

# **Sanctions for false statements in E-declarations**

## **Background**

Prior to the launch of the electronic asset declaration system, there was no sanctions for the submission of false or incomplete information in the declaration. A fine handed down by the authority employing the official existed for late submissions. Currently, there are two forms of liability related to asset declarations: administrative liability and criminal liability. Administrative liability is incurred if the declaration fails to specify property values that exceed 160,000 UAH (Art. 176-6 of the Code of Ukraine on Administrative Offenses). If the value of undeclared property exceeds 400,000 UAH, an individual becomes liable for a criminal offence which is punishable by a fine, community service, or imprisonment for up to two years, followed by a three-year ban on the holding of certain positions (Art. 366-1 of the Criminal Code of Ukraine).

## **Timeline**

### **NACP attempts to misuse automatic verification of e-declarations through regulations - Declaration Under Control initiative**

25.01.2019

**Declarations Under Control Initiative** On December 21, 2018, the National Agency on Corruption Prevention (NACP) amended the document that determines the procedure for verification of electronic declarations. These changes were triggered by the introduction of an automated declaration verification system which aims to simplify and improve the effectiveness of verifications. However, the analysis of [...]

### **The court abolished decision of the SAPO regarding closure of General Tkachuk's case**

30.08.2018

The court abolished decision of the Specialized Anti-Corruption Prosecutor's Office to close a criminal proceeding on alleged illicit enrichment and declaration of false information by Chief of National Land Forces Academy, Lieutenant-General Pavlo Tkachuk. This decision was made on August 29, by a panel of judges of Kyiv Court of Appeal, writes in Facebook Yevheniya [...]

### **MPs want to abolish notices of significant changes in the**

## **property status**

09.08.2018

There was registered in the Verkhovna Rada a draft law aimed at lifting public officials of obligation to e-declare significant changes in their property status. The bill was initiated by MP Serhii Shahov from the party Volya Narodu. In case this draft law is adopted, declarants will no longer have to submit information on their income [...]

## **“Declarations Under Control” coalition: Parliament may cancel e-declarations for law enforcement and other state agencies**

20.03.2018

Sasha Drik, Coalition “Declarations Under Control” coordinator On Monday, March 19, the acting Chair of Rada Committee on Corruption Prevention Yuriy Savchuk called for an urgent inclusion in Parliament’s plenary week agenda a draft law that is claimed to solve the procedure of submission of e-declarations for Ukrainian intelligence officers. However, under the guise [...]

## **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.

## **NACP starts politically motivated proceedings**

01.12.2016

NACP initiated administrative proceedings regarding MP Sergiy Leshchenko for the purchase of flat (<http://www.pravda.com.ua/news/2016/12/1/7128513/>) and former head of customs of Odesa region Yuliya Marushevskaya for salary bonus of 500 UAH (<https://www.ukrinform.ua/rubric-society/2172377-marusevs-u-viklikali-do-nazk-cerez-500-grn-premii-na-8-berezna.html>). Both proceedings were politically motivated. NACP’s claims were later dismissed by courts: [https://gazeta.ua/articles/politics/\\_sprava-marushevskoyi-s-d-viznav-eksglavu-odeskoyi-mitnici-nevinnoyu/760488](https://gazeta.ua/articles/politics/_sprava-marushevskoyi-s-d-viznav-eksglavu-odeskoyi-mitnici-nevinnoyu/760488)

## **Attempt to introduce “zero” declarations**

04.07.2016

Government suggested introduction of "zero" declaration for all Ukrainians in order to introduce asset declarations for all citizen of Ukraine. This could be the way to impose the impunity of top officials given the enormous wealth declared in their asset declarations

# **Introduction of criminal liability for false statements in electronic declarations**

14.10.2014

If the value of undeclared property exceeds UAH 400 thousands, a person is liable of criminal offence and may be punished with fine, community service or imprisonment up to two years, followed by a three-year prohibition to hold certain position (Art. 366-1 of the Criminal Code of Ukraine).

## **Documents**

### **SBC**

“Effective system for verification of declarations of assets, income and expenses of public officials is in place and operational, dissuasive sanctions for submission of false information in declarations is introduced, threshold for declaration of expenses is significantly reduced, a single web-portal for submission in electronic form and publication of declarations with open access to the portal is set up, other provisions on asset disclosure are improvement in cooperation with civil society and international stakeholders. ”

Full doc: