



# WHITE PAPER ON ANTI-OLIGARCH REFORM (extract)

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## SUMMARY

1. The oligarchs of Ukraine are a real part of the Ukrainian authorities. They aspire to possess and do actually possess various communal resources:

1) economic. This is a consequence of illegal privatization, monopolization, establishment of control over enterprises that are still owned by the state and communities, as well as control over state and local budgets for personal enrichment. The latter is carried out in three main ways: purchase of goods for the needs of the enterprise at inflated prices and providing/receiving a “kickback”; sale of finished products of state enterprises and communal enterprises at low prices and tariffs, while the middleman “shell companies” are keeping the margins; direct embezzlement of SE’s and CE’s assets;

2) financial (tax benefits, affiliated banks serving mainly insiders, favorable government loans, avoiding taxation, quick VAT refunds, bankruptcy bailouts, lack of corporate control, etc.);

3) informational (television and radio, other mass media, public opinion influencers). Oligarchs use the media to increase the visibility of politicians that loyal to them, discredit opponents, impose the perceptions of events favorable for the oligarchs, influence political processes, artificially introduce new political players, and most importantly, dictate their electoral campaign preferences through intrusive political advertising;

4) political (political parties; parliamentary caucuses and factions; important political positions, in particular those with significant influence and little responsibility, such as positions in the Office of the President of Ukraine, advisers in the Government of Ukraine, Ukrainian MPs, etc., and influence on the country’s leaders through those people);

5) administrative (important administrative positions in executive power bodies and local self-government bodies, primarily those that ensure control over regulatory institutions in order to artificially limit competition and prevent new players from entering the market, unreasonably raise prices for consumers, and win competitions);

6) legal (positions of judges and prosecutors, judges of the Constitutional Court of Ukraine, influential bar associations and individual lawyers, etc.);

7) other resources enabling influence on the society (church, sports clubs, non-governmental organizations, etc.).

2. To become members of government authorities and local self-government bodies, oligarchs create their own “political parties”, promote their representatives at parliamentary and local council elections, hire managers to manage these “parties”, which then enables unimpeded lobbying for laws and by-laws necessary to satisfy their vested interests.

A significant number of Ukrainian MPs are direct protégés of the oligarchs or are under their control or fulfill their wishes sporadically by means of the following: introduction of draft laws; making amendments during the preparation of draft laws for the second reading; voting for or, conversely, not voting for certain laws; forwarding of deputy requests; public talks; signing and submitting constitutional submissions; participation in parliamentary investigative commissions, etc.

A similar situation is in place in many local councils.

In the same way, oligarchs use paid services of their “delegates” in the executive and judicial authorities and local self-government bodies.

3. Oligarchs are trying to block market and democratic reforms to ensure the survival of monopolies, and to keep the country from integration with the West that could dismantle their empires.

In this context, many Ukrainian oligarchs are accomplices of the Russian government.

For many years, Russians have used Russia's fossil fuel wealth to strengthen their position and fortunes, helping them to create their business empires, media holdings and political networks, to form a positive opinion about Russia in Ukrainian society and a negative opinion about the corrupt and cynical Ukrainian government unable to create a real state and integrate it into the EU.

Oligarchs almost never invest in modernization and development.

At the same time, oligarchs, with the help of their connections in the country's leadership, keep creating new corrupt oligarchic schemes, such as Rotterdam+, Akhmetov Coal Exchange, blocking the integration into the unified system of European power grids, or the legal ban on supplying small solar power plants' energy to the grid. However, no schemes can improve the situation of business entities that are not subject to modernization.

Over the past ten years, the share of oligarchs in the Ukrainian economy has decreased. Since its peak in 2011, their share of assets, revenue and personnel of Ukrainian enterprises has halved, partly due to the loss of assets in the eastern regions of Ukraine and Crimea, and mainly due to the fact that their businesses grow slower than the rest of the economy. The economy sectors that did not belong to oligarchs, namely, IT and to some extent agriculture, became the main drivers of economic recovery.

Still, this situation opens a window of opportunity for the transformation of the oligarchic system.

4. As of the beginning of 2021, oligarchs owned more than a third (36 out of 100) of the largest enterprises in Ukraine and 11% of all assets of Ukrainian businesses. They seized and keep control of the most profitable enterprises and sectors of the economy, primarily those from which the rest of the businesses and private consumers are forced to buy. Those are: coal mining, iron ore, oil and gas, oil refining, gas distribution, electricity generation and distribution, other mining industries, ferrous metallurgy, pipes manufacturing, machines and electrical equipment, fertilizers production, housing and communal services, food — the industries ensuring the highest profitability level.

They have monopolies for strategically and socially significant goods.

At the same time, oligarchs are trying to keep smaller businesses in economic “ghettos”, perceiving their intensive development as a threat.

5. The long-term absence of the Register of oligarchs cited in the Law against oligarchs contributes to the initiation and continuation of unofficial bidding for the right not to be considered an oligarch, that is, contributes to corruption risks at the topmost level of the government. The Office of the President of Ukraine and the NSDCU received political leverage, tools for applying pressure on the oligarchs, and the opportunity to use them in ways that are not public.

At the same time, as the hryvnia exchange rate slumps, the “oligarchic bar” goes down, potentially expanding the circle of businesspeople who can be listed in the mentioned Register. The other criteria for an oligarch are also too weak and create a possibility for a large number of individuals to fall under this concept.

Recognizing many of them as oligarchs and not recognizing as oligarchs those who have actively interfered in politics using the media in recent years, having huge fortunes and a monopoly position in the market will completely undermine the very idea of the Law against oligarchs and trust in the government in general.

So far, while the anti-oligarch law creates some challenges for oligarchs in dealing with foreign banks and international partners, it is nothing more than a bogey in Ukraine itself.

6. The goal of the anti-oligarchic reform is to transform oligarchs into big businessmen, respectable employers, managers of modern enterprises, large taxpayers, philanthropists, and respectable members of society.

The success of this reform could be guaranteed by proper democratic, legislative, and institutional mechanisms. The absence of such mechanisms potentially enables the restoration of the system of relations based on oligarchic influence, the transfer of power from “older” oligarchs to the “younger” ones.

Meanwhile, there is a new dangerous anti-democratic trend: the establishment of a new political center represented by the President of Ukraine and his Office: the head of the Office of the President of Ukraine and his deputies, advisers, and assistants of the President of Ukraine exercise almost unlimited (and not restricted by almost any legal provisions) political, administrative influence, influence on the media, etc., thanks to which they get the opportunity to become stronger economically, or strengthen their environment, interfere on behalf of the head of state into all events taking place in the country, and at the same time do not bear responsibility for failures, shifting it to the government, parliament, and other state bodies.

The center of power in Ukraine has shifted significantly from the parliament and government provided for in the Constitution of Ukraine to the National Security and Defense Council, which according to its constitutional powers is only a consultative center, and even the martial law does not constitute a legal basis for such a shift. Meanwhile, the key decisions in the state are made by the President of Ukraine alone.

7. Certain provisions of the Law of Ukraine “On prevention of threats to national security related to excessive influence of individuals who possess significant economic and political weight in public life (oligarchs)” have signs of non-compliance with Articles 8, 19, 24, 38, 106 and 107 of the Constitution of Ukraine, and the procedure for its review and approval, although it does not have direct signs of non-compliance with Article 93 of the Constitution of Ukraine, is nevertheless contradictory from the standpoint of the parliamentary procedures logic. Still, only the Constitutional Court of Ukraine can provide an official answer regarding the constitutionality or unconstitutionality of the specified provisions of the Law. However, since active steps are being taken to create the pro-government majority in the Constitutional Court of Ukraine, this may entail the impossibility of taking an objective decision on this issue.

8. The law against oligarchs does not establish a comprehensive system for preventing the excessive influence of individuals who possess significant economic and political weight in public life (oligarchs), and therefore does not achieve its goal. The analysis of its content demonstrates largely primitive intimidating and populist nature of the law, and the likelihood of its selective application in the vying against political or economic competitors.

9. The action plan for prevention of the abuse of excessive influence by persons who have significant economic and political weight in public life (oligarchs), approved by the order of the Cabinet of Ministers of Ukraine dated November 24, 2021. No. 1582-p, contains only twenty measures, half of which are insignificant in the context of anti-oligarchization; over quite a long time (as of February 1, 2023) only four of them have been fully implemented: approved Regulations on the Register of oligarchs (which is not in place), approved Procedure for checking the business reputation of a buyer (potential buyer) of a mass media outlet, as well as adopted laws “On the principles of state anti-corruption policy for 2021-2025” and “On mass media”, which are also not in effect: the first one due to a lengthy failure to approve the State Anti-corruption Program, and the second one due to the postponement of its entry into force until March 2023 (and some of its provisions until much later, 2031). Another six are completed partially.

10. The implementation process of the Law against oligarchs is extremely slow. It is de facto dead, as the Law “On mass media”, adopted in late 2022, creates gaps and collisions with the Law against oligarchs, in particular in the definition of the key concepts: mass media, significant influence, ultimate beneficial owner, etc. In order to eliminate the collisions, it is proposed that the Cabinet of Ministers of Ukraine submits proposals by July 2023 to bring the Law against oligarchs into compliance with the Law “On mass media”. This means that for the next six months at least (even if the Register of oligarchs is launched) it will be impossible to determine whether a particular person meets one of the criteria for being considered an oligarch, and therefore to implement the Law as a whole.

11. According to the Law “On mass media”, the activities of the National Council

on Television and Radio Broadcasting are independent of the influence of oligarchs only to a small extent: the Law does not contain provisions that would prevent the influence of oligarchs on the activities of the National Council, except for the requirement to stream its meetings and make their recordings public.

The process of appointing members of the National Council by the President of Ukraine remains opaque and organized in such a way that the media and the public entities cannot monitor it. The procedure for voting by the Verkhovna Rada for the appointment of members of the National Council also needs to be improved.

Legal regulation of the issues concerning prevention of the concentration of business entities in the field of television and radio broadcasting, as well as ensuring the protection of economic competition in the field of audiovisual media remain unchanged — they have been borrowed from the laws that are about to expire.

12. Consideration of the draft law on the regulation of lobbying in the Verkhovna Rada of Ukraine has been put on hold. In addition, there are circumstances that make it difficult to implement effective mechanisms to regulate lobbying in Ukraine, and there is considerable doubt that the extreme caution required for consideration of these circumstances will be achieved.

13. Following amendments, the Law “On preventing and countering the legalization (laundering) of criminal proceeds, financing of terrorism, and financing the proliferation of weapons of mass destruction” creates additional opportunities for oligarchs to avoid financial monitoring and conceal their involvement with certain legal entities. Its provisions contradict the principle of legal certainty, conflict other laws, and introduce unwarranted discretion regarding bringing individuals to responsibility for violations in the area of financial monitoring.

14. Consideration of the draft law on regulating lobbying in the Verkhovna Rada has been put on hold. Furthermore, there are circumstances that complicate the introduction of effective lobbying regulation mechanisms in Ukraine, as well as significant doubts that the extreme caution required under these circumstances will be achieved.

15. Draft law No. 5431, which is supposed to strengthen antimonopoly rules, contains significant flaws. Namely:

- without achieving the true independence of the AMCU, the model of strengthening the discretionary and other powers of the AMCU laid down in the draft law will create significant corruption risks, additional opportunities (influences) for oligarchs and reduce the effectiveness of the AMCU in fulfilling its constitutional tasks concerning prevention of abuse of the monopoly position in the market, unlawful restriction of competition, unfair competition — and prosecution for these violations;

- it does not create a comprehensive system for preventing abuse of the monopoly position on the market, unlawful restriction of competition, unfair competition, and prosecution for these violations, and therefore does not accomplish its goal; the analysis of its content demonstrates the selective nature of the AMCU reform.

16. Draft law No. 5432, which is aimed at strengthening administrative sanctions for violations of the legislation on the protection of economic competition, contains significant shortcomings and corruption-inducing factors that threaten to reduce the effectiveness of such liability, and provides AMCU officials with additional tools for abuse, selective imposition of sanctions, and making demands for undue benefits.

17. In order to fully ensure genuine political party competition, achieve the independence of political parties, and significantly limit the oligarchic influence on them, the draft law № 5253-1 requires improvement, in particular in terms of introducing state financial support for those parties that did not overcome the threshold in the last extraordinary parliamentary elections, but received support in the range of 2-5% of valid votes from the electorate. It is necessary to comply with as-yet-

unaddressed provisions of the Action Plan on establishing an exhaustive list of prohibitions on the spending of budget funds by political parties, determining the priority areas for their use, and eliminating the possibility of making contributions to political parties by individuals who do not have sufficient legal income to make such contributions, as well as to remove the provisions from the draft law that stipulate that providing goods, works, and services necessary for the implementation of measures against COVID-19 free of charge or on preferential terms is not considered a contribution in support of a political party during the quarantine period.

18. Studying the experience of other countries has shown that the influence of large capital on economic, political, and social life is a long-standing issue that has been exacerbated by the globalization of business. However, developed democracies demonstrate effectiveness of measures to address this issue. National oligarchies closely tied with Russian capital (Georgia, Lithuania, Brazil) have the greatest resistance to preventive measures and, consequently, low effectiveness of anti-oligarchic policies.

In the context of the Russian-Ukrainian war, an important conclusion emerges that, in order to transform oligarchs into big businessmen in Ukraine, it is essential to sever the ties between Russian and Ukrainian businesses as the first phase.

Ukraine has become the first country in the world to adopt a special anti-oligarchic law. This experience has been taken into account by Georgia and Moldova.

In other countries, comprehensive measures are being implemented to reduce the influence of certain individuals on political life, economy, and the media. These measures mostly relate to the formation of anti-monopoly and anti-corruption policies, as well as ensuring the genuine independence of relevant state institutions and the judiciary, the introduction of optimal models of political party financing, which mainly involve limiting the maximum amount of contributions and prompt reporting of significant contributions, the legislative regulation of lobbying, the rules of ethical behavior for public employees and prevention of conflict of interests, and the effective law enforcement agencies, prosecutors, and courts.

## RECOMMENDATIONS

Spheres	Measures	Stakeholders
Political sphere	<p>1. Develop a long-term strategy for the exit of oligarchs from key sectors of Ukraine’s economy, media and government bodies.</p> <p>2. Clean the political system of hundreds of “political parties” that are not really such, that is, the parties that have not participated in national elections for 10 years, in accordance with the requirements of the Law “On political parties in Ukraine”. Define stricter criteria in the law that must be met by real, not fictional political parties.</p> <p>3. Establish strict control over the finances of political parties. At the same time, give citizens of Ukraine the right to independently, at their own discretion, use at least 1% of their own individual income tax to finance a certain public or religious organization, or a political party whose policy is in line with their vision.</p> <p>4. Ensure the real independence of the Constitutional Court of Ukraine on the basis of fair competitive selection of future judges by a single competitive commission, which will ensure compliance of its judges with high moral qualities and a recognized level of professionalism.</p> <p>5. Ensure the real independence of the Central Election Commission</p>	The President of Ukraine

	<p>and make sure they prevent all those who grossly violated the election legislation from participation in the elections as candidates for the positions of the President of Ukraine or Ukrainian MPs</p> <p>After the end of the war, hold elections to the authorities according to the new rules that will exclude the participation of oligarchs' protégés and bring patriots and professionals to power.</p> <p>6. Ensure the real independence of the prosecutor's office, and first of all the Prosecutor General, and ensure real cancellation of the immunity of Ukrainian MPs, rather than just have it legally cancelled.</p> <p>Expose Ukrainian MPs and members of local councils who act illegally in the interests of oligarchs, and bring them to criminal prosecution and other types of liability.</p> <p>7. Guided by the provisions of Art. 19 of the Constitution of Ukraine, according to which “state authorities and local self-government bodies, their officials are obliged to act only on the basis, within the limits of authority and in the manner provided for by the Constitution and laws of Ukraine”, determine by law the powers of the head of the Office of the President of Ukraine and his deputies, advisers and assistants of the President of Ukraine, and their relations with other state bodies.</p> <p>Prohibit public talks by any persons on behalf of the President of Ukraine and other high-ranking state officials.</p> <p>Establish legal liability for illegal interference in the activities of state bodies and officials who act on the basis, within the limits of authority and in the manner provided for by the Constitution and laws of Ukraine.</p>	
<p>Financial and economic sphere</p>	<p>1. Ensure the real independence of the Antimonopoly Committee, which would be able to fulfill the constitutional tasks of preventing the abuse of a monopoly position in the market, unlawful restriction of competition and unfair competition, and prosecution for relevant violations.</p> <p>Stop the violation of the Basic Law by the President of Ukraine regarding the appointment of the Deputy Chairman and state representatives of the AMCU of Ukraine. Authorize the Verkhovna Rada of Ukraine to appoint the personnel of the leadership of the Antimonopoly Committee of Ukraine on a competitive basis, and the leadership of the AMCU on the proposal of the regional councils, also on a competitive basis, to approve the heads of regional branches.</p> <p>2. Investigate markets with a significant share of oligarchs, promptly recognize them as monopolized and, if necessary, apply sanctions (up to forced split-up). In particular, demonopolize the energy sector, combining it with <b>the green transition and energy reforms</b> (development of clean energy, abandonment of combustible minerals and improvement of energy efficiency).</p> <p>Create an infrastructure for operational identification of monopolists.</p> <p>3. Transparently privatize all SOEs and CEs — primarily regional</p>	<p>State Property Fund of Ukraine</p> <p>Antimonopoly Committee of Ukraine</p> <p>National Commission for Regulation of Energy and Communal Services</p> <p>Business associations</p>

energy companies, as well as banks — that are used by oligarchs for personal enrichment. Transform them into enterprises open to both domestic and foreign participation. Modify the rules of large-scale privatization to prevent shaping the competition to favor for specific players.

Improve corporate management of enterprises remaining under state control, as well as clearly define their legal status at the legislative level, which would make it possible to extend the effect of the Law “On prevention of corruption”, covering the executives of such enterprises.

4. Reprivatize oligarchs’ business assets that were privatized at a clearly undervalued price or in violation of the law.

The Cabinet of Ministers of Ukraine should study the issue of giving back to the government the assets that constitute critical infrastructure.

At the same time, avoid general nationalization of business assets belonging to oligarchs, as this means the use of authoritarian methods and nationalization of the economy, which is unacceptable in the conditions of a democratic political system and market economy.

5. Provide administrative sanctions for failure of oligarchs to invest in the modernization and development of enterprises.

6. Take measures to develop and support (deregulation, simplification of financial reporting, labor legislation, etc.) a competitive business that would squeeze out oligarchs from their wrongfully occupied positions in the sectors of finance, industry, infrastructure, agriculture, etc.

It is realistic to strengthen the participation of small and medium-sized businesses in the work of business associations.

7. Improve banking legislation, ensure reliable corporate control in banks and introduce equal conditions for all business entities in obtaining bank loans.

8. Destroy “grey” tax schemes, eliminate existing tax avoidance schemes, ensure progressive taxation of income and the inevitability of punishment for tax evasion, especially in large and very large amounts, and for laundering property of criminal origin, especially in large and very large amounts.

Adopt and implement anti-BEPS (base erosion profit shifting) legislation.

9. Improve the legislation and the practice of its application regarding the guarantees of property rights and the prevention of raidership.

10. Introduce new pricing approaches for natural monopoly goods (electricity, natural gas, water, and sewerage) instead of the current “cost-plus” model.

11. To include persons who have significant economic and political

	<p>weight in public life (oligarchs) on the list of Entities Subject to Primary Financial Monitoring (ESPFM).</p> <p>12. To harmonize the size of threshold financial transactions with the objective state of the economy, as well as to establish sanctions proportional to the severity of violations of legislation in the area of financial monitoring.</p>	
Information sphere	<p>1. Prevent the concentration of media in the hands of a single person or a group of persons. Ensure non-interference of owners in the editorial policy of media, and support the public broadcaster.</p> <p>2. Prevent the possibility of any political programming in the media, except for news and debates with the participation of representatives of all political forces represented in the parliament. The Law “On advertising” should explicitly prohibit political advertising in the media, except for pre-election debates of candidates for elected positions, outdoor advertising in populated areas and along the roads.</p> <p>3. Ensure proper freedom of search, storage, analysis, use, and distribution of information about corruption. Expand public monitoring of the activities of oligarchs, their businesses, fortunes, and connections. Support whistleblowers, specifically, journalists, and journalistic investigations into the illegal activities of oligarchs. Ensure the initiation of proceedings based on the stories by investigative journalists.</p> <p>4. For the media: learn to work in market conditions, i.e. make money from advertising, subscriptions, etc., excluding support from oligarchs.</p> <p>5. Educate citizens to ensure respect for the law, and rejection of corrupt practices.</p> <p>6. Ensure real and responsible control over the implementation of all anti-oligarchic measures, monitoring and evaluation of their implementation.</p>	<p>Mass media</p> <p>NGOs</p>
Legal sphere	<p>1. Conduct an inventory of laws and other legal acts and their examination from the anti-oligarchic standpoint. During such an examination, analyzing drafts and current laws and other regulations, identify factors that contribute or may contribute to the strengthening of the influence of oligarchs on public life or are capable of prolonging the existence of such influence. In particular, identify in the legislation any privileges and advantages oligarchs enjoy and repeal them.</p> <p>2. Develop and adopt a law on lobbying, carefully taking into account the circumstances that complicate the introduction of effective lobbying regulation mechanisms in Ukraine. At the same time, introduce changes to the Constitution of Ukraine to limit legislative initiative of Ukrainian MPs, making it exclusively collective (in order not to waste resources on consideration of controversial initiatives, allow for consideration</p>	<p>Verkhovna Rada of Ukraine</p> <p>Cabinet of Ministers of Ukraine</p> <p>National Security and Defense Council of Ukraine</p> <p>National Bank of Ukraine</p>

	<p>only for draft laws initiated by the president or the government or supported by a parliamentary faction or caucus or, as an exception, by a group of Ukrainian MPs consisting of not less than 5% of the total number of parliament members).</p> <p>3. On the legislative level, clarify the content of the concepts of “potential conflict of interest” and “real conflict of interest”, in particular with regard to Ukrainian MPs, officials of the Office of the President of Ukraine, advisers to high-ranking state officials.</p> <p>4. Within the established period, implement the measures provided for by the Anti-corruption Strategy for 2021-2025, and the State Program for its implementation.</p> <p>5. Make it impossible to hide the accumulation of financial, media, and other resources behind opaque ownership structures and the artificial split-up of huge corporations into smaller enterprises. Establish and maintain a standard of reporting on the natural persons behind the ultimate beneficiaries: if a person is the owner of the parent company, the funds received by the subsidiaries must be traceable to the same owner.</p> <p>6. Pass a law on stricter regulation or forced split-up of vertically integrated businesses.</p> <p>7. Cover oligarchs with primary financial monitoring.</p>	
Administrative sphere	<p>1. Unify and simplify all administrative procedures and prevent further postponement of the entry into force of the Law “On Administrative Procedure”.</p> <p>2. Ensure full transparency and legality of state finance management, paying special attention to the activities of the Accounting Chamber of Ukraine and the State Audit Service of Ukraine, the effectiveness of their audits, and criminal prosecution of all persons involved in embezzlement of state and communal property, misuse of budget funds, implementation of budget expenditures or provision of loans from the budget without established budget allocations or exceeding them, and other abuses in this area. Reform the State Tax Service and Customs. Strengthen public control over the activities of the specified state bodies.</p> <p>3. Launch the Register of oligarchs as soon as possible.</p> <p>4. Ensure the application of sanctions against Russian oligarchs, in particular concerning the seizure of their property.</p>	Cabinet of Ministers of Ukraine National Security and Defense Council of Ukraine
Judicial and law enforcement spheres	<p>1. Persistently implement the reforms of the judicial, the prosecutor’s office, law enforcement agencies, and civil service. Expel oligarchs’ protégés from power, primarily from the judicial system, replacing them with motivated, active employees trained according to the latest educational standards. Ensure a proper recruitment procedure for the positions of the higher body of the civil service, which would enable appointing</p>	Verkhovna Rada of Ukraine  Cabinet of Ministers of Ukraine

	<p>independent professionals and steeply raise the standards of public administration. Ensure the real independence of the courts, in particular through a composition of the High Council of Justice upholding the authority of justice rather than serving the interests of individual judges and prosecutors, and really cleanse the judicial system of its unscrupulous and unprofessional representatives, as well as through the revamp of the High Qualification Commission of Judges of Ukraine and strengthen the Public Integrity Council to ensure proper qualification evaluation of judges and the selection of the best candidates for judicial positions.</p> <p>Ensure conditions to instill honesty and incorruptibility of judges, prosecutors, investigators, lawyers, public and private executors, and other representatives of the justice system in its broadest sense a common practice.</p> <p>2. Strengthen the NABU by increasing the number of personnel and eliminating unjustified restrictions on its investigative activities. The NABU and the SAP should prioritize investigations of current and prospective criminal proceedings regarding crimes committed by oligarchs and their entourage. Improve the activities of the Bureau of Economic Security of Ukraine and other state bodies called to detect abuses that interfere with the functioning of the state's economy.</p> <p>3. Support the NACP (National Agency on Corruption Prevention) and increase the efficiency, independence, and integrity of the employees of NABU, SAP, AIMA, as well as relevant anti-corruption units of the SBI and the National Police with a transparent selection of managers. Strengthen the independence and operational efficiency of the Higher Anti-Corruption Court of Ukraine.</p> <p>4. In order to focus the attention of NABU, SAP, and NACC on top-corruption, increase the threshold of damage caused by a crime established by law as a criterion for NABU's liability from 500 to 5,000 subsistence minimums (over UAH 10 million) with a simultaneous revision of the amount specified in Art. 216 of the Code of Criminal Procedure of the list of subjects whose actions are under investigation by NABU (in particular, the investigation of local self-government officials, inspectors of the HCJ and HCCJ, military personnel, except for those who hold the highest positions, managers of large state-owned and communal enterprises, except for monopolists should be transferred to the SBI).</p> <p>5. Ensure prosecution for the commission of corruption offenses for all Ukrainian MPs and members of local councils, ministers and heads of central executive bodies, other public officials who receive (quite often, on a permanent basis) illegal benefits from oligarchs and their representatives for actions or inaction when performing their functions in official powers (illegal lobbying, taking corrupt decisions, protectionism when appointing certain persons to office, etc.), as well as all persons who promise, offer or provide them with such a benefit.</p>	<p>NABU</p> <p>SAP (Specialized Anti-Corruption Prosecutor's Office)</p> <p>SBI</p> <p>ESBU (Economic Security Bureau of Ukraine)</p> <p>HACC (High Anti-Corruption Court of Ukraine)</p>
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6. Improve the provisions of the Criminal Code of Ukraine, removing the contradictions that prevent a simple and accurate qualification of official abuses, in particular, distinguishing abuse of office resulting in significant damage or serious consequences, from appropriation, embezzlement and taking possession of other people's property through abuse of office.

On legislative level, clarify the meaning of the term "abuse of office" used in the Criminal Code of Ukraine. Such a concept should cover the actions of a public official who, through the use of official powers, position or related opportunities, illegally:

- uses state or communal property, or provides it for use by another person;
- receives or provides assistance to another person in obtaining a loan, subsidy, subvention, or benefit;
- exempts themselves or another person from a mandatory payment or reduces it;
- establishes or increases an incentive, compensation or guarantee payment for themselves or for another person;
- acquires an illegal benefit by using state or communal property or budget funds for purposes other than their intended purpose;
- obtains an unlawful benefit by taking away someone else's item for a fee, replacing it with an equivalent item;
- grants an unlawful benefit due to overestimation of the cost of works or services provided by another person;
- acquired goods, work or services before the decent procurement procedure, or without carrying it out at all, or in violation of that procedure (simplified procurement) defined by law, or awarding a procurement contract that implies the customer paying for the goods, works or services before or without carrying out the procurement procedure (simplified procurement), or in violation of such a procedure prescribed by law.

It is necessary to criminalize all manifestations of corruption in accordance with Ukraine's international obligations and in the context of harmonization of national legislation with EU regulations, and ensure proportional sanctions for it — both in the law and in practice.

7. Ensure real liability of legal entities for bribery (not limited to the application of fines, but through many other measures, which, by the way, is provided for by numerous EU directives and is important for the European integration of Ukraine; this refers to the limitation of a legal entity from carrying out certain activities: cancellation of a general or special permit (license, concession); restriction of the right to perform certain activities, participate in public purchases or auctions, issue securities, establish new legal entities, ban on the operation of a branch, subdivision or institution that was used to commit a criminal offense), as well as long-term or even lifelong ban on holding certain positions for persons who have committed corruption offenses.

8. Adopt a law on criminal liability for premeditated non-complying with national sanctions or international sanctions recognized by

	Ukraine by a person whose obligation is to comply with them, or premeditated obstruction of complying with such sanctions.	
International sphere	<p>1. The EU and the G7 states should politically support the intentions of the Ukrainian authorities to reduce the influence of oligarchs, provide technical assistance for the implementation of the anti-oligarch law attract investors to certain sectors to replace oligarchs and, if possible, provide guarantees for such investments, and support Ukrainian enterprises that could create competition for oligarchs.</p> <p>2. Law enforcement agencies of other states should be more active in initiating criminal proceedings regarding the crimes of Ukrainian oligarchs.</p> <p>3. Accelerate the delivery of the Venice Commission's opinion on the Law against oligarchs.</p>	EU institutions USA and other G7 countries International financial organizations

Full text of the *White Paper on Anti-Oligarch Reform* (Ukr.) is available at the link: <https://pravo.org.ua/books/bila-knyga-antyligarhichnoyi-reformy/>