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The European integration path that Ukraine has embarked on presupposes establishing and ensuring the operation of institutions that would guarantee supremacy of law, respect for rights and interests of individuals and legal entities and their effective protection.

Thus, on 10 October 2019, the Verkhovna Rada of Ukraine approved the program of the Cabinet of Ministers of Ukraine. One of the paragraphs in this program specifies the formation of an agency that would investigate crimes in the field of public finances.

Besides, the approved Law of Ukraine *On the 2020 State Budget of Ukraine* envisages

**On 19 February Draft Law No. 3087 On the Bureau of Economic Security was registered. What are its main provisions?**

UAH 1.288 billion worth of expenditure on forming a body that would carry out investigations in the field of public finances.

Since the time the aforementioned program was approved, several draft laws providing for formation of a body that would investigate crimes in the sphere of public finances, including Draft No. 1208-2 *On the Bureau of Financial Investigations* of 18 September 2019, have been registered with the Verkhovna Rada of Ukraine. However, the document in question was rejected by Parliament.

On 19 February 2020 Draft Law No. 3087 *On the Bureau of Economic Security*, drawn up on the basis of the aforementioned Draft No 1208-2, accounting for comments made by the main legal department of the Verkhovna Rada, was registered with the Verkhovna Rada.

According to its explanatory note, the Draft is aimed at differentiating the service and law-enforcement functions of the State Tax Service, liquidating the tax police, downsizing

the structure and personnel numbers of the bodies combating crimes in the sphere of finance, discovering overlapping functions and the actual formation of the Bureau of Economic Security. The main objectives of the BES include preventing, detecting, stopping, investigating and solving criminal offences referred to its jurisdiction by legislation.

The activities of BES are to be directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Finance of Ukraine, though the latter does not have significant influence over the BES.

In accordance with the proposed changes to the *Criminal Procedure Code of Ukraine*, 29 articles of the *Criminal Code of Ukraine* outline the jurisdiction of detectives of the BES, with 20 of them describing the direct functions of the agency in connection with economic crimes. In this way an attempt was made to protect businesses from control over the economy by other security, defense and law-enforcement agencies.

The Draft specifies that the maximum number of personnel must not exceed 3,000 officers, with officers who handled economic crimes while working for other law-enforcement bodies or prosecution bodies from 2010 to 2015 being banned from working for the BES.

The Draft sets out the procedure for competitive selection of the BES director and deputy directors, involving donors who have provided international technical assistance to Ukraine with a view to preventing and combating corruption and economic crimes in the last two years.

In general terms, the proposed formulae to establish a new central body of executive power specializing in investigation of crimes in the area of public finances will positively influence the existing business environment in the country, enhance the effectiveness of investigation of crimes in the economy and finance, reduce corruption risks in the system of law-enforcement bodies. At the same time, Draft Law No. 3087 needs further reworking.

### ADVERTISEMENT

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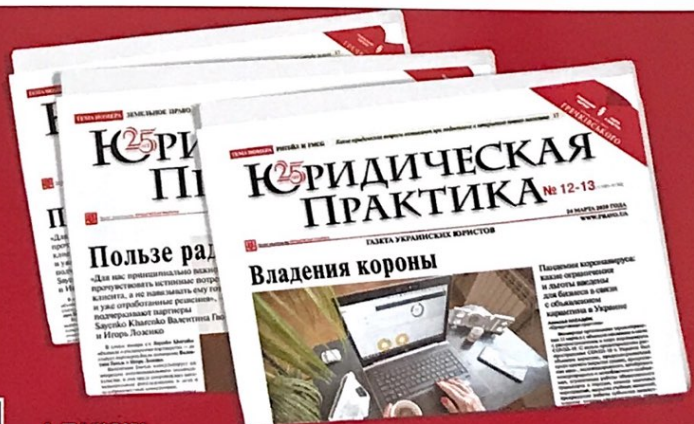
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