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The Cabinet of Ministers of Ukraine approved the Draft Act On the Establishment of a Business Ombudsman. What rights should be established for a Business Ombudsman? How can the introduction of this institute affect the investment attractiveness of Ukraine?

The Business Ombudsman is a “bridge” between business and government that promotes the protection of enterprise entities during the implementation of constitutional law on entrepreneurial activity, as well as protection from corruption and other forms of unfair behavior in the field of management.

The Council of Business Ombudsman has been in operation since November 2014, and its activities are determined by Decree No. 691 from 26 November 2014 of the Cabinet of Ministers of Ukraine *On the Formation of the Council of the Business Ombudsman*. In the preamble basic principles of the activity are determined, including: transparency of activity of bodies of state power, reducing the level of corruption and the prevention of unfair behavior regarding subjects of entrepreneurship. These principles are from broader wording also defined in the Draft Act *On Business Ombudsman* (draft).

After approval of the project the activity of the Business Ombudsman will be regulated at the legislative level. Unlike a Resolution, a project will allow the Business Ombudsman to act as a more effective advocate on behalf of

business, have access to information and more comprehensive dialogue with the competent authorities. This will also make the acts of the Business Ombudsman mandatory not only for the authorities but for other persons.

Business refers to a Business Ombudsman with specific issues regarding abuse by the authorities, technical barriers that hinder business activities, illegal acts, actions of government bodies, etc. To acquire a critical mass of applications on a particular issue, the Business Ombudsman can initiate dialogue with government authorities and make changes in the relevant regulations. Now statistics show that with the advent of the Business Ombudsman a certain number of issues began to be addressed in the legal field.

By way of conclusion we can say that the Business Ombudsman is an institution that is interested in improving the investment climate in Ukraine, and in creating a business environment made up of fair rules. Information, including about the activities of the Business Ombudsman, can be an indicator for interested investors to carry out its activity on the territory of Ukraine.



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Draft Act On Financial Police, No.4228 provides the establishment of Financial Police and liquidation of the Tax Police. What means on exposure, suppression and investigation of crimes in the formation and use of state financial resources, and in the field of economic security, can the new authority receive?

The Draft Act provides for the creation of a new law-enforcement agency called the Financial Police. It is a body whose function will be to investigate and solve crimes in the domain of formation and use of state financial resources and economic security.

The document defines the legal status and the powers of the body, etc.

In fact, the draft provides for the liquidation of the tax police, and for the creation of the Financial Police. That is, for the Implementation of the all-national concept of reformation of the State Fiscal Service of Ukraine, as of public service bodies without the law-enforcement function.

In my view, the proposed concept will not bring the desired results because such reform could lead to trivial changes of signage only, without the necessary reform of law-enforcement in this area.

So, along with the National Police, NABU, Security Service of Ukraine, Prosecutor’s Office, one more agency will be created, which will be authorized to investigate the same offenses as their counterparts. In addition, the activities of the said law-enforcement agency will, according to the text of the draft law, be coordinated by a non-sectoral (not law-enforcement) state institution, namely the Ministry of Finance.

So, I want to draw the attention of our legislators to the need to quickly create a single body that will carry out operational investigative activities and pre-trial investigation in Ukraine, that will involve respective units, whose activities will be focused on investigating and solving crimes in the sphere of financial resources of the state and economic security.

Otherwise, it will be a trivial change of names without any real fundamental change in the fight against criminal and administrative offenses in this area.