

# NABU establishment and effective operation

## Background

All donors required Ukraine to establish a separate independent agency empowered to conduct criminal investigations of senior public officials. The agency meant to resolve the problem of impunity of top officials who are abusing their office and powers to rob the country in amounts equal to the percentage of its GDP.

This is exactly what IMF experts felt when they came to Ukraine in spring 2014 upon the request of the Ukrainian interim government for financial help. They identified almost zero reserves at the accounts of the state treasury – the state budget was literally emptied by Yanukovich and his associates.

To prevent the state funds to be embezzled again the IMF decided to link 17,5 billion USD of its loans to the establishment of the *“independent anticorruption agency with broad investigative powers”* to bring state officials to justice.

The anticorruption investigative agency also became the key of the EU anticorruption conditionalities to Ukraine reflected in EU-Ukraine State Building Contract, EU Macro-Financial Assistance contracts and the EU-Ukraine Visa Liberalization Action Plan (VLAP).

In October 2014 Ukrainian parliament passed a law establishing such an agency – the National Anticorruption Bureau of Ukraine (NABU).

However, conditionalities of foreign donors were not limited to adoption of the legislation only – both the EU and the IMF required its proper implementation. Moreover, the EU (through VLAP mechanism) and the IMF were regularly assessing the level of implementation of the law and regularly updated their requirements regarding NABU.

While all donors emphasized the need to make NABU **independent**, the IMF was the most specific in clarifying what they mean by *“**institutional and operational independence** from any external influence”*. These specific requirements are reflected in separate steps Ukraine committed to make to ensure independence of NABU: special mechanism of NABU director selection, high salaries for NABU staff, exclusive investigative powers over top officials, council of civic control, semi-annual public reporting, external annual audit, etc.

In April 2015 independent selection commission selected NABU director Artem Sytnyk, who immediately started setting up the agency.

In September 2015 first NABU detectives were selected and later passed trainings.

In December 2015 NABU detectives registered first criminal proceedings.

NABU is under constant attacks of corrupt politicians and officials. There are numerous legislative attempts to interfere with their work and course of investigations.

More details on NABU are available on its [webpage](#).

# Timeline

## **The decision of the Constitutional Court does not compromise NABU's activity. AntAC's analysis**

18.09.2020

Yesterday, the Constitutional Court of Ukraine ruled regarding the unconstitutionality of some provisions of the Law on NABU in the case on the appeal of 50 MPs representing the Opposition Platform for Life and groups of influence of the oligarchs. Although MPs demanded that the entire NABU Law should be declared unconstitutional, the CCU declared only certain provisions of the law [...]

## **The decision of the Constitutional Court does not mean the automatic dismissal of the NABU Director. AntAC's analysis**

30.08.2020

Today, on August 28, it became known about the decision of the Constitutional Court of Ukraine, which declared unconstitutional the presidential decree appointing Artem Sytnyk for the position director of the National Anti-Corruption Bureau. This decision does not mean the automatic dismissal of the NABU director. The meaning of the Court's decision The Court finds that the president, in [...]

## **Zelenskyi, contrary to the program with the IMF, attacks the independence of NABU**

15.07.2020

President Volodymyr Zelenskyi has approved a vote for a draft law that undermines the independence of the National Anti-Corruption Bureau. Under this law, it will actually be possible to dismiss NABU Director Artem Sytnyk. Earlier, in April, the draft law was postponed because it contradicted the requirements of the International Monetary Fund. Already today, MPs [...]

## **Illegal attempt to dismiss NABU director (update)**

14.02.2020

On February 5, 2020, MPs started collecting signatures to dismiss NABU director Artem Sytnyk from office. As of February 7, 2020, they gathered already 216 signatures. However, this is a sham process because the procedure of the dismissal of the director of the NABU and exclusive grounds for its application are clearly defined by the [...]

## **Rotterdam Plus: criminal charges were announced against six people**

09.08.2019

Based on the information published by NABU On August 8, 2019, under the procedural guidance of SAPO prosecutors, and with the operational support of SBU, NABU detectives announced charges against six persons, who had been involved in the introduction of the so-called Rotterdam plus formula. They are suspected in taking actions that caused losses [...]

## **Odesa Court Fully Acquitted Mayor Trukhanov in the Case of the Kraian Factory**

12.07.2019

Malynovskyi District court of Odesa fully acquitted Gennadiy Trukhanov, City Mayor of Odesa, and his associates charged with seizure of 92 million UAH when the City Council purchased the buildings of the Kraian factory at an overstated price. Passing such a decision by the court, despite the Mayor's Office purchasing buildings at the price 43 [...]

## **The Constitutional Court deprived NABU of powers to invalidate civil agreements in courts**

07.06.2019

On June 5, 2019, the Constitutional Court of Ukraine made the decision which satisfied the constitutional appeal of Kolomoisky's Zaporizhzhya Ferroalloy Plant. It declared the norm of the Law of Ukraine "On the National Anti-Corruption Bureau" unconstitutional. According to it, the NABU was granted the following right - "in case of the grounds provided by [...]"

## **Corruption in Defense sector: we call on NABU director to suspend his deputy and detectives for the time of investigation**

13.03.2019

The Anti-Corruption Action Center demands the director of the National Anti-Corruption Bureau of Ukraine Artem Sytnyk to suspend employees - subjects of journalistic investigation for the time of internal investigation. The initial investigation was conducted by Bihus.Info journalists and concerns corruption in the defense sector. High expectations are held with regard to NABU. They [...]

## **What should NABU leadership have done following Bihus.info investigation?**

13.03.2019

By Vitaliy Shabunin When NABU received information about the alleged violations committed by detectives

and the deputy director, the agency should have immediately suspended them from office. NABU's deputy director Gizo Uglava should have voluntarily made a statement requesting for personal suspension while the internal investigation takes place. This should be common practice and is [...]

## **Austrian prosecutors investigate money-laundering case following AntAC appeal**

22.02.2019

Prosecutor's Office of Austria in collaboration with the National Anticorruption Bureau of Ukraine investigate money-laundering scheme that allegedly involves siphoning money from Ukrainian banks through Austrian Meindl Bank AG. The investigation was opened following appeal, submitted by AntAC in February 2016. According to information found by AntAC, number of Ukrainian banks that went bankrupt [...]

## **The case regarding theft of funds allocated for internally displaced persons was sent to the court**

14.02.2019

NABU detectives under the procedural guidance of SAPO prosecutors completed the pre-trial investigation in the criminal proceeding regarding theft of funds allocated for internally displaced persons (IDPs). On February 11, 2019, the indictment against the head of the Children and Family Service of Kyiv regional state administration was sent to Pechersk district court of Kyiv. [...]

## **Presidential candidate Zelenskyi fully supports the High Anti-corruption Court**

02.02.2019

On January 30, 2019, the Central Election Commission of Ukraine registered Volodymyr Zelenskyi as a candidate for the position of the President of Ukraine. It is very important that one of the key promises of Zelenskyi included in the program is to fully support the work of anti-corruption bodies (for instance, National Anti-corruption Bureau of [...])

## **Drago Kos: the head of SAPO Kholodnytsky should resign**

07.12.2018

Source: Novoe Vremya Drago Kos is the member of the Independent Defense Anti-Corruption Committee (NAKO), and former chair of the Council of Europe's anticorruption body GRECO Slovenian anti-corruption fighter, member of the Independent Defense Anti-Corruption Committee, Drago Kos on air of the Radio Novoe Vremya called on the head of the Specialized Anti-Corruption Prosecutor's Office Nazar [...]

## **NABU detective: Accused officials of the state enterprise**

## **supplied raw materials to ORDLO and Russia**

23.11.2018

Sasha Drik about conversation with NABU detective Olena Krolovetska Accused officials of the state enterprise “United mining and chemical company” (UMCC) supplied titanium ore to the Occupied territories of the Donetsk and Luhansk (Donbas) regions (ORDLO) and Russia. NABU investigation established that the company, using an Austrian mediator, sold goods to Russian PJSC “VSMPO-AVISMA”. It [...]

## **Roman Maselko about ridiculous court decision that ruled Sytnyk’s appointment illegal**

23.11.2018

Roman Maselko writes: Recently, there was the news that the court found Sytnyk’s appointment illegal. In fact, it was only about the appeal against actions of the State Fiscal Service during the special examination of Sytnyk’s declaration. Finally, the full text of the court decision has appeared. And now you can understand what violations were [...]

## **Judge of the Economic Court of the Kharkiv region Iryna Popovych received notice of suspicion of declaring false statements**

14.11.2018

Upon Automaidan’s investigation, AntAC lawyers appealed to the National Anticorruption Bureau of Ukraine with the request to check the e-declaration of judge of the Economic Court of the Kharkiv region Iryna Popovych. During the investigation, NABU detectives found out that the judge deliberately filed in her 2015 declaration false information about the property, which was used [...]

## **Rada Committee preserves state monopoly and appointment of forensics in corruption investigations by courts**

20.10.2018

The Rada Committee on Legislative Support of Law Enforcement, while preparing draft law No. 8336 for the second reading, preserved the state monopoly to conduct forensics in top corruption cases. The appointment of such forensics will be hold exclusively through the court. However, members of the Committee removed from the draft law a provision regarding [...]

## **Sytnyk’s “well-advertised report” at the Rada anticorruption committee**

05.10.2018

On Monday October 1 morning numerous advertisements appeared all over Kyiv metro, announcing NABU's chief Artem Sytnyk's participation in the Rada anticorruption committee hearing on October 3 in order "to reveal top corrupt officials". NABU dissociated themselves from this campaign and commented it was a provocation. When Sytnyk arrived to the Parliament, a rally led [...]

## **Regional Administrative Court of Kyiv Considers Work Of Undercover Agent In The "Amber Mafia" Case Unlawful**

21.09.2018

On September 20 Regional Administrative Court of Kyiv ruled that investigative actions within criminal case against MP Boryslav Rozenblat were unlawful. MP was indicted in bribery. The lawsuit was filed by Rozenblat himself. Administrative court recognized as unlawful activities on documenting bribery - wiretapping and the work of undercover agent - and obliged detectives and [...]

## **The law #8490 allows to terminate investigations of high-profile corruption**

21.09.2018

On September 18, the Parliament adopted the law #8490 in full. Presented as an initiative to protect businesses from pressure from the law enforcement bodies, the draft law also opens new opportunities for closing criminal investigations by investigative judges. The law allows an investigative judge to close any criminal case where a notice of suspicion was [...]

## **Draft law #8336 threatens efficiency of investigation expertise of NABU**

21.09.2018

On September 18 the Parliament adopted in the first reading draft law #8336, authored by the MP Anton Gerashchenko, the Narodnyi Front. The draft law offers amendments to the Code of Criminal Procedure on conducting expertise for the needs of criminal investigation. Although some provisions of the draft law are beneficial, nevertheless it also threatens [...]

## **Prosecutor General provided false information on seizures of all telecommunication company servers**

08.09.2018

On 5 September, Olga Chervakova, Member of Parliament and First Deputy Chairman of the Committee on Freedom of Speech and Information Policy, along with other MPs had a meeting with Prosecutor General Yuriy Lutsenko. They discussed Pecherskyi district court of Kyiv order on access to cell phone data of journalist Natalia Sedletska. Sedletska is Chief [...]

## **The court will consider AntAC's lawsuit against judge who refused to consider appeal against closure of Avakov's backpacks case**

07.09.2018

On Monday, September 10, at 12.30, the Kyiv Court of Appeal (2a Solomyanska street) will consider the lawsuit of the Anti-Corruption Action Center regarding refusal of the judge Vadym Senin to consider the activists' appeal in the case of Avakov's backpacks. On August 17, the AntAC filed the appeal to Solomyansky court against the decision [...]

## **SAPO closed a criminal case regarding false statements in the e-declaration submitted by an MP**

25.07.2018

On July 24, 2018, SAPO prosecutor closed a criminal case regarding submitting false statements in the e-declaration by the Member of Parliament Dzendzerskyi. The MP failed to declare information about his financial obligations amounting to 4 billion UAH (around 153 million USD). NABU reports that the decision was made based on "scientific explanations" regarding interpretation [...]

## **NABU handed a notice of suspicious to economic court judge**

15.06.2018

Lawyers of the NGO «AntAC» sent an appeal to NABU reporting the offence under the Article 361 of the Criminal Code of Ukraine (false statements in e-declarations) allegedly committed by the economic court judge. AntAC repeatedly applied to NABU requesting to check the declaration submitted by Iryna Popovych, judge of Kharkiv regional economic court. On May 30, [...]

## **NABU held a press-conference to report about its activity**

12.06.2018

On June 11, 2018, there was held a press conference on the results of the performance of the National Anti-Corruption Bureau of Ukraine over the last three years and perspectives for its further development till 2020. NABU director Artem Sytnyk was joined during the event by the international experts Robert Storch, Inspector General of US National [...]

## **EU-Ukraine Parliamentary Association Committee Seventh Meeting**

20.04.2018

18-19 April 2018 Strasbourg FINAL STATEMENT AND RECOMMENDATIONS pursuant to Article 467(3) of the Association Agreement The seventh meeting of the EU-Ukraine Parliamentary Association Committee (PAC) was held in Strasbourg on 18-19 April 2018, and was co-chaired by Mykola Kniazhytskyi on behalf of

the Verkhovna Rada of Ukraine and Dariusz Rosati on behalf of [...]

## **Ukrinform interview: Artem Sytnyk, Director of the National Anti Corruption Bureau of Ukraine**

20.04.2018

Original text The “K” Directorate [anticorruption directorate – trans.] of the Security Service of Ukraine sees all our requests for tapping and uses that to hinder our work. April 17, 2018 2:06 pm After the establishment of NABU, the country witnessed unprecedented arrests of top officials. Today some of them fled the country, and cases [...]

## **Property of Odesa airport transferred to ARMA for management**

14.04.2018

The Asset Recovery and Management Agency received for management the immovable property of the international airport “Odesa” and 75% of shares of the company which owns the airport (“International airport Odesa” Ltd). Following the request submitted by NABU and SAPO, the decision to arrest the assets and transfer them to the ARMA was made by [...]

## **Investigation against the Head of Special Anticorruption Prosecutor’s Office: impact on NABU investigations**

06.04.2018

Background In late March heads of the Prosecutor General’s Office and the NABU announced investigation against the SAPO head Nazar Kholodnytskyi. Investigation was opened and is conducted by the PGO with participation of the NABU detectives. After the fact of tapping Kholodnytskyi’s office became public, both officials submitted complaints against him to the Qualifications Disciplinary [...]

## **“Bugging in Aquarium”: 5 Conversations at Kholodnytskyi’s Office, as Recorded by NABU Detectives**

04.04.2018

April 3, 2018 23:02 Maksym Kameniev, Dmytro Replianchuk Hromadske.ua NABU detectives have tapped the office of chief anti-corruption prosecutor Nazar Kholodnytskyi for a month. They bugged the aquarium next to his desk. Hromadske television channel were able to find out what it was that detectives recorded on the “NABU tapes”. The editors saw the [...]

## **Legislation that complicates investigations came in force**

15.03.2018

On March 15 the amendment to the Criminal Procedure Code know as the so-called ‘Lozovyi’s clause’ came into effect. Although the clause has been somewhat softened in course of adoption, it still introduces the



following obstacles for all criminal investigations, including those of NABU: Possibility to appeal the notice of suspicion during a month (two [...])

## **Draft law on financial investigations bureau would undermine NABU's exclusive jurisdiction**

15.03.2018

Draft law on financial investigations bureau (FIB) has been developed by the working group headed by the MP Nina Yuzhanina, the head of Parliamentary Committee on tax policy, upon assignment from the President of Ukraine. Draft law is not yet submitted, but was made public by Yuzhanina. Creation of financial investigations bureau is Ukraine's obligation according [...]

## **Judge, caught red-handed offering a bribe to anticorruption prosecutor, is back to work**

23.02.2018

The judge of Dnipro local court Hennadiy Pidberezniy, who was caught while offering a bribe to the head of the Specialized Anticorruption Prosecutor's Office, returned to hearing cases after four months suspension from office. The judge is back to his position despite being presented with an indictment. Reason for his returning is that the law [...]

## **NABU Director Artem Sytnyk won the appeal in the case of NACP's administrative charges against him**

20.02.2018

On February 19 NABU Director Artem Sytnyk won the appeal in the case of NACP's administrative charges against him. Previously, on January 17, upon NACP administrative protocol Solomyanskyi court fined NABU director 63 USD for refusal to submit documents to NACP regarding his alleged conflict of interest. This case was very actively used to discredit [...]

## **NABU arrested Odesa mayor Hennadiy Trukhanov, court released him without bail**

16.02.2018

Odesa mayor Hennadiy Trukhanov was detained by NABU on February 14. He is suspected in embezzlement of ~6,5 million USD. AntAC has gathered publicly available facts about Trukhanov's bio, assets, family, close associates, criminal investigations against him etc: <https://pep.org.ua/en/person/9983>. On February 15 the court released Trukhanov without bail, upon personal guarantees of the Poroshenko's Block MP Dmytro [...]

## **NABU intensified its attack on corruption in 2017 — Artem Sytnyk**

16.02.2018

From the very start of investigations, the Detectives of the National Anti-Corruption Bureau of Ukraine (NABU) and the prosecutors of the Specialized Anti-Corruption Prosecutor's Office (SAPO) have exposed more than 300 persons allegedly involved in the corruption crimes. Also 107 cases have already been sent to court. This was stated by the NABU Director Artem [...]

## **Olena Halushka for EU Observer: Ukraine's fight against corruption has started to work**

14.02.2018

BRUSSELS, 12. FEB, 17:32 Ukraine's anti-corruption reform seems to be a struggle of "two steps forward, one step back." Ukrainian society and the international community were outraged by the severe pressure exerted over Ukraine's newly established National Anti-corruption Bureau (NABU) in late autumn/early winter. Attacks intensified right after detectives from NABU served a few notices [...]

## **Draft law on limiting NABU's powers successfully stopped**

09.02.2018

Due to joint response of the European partners consideration of the detrimental draft law No7315 that would subordinate NABU to NACP in investigating illicit enrichment and false statements in e-declarations was postponed. Background information.

## **Olena Halushka: Ukrainian society, West will have to push even harder for reform in 2018**

18.01.2018

There is little chance that the political environment will improve in 2018 for strong reform and a strong fight against corruption, as politicians are becoming consumed by the 2019 presidential and parliamentary elections. At the same time, in the next two years, Ukraine will need to repay more than \$3 billion in debt to the [...]

## **Kyivpost: Poll shows most Ukrainians consider fight against corruption unsuccessful**

13.01.2018

The overwhelming majority of the population of Ukraine (80 percent) consider the fight against corruption in the country to be unsuccessful, while 46 percent regard it as a complete failure, according to a sociological survey conducted by the Ilko Kucheriv Democratic Initiatives Foundation along with the Razumkov Center's sociological service. According to the results of the [...]

## **New attack: Prosecutor General's Office keeps putting pressure on NABU**

08.12.2017

After having disrupted NABU's undercover operation last week, insults on NABU were going on. Yuriy Lutsenko, who was supposed to participate in the Global Forum on Asset Recovery 2017 (GFAR), cancelled his participation on the last minute. On the eve before the GFAR Lutsenko accused FBI for working illegally with NABU. In the meantime, Poroshenko's Bloc decided to conduct on December [...]

## **Top international anticorruption experts call to ensure maximum independence of Ukraine's anticorruption agencies**

02.12.2017

International Anti-Corruption Advisory Board (IACAB) calls to ensure maximum independence of anticorruption agencies and to secure them from groundless attacks as well as to launch the specialized anticorruption court as quickly as possible. It is stipulated in the first IACAB report that provides conclusions and recommendations set to increase the efficiency of Ukraine's anticorruption agencies. [...]

## **Attacks on NABU: chronology**

26.11.2017

We are covering 3 fronts of attacks on NABU, which have significantly intensified within the last time: legislative threats; criminal and administrative cases against NABU; auditor selection with no competition. Attacks Startpoint In October NABU announced suspicions in corruption crimes to the son of Arsen Avakov, the Minister of Interior, as well as to [...]

## **IMF announced prior actions for the next tranche**

03.11.2017

On November 3, 2017, IMF Resident Representative in Ukraine announced 4 prior actions for the next tranche: adoption of the draft law on privatisation; establishment of the anticorruption court; gas prices adjustment; land reform. Mr Goesta Ljungman mentioned establishment of NABU as one of most important reforms that are implemented. Ukrayinska Pravda

## **NABU and SAPO returned unique medical radiological equipment to pediatric clinic**

13.10.2017

NABU and SAPO returned unique radiological equipment to the National Specialised Pediatric Clinic "OKHMATDYT." It will be used for diagnostics and medical treatment of childhood cancer. Although the equipment is a material evidence in a criminal case, the investigators allowed using it before the investigation is over. It was transferred to the clinic. Above-mentioned equipment was [...]

## **PGO's attacks on NABU go on**

22.09.2017

According to NABU, Prosecutor General's statement, made during his briefing on September 20, on the illegal wiretapping of more than 150 people (including the Presidential bodyguards), which was supposedly done by NABU is not true. NABU supposes it is an attempt to block the creation of independent Anticorruption Court and to discredit NABU. Full text.

## **Attempts to falsify the selection of NABU Public Control Council**

26.05.2015

During online selection of members of NABU Public Control Council, there was an attempt to forge the voting procedure. As the result the director of NABU had to reestablish the selection procedure. Members of the Council of 2015-2016 <http://www.pravda.com.ua/news/2015/06/6/7070386/>; members of the Council of 2016-2017 <https://nabu.gov.ua/cklad-rady-gromadskogo-kontrolyu>

## **Appointment of NABU director**

16.04.2015

The President appointed Artem Sytnyk as the director of NABU

## **Selection of NABU director**

07.04.2015

The Commission shortlisted two candidates for the selection by the President

## **Commision started the work**

25.12.2014

The Commission started the work. 116 candidates applied. The civil activists constantly controlled the work of the Commision and prevented the attempts of the Presidential Administration to intervene the process.

## **Parliament nominates members of selection commission of NABU**

21.12.2014

The Parliament nominated Yevheniy Nyshchuk, Viktor Musiyaka, and Giovanni Kessler.

## **Cabinet of Ministers nominates members of selection commision**

## **of NABU**

20.12.2014

The Cabinet of Ministers nominated Yosif Zisels, Oleksandra Yanovska, and Yuriy Butusov.

## **NABU deprieved of budget**

16.12.2014

In December 2014, MPs forgot to include NABU in the Draft Law On state budgent in 2015. After the public attention to the issue, NABU received separate budgeting.

## **Adoption of Law on NABU**

14.10.2014

Ukrainian Parliament adopted the Law on National Anti-corruption Burreau of Ukraine

## **Documents**

We will uphold NABU's institutional and operational independence, including by upholding procedures for appointment of its head and maintaining the limited and serious grounds for dismissal of its head, in line with Law No. 2014/1698-VII.

Full doc:

## **IMF**

"We will also ensure that the NAB is fully operational by end-January 2016 (structuralbenchmark). In this regard, steps will be taken to ensure: Allocation of necessary infrastructure (e.g., hardware; software; access to administrative, law enforcement, and commercial databases; vehicles; special tools; investigative material),supported by the appropriate budgetary allocation if necessary

Full doc: <https://www.imf.org/external/np/loi/2015/ukr/072115.pdf>

## **VLAP**

Establishment and effective operation of a single and independent anti-corruption agency" para 2.3.1-2.3.2

Full doc:

## **MFA**

“Establish a National Anti-Corruption Bureau, a Specialized Anti-corruption Prosecution Office and a National Agency for the Prevention of Corruption, ensuring that they are independent and operational, i.e. endowed with financial resources, staff and equipment required to perform their functions.” para 6 Annex 1

Full doc:

[http://ec.europa.eu/economy\\_finance/international/neighbourhood\\_policy/doc/mou\\_eu\\_ukraine\\_en.pdf](http://ec.europa.eu/economy_finance/international/neighbourhood_policy/doc/mou_eu_ukraine_en.pdf)

## IMF

“Submit to Parliament by September 1, 2014 (structural benchmark) and adopt by end October, 2014 (structural benchmark) enabling legislation for the establishment of an independent anti-corruption agency with broad investigative powers...In particular, we will ensure that the agency will be: (i) operationally and institutionally independent from any external influence guaranteed and realized; (ii) accountable and transparent; (iii) adequately resourced in terms of budget, staffing and expertise; and (iv) able to obtain all relevant information domestically and to engage in international cooperation with regard to its area of competency.” par.24

Full doc: <https://www.imf.org/external/np/loi/2014/ukr/042214.pdf>

## SBC

“ Establish an operational, specialised agency for detection and pre-trial investigation of corruption criminal offences.” para 3.2

Full doc:

# Documents

## Visa Suspension Mechanism

The pending audit of NABU raises concerns due to the politically driven appointment of auditors, which threatens to undermine NABU's leadership.

Full doc: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219\\_com-2018--56-report\\_en.pdf?utm\\_source=International+partners&utm\\_campaign=a379fd4597-EMAIL\\_CAMPAIGN\\_29\\_12\\_2017\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_2e2aa5132c-a379fd4597-82028643](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_com-2018--56-report_en.pdf?utm_source=International+partners&utm_campaign=a379fd4597-EMAIL_CAMPAIGN_29_12_2017_COPY_01&utm_medium=email&utm_term=0_2e2aa5132c-a379fd4597-82028643)

## Visa Suspension Mechanism

NABU's work is further complicated by deteriorating relations with the SAPO in the wake of accusations against the head of SAPO in April 2018. The Qualification and Disciplinary Commission of the Prosecutor General Office (QDCP), despite having received evidence that head of SAPO committed gross violation of prosecutorial ethics, issued only a reprimand instead of dismissal. As a result, the reputation of SAPO is severely damaged, and its ability to deliver independent work and to trustfully cooperate with NABU is heavily compromised.

Full doc: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219\\_com-2018--56-report\\_en.pdf?utm\\_source=International+partners&utm\\_campaign=a379fd4597-EMAIL\\_CAMPAIGN\\_29\\_12\\_2017\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_2e2aa5132c-a379fd4597-82028643](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_com-2018--56-report_en.pdf?utm_source=International+partners&utm_campaign=a379fd4597-EMAIL_CAMPAIGN_29_12_2017_COPY_01&utm_medium=email&utm_term=0_2e2aa5132c-a379fd4597-82028643)

## Visa Suspension Mechanism

Overall, the visa liberalisation benchmarks continue to be fulfilled. However, in view of recent developments, immediate actions need to be taken in order to ensure full implementation and sustainability of past reforms, in particular as regards the anti-corruption benchmark. The following areas need to be addressed:

- Ensure the independence, effectiveness and sustainability of the anti-corruption institutional framework, in particular by setting up an independent and specialised high anti-corruption court in accordance with the Venice Commission opinion and Ukrainian legislation. In parallel, the independence and capacity of NABU and SAP must be ensured and reinforced, reversing current trends undermining their work.

Full doc: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what--s-new/news/20171220\\_first\\_report\\_under\\_suspension\\_mechanism\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what--s-new/news/20171220_first_report_under_suspension_mechanism_en.pdf)