



Report name	Issued recommendations	Execution status
Systemic report "Big challenges for small business"	Legally limit the period of investigators to keep original documents and other property seized during a search, not containing any trace of a crime, and also limit the period of criminalistic examinations within criminal proceedings. Verkhovna Rada of Ukraine	Not started
Systemic report "Main problems faced by business in customs sphere"	To ensure existence of effective legal framework on governing mechanism of authorized economic operators, which would be consistent with the relevant European Union legislation, - to ensure prompt adoption of the Draft Law of Ukraine No.7473, whose provisions would, inter alia, foresee:1.1.Grounds for extension (or suspension) of 120-day time period for conducting assessment of compliance with Authorized Economic Operator eligibility criteria to enable requesting from a candidate (and corresponding disclosure) of additional documents and information - for instance, when additional information is required to ensure a comprehensive compliance assessment, whose disclosure requires significant time.1.2.That existence of a pre-trial investigation in a criminal proceeding should not, by itself, constitute a self-sufficient ground for suspending Authorized Economic Operator status (contrary to what was envisaged by the Draft Law of Ukraine No.4777).1.3.That while contemplating revocation of Authorized Economic Operator status due to infringement of customs rules, it is mandatory to ascertain existence of connection between the amount of losses (losses of the State/unpaid taxes resulting from such infringements) and total invoice value of goods that were moved by an entity across customs border of Ukraine during period of time employed by customs administration for conducting such a comparison. Verkhovna Rada of Ukraine	Implemented
Systemic report "Combatting raidership: current state and recommendations"	To include in the Draft Law No.6232 provisions which would: -Introduce amendments to the Administrative Procedural Code of Ukraine providing that the subject matter of the claims in the administrative proceedings cannot be demand to cancel or revoke the registration entries in the state registries, if enforcement of decision taken in such a case would directly result in the emergence, modification or termination of real rights or encumbrances. Verkhovna Rada of Ukraine Administration of the President of Ukraine	Implemented — comments: In accordance with p. 3 of Art. 19 of the Code of Administrative Adjudication of Ukraine dated 07.01.2018, administrative courts do not consider claims that derive from claims in a private-law dispute and are filed therewith, if this dispute is subject to consideration other than as provided hereunder, and is being considered by the relevant court.
	To include in the Draft Law No.6232 provisions which would:-Introduce amendments to the Civil Procedure Code of Ukraine and the Commercial Procedure Code of Ukraine, which would foresee that property owner, when applying to the court for the protection of his/her property right, can unite in a single claim several related claims due to be considered under the rules of different types of litigation, provided that a separate consideration of such claims by the courts of different jurisdictions would deprive him/her of efficient legal protection envisaged in Article 13 of the European Convention on Human Rights and Fundamental Freedoms. Verkhovna Rada of Ukraine Administration of the President of Ukraine	Implemented — comments: According to para. 13 of Art. 20 of the Commercial Procedural Code of Ukraine, commercial courts shall consider cases in disputes arising in connection with the conduct of economic activity, in particular, claims for the registration of property and property rights, other registration actions, invalidation of acts violating rights to property (property rights), if such claims derive from a dispute regarding such property or property rights or a dispute deriving from corporate relations, if this dispute is subject to consideration in the commercial court and submitted thereto for consideration along with such claims;According to p. 12 of Art. 30 of the Commercial Procedural Code of Ukraine (exclusive jurisdiction), claims for registration of property and property rights and other registration actions, if consideration of such claims falls within the jurisdiction of the commercial court, are considered by the commercial court determined by the rules of jurisdiction of the dispute, the derivatives whereof such laims are.The Civil Procedural Code of Ukraine Para. 2 of p. 1 of Art. 19 of the Civil Procedural Code of Ukraine states that courts shall, in accordance with the procedure of civil proceedings, also consider claims for the registration of property and property rights and other registration actions, if such claims derive from a dispute regarding such property or property rights, if this dispute is subject to consideration in the local general court and referred thereto for consideration with such claims.According to p.8 of Art. 30 of the Civil Procedural Code of Ukraine (exclusive jurisdiction), the claims for registration of property and property rights, other registration actions are considered by a court determined according to the rules of jurisdiction of the dispute, the derivatives whereof such claims are.

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Systemic report "Challenges for government and business in dealing with local government"	To establish a constitutional basis for regulating the devolution of power and simultaneously instituting state oversight of LGA decisions while continuing to work on amending the Constitution as necessary, via Draft Law No.2217a dated 1 July 2015 "On amendments to the Constitution of Ukraine (regarding decentralization of power)". Ministry of Regional Development, Construction and Residential Services Verkhovna Rada of Ukraine	In process — comments: Status as of 10 December 2015 Committee's submission for review was presented. Pending review.
	To adopt laws that remove legal gaps and foster voluntary unification of territorial communities (No.4772 dated 3 June 2016, and No.5520 dated 9 December 2016). Verkhovna Rada of Ukraine	Implemented — comments: 1) The Law "On Amendments to Certain Legislative Acts of Ukraine (regarding Voluntary Joining of Territorial Communities)" has been adopted on 9 February 2017 (Draft Law No.4772).2) The Law "On Amendments to Certain Legislative Acts of Ukraine regarding Peculiarities of the Voluntary Joining of Territorial Communities Located on the Territories of the Adjoining Areas" has been adopted on 14 March 2017 (Draft Law No. 5520).
	To adopt the Draft Law No.2489 "On serving in local government agencies" dated March 30, 2015, which defines the principles, legal and organizational basis for serving in local government agencies, regulates the status of LGA employees, and ensures comprehensive reforms of serving in LGAs, keeping in mind the staffing needs for decentralization. Verkhovna Rada of Ukraine	In process
	To support the Bill "On prefects," which give prefects the power to rescind any acts by local government agencies that violate the Constitution or Laws of Ukraine and simultaneously appeal to a court. Ministry of Regional Development, Construction and Residential Services Verkhovna Rada of Ukraine	In process
Systemic report "Challenges and problems in the sphere of competition protection and oversight"	In order to facilitate effective exercise of powers vested with the AMCU in connection with anti-trust clearance of privatization transactions, ensure that not only the AMCU itself but also other authorities should play active role in eliminating some of the existing impediments. Hence, the Council recommends as follows:a) To specify the exact scope of duties to be borne by each institution involved into privatisation process (for instance, the SPF, sectoral regulators, etc.).b) To introduce transparent procedure for the exchange of information between the AMCU and the relevant bodies (including the SPF, the regulators managing the state enterprise, bidders, etc.) for the purpose of the AMCU's transaction clearance. If such an approach were to be employed (for instance, between the AMCU and the SPF), this would help addressing allegation of the business that the SPF might provide inaccurate or incomplete information about the potential target. Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine State Property Fund of Ukraine	In process — comments: On 18 January 2018 the VRU adopted the Law of Ukraine No.7066 "On privatization of state and municipal property (the Law No.7066)", which entered into force on 7 March 2018 and which, among other things, further specifies the powers of state authorities in the field of privatization.
	To amend the Procedure of Notifying the AMCU for Prior Approval of Concentration of Undertakings to ensure that consideration of consent on concerted actions due to execution of non-competition agreement is conducted on the basis of simplified procedure, provided that receipt of concentration consent is already carried out on the basis of simplified procedure. Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine	In process — comments: Currently, the AMCU is elaborating the draft law on amending the Law of Ukraine "On protection of economic competition" in respect of procedure for obtaining the prior approvals of concentrations.
	To amend Article 52, para. 2, part 2 of the Competition Protection Law to ensure clear identification of parties liable for failure to notify about concentration. Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine	In process — comments: Currently, the AMCU is elaborating the draft law on amending the Law of Ukraine "On protection of economic competition" in respect of procedure for obtaining the prior approvals of concentrations.
	To set clear deadlines for consideration (investigation) of cases on abuse of monopolistic (dominant) market position by introducing respective amendments into Chapter VII of the Competition Protection Law and/or Chapter VII of the Rules of Consideration of Applications and Cases on Violation of Legislation on Economic Competition, approved by the Resolution of the AMCU No.5, dated 19 April 1994 (hereinafter - the "Rules of Consideration of Applications on Violation of Competition Legislation"). Verkhovna Rada of Ukraine	In process — comments: The relevant Draft Law "On amending certain laws of Ukraine to ensure adherence with the principles of procedural justice and increasing the efficiency of proceedings in cases of violations of the legislation on the protection of economic competition" No.6746 dated 17 July 2017 has been adopted in the 1-st hearing on 9 November 2017.

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	<p>To adopt the Draft Law No.2431 in so far as it envisages existence of the Methodology for calculating amount of fines as binding legislative act. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The Draft Law “On amending the laws on protection of economic competition regarding determination by the AMCU’s bodies of the amount of fines for violation the legislation on the protection of economic competition” No.2431 dated 19 March 2015 has been forwarded for the repeated second hearing.On 16 June 2016, the table with revisions has been prepared.</p>
	<p>To amend the Competition Protection Law to enable judicial challenge of the amount of fine imposed by the AMCU body, subject to existence of the Methodology for calculating the amount of fine for breach of competition laws, adopted in the form of legislative act, whose application is mandatory for both the AMCU and the bodies of judicial power. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The Draft Law “On amending the laws on protection of economic competition regarding determination by the AMCU’s bodies of the amount of fines for violation the legislation on the protection of economic competition” No.2431 dated 19 March 2015 has been forwarded for the repeated second hearing.On 16 June 2016, the table with revisions has been prepared.</p>
	<p>To amend Article 40 of the Competition Protection Law in order to:a) set maximum time limits for (i) responding with further explanations and/or clarifications requested by the AMCU; and (ii) lodging objections by the parties that disagree with the AMCU’s interim procedural decisions in cases on mergers/ concerted actions;b) establish specific/maximum time limits for the AMCU’s consideration of requests on access to the case materials lodged by the parties;c) expressly enable interested parties to lodge requests with the AMCU to seek initiation of hearing on concentrations/concerted actions, with such requests being subject to the AMCU’s mandatory consideration and provision of grounded answer within reasonable time limits. Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine</p>	<p>In process — comments: The AMCU will consider the possibility for implementation the aforesaid recommendation during preparation of the next set of amendments to legislation.</p>
	<p>To reduce fines for parties other than the first one to file, thus making the existing leniency regime more inclusive. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The relevant Draft Law "On amending certain laws of Ukraine to ensure adherence with the principles of procedural justice and increasing the efficiency of proceedings in cases of violations of the legislation on the protection of economic competition" No.6746 dated 17 July 2017 has been adopted in the 1-st hearing on 9 November 2017.</p>
	<p>To amend Article 18, para 10 of the Law of Ukraine "On Public Procurements" to enable complaining bidder or any other participant of the appeal procedure to submit additional documents related to the merits of the complaint. Antimonopoly Committee of Ukraine Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The relevant amendments to the clause 10 of the Article 18 of the Law of Ukraine "On Public Procurements" is currently being drafted by the AMCU. It is planned that the MEDT would submit the foregoing draft with VRU in 2018.</p>
	<p>Whereas public procurement procedures and non-judicial appeal procedure are documented in electronic form, - to ensure admissibility of evidence lodged with the Ukrainian courts in the form of electronic documents by either:a) amending Article 79, para 1 of the Administrative Procedural Code of Ukraine and relevant regulations governing circulation of electronic documents accordingly; or byb) amending Article 12, para 3 of the Law of Ukraine “On Public Procurements” along with relevant provisions of the Administrative Procedural Code of Ukraine on evidences, to provide administrative courts with the right to access electronic procurement system. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The clause 9 of the Article 79 of the Administrative Procedural Code of Ukraine recognizes admissibility of evidence submitted in electronic form.</p>
<p>Systemic report "Abuse of powers by the law enforcement authorities in their relations with business"</p>	<p>To prohibit criminal prosecution of person for tax evasion until tax liability is finally “approved/acknowledged” (i.e., as foreseen in Section 3.5.6. of the Coalition Agreement between the Factions of the Deputies in the Verkhovna Rada of 8th Convocation, being an integral part of the Program of Activity of the Cabinet of Ministers of Ukraine (the “Coalition Agreement”). In order to do so the Council suggests amending Articles 212 and 212-1 of the CCU to expressly provide that “actual non-arrival of money to budgets or state earmarked funds” (in Article 212 of the CCU) and “actual non-arrival of money to mandatory state social insurance funds” (in Article 212-1 of the CCU) means “failure to pay the sums of approved/acknowledged tax obligation in compliance with time limits, established by law”. Verkhovna Rada of Ukraine</p>	<p>In process — comments: The following draft laws has been prepared: The Draft Law “On Amending the Tax Code of Ukraine regarding special aspects of criminal proceeding in the tax relations and administration of taxes and levies” No.3448 dated 10 November 2015.On 21 April 2016 the aforesaid draft law was sent for further review by the Parliamentary Committee on Taxation and Customs Policy.ii. On 20 March 2018 the Draft Law “On National bureau of financial security of Ukraine” No.8157 was sent for consideration to the relevant committee.</p>

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	<p>To amend legislation to increase the threshold amount of actual sums due to be paid to the budget (arising from the unpaid taxes, levies and unified social tax), triggering treatment of such action at the part of taxpayer as criminal offence. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: On 18 September 2019, the Verkhovna Rada adopted the Law "On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on Reducing Pressure on Business". The law decriminalizes fictitious entrepreneurship (provided for in Article 205 of the CC) and raises the thresholds for bringing individuals to justice under Article 212 of the CC. The threshold for criminal proceeding initiation increased from 960 500 UAH to 2 881 500 UAH.</p>
	<p>To amend Article 214 of the CPCU to impose a duty on investigator/prosecutor to notify an applicant about their receipt of application or notification about committed criminal offence, registration of the respective data with the URPTI and commencement of pretrial investigation based on such application/notification. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The BOC's recommendation has been implemented via adoption the Law of Ukraine "On amending certain laws regarding enforcement of the rights of the parties to the criminal proceeding and other persons by the law enforcement authorities during the pre-trial investigation" dated 16 November 2017 No.2213-VIII.</p>
	<p>To amend Article 214 of the CPCU to impose a duty on investigator/prosecutor to explain to an applicant his/her right to seek court protection by lodging lawsuit challenging investigator's inactivity in case of the latter's failure to register data with the URPTI, as foreseen by Article 303 of the CPCU Verkhovna Rada of Ukraine</p>	<p>Not started</p>
	<p>To amend Article 219 of the CPCU to prescribe maximum time limits for conducting pre-trial investigation of criminal proceedings until suspicion notice is furnished to a person. Such time limits could be extended subject to consent of the superior prosecutor. Currently, time limits for conducting pre-trial investigations are foreseen by the CPCU only starting from the day when a person is furnished with a suspicion notice. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The BOC's recommendation has been implemented via adoption the Law of Ukraine dated 03 October 2017 No.2147-VIII.</p>
	<p>To provide persons authorized to perform the organizational/management functions (for example, a CEO, a financial director, a chief accountant, a member of the board of a joint stock company) on behalf of a legal entity and regarding which investigative actions are conducted, the certain procedural rights, envisaged under the Article 42 of the CPCU ("Suspect, Defendant") for persons who have been notified of suspicion. The foregoing idea might, for instance, be fulfilled by expanding the scope of persons, who fall under the category of "parties" or "participants" of the criminal proceeding, by introducing respective amendments to the Chapter 3, §5, Article 3 of the CPCU ("Court, Parties and Other Participants of the Criminal Proceeding"). Verkhovna Rada of Ukraine</p>	<p>In process</p>
	<p>To amend Article 308 of the CPCU to enable third parties, whose rights are being restricted and/or violated in course of the pre-trial investigation (in whose relation a pre-trial investigation is taking place) with the right to challenge failure to observe reasonable time limits to the superior prosecutor. Currently only suspected person, accused person and victim are vested with such right. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The BOC's recommendation has been implemented by adopting the Law of Ukraine "On amending certain laws to ensure enforcement of the rights of the parties to the criminal proceeding and other persons by the law enforcement authorities during the pre-trial investigation" dated 16 November 2017 No.2213-VIII.</p>
	<p>To restrict the time duration of temporary access to documents (seizure) that do not themselves contain signs of a crime by 3 months. To avoid the risk of abuse (whereby seizure of the originals of documents is used to inflict pressure on business), it is important to ensure that length of time, while the originals of documents could be seized by investigation authorities, should not directly depend upon the duration of pre-trial investigation. To attain this goal, Chapter 15 of the CPCU shall be amended to establish maximum time limits while investigation authorities are entitled to have access to the originals of such documents. Verkhovna Rada of Ukraine</p>	<p>Not started</p>
	<p>The CPCU shall be comprehensively amended to provide for a special procedure of seizure of digital data, which, inter alia, would not contemplate seizure of computer hardware and would allow avoiding stoppage in the work of businesses due to seizure of servers. Hence, in the Council's view, it is appropriate to introduce respective amendments to the Chapter 20 ("Investigatory actions") of the CPCU. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The BOC's recommendation has been implemented via adoption of the Law of Ukraine "On amending certain laws to ensure enforcement of the rights of the parties to the criminal proceeding and other persons by the law enforcement authorities during the pre-trial investigation" dated 16 November 2017 No.2213-VIII (Article 168 of the CPCU).</p>

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	<p>To amend the Law of Ukraine "On Judicial Expertise" to establish that standard time limits for conducting expertise shall be 3 months subject to extension by an investigatory judge/court, if necessary. The Council also proposes amending the Code of Ukraine On Administrative Violations to establish expert's liability for the breach of maximum time limits, foreseen for conducting expertise. Verkhovna Rada of Ukraine</p>	<p>In process</p>
	<p>To consider amending Article 236 of the CPCU to introduce mandatory video recording of such investigatory action as search. In the Council's view, it might be appropriate to provide that such video recording shall commence when the manager of the entity is furnished with the resolution issued by an investigatory judge sanctioning such search and shall last until he/she is provided with the copy of the protocol of search. It is also worth providing that only that evidence, whose collection was video recorded, is admissible. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The BOC's recommendation has been implemented via adoption of the Law of Ukraine "On amending certain laws to ensure enforcement of the rights of the parties to the criminal proceeding and other persons by the law enforcement authorities during the pre-trial investigation" dated 16 November 2017 No.2213-VIII (Article 104 of the CPCU).</p>
	<p>To amend Articles 168, 169, 236 and 237 of the CPCU to oblige public prosecutor to verify whether seizure of objects and documents made by investigator was legal and to inform the person, whose property objects have been seized, accordingly - to be complied within 24 hours from the moment when assets and documents has been seized by the investigator. Verkhovna Rada of Ukraine</p>	<p>Not started</p>
	<p>To improve mechanism of personal liability of employees of law enforcement agencies for violations committed while carrying out investigatory actions. In particular, in addition to the existing Disciplinary Charters (Codes) of the Public Prosecutor's Office of Ukraine and Draft Law of Ukraine "On Disciplinary Charter of the National Police", both of which represent internal institutional mechanisms, to consider the opportunity of involving NGOs to the work of such disciplinary commissions. Verkhovna Rada of Ukraine</p>	<p>Implemented — comments: The BOC's recommendation has been implemented via adoption of the Law of Ukraine "On amending certain laws to ensure enforcement of the rights of the parties to the criminal proceeding and other persons by the law enforcement authorities during the pre-trial investigation" dated 16 November 2017 No.2213-VIII.</p>