replaced with words “criminal offence” in Paragraphs Two and Three;

– the words “public prosecutor's offices, following submission of respective materials by authorities” in Paragraph Four shall be excluded;

In Part Three:

–the word “crime” shall be replaced with words “criminal offence” in Paragraphs One and Two;

–the words “public prosecutor's offices, on the basis a motion filed by an authority” in Paragraph One shall be excluded;

–the words “public prosecutor's offices, following submission of respective materials by government authorities” shall be replaced with “agencies of the State Treasury Service of Ukraine” in Paragraph Three;

70) Law of Ukraine *On the Bar and Bar Association* (Vidomosti Verkhovnoyi Rady Ukrainy, 2013, No. 27, p. 282):

a) In Article 10:

Part One after the word “done” shall be amended with the words “on a free basis”;

Part Three shall be amended with the following sentence: "An individual who received a proficiency test certificate can take an internship under the mentorship of a lawyer selected by the individual, such lawyer to give his/her consent and meet the internship mentor criteria";

the words “application for admission” shall be excluded and word “two” shall be replaced with word “three” in Part Five;

b) In Part One of Article 20:

Paragraph Three shall be amended with words “having direct access (subject to production of documents certifying lawyers’ right to provide legal aid) to the premises of these companies, establishments, organizations” after words “restricted access information”;

In Paragraph 7¹ shall be amended with following:

"7¹) have a right to free access to information databases of the central and local government authorities, the Pension Fund of Ukraine and compulsory state social insurance funds, except for databases with restricted access information”;

In Paragraph Eight shall be restated as follows:

"8) use technical devices, including copiers to make copies of papers of a case where the lawyer provides defense, representation or other legal aid, as well as during visits to pre-trial detention centers or other places where his/her client is kept, during legal proceedings where he/she is involved (including places of pre-trial detention), and during court sessions”;

c) In Part One of Article 23:

the words “a public prosecutor of the Autonomous Republic of Crimea, oblast, Kyiv city or Sevastopol city” shall be replaced with “the head of a regional public prosecutor's office” in Paragraph Three;

the words “a public prosecutor of the Autonomous Republic of Crimea, oblast, Kyiv city or Sevastopol city” shall be replaced with “the head of a regional public prosecutor's office” in Paragraph Thirteen;

d) Part Two of Article 58:

In Paragraph Two:

–the words “regional councils of lawyers, the Council of Lawyers of Ukraine, the High Audit Commission of the Bar” shall be replaced with words “self-governance organizations of lawyers”;

– amend with the following sentence: "Funds from annual contributions of lawyers shall be distributed among self-governance organizations of lawyers with account of their financial needs to sustain their activities, with the proceeds to be distributed equally to sustain activities of:

- 1) the High Qualifications and Disciplinary Commission of the Bar
- 2) other self-governance organizations of lawyers established by this Law”;

following paragraph after Paragraph Three shall be amended with following:

"Self-governance organizations of lawyers may not introduce contributions or other payments other than those established hereby".

Section XIII. Transitional provisions

1. Investigators of the Public Prosecutor’s Office shall carry out pre-trial investigations according to the procedures established by the Criminal Procedure Code of Ukraine until the day when the State Investigation Bureau starts its operation but no longer than five years after the Criminal Procedure Code of Ukraine comes into effect.

2. Public prosecutors working in the Public Prosecutor’s Offices of Ukraine at the moment of this Law coming into effect shall stay in their positions and retain their class ranks.

3. The -Ukrainian Conference of Public Prosecution Employees, the convention and regional conferences of representatives of law universities and academic institutions shall be held to appoint the members of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine, regional qualifications and disciplinary commissions of prosecutors of Ukraine and the Council of Prosecutors of Ukraine shall be held within three months from the moment of coming into force of the provisions of this Law relating to formation of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine, regional qualifications and disciplinary commissions of prosecutors of Ukraine and the Council of Prosecutors of Ukraine.

4. The All-Ukrainian Conference of Public Prosecution Employees shall be convened and held according to the procedures applied before this Law became effective.

Regional conferences of representatives of law universities and academic institutions shall be held in the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities within 60 days from the effective date of the provisions of this Law relating to the formation of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine, regional qualifications and disciplinary commissions of prosecutors of Ukraine and the Council of Prosecutors of Ukraine.

Regional organizational bureaus in the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities shall be responsible for organizational and technical support of the regional conferences of representatives of law universities and academic institutions. Such bureaus shall include heads of law universities, law departments at higher education institutions and academic institutions located on the territory of the corresponding administrative area as well as their authorized persons from among academic and teaching staff of such universities and institutions.

The first meeting of the regional organizational bureau shall be held within one month from the effective date of the provisions of the Law relating to the formation of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine, regional qualifications and disciplinary commissions of prosecutors of Ukraine and the Council of Prosecutors of Ukraine. The first meeting of the regional organizational bureau shall elect the Chairman of the regional organizational bureau and his deputy as well as a maximum of two delegates to help organizational bureau to hold the convention of representatives of law universities and academic institutions.

If the number of law universities, law departments at higher education institutions and academic institutions in the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities is not enough to ensure compliance with Part 2 of Article 76 of this Law as to prohibition to appoint more than one person from the same university or academic institution to the qualifications and disciplinary commission of prosecutors the Chairman of the regional organizational bureau shall make the decision to hold the regional conference engaging representatives of universities and academic institutions operating in the nearest administrative areas.

The regional organizational bureau in the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities shall set up the date, time and venue of the regional conference of representatives of law universities and academic institutions. To this end, the bureau shall publish an announcement in the print media, which serves for official announcement of resolutions of the Verkhovna Rada of the Autonomous Republic of Crimea, Oblast Council, Kyiv, Sevastopol City Councils, at least 20 days prior to the day of the regional conference. If the regional organizational bureau makes the decision to hold the regional conference engaging representatives of universities and academic institutions operating in the nearest administrative areas the Chairman of the organizational bureau shall inform them by sending a notification specifying the date, time and venue of the regional conference at least 20 days prior to the day of the regional conference.

Law universities, law departments at higher education institutions and academic institutions shall elect a maximum of three delegates to participate in the regional conference, such delegates to comply with the requirements specified by Part 1 and 2 of Article 76 of this

Law. Law universities, law departments at higher education institutions and academic institutions shall inform the Chairman of the regional organizational bureau about the elected delegates at least three days prior to the regional conference.

The Chairman of the regional organizational bureau or his deputy in case of his absence shall open the regional conference.

The regional conference shall be valid in case at least two thirds of the total number of elected delegates are present at the conference.

The regional conference shall elect the Chairman and the Secretary of the conference by open voting as well as discuss and approve the agenda and the procedure and elect the tabulation commission and other working bodies of the conference.

The regional conference shall appoint the members of the Regional Qualifications and Disciplinary Commission of Prosecutors and elect a maximum of three members to participate in the convention of representatives of law universities and academic institutions.

The procedure for appointing delegates and members of the regional qualifications and disciplinary commission of prosecutors and the signing of the decision of the regional conference shall be subject to Parts 5-7 of Article 77 of this Law.

The regional conference shall make the decision to nominate the delegates to the convention of representatives of law universities and academic institutions by open voting by the majority of votes of the delegates of the regional conference. The decision about the elected delegates shall be submitted to the organizational bureau responsible for holding the convention within three days from the moment of its adoption.

The convention of representatives of law universities and academic institutions with participation of delegates elected by the regional conferences shall take place within three months from the effective date of the provisions of this Law relating to the formation of the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine, regional qualifications and disciplinary commissions of prosecutors of Ukraine and the Council of Prosecutors of Ukraine.

The organizational bureau arranging the convention and consisting of the delegates elected by the regional organizational bureaus shall be responsible for technical and organizational support of the convention.

The first meeting of the organizational bureau arranging the convention of representatives of law universities and academic institutions shall be held at least one month prior to the convention. The first meeting of the organizational bureau shall elect the Chairman of the organizational bureau and his deputy.

The organizational bureau shall set up the date, time and venue of the convention of representatives of law universities and academic institutions and publish the announcement about the convention in *Uriadovyi Kurier* or *Holos Ukrainy* newspapers and inform the delegates of the same at least 7 days prior to the convention,

The Chairman of the organizational bureau or the Chairman Deputy in case of his absence shall open the convention of representatives of law universities and academic institutions.

The convention of representatives of law universities and academic institutions shall be valid if attended by at least two-thirds of the total number of elected delegates.

The convention of representatives of law universities and academic institutions shall elect the Chairman and the Secretary by open voting. It shall also discuss and approve the agenda, the procedure and elect the tabulation commission and other working bodies of the convention.

The convention of representatives of law universities and academic institutions shall appoint the members of the High Qualifications and Disciplinary Commission of Prosecutors. Parts 5-7 of Article 78 of this Law regulate the procedure for nominating the delegates and electing the members of the High Qualifications and Disciplinary Commission of Prosecutors as

well as the procedure for signing the resolution of the convention of representatives of law universities and academic institutions.

In case of failure to hold the regional conference in the Autonomous Republic of Crimea, oblasts, Kyiv or Sevastopol cities within the timelines outlined by this clause the members of the regional qualifications and disciplinary commission of prosecutors shall be appointed by the convention of representatives of law universities and academic institutions.

5. Before electing the Chairmen of the Council of Public Prosecutor's of Ukraine, the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine, regional qualifications and disciplinary commissions of prosecutors of Ukraine the meetings of these agencies shall be opened and moderated by their oldest members from among the public prosecutors.

6. If the regional qualifications and disciplinary commission of prosecutors of Ukraine fails to start its operation on the day this Law comes into effect the High Qualifications and Disciplinary Commission of Prosecutors of Ukraine shall temporarily perform its functions.

7. Investigators of the Public Prosecutor's Offices shall retain the right to carry firearms until the day when the State Investigation Bureau starts its operation but no longer than five years after the Criminal Procedure Code of Ukraine comes into effect.

8. Public prosecutors appointed to the positions with the term of office of 5 years before this Law comes into effect and whose positions are deemed as administrative posts under the provisions of this Law shall stay in their positions before expiry of their term of office.

9. Public prosecutors appointed to the positions with the indefinite term of office before this Law comes into effect and whose positions are deemed as administrative posts under the provisions of this Law shall stay in their positions; the term of their authorities shall be calculated from the moment this Law comes into effect.

10. City and District Public Prosecutor's Offices as well as Public Prosecutor's Offices of the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities shall continue to act as Local and Regional Public Prosecutor's Offices and perform the functions and authorities as specified by this Law. Inter-raion or City District Public Prosecutor's Offices shall act as local public prosecutor's offices provided the decision is made within the time specified by this Law to liquidate the corresponding District and City Public Prosecutor's Offices.

11. The Cabinet of Ministers of Ukraine shall:

1) within three months from the day following the publication of this Law:

amend its regulatory and legal acts to comply with this Law;

ensure that the regulatory and legal acts of ministries and other central executive authorities of Ukraine comply with this Law;

2) within two months from the day following the publication of this Law submit proposals for consideration of the Verkhovna Rada of Ukraine as to amending the legal acts to comply with this Law, including with the purpose to:

provide increased funding for the Human Rights Commissioner of the Verkhovna Rada of Ukraine, which is sufficient for implementation of his functions;

provide increased funding for the State Court Administration of Ukraine in the amount required to cover the payroll fund for employees of the court system according to the national minimum wage;

provide increased funding for the centers granting free legal assistance in the amount sufficient for completing the establishment of the system and its operations (raion and city centers) and maintaining the activity on providing free legal assistance;

12. Before July 1, 2014 the Ministry of Justice of Ukraine shall establish the centers for free secondary legal assistance in raion, city, local (cities of oblast status) and inter-raion departments of justice with due regard of the requirements of the corresponding administrative areas and ensure access of people to secondary legal assistance.

Free secondary legal assistance centers established in the main departments of justice in the Autonomous Republic of Crimea, oblasts, Kyiv or Sevastopol cities shall exercise the authorities of such free secondary legal assistance centers before their establishment.

The centers for free secondary legal assistance established before July 1, 2014 shall start their activity on the day following the day of announcement about the same by the Ministry of Justice of Ukraine.

13. The recommendations to the Prosecutor General's Office of Ukraine include:

- 1) within six months carry out structural and organizations changes in the Public Prosecution Service according to provisions of this Law;
- 2) organize educational and methodological activities to ensure implementation of provisions of this Law;
- 3) amend its regulatory and legal acts to comply with this Law.