

Map of **ANTICORRUPTION CONDITIONALITIES**

VLAP

VISA LIBERALISATION ACTION PLAN The EU has conducted 'Visa Liberalisation Dialogue' with Ukraine since 29 October 2008. The dialogue was built upon Visa Liberalisation Action Plan (VLAP), which was presented to Ukraine on 22 November 2010. The VLAP included four blocks of benchmarks related to document security, including biometrics; border management, migration and asylum; public order and security; and external relations and fundamental rights. Since 2014, the block of public order and security set up a number of well-defined anti-corruption conditionalities, crucial for the fulfilment of the VLAP.

The benchmarks concerned both the policy and institutional framework (legislation and planning) and the effective and sustainable implementation of this framework. The implementation of the VLAP has been closely monitored by the Commission through regular progress reports, transmitted to the European Parliament and the Council, and which are publicly accessible.

Many VLAP anti-corruption conditionalities are similar to those reflected in the IMF conditionalities.

After granting visa free regime the European Commission will conduct monitoring of continuous fulfilment of Ukraine's conditionalities on the fight against corruption. Such a monitoring should prevent roll backs of the reform.

Standards

Corruption investigation and prosecution

Access to information

- E-data (public expenditure)

Asset recovery

Corruption Prevention

Public procurement

Documents

As of October 2018, a total of 2.7 million declarations have been registered in the electronic declaration system managed by the NAPC. However, progress in their verification remains very slow. NAPC has not yet produced a convincing track record of effectively verified declarations of high-level officials...

The regulatory framework is currently overly restrictive, notably limiting the ability for in-depth verification of electronic declarations due to short time frames, and risking possible impunity of declarants by precluding the possibility of reopening verification decisions if new circumstances become known. While this is an important step forward, further work is needed for the effective functioning of the verification system, among others by developing an adequate regulatory framework and by ensuring that all relevant state registers are included in the automatic verification process.

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_swd-2018--96-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

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_swd-2018--96-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

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

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NABU's ability to conduct effective investigations into complex corruption cases is also hampered by the failure of NAPC to grant direct and automated access to its e-declaration database.

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[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_swd-2018--96-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)

NABU's effectiveness would be further improved with independent access to wire-tapping, which would reduce the bureau's dependency on the Security Service of Ukraine (the SSU has disrupted NABU operations in the past and its leadership is under investigation by NABU)

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_swd-2018--96-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

Overall, the visa liberalisation benchmarks continue to be fulfilled. In the First Report under the Visa Suspension Mechanism, the Commission noted that in view of recent developments immediate actions needed 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:

- Establish a fully functioning system for the verification of asset declarations, notably by ensuring automated access to all remaining registers and databases, in order to produce a convincing track-record of effectively verified declarations;

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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

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- Ensure the independence, effectiveness and sustainability of the anti-corruption institutional framework, including by ensuring that the High Anti-Corruption Court swiftly becomes fully operational and that the Public Council of International Experts can adequately play its role in the selection process

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

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needed 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: - Urgently repeal the amendments extending the scope of asset declarations to civil society and ensure that civil society can play its role without undue interference

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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:

- Repeal the amendments extending the scope of asset declaration obligations to civil society declarants and ensure that civil society can play its role without undue obstacles and interference

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-s-new/news/20171220_first_report_under_suspension_mechanism_en.pdf

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- Restore as a matter of urgency the credibility of the NAPC and establish an effective verification system of asset declarations, including through the automatic verification software with direct and automatic access to state databases and registers;

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-s-new/news/20171220_first_report_under_suspension_mechanism_en.pdf

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

“The specialised anti-corruption prosecution office should become operational as a matter of top priority; it is an indispensable component of an effective and independent institutional framework for combating high-level corruption”

Full doc: <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF>

“Ensure that the National Agency for Prevention of Corruption is fully operational in the first quarter 2016 and verification of assets and potential conflicts of interests of public officials in areas and positions most vulnerable to corruption will be launched immediately after” para 2.3.1.3

Full doc: <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF>

“...adopt legislation on procedures concerning seizure of assets and special confiscation with a view to make the Asset Recovery Office fully effective” para 2.3.1.3.

Full doc: <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF>

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

Full doc:

“Establish an operational and independent National Anti-Corruption Bureau, a specialised anti-corruption prosecution office and a National Agency for Prevention of Corruption, with clear guidelines for inter-agency cooperation. ”

Full doc:

"Put in place procedures to ensure: the timely publication of all current asset declarations; effective verification of assets and conflicts of interest of public officials; full operability and accuracy of central electronic databases, including on asset declarations and beneficial ownership; and a unified web portal disclosing public expenditure. ” para 2.3.1.3

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Full doc:

“Put in place procedures to ensure:... effective verification of assets and conflicts of interest of public officials” para 2.3.1.3

Full doc:

“Establish a national Asset Recovery Office and an effective inter-agency coordination to establish an asset recovery record.” para 2.3.1.3

Full doc:

“Put in place procedures to ensure: the timely publication of all current asset declarations; effective verification of assets and conflicts of interest of public officials; full operability and accuracy of central electronic databases, including on asset declarations and beneficial ownership; and a unified web portal disclosing public expenditure.” para 2.3.1.3

Full doc:

“the adoption of legislation reflecting the GRECO recommendations on party and electoral campaign funding”

Full doc:

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