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International Anti-Corruption Advisory Board
(IACAB)

**«E-DECLARATIONS ENABLE IDENTIFICATION
OF ILLEGAL WEALTH»**

Opinion

on how to ensure competent, impartial, and effective
collection and verification of public officials' e-
declarations

This Expert Opinion has been prepared within the framework of cooperation between the Verkhovna Rada's Committee on Corruption Prevention and Counteraction (The Committee) and the European Union Anti-Corruption Initiative in Ukraine (EUACI). The Opinion was written by the Members of the International Anti-Corruption Advisory Board, Carlos Castresana, Anca Jurma, Giovanni Kessler, Drago Kos, Daniel Thelesklaf, and Jesper Hjortenber. The Opinion is based on analysis of the legislative and operational framework and meetings with both governmental and non-governmental actors, including representatives of the Ukrainian legislative, executive, judicial, and law enforcement authorities.

The views expressed in this document are solely those of the authors and do not necessarily reflect the views of the EU Anti-Corruption Initiative (EUACI) or the European Commission, or Danida, or any (other) organization/entity the authors belong to or work for/with.

I. Introduction

1. In October 2014, Ukraine adopted a Law on the Prevention of Corruption (LPC), which has introduced new features in the anti-corruption system of the country. In particular, it envisaged creation of the new anti-corruption body – the National Agency on Prevention of Corruption (NACP) - with the following functions:
 - formation and implementation of the state anti-corruption policy;
 - controlling and verifying public officials' asset declarations;
 - ensuring the establishment and functioning of the Unified Register of E-declarations, as well as open access to it;
 - monitoring and controlling implementation of legislation on settling and preventing conflicts of interest;
 - exercising state control over the observance of statutory restrictions on financing of political parties and the use of funds allocated to them from the state budget;
 - cooperating with and protecting whistle-blowers;
 - coordinating anti-corruption programs of government agencies and companies;
 - analysing risks of corruption and monitoring state government bodies in the area of corruption prevention.
2. The National Agency on Prevention of Corruption was conceived as an independent executive body with five members appointed for a four-year mandate by the government, following a proposal of a special selection committee. As foreseen by the Law, the independence of the NACP would be ensured through various measures including its special status and special procedures for selection, appointment, and termination of powers of its members; ensuring adequate resources for its functioning; proper salaries for its staff; transparency of its activities; prohibition of using the NACP for any non-public interests and prohibition of political parties' activities within the NACP; prohibition of any undue influence on the work of the Agency; and through special state protection of members and employees of the Agency and their family members. The NACP became operational after heavy disputes between the government and civil society, during which the impartiality and objectivity of the process for selection of its members was questioned¹.
3. According to the Law, one of the most important functions of the NACP, which significantly increased expectations of Ukrainians of the new anti-corruption body, was its competence to verify the assets of Ukrainian public officials. Nearly one million Ukrainian public officials² have to electronically submit reports on their assets annually. E-declarations must contain the identification data of a public official and his family members, information on current position or employment, data on his/her and their family members' real estate assets, valuable movable property, securities, corporate rights, intangible assets and every type of income, data on cash assets, financial liabilities, certain expenses and transactions – all in Ukraine or abroad. In addition, the NACP has adopted a procedural tool for handling the declarations: "Procedure for conducting control and full verification of declarations of persons authorized to discharge

¹ See Part II of this report for details

² Including the President of Ukraine, the Chairman of the Verkhovna Rada and all Members of the Parliament, Prime Minister and all ministers, the Head of Security Service of Ukraine, the Prosecutor General of Ukraine, the Head of National Bank of Ukraine, the Chairman of Accounting Chamber and its members, the Representative of the Verkhovna Rada of Ukraine on human rights, etc.

functions of the state or local self-government bodies”³. As of the end of 2017, of all declarations which have been submitted, 143 have been verified⁴.

4. E-declarations are submitted into the Unified State Register of Declarations, which, in principle, is open to the public. Sensitive personal data, such as tax registration numbers, series and passport numbers, places of residence, birth dates of physical persons and exact locations of objects, are not available for public access. This is the solution used in many other countries where legislators had to strike a balance between the need to ensure transparency of the public life of public officials and the need to protect their sensitive personal data. Within 60 days, the NACP conducts the so-called “full verification” of the declarations. This phase may be extended for an additional period of 30 days and consists of checking elements including the credibility of the declared data, the accuracy of the assessment of declared assets, whether any conflicts of interest exist, and whether there are indications of illegal enrichment. In assessing public officials’ assets, NACP can also take into account their general lifestyle.
5. Soon after its establishment, international experts analyzed the functioning of the e-declaration system⁵ and identified a number of weaknesses. Representatives of the international community in Ukraine, foreign and domestic experts, representatives of Ukrainian civil society, and members of other public institutions have identified other important developments related to the monitoring and verification of e-declarations in the NACP. Effective verification of asset declarations is considered to be of such importance that it is the first substantial condition for the upcoming EU loan of 1 billion EUR to Ukraine⁶.

II. Problematic issues

6. **Tendency to weaken the Law on Prevention of Corruption.** The Law on Prevention of Corruption has been amended 20 times since its adoption in 2014, and not all of the amendments have contributed to improving its efficiency. For instance, in 2016 amendments introduced thresholds that created a significant gap in sanctions for false information in declarations. In 2017 amendments enlarged the list of declarants almost indefinitely by subjecting anti-corruption activists to the law. In addition, there were several instances when draft legislation submitted to the Parliament attempted, directly or indirectly, to weaken the law, for example by postponement of the launch of the e-declaration system, blocking public access to selected or all information, reducing the number of types of assets to be declared, complicating or abolishing liability for declaring false information, cancelling liability for illicit enrichment, and subjecting the National Anti-Corruption Bureau of Ukraine (NABU) to verification of e-declarations by the NACP. In June 2017, the NACP informed the Parliamentary Committee on Corruption Prevention that the Prosecutors General's Office (PGO), the Ministry of the Interior, the Security Service of Ukraine (SBU) and some other public agencies approached the NACP with the suggestion to amend the Law On Prevention of Corruption in such a way that could allow public access to be blocked to almost all of their declarations.

³ Decision 56/2017: <http://zakon5.rada.gov.ua/laws/show/z0201-17>

⁴ Report on the performance of the National Agency on Prevention of Corruption for 2017: https://nazk.gov.ua/sites/default/files/dodatok_2_zvit_pro_diyalnist.pdf

⁵ EUACI: The Business Process of Verifying E-Assets Declarations at the National Agency on Corruption Prevention: <https://eu-aci.eu/what-we-do/resources/proccess-perevirki-aktiviv-za-elektronnimi-deklaracziyami-naczionalnim-agenstvom-popperedzhennyu-korupcziji>

⁶ Proposal for a Decision of the European Parliament and of the Council providing further macro-financial assistance to Ukraine, 2018—0058 (COD), page 2

7. **Vulnerabilities arising from very wide constitutional test.** Key provisions of the Law on Prevention of Corruption related to e-declaration of assets are also being challenged at the Constitutional Court of Ukraine (CCU). In their constitutional appeal, some Members of Parliament ask to rule as unconstitutional and thus cancel the following legal requirements: declaration of the assets of family members, unfinished real estate, valuable movable assets, cash, and other assets; the right of the NACP to access registers for the terms of verification of declarations and conduct lifestyle monitoring; public access to the Registry of E-declarations; and criminal liability for declaring false information. Experts from the Council of Europe have referred to many of these provisions as a «highly advanced standard»⁷. The appeal was submitted at the end of December 2015, however, the CCU started to consider this appeal in March 2017, which makes fulfilling the ultimate aim of this Law, the identification of proceeds of corruption and their owners, very uncertain for the future.
8. **Flawed NACP management selection process.** According to the Law on Prevention of Corruption, the selection process was conducted by the selection commission managed and organized by the Cabinet of Ministers. The selection commission was compromised by public scandals and lawsuits⁸, resulting in the resignation of some of its members, however, these scandals did not result in change of the selection commission. The commission failed to select a fifth member for a very long time, thus during most of the first year after its establishment the NACP board consisted of four members. This even number blocked the decision-making process at times, resulting in an inability to adopt any decisions. In April 2017, the Cabinet of Ministers initiated a draft law on «reloading the NACP»⁹. The draft law was sent for review in order to benefit from the expertise of the Council of Europe, who concluded that this draft law jeopardized the independence of the NACP¹⁰.
9. **Inability to establish efficient system of verification.** The NACP leadership and other Ukrainian authorities have been unable to implement an efficient system for the verification of declarations. Moreover, through their by-laws and regulations they have – as some people would argue – intentionally introduced a system, which is neither effective nor efficient, nor which offers any real chance for the identification of ill-gotten assets and their owners. Automatic verification that would make the process much more efficient has never been launched, despite the fact that modules for automatic verification were developed at the time when the system was launched in September 2016. However, for reasons unknown, the NACP management refused to accept the automatic verification modules¹¹. During the period 15 August - 1 September 2016, the NACP contracted a company associated with the State Service of Special Communication and Information Protection of Ukraine (DSSZZI) to fine-tune the e-declaration system. Afterwards, the issue of operability was raised. Subsequently, the NACP has not taken measures to check the automated verification modules with the source code. More recently, another attempt was made to introduce modules for automatic verification, however, the NACP's leadership failed to ensure implementation.

⁷ Expert Opinion on: Financial Control of Asset Declarations in Ukraine (Section VII of the Law “On Prevention of Corruption” – LPC) (2016)

⁸ Reanimation Package of Reforms. The Government of Ukraine failed to secure independent and effective composition of NACP: <http://rpr.org.ua/en/news/the-government-of-ukraine-failed-to-secure-independent-and-effective-composition-of-the-nacp/>

⁹ Draft Law “On Amending the Law of Ukraine ‘On Prevention of Corruption’ in Terms of Improving the Operation Arrangements of the National Agency on Corruption Prevention” (No. 6335): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61573

¹⁰ Expert Opinion on: Draft Law “On Amending the Law of Ukraine ‘On Prevention of Corruption’ in Terms of Improving the Operation Arrangements of the National Agency on Corruption Prevention” (No. 6335); and Draft Law “On Amending Certain Laws of Ukraine in Terms of Ensuring Efficiency and Independence of the National Agency on Corruption Prevention” (No. 6387) (2017)

¹¹ UNDP information regarding tender case UNDP RFP UKR/2015/97 “Development of Software of Electronic Asset Declaration System for Ukraine”: <http://www.ua.undp.org/content/ukraine/en/home/presscenter/articles/2017/05/25/info-re-tender-undp-rfp-ukr-2015-97-development-of-edeclaration-system-for-ukraine.html>

10. **Political dependency of the NACP.** Between 2015 and 2017, two members of the NACP resigned, and an already elected candidate did not want to resume the position. All of them cited political dependency of the NACP as a reason. In November 2017, the NACP leadership was publicly accused by a whistle-blower of being under the control of the Presidential Administration and Security Service of Ukraine. The evidence substantiating the accusations was sent to the NABU, however, the Prosecutor General's Office almost immediately transferred the case from the NABU to the SBU.
11. **Ethically questionable practices in the NACP.** The NACP leadership was also heavily criticized for awarding themselves large bonuses. For example, between July and September 2016, the NACP Chairperson awarded herself monthly bonuses worth around 200,000 UAH, and other members of the NACP have received monthly bonuses worth up to 250% of their salaries. In January 2018, media reported that one of the NACP Department Deputy Heads was working in the agency while being convicted for corruption.
12. **Undermining the e-declaration system.** Although the NACP is the custodian of the system¹² in the name of the Ukrainian State, the Unified State Register of Declarations is under effective control of a different entity. Currently, the e-declaration system is not administrated by the NACP but by the state-owned enterprise «Ukrainian Special Systems» (USS). USS is managed by the State Service of Special Communication and Information Protection of Ukraine (DSSZZI), which nearly derailed the launch of the e-declaration system in August 2016 by not issuing the security certificate. The NACP does not possess the programming code of this database. There are allegations that a state enterprise USS was involved in falsification of the hack attack on the system which was used later to justify interference with the system prior to its launch on 1st September 2016. In September 2016, National Police opened a criminal proceeding related to the falsification of hacking of the e-declaration system. The police has never reported on the results of this investigation, however, an internal audit in the NACP concluded that there was no hack attack, while the real electronic digital key issued by the USS was used to fulfill what MPs later presented as a cyberattack in the form of hacking. DSSZZI may have continued to unlawfully interfere with the system even after its official launch, which was discovered by a group of MPs upon the decision of the Parliamentary Committee on Corruption Prevention and Counteraction. In addition, the DSSZZI restricts access to the e-declaration system servers, even for NACP officers. Through the USS, the DSSZZI has placed some excessive restrictions on the secrecy of personal data within the NACP¹³.
13. **Technical problems with the system.** After changes to the system were made by the DSSZZI, the system has continued to experience technical problems. These problems relate to both operation of the system and discrepancies in the form of the e-declaration system deviating from the requirements of the relevant legislation. According to the official statement of the President made before the launch of the system on 1 September 2016, «the program has been drastically altered»¹⁴. The question arises what changes have been made to the system, and subsequently to what extent it has deviated from the original terms of reference for the system and what was required in order to launch the automatic verification which was envisaged.

¹² Regulation on formation, maintenance and disclosure (provision) of the information of the Unified State Register of Declarations of persons authorized to perform functions of the state or local self-government, approved by the NACP Decision 10 June 2016: <http://zakon2.rada.gov.ua/laws/show/z0959-16>

¹³ See also: EUACI: The Business Process of Verifying E-Assets Declarations at the National Agency on Corruption Prevention, p. 6

¹⁴ President: Official launch of e-declaration system must take place on August 31: <http://www.president.gov.ua/news/oficijnij-zapusk-sistemi-e-deklaruvannya-maye-vidbutis-31-se-38021>

Seeking independent expertise involving international experts could answer these questions. Seeking independent advice could also answer questions regarding the quality of the e-declaration system, an issue that is being manipulated on different levels, from the NACP itself to MPs claiming the bad quality of the system. In addition, the PGO is making ambiguous claims in the context of the criminal proceedings opened against the original developers of the system. According to the information available, in June 2017, the NACP adopted a decision to seek such expertise and the Government has made the necessary orders, however, the expertise has never been sought because the DSSZZI refuses to give access to the system to independent international experts. However, instead of independent expertise, between November 2017 and February 2018, the NACP has announced a series of discriminatory but unsuccessful tenders for the audit of the e-declaration system¹⁵, limited to Ukrainian companies that are allegedly subjected to influence by the DSSZZI¹⁶. After unsuccessful tender proceedings, the NACP is now in a position to use negotiable tender procedures to select a bidder, which entails a risk in itself.

14. **Ineffective verification process.** According to the relevant legislation, the NACP adopts its own regulations for verification of declarations. However, the Ministry of Justice has *de facto* control over the content of regulations through the required registration process. The Ministry of Justice registers regulations of the NACP and can influence their substance through a veto of registering, which has already happened in practice. Regulations for verification of declarations were adopted by the NACP more than five months after the launch of the e-declaration system and were in fact developed by the Ministry of Justice under the auspices of the Cabinet of Ministers. As many other facts before, this too indicated a severe lack of operational independency of the NACP.
15. **Too tight deadlines for verification.** The analysis made by both local and international experts identifies a number of serious weaknesses in verification of declarations caused by the regulations¹⁷. For instance, despite the absence of such requirements in any of the laws, the NACP is put under artificial pressure with fixed and unrealistic deadlines of 60 plus 30 optional days for full verifications with very limited possibilities of suspension. By running out of time or even if the auditors did not manage to obtain any sensible data to work with (for technical or legal reasons), after 60 or 90 days the verification of declarations is legally closed and, in principle, cannot be reopened again. As a further consequence, no sanctions can be imposed for potential illegalities (criminal, administrative ones).
16. **Weak organization of work.** Simple decisions such as the opening of a verification require a decision by the entire Board of the NACP members in all cases. This complicates procedures without any necessity. Automated risk assessment of declarations, and lifestyle monitoring of public officials are yet not in place¹⁸, despite the latter being foreseen by the LPC. For this reason, and due to resources that are extremely limited in comparison to the task, the NACP has not started yet the audit of over 100,000 declarations that are subject to mandatory full verification.

¹⁵ Impartial Audit of the Register of E-declarations in Question Again: the Terms of the Tender Contradict the Law — Transparency International Ukraine: <https://ti-ukraine.org/en/news/impartial-audit-of-the-register-of-e-declarations-in-question-again-the-terms-of-the-tender-contradict-the-law/>

¹⁶ RPR Calls on the Prime Minister to ensure transparent and non-biased audit of e-declaration system — Reanimation Package of Reforms: <http://rpr.org.ua/en/news/rpr-calls-on-the-prime-minister-to-ensure-transparent-and-non-biased-audit-of-e-declaration-system/>

¹⁷ EUACI: The Business Process of Verifying E-Assets Declarations at the National Agency on Corruption Prevention.

¹⁸ Since then the NACP has adopted rules for logical and arithmetic control but current regulation for verification says that all declarations submitted prior to adoption of those rules are considered to be in compliance with logical and arithmetic control.

17. **Poor results of verification.** The absence of the above-mentioned automatic verification system has resulted in only 39 verifications being concluded one year after the submission of the first declarations, and a total of 143 verifications out of around 1 million declarations having been concluded by the end of 2017¹⁹. The results of the work of the NACP are disappointing, not only as regards the number of verifications, but also with regard to the accuracy and credibility of these verifications. When reviewing the results of verification of the declarations of the President, the NACP did not comment on certain sensitive issues including the undeclared Spanish villa discovered by investigative journalists. When verifying the declaration of the Prime Minister, the NACP discovered 80,559 UAH undeclared, later on it changed its own rules on what must be declared so that this undeclared sum no longer was a violation. In the case of the Minister of Justice, the NACP did not receive answers to request for information from a number of state bodies including the Ministry of Justice, nevertheless it has adopted a positive conclusion of the results of this verification. Analysis of both the current extremely formalized regulations and the effects of verifications of the first declarations show very poor results. Surprisingly, regulations presuppose the verification of declared assets only, and not of assets that have not yet been declared, and oblige the NACP to issue conclusions on results of verification in a very short period of time, even when sufficient information has not been obtained. This happens quite often, due to the inability of the NACP to access all registers of relevant ministries and other state bodies. This makes the whole exercise with e-declarations a questionable operation.
18. **Some declarations are not public.** After the SBU refused to submit declarations, in October 2017 the Kyiv District Court ruled that classifying declarations of SBU leadership does not violate the law. These declarations remain unavailable for public access (and allegedly even for the access by the NACP itself). In March 2017, the Registry of e-declarations collapsed just before the deadline for the submission of the «second wave» of e-declarations. After the work restarted, declarations of tens of military prosecutors were missing. According to NACP, it later transpired that the declarations were hidden from public access according to the classified decision of the NACP upon request of the Military Prosecutor (Deputy Prosecutor General). At the same time, the Parliament has extensively widened the list of declarants by including significant numbers of NGOs representatives²⁰ and members of steering committees of state-owned enterprises. In January 2017, the NACP informed about almost 900 officials who have allegedly failed to submit e-declarations.
19. **Avoidance of cooperation with the NABU.** In the framework of new anti-corruption bodies in Ukraine, the NACP's role with regard to e-declarations is to provide law enforcement agencies with facts on false information in declarations or on signs of illicit enrichment, both based on the results of verifications. In this regard, the NABU has exclusive jurisdiction to investigate false declarations and illicit enrichment of high profile officials. In the absence of meaningful NACP cooperation, the NABU has started to verify declarations by themselves. For 2017, the NABU reported to have received only four cases from the NACP, while the NABU itself has opened more than 80 criminal investigations based on their own findings.
20. **Refusal to give full access to the Registry to the NABU.** Instead of fully cooperating with the NABU, the NACP in fact hampers investigations based on the information from e-declarations. Initially, the NACP, contrary to clear legislative provisions, refused to give full access to the Registry of E-declarations to the NABU. Finally, access was granted, only to be blocked again.

¹⁹ Report on the performance of the National Agency on Prevention of Corruption for 2017: https://nazk.gov.ua/sites/default/files/dodatok_2_zvit_pro_diyalnist.pdf

²⁰ Solution, which was criticised by the Venice Commission Opinion in March 2018.

21. **Damaging instruction of the NACP.** In December 2017, the NACP – following registration of draft law No. 7315 with similar content in Verkhovna Rada - issued an instruction regarding proceedings with false declarations and illicit enrichment requiring that the start of any pre-trial investigation concerning those two offenses should be preceded by the NACP’s verification and decision on the respective declaration. This instruction not only contradicts existing legislation but also imposes the NACP - as a state body with no investigative powers – as controlling body over criminal investigations of law enforcement agencies. Although the instruction is not legally binding, it might result in ruining cases of the NABU in courts if judges accept this clarification as legally correct one. Moreover, at the end of January 2018, an MP filed a lawsuit against the NABU for not following this instruction. In March 2018 the Kyiv City Court of Appeal concluded in one of the NABU and SAPO cases that this instruction does not correspond with the Criminal Code of Procedures of Ukraine.

III. Recommendations

Based on this analysis and on some international best practices²¹, the following is recommended to Verkhovna Rada both in terms of its legislative and parliamentary oversight functions in order to ensure objective, independent, and effective collection and verification of e-declarations by the NACP:

22. **Review relevant provisions of the Law on Prevention of Corruption²² in cooperation with national and foreign public and civil society experts, especially in the following areas:**

- in Section II in order to develop new procedures for the selection and appointment of members of the National Agency for Corruption Prevention. Procedures have to be drafted in a way, which will ensure non-partisan and merit-based selection and appointment of members of the NACP. When changes of the relevant provisions are prepared, they should be introduced to Verkhovna Rada for accelerated adoption, envisaging the end of the mandate of current members of the Agency on the day of entry into force of the new legislative provisions, and their effective replacement with new members when appointed following new provisions. In the period between entering new provisions into force and appointment of the new members, current members should function as acting members of the Agency. After appointment of the new members, they should verify that all existing NACP staff members fulfill all conditions for employment
- in Section VII and all related provisions, in order to produce a draft of new provisions, which will take into account all identified loopholes and flaws and establish manageable, non-partisan, objective, effective, and efficient collection and verification of e-declarations
- review the scope of declarants taking into account a corruption-risk approach
- in all other sections where existing expert opinions and practice show serious risks for successful implementation of the Law, including but not limited to the EUACI Report on “The

²¹ OECD: Asset Declarations for Public Officials, A Tool to Prevent Corruption; Paris, 2011, <http://documents.worldbank.org/curated/en/517361485509154642/Getting-the-full-picture-on-public-officials-a-how-to-guide-for-effective-financial-disclosure>;

Council of Europe: Practitioner manual on processing and analysing income and asset declarations of public officials, Strasbourg, 2014, <https://rm.coe.int/16806db62d>;

Burdescu, Ruxandra; Reid, Gary J.; Trapnell, Stephanie E.; Barnes, Daniel W.; Income and Asset Disclosure Systems : Establishing Good Governance through Accountability. Economic Premise; No. 17. World Bank, Washington, DC. © World Bank, <https://openknowledge.worldbank.org/bitstream/handle/10986/10175/549600BRI00EP1700Box349432B01PUBLIC1.pdf?sequence=1&isAllowed=y>.

²² NACP has prepared amendments to the LPC but they do not cover all the problems mentioned here.

Business Process of Verifying E-Assets Declarations at the National Agency on Corruption Prevention²³

When new provisions are prepared, they should be submitted to international experts for an expert opinion and – pending a positive opinion - submitted to Verkhovna Rada for immediate approval.

23. **Review all internal general decisions and regulations of the NACP.** As a matter of priority, new members of the agency, assisted by other national and international experts if necessary, should develop an internal legal system for collecting and verifying e-declarations, free from any unnecessary formalism, too restrictive time-limits, undue influence and partisanship, and accompanied by relevant safeguards in all mentioned areas. New decisions and regulations should not introduce any new limitations and conditions for the work of the agency in addition to the relevant provisions of the Law on Prevention of Corruption, and should only serve to operationalize those provisions.
24. **Transfer all rights for exclusive administration of the system of e-declarations to the National Agency for Corruption Prevention** by introducing necessary legislative amendments to dismantle completely the role of the State Service of Special Communication and Information Protection in administering the system. In doing so, an independent international review of the functioning of the current system should be conducted in order to identify the system's real capacities and possible liabilities for the past interference with the system ruining its functionality. Analysis should be made public and should be followed by rapid implementation of a plan on corrective measures, including by introduction of an automated verification system and of an electronic case management system that would also ensure public access to basic information on verifications on the website of the NACP.
25. **Ensure full cooperation of other relevant state institutions with National Agency for Corruption Prevention²⁴.** This should be achieved in two ways: by introducing online access for the agency to databases of other state institutions that are necessary to perform the functions of the NACP in line with relevant data protection requirements, and by immediate prevention of all attempts to unduly influence the work of the agency. Special attention should be devoted to excluding the Ministry of Justice from the registration of regulations and other rules drafted and adopted by the agency.
26. **Ensure full cooperation between the National Agency for Corruption Prevention and the National Anti-Corruption Bureau.** This action has to start with the immediate cancellation of the NACP Decision No. 1375, containing an "Instruction for application of certain provisions of the Law of Ukraine On Corruption Prevention with regard to the need for prior establishment of facts of the breach of anti-corruption legislation, in particular declaration of unreliable information and illicit enrichment...". Establishment of a joint panel for solving any open issues between the NACP and the NABU should also be considered as one of the practical possibilities for improving the cooperation with the aim of ensuring full and unrestricted access by the NABU to e-declarations.

²³ Where only 14% of urgent, 40% of non-urgent and 0% of mid- or long-term recommendations have been implemented as of 11 February, 2018.

²⁴ In addition to measures from the Government Action Plan from 8 November 2017.