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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

ON AMENDMENTS
TO THE CONSTITUTION OF UKRAINE¹

¹ *Unofficial translation from Ukrainian.*

DRAFT

LAW OF UKRAINE

On Amendments to the Constitution of Ukraine

The Verkhovna Rada of Ukraine resolves:

To introduce the following amendments and additions to the Constitution of Ukraine (“Bulletin of the Verkhovna Rada of Ukraine, 1996, n° 30, p.141”):

1) Articles 71, 74-79, 81-91 and 93-94 to word as follows:

“Article 71. Elections of the President of Ukraine, to bodies of state power and bodies of local self-government are free and are held on the basis of universal, equal and direct suffrage by secret ballot.

Voters are guaranteed the free expression of their will.

Regular elections of the President of Ukraine, to bodies of state power and bodies of local self-government are held during one year in the following sequence and terms:

Regular elections of people’s deputies of Ukraine – on the last Sunday of March;

Regular elections of deputies of village, settlement, city, district and regional council, village, settlement and town head, deputies of the Verkhovna Rada of the Autonomous Republic of the Crimea - on the second Sunday of September;

Regular elections of the President of Ukraine – on the first Sunday of December.

“Article 74. Laws of Ukraine except the laws on taxes, budget and amnesty can be adopted by an All-Ukrainian referendum.

Laws and other decisions adopted by an All-Ukrainian referendum has the highest legal force and do not require approval by the bodies of state power or officials.

Adoption by an All-Ukrainian referendum of draft laws on amendments to Chapter I “General Principles”, Chapter III “Elections. Referendum” and Chapter XIII “Introducing Amendments to the

Constitution of Ukraine” of the Constitution of Ukraine shall be done in the order provided for by Chapter XIII of the Constitution of Ukraine.

Chapter IV VERKHOVNA RADA OF UKRAINE

Article 75. The sole body of legislative power in Ukraine is the Parliament - the Verkhovna Rada of Ukraine, which consists of two Chambers - the Chamber of Regions and the National Assembly (Derzhavni Zbory).

Article 76. The constitutional composition of the National Assembly consists of 300 people’s deputies of Ukraine, elected on the proportional basis according to the law.

Three representatives each from the Autonomous Republic of the Crimea, regions, the cities of Kyiv and Sevastopol are elected to the Chamber of Regions

The Verkhovna Rada of Ukraine shall have the authority subject to the election of no less than two thirds of the composition of each of its Chambers, determined by this Article.

Article 77. The term of authority of the Verkhovna Rada of Ukraine is five years.

Regular elections to the Verkhovna Rada of Ukraine take place on the last Sunday of March of the fifth year of the term of authority of the Verkhovna Rada of Ukraine.

Extraordinary elections to the National Assembly are designated by the President of Ukraine and are held within 60 days after publication of the decision on pre-term termination of the authority of the National Assembly.

The procedure for conducting elections of the people’s deputies of Ukraine is established by law.

Article 78. People’s deputies of Ukraine exercise their authority on a permanent basis.

A citizen of Ukraine who have attained the age of 21 years on the day of the elections, have the right to vote and has resided in Ukraine for the last five years can be elected to the Verkhovna Rada of Ukraine

A citizen who had been convicted for the commission of an intentional offense may not be elected to the Verkhovna Rada of Ukraine, unless the conviction was discharged or overturned under the procedure established by law.

The same person can not be simultaneously a member of the Chamber of Regions and of the National Assembly.

People's deputies of Ukraine shall not have another representative mandate, be in the civil service, hold other remunerated posts, be engaged in other remunerated or commercial activities (except for lecturing, academic and creative activities), be a member of a board or supervisory body of a profit-oriented enterprise or organization. Requirements concerning the incompatibility of the mandate of the deputy with other types of activity are established by law.

When circumstances arise in breach of the requirement concerning the incompatibility of the mandate of the deputy with other types of activity, a people's deputy of Ukraine shall, within 20 days, either terminate such activities or submits personal statement about the termination of his/her authority as a people's deputy of Ukraine.

The authority of the people's deputies of Ukraine is determined by the Constitution and laws of Ukraine.

Article 79. Before assuming office, people's deputies of Ukraine take the following oath before the Verkhovna Rada of Ukraine:

"I swear allegiance to Ukraine. I commit myself with all my deeds to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and for the welfare of the Ukrainian People.

I swear to abide by the Constitution of Ukraine and the laws of Ukraine, to carry out my duties in the interests of all compatriots".

The oath is read by the eldest people's deputy of Ukraine before the opening of the first session of the newly-elected Verkhovna Rada of Ukraine at a joint meeting of its Chambers, after which the deputies affirm the oath with their signatures below its text.

People's deputies of Ukraine – members of the National Assembly elected at extraordinary elections take the oath before the Verkhovna Rada of Ukraine at a joint meeting of its Chambers. The oath is read by the eldest people's deputy of Ukraine elected to the National Assembly.

The refusal to take the oath results in the loss of the mandate of the deputy.

The authority of people's deputies of Ukraine commences from the moment of taking the oath".

"Article 81. The authorities of people's deputies of Ukraine including deputies elected instead of those who resigned pre-term, or deputies elected to the National Assembly at the extraordinary elections, terminates simultaneously with the termination of the authority of the Verkhovna Rada of Ukraine.

The authority of a people's deputy of Ukraine terminates prior of the expiration of their term in the event of:

- 1) His/her resignation through a personal statement;
- 2) A guilty verdict against him/her entering into legal force;
- 3) A court declaring him/her incapable or missing;

- 4) Termination of his/her citizenship or his/her departure from Ukraine for permanent residence abroad;
- 5) In case of not eliminating by him within 20 days, the circumstances in breach of the requirement concerning incompatibility of the deputy mandate with other types of activity;
- 6) Leaving (expulsion) of a people's deputy elected on the list of a political party (electoral bloc of political parties), from the parliamentary faction of this political party (electoral bloc of political parties);
- 7) Absence for 20 days without valid reasons at meetings of the Chamber of the Verkhovna Rada of Ukraine, joint meetings of the Chambers of the Verkhovna Rada of Ukraine;
- 8) His or her death.

The authority of a People's Deputy of Ukraine - member of the National Assembly - are pre-term terminated also in the event of the pre-termination, according to the Constitution of Ukraine, of the authority of the National Assembly – on the day of the opening of the first joint meeting of the Chambers of the Verkhovna Rada of Ukraine with the participation of people's deputies of Ukraine who were newly elected at the extraordinary elections.

The decision about the pre-term termination of the authority of a people's deputy, as provided by Paragraphs 1,4,5,7 of Part two of this Article, is adopted by the Chamber of the Verkhovna Rada of Ukraine, where the member whose powers are pre-term terminated belongs to.

In the event of a guilty verdict against a people's deputy entering into force, declaration of his/her incapability or missing status, his authority is terminated upon the day of the court verdict, in the event of the death of a people's deputy –upon the date of issue of his/her death certificate.

In the event of departure (exclusion) of a people's deputy of Ukraine, elected on the list of a political party (electoral bloc of political parties) from the parliamentary faction of this political party (electoral bloc of political parties), the authority of the people's deputy are pre-terminated on the ground provided for by law on the decision of the highest governing body of this political party (electoral bloc of political parties).

Article 82. The Verkhovna Rada of Ukraine works in sessions.

The Verkhovna Rada of Ukraine assembles for its first session and conducts a joint meeting of its Chambers no later than on 30th day after the official announcement of the regular elections results. The first meeting of a newly elected Verkhovna Rada of Ukraine is opened by the eldest people's deputy of Ukraine.

In the event of the pre-term termination, according to the Constitution of Ukraine, of the authority of the National Assembly, the first joint meeting of the Chambers of the Verkhovna Rada of Ukraine with

participation of People's Deputies of Ukraine elected at the extraordinary elections to the National Assembly, is convened by the Chairman of the Chamber of Regions and takes place no later than on Tuesday of the fourth week after the official announcement of the results of the extraordinary election. The first meeting of the National Assembly elected at the extraordinary elections is opened by the eldest people's deputy of Ukraine, elected to this Chamber of the Verkhovna Rada of Ukraine.

Regular sessions of the Verkhovna Rada of Ukraine commence on the first Tuesday of February and on the first Tuesday of September each year.

Special sessions of the Verkhovna Rada of Ukraine, with the stipulation of their agenda, are convoked by joint decision of the Chairpersons of the Chambers of the Verkhovna Rada of Ukraine upon request of the President of Ukraine, or of one of the Chambers of the Verkhovna Rada of Ukraine, or of no less than 1/3 of people's deputies of Ukraine from the constitutional composition of the Verkhovna Rada of Ukraine.

In the event of a Decree of the President of Ukraine on introduction of martial law or a state of emergency in Ukraine or in its individual regions, the Verkhovna Rada of Ukraine assembles for a joint meeting of the Chambers within two days without convocation.

Article 83. A permanent parliamentary majority of the constitutional composition of the National Assembly of Ukraine shall be created in the National Assembly on the basis of concordance and unification of political positions.

The permanent parliamentary majority shall be created from amongst people's deputies of Ukraine who are members of the National Assembly during one month from the date of the opening of the first joint meeting of the Chambers of the Verkhovna Rada of Ukraine taking place after regular elections to the Verkhovna Rada of Ukraine, extraordinary elections to the National Assembly or during one month from the date of the termination of activities of the permanent parliamentary majority.

The principles of the formation, organization and termination of activities of the permanent parliamentary majority, the guarantees of the observance of the rights of the parliamentary minority are established by the Constitution of Ukraine, relevant law of Ukraine and by the Law on the Rule of Procedure of the Verkhovna Rada of Ukraine.

Article 84. The Verkhovna Rada of Ukraine holds joint and separate meetings of its Chambers for exercising its authority.

The Chamber of Regions and the National Assembly meet separately.

Joint and separate meetings of the Chambers of the Verkhovna Rada of Ukraine are held openly. A joint meeting *in camera* of the Chambers

of the Verkhovna Rada of Ukraine, a meeting *in camera* of a Chamber of the Verkhovna Rada of Ukraine are held on the decision of the majority from the constitutional composition of respectively the Verkhovna Rada of Ukraine or a Chamber of the Verkhovna Rada of Ukraine.

Decisions of the Verkhovna Rada of Ukraine, of its Chambers are adopted exclusively at plenary meetings by vote.

Vote at joint and separate meetings of the Chambers of the Verkhovna Rada of Ukraine is performed by a people's deputy of Ukraine in person.

The Verkhovna Rada of Ukraine, its Chambers exercise their authority, which belong to their competence according to the Constitution of Ukraine.

The order of activities of the Verkhovna Rada of Ukraine and its Chambers is established by the Constitution of Ukraine and the Law On the Rule of Procedure of the Verkhovna Rada of Ukraine.

Article 85. The authority of the Verkhovna Rada of Ukraine to be exercised at joint meetings of its Chambers comprises:

- 1) Introducing amendments to the Constitution of Ukraine within the limits and by the procedure envisaged by Chapter XIII of this Constitution;
- 2) Determining through the law the principles of domestic and foreign policy;
- 3) Approving the Law on State Budget of Ukraine and introducing amendments to it;
- 4) Adopting the Law on the Rules of Procedure of the Verkhovna Rada of Ukraine;
- 5) Adopting the Law on State Symbols of Ukraine and the order of its utilization;
- 6) Confirming by Law the list of objects of the right of State Property, that are not subject to privatization, determining by Law the legal principles for the expropriation of objects of the right of private property;
- 7) Approving by the Law of the Constitution of the Autonomous Republic of the Crimea, changes to it, determining by Law the legal basis of property of the Autonomous Republic of the Crimea;
- 8) Granting consent by the Law for the obligatory for Ukraine of the International Treaties and denunciation of the International Treaties of Ukraine, the consent for obligatory force of which ones is granted by the Law;
- 9) Confirming decisions on granting loans and economic aid by Ukraine to foreign States and International Organizations and also decisions on Ukraine receiving loans from foreign States, Banks and International Financial Organizations not envisaged by the State Budget of Ukraine:

- 10) Appointing an All-Ukrainian Referendum on the issues, stated by Article 73 of this Constitution;
- 11) Examining and approving decision regarding the Program of the Activities of the Cabinet of Ministers of Ukraine;
- 12) Hearing annual and special messages of the President of Ukraine on domestic and foreign situation in Ukraine;
- 13) Declaring war upon submission of the President of Ukraine and concluding peace;
- 14) Confirming, within two days from the moment of address of the President of Ukraine, decrees on the introduction of martial law or of a state of emergency in Ukraine or in its particular areas, on total or partial mobilization, and on the announcement of particular areas as zones of an ecological emergency situation;
- 15) Removing from office of the President of Ukraine in order of special procedure (impeachment), established by Article 111 of this Constitution;
- 16) Appointing to office and dismissing from office the Head of Staff of the Verkhovna Rada of Ukraine; approving the budget of the Verkhovna Rada of Ukraine and the structure of its staff;

To joint meeting of the Chambers of the Verkhovna Rada of Ukraine any issue may be submitted, which according to the Constitution of Ukraine belongs to the competence of the Chamber of Regions or National Assembly.

To the competence of the Chamber of Regions belong:

- 1) Approving Laws, adopted by the National Assembly;
- 2) Approving the decision by the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine;
- 3) Approving decisions on providing military assistance to other States, on sending units of the Armed Forces of Ukraine to another States or on admitting of armed forces of other States on to the territory of Ukraine;
- 4) Confirming the general structure and numerical strength defining of the Armed Forces of Ukraine, the Security Service of Ukraine, other military formations, created with the Laws of Ukraine and also the Ministry of Internal Affairs of Ukraine;
- 5) Controlling the implementation of the State Budget of Ukraine, adopting a decision in regard to the report on its implementation, controlling the use of received loans by Ukraine not envisaged by the State Budget of Ukraine, controlling the activities of the Cabinet of Ministers of Ukraine in accordance with this Constitution, exercising another parliamentary control in the framework of competence, provided for by this Constitution;

- 6) Appointing to office and dismissing from office the Chairman and other members of the Chamber of Accounting;
- 7) Appointing to office and dismissing from office the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine; hearing his or her annual reports on the situation of the observance and protection of human rights and freedoms in Ukraine;
- 8) Appointing to office and dismissing from office the Chairman of the National Bank of Ukraine on the submission by the President of Ukraine;
- 9) Appointing and dismissing one-half of the composition of the Council of the National Bank of Ukraine;
- 10) Appointing one-half of the composition of the National Council of Ukraine on Television and Radio Broadcasting;
- 11) Appointing to office and terminating the authority of the members of the Central Electoral Commission on the submission of the President of Ukraine;
- 12) Appointing one-half of the composition of the Constitutional Court of Ukraine;
- 13) Electing judges for ten years;
- 14) Granting consent for the appointment to office by the President of Ukraine on the Prosecutor General of Ukraine; declaring no confidence in the Prosecutor General of Ukraine that has the result of his or her resignation from office;
- 15) Terminating prior to the expiration of the term of authority of the Verkhovna Rada of the Autonomous Republic of the Crimea, based on the opinion of the Constitutional Court of Ukraine that the Constitution of Ukraine or the Laws of Ukraine have been violated by the Verkhovna Rada of the Autonomous Republic of the Crimea, designating special elections to the Verkhovna Rada of the Autonomous Republic of Crimea ;
- 16) Designating regular elections to bodies of Local Self-Government in the terms, envisaged by this Constitution, and special elections to the bodies of Local Self-Government;
- 17) Establishing and abolishing districts, establishing and altering the boundaries of districts and cities, assigning inhabited localities to the category of the cities, naming and re-naming inhabited localities and districts.

To the competence of the National Assembly belong:

- 1) Adopting Laws, except the Laws, which are provided for by the Constitution of Ukraine as of the competence of joint meetings of the Chambers of the Verkhovna Rada of Ukraine;

- 2) Approving national programs of economic, scientific and technical, social, national and cultural development and the protection of the environment;
- 3) Appointing on the submission by the President of Ukraine of the Prime-Minister of Ukraine, appointing on the submission by the Prime-Minister of Ukraine of the other members of the Cabinet of Ministers of Ukraine except the cases envisaged by the Constitution of Ukraine, terminating the authority of the persons in these offices, accepting resignation of the Prime-Minister of Ukraine;
- 4) Appointing the elections of the President of Ukraine in terms provided for by this Constitution.

Article 86.

A People's Deputy of Ukraine has the right at the session of the Verkhovna Rada of Ukraine to present an inquiry to the Chambers of the Verkhovna Rada of Ukraine, Committees and other bodies, officials of the Verkhovna Rada of Ukraine, to the Cabinet of Ministers of Ukraine, Heads of other bodies of State Power and Local Self-Government, and also to the chief executives of enterprises, institutions and organizations located on the territory of Ukraine irrespective of their subordination or form of ownership.

Chief officers of state power and bodies of local self-government, chief executives of enterprises, institutions and organizations are obliged to notify a peoples' deputy of Ukraine of the results of the consideration of his or her inquiry.

Article 87.

The National Assembly of the Verkhovna Rada of Ukraine on the proposal of the President of Ukraine or no fewer peoples' deputies than of one-third of its constitutional composition or no fewer than two-third of the People's Deputies of the constitutional composition of the Chamber of Regions, may consider the issue of responsibility of the Cabinet of Ministers of Ukraine and adopt a resolution of no confidence in the Cabinet of Ministers of Ukraine by majority of constitutional composition of the National Assembly.

The issue of responsibility of the Cabinet of Ministers of Ukraine shall not be considered more than once during one regular session, and also within one year after the approval of the Program of Activity of the Cabinet of Ministers of Ukraine or during the last session of the Verkhovna Rada of Ukraine.

Article 88.

The Chambers of the Verkhovna Rada of Ukraine elect from amongst its members correspondingly the Chairman of the Chamber of Regions, the First Deputy Chairman and Deputy Chairmen, the Chairman of the National Assembly, the First Deputy Chairman and Deputy Chairmen and recall them. The number of Deputies of the Chairman of a Chamber is determined by the respective Chamber of the Verkhovna Rada of Ukraine.

The Chairman of the Chamber of the Verkhovna Rada of Ukraine:

- 1) Presides at meetings of the Chamber;
- 2) Organizes the preparation of issues for consideration at the meetings of the Chamber;
- 3) Signs Acts adopted by the Chamber;
- 4) Represents the Chamber in relations with other bodies of state power of Ukraine and with the bodies of power of other states.

The Chairmen of the Chambers by turns preside joint sessions of the Chambers of the Verkhovna Rada of Ukraine.

Heads of Chambers their First Deputies and Deputies exercise authorities envisaged by this Constitution, by the procedure established by Law on the Rule of Procedure of the Verkhovna Rada of Ukraine.

Article 89.

Each of the Verkhovna Rada of Ukraine's Chambers to perform the work of legislative drafting, prepare and conduct preliminary consideration of the issues, ascribed to its authority, establishes from among of the People's deputies of Ukraine who belong to its composition, the Committees of the Chamber of the Verkhovna Rada of Ukraine and elects Chairmen of these Committees.

The Committees of the Chamber of Regions and the Committees of the National Assembly in the process of their activities interact with each other, jointly prepare and preliminary consider the issues ascribed by the Constitution of Ukraine to the authority of joint session of the Chambers of the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine at a joint session of its Chambers within the limits of its authority may establish temporary commissions for the preparation and the preliminary consideration of issues ascribed to the competence of the joint Session of the Chambers of the Verkhovna Rada of Ukraine as well as to establish temporary investigatory commissions for execution of investigation on the issues of public interest. The conclusions and proposals of temporary investigatory commissions are not decisive for investigation and court.

The organization and operational procedure of Committees of the Verkhovna Rada of Ukraine and also its temporary special and temporary investigatory Commissions, are established by Law.

Article 90.

The authority of the Verkhovna Rada of Ukraine is terminated on the day of the opening of the first joint meeting of the Chambers of the Verkhovna Rada of Ukraine of a new convocation.

In case of termination of the authority of the Verkhovna Rada of Ukraine during a martial law or state of emergency its authorities are prolonged until the day of the first joint meeting of the Chambers of the first session of the Verkhovna Rada of Ukraine, elected after abolition of the martial law or the state of emergency.

The President of Ukraine may terminate the authority of the National Assembly prior to the expiration of term if:

- 1) Within one month in the Chamber the permanent Parliamentary Majority is not formed;
- 2) Within 60 days after resignation of the Cabinet of Ministers of Ukraine, the personal staff of the Cabinet of Ministers which according to the Constitution is appointed by the National Assembly is not formed;
- 3) Until 1st of December the State Budget of Ukraine for the next year is not approved.

The authority of the National Assembly that is elected at special elections conducted after the pre-term termination by the President of Ukraine the authority of the National Assembly shall not be terminated within one year from the day of its elections.

The authority of the National Assembly shall not be terminated prior to the expiration of term within the last six month until regular elections.

Article 91

The Verkhovna Rada of Ukraine at joint meetings of its Chambers, the National Assembly at its meetings adopt laws, resolutions and other acts by the majority of its constitutional composition except in cases envisaged by this Constitution.

The Chamber of Regions adopts the laws, approved by the National Assembly, resolutions and other Acts by the majority of its constitutional composition except in cases envisaged by this Constitution.”;

Article 93.

The right of the legislative initiative in the Verkhovna Rada of Ukraine belongs to the President of Ukraine, the People's deputies of Ukraine, the Cabinet of Ministers of Ukraine, the Supreme Court of Ukraine.

The Draft Laws defined by the President of Ukraine as not postponable, are considered out of turn by the Verkhovna Rada of Ukraine at joint meeting of its Chambers, by the Chambers of the Verkhovna Rada of Ukraine out of agenda.

The Draft Laws on the issues of introducing or abolition of taxes and fees, levies, the procedure for formation and payment of state domestic and foreign debt, other draft laws which have an effect to the State Budget revenues or spending should be submitted to the Verkhovna Rada of Ukraine by the subjects of the initiation of bills after the conclusion of the Cabinet of Ministers of Ukraine and the Chamber of Accounting.

Article 94.

The Laws adopted by the National Assembly and signed by the Chairman of the National Assembly are forwarded for approval to the Chamber of Regions.

The Chamber of Regions adopts the Law or returns it with substantiated and formulated proposals to the National Assembly for repeat consideration.

If a Law, during its repeat consideration by the National Assembly is again adopted in the previous redaction by no less than two-thirds of its constitutional composition, it is considered as adopted and does not require forthcoming adoption by the Chamber of Regions.

The Law adopted at a joint session of the Chambers of the Verkhovna Rada of Ukraine or adopted according to Part one - Part three of this Article, is a subject to signature by the Heads of Chambers of the Verkhovna Rada of Ukraine and shall be forwarded to the President of Ukraine.

The President of Ukraine within fifteen days of the receipt of a Law signs it taking into execution and officially promulgates it or returns it with substantiated and formulated proposals to the Verkhovna Rada of Ukraine for repetitive consideration.

In the event that the President of Ukraine has not returned a law for repetitive consideration within the established term, the law is deemed to be approved by the President of Ukraine and shall be signed and officially promulgated.

Returning by the President of Ukraine the Law with propositions to the Verkhovna Rada of Ukraine cancels the results of the previous vote.

The repetitive consideration by the Chambers of the Verkhovna Rada of Ukraine of the Law returned by the President of Ukraine is out of term.

If while considering by the Chambers of the Verkhovna Rada of Ukraine the propositions by the President of Ukraine they are rejected by no less than two-third of the constitutional composition of the National Assembly and by no less than two-third of the composition of the Chamber of Regions, the veto of the President of Ukraine is considered to be overcome. In such a case the President of Ukraine is obliged to sign the Law and officially promulgate it within ten days.

A Law enters into force in ten days from the day of its official promulgation, unless otherwise envisaged by the law itself, but not prior to the day of publication.”;

2) Article 103:

- a) to add Part one with the wording “except of cases, provided by the Constitution of Ukraine”;
- b) To change Part five with two parts of the following contents:
- c) “Regular elections of the President of Ukraine are held on the first Sunday of December of the fifth year of the term of authority of the President of Ukraine, elected at the regular elections.

In case of pre-term termination of the authorities of the President of Ukraine the elections of the President of Ukraine shall be conducted within 90 days from the date of the authority termination. At such elections the President of Ukraine is elected for the term remaining according to the Constitution of Ukraine until the regular elections of the President of Ukraine. The extraordinary elections of the President of Ukraine shall not be conducted if less than one year remains from the day of the termination of the authority of the President of Ukraine until the regular elections of the President of Ukraine ”.

In this connection to consider Part six as Part seven;

3) in Part one of Article 104 to exclude the wording “of the Verkhovna Rada of Ukraine”;

5) in Article 106:

a) in Part one:

Paragraphs 7-10 to formulate as follows:

“7) Terminates the authority of the National Assembly within the terms established by the Constitution of Ukraine and appoints extraordinary elections to the National Assembly;

8) Submits on the proposition of the permanent Parliamentary Majority proposal on appointment by the National Assembly of the Prime-Minister of Ukraine:

9) Appoints to office on the submission of the Prime-Minister of Ukraine:

The Minister of Internal Affairs of Ukraine, the Minister of Ukraine on emergency situations and on protection of the population from the consequences of the Chornobyl disaster, the Minister for Foreign Affairs of Ukraine, the Minister of Defense;

The Head of State Tax Administration of Ukraine, the Head of State Custom Service of Ukraine, the Head of Security Service of Ukraine, the Head of State Committee on Protection of State Border of Ukraine;

The Heads of Local State Administrations;

10) Terminates the authorities of the officials referred to paragraphs 2-4 of Point 9 of this Part”;

In Paragraph 11 to replace the wording “Verkhovna Rada of Ukraine” with the wording “the Chamber of Regions”;

To exclude Paragraphs 12 and 14. In this connection Paragraphs 13, 15-31 to consider respectively as Paragraphs 12, 13-29;

Paragraph 17 after the wording “decision on the use of the Armed Forces” to amend with the wording “and other military formations”;

Paragraphs 20 and 21 to formulate as follows:

“20) appoints one-half of the composition to the Constitutional Court of Ukraine;

21) establishes and liquidates courts, determines the number of judges in the courts, executes movement of judges, appoints heads of the Courts on the grounds of law”;

Paragraph 27 to amend with the wording “ by All-Ukrainian Referendum”;

b) to exclude part four;

5) in part six of Article 107 the wording “the Chairman of the Verkhovna Rada of Ukraine may take part” to replace with the wording “the Chairmen of the Chambers of the Verkhovna Rada of Ukraine may take part”;

6) in Articles 109, 110, part four of Article 111 the wording “at a meeting” to replace by the wording “at joint meeting of the Chambers”;

7) in Article 112 wordings and figures “envisaged by subparagraphs 2,6,8,10,11,12,14,15,16,22,25,27” to replace with wording and figures “envisaged by subparagraphs 2,6-4,20,22,23,25,26”;

8) Part one and Part two of Article 113 to formulate as follows:

“Article 113. The Cabinet of Ministers of Ukraine (the Government of Ukraine) is the highest body in the system of bodies of executive power.

“The Cabinet of Ministers is responsible before the President of Ukraine and the Verkhovna Rada of Ukraine, subordinated and accountable to the Verkhovna Rada of Ukraine as envisaged by the Constitution of Ukraine”;

9) To replace Part one – three of Article 114 with four Parts of the following content:

“Article 114. The Prime-Minister of Ukraine, First Vice-Prime-Minister, Vice-Prime-Ministers compose the Cabinet of Ministers of Ukraine.

The Prime-Minister of Ukraine is appointed by the National Assembly on submission by the President of Ukraine.

The candidacy for appointment of the Prime-Minister of Ukraine is submitted by the President of Ukraine on the proposal of the permanent parliamentary majority.

Personal composition of the Cabinet of Ministers of Ukraine is appointed on submission by the Prime-Minister of Ukraine by the National Assembly, the President of Ukraine according to the authority rendered by the Constitution”.

In this view Paragraphs 4 and 5 to consider respectively as paragraphs 5 and 6;

10) To formulate Article 115 in the following wording:

“Article 115. The Prime-Minister of Ukraine tenders its resignation to the newly-elected Verkhovna Rada of Ukraine.

The Prime-Minister of Ukraine, other members of the Cabinet of Ministers of Ukraine, appointed in accordance with the Constitution of Ukraine to the office by National Assembly have the right to announce their resignation to the National Assembly.

The Members of the Cabinet of Minister of Ukraine appointed in accordance with the Constitution of Ukraine by the President of Ukraine have the right to announce their resignation to the President of Ukraine.

The resignation of the Prime-Minister of Ukraine, adoption by the National Assembly of the resolution of no confidence to the Cabinet of Ministers of Ukraine, results in the resignation of the entire Cabinet of Ministers of Ukraine. In such a case the Prime-Minister of Ukraine is obliged to submit to the National Assembly a statement of resignation of the Cabinet of Ministers of Ukraine.

The Cabinet of Ministers of Ukraine has the right to submit to the Verkhovna Rada of Ukraine a Draft Law with simultaneous statement of resignation of the Cabinet of Ministers of Ukraine in case if this Law is not be adopted in an unchanged edition.

Resignation of the Cabinet of Ministers is being taken by the National Assembly. In case of adoption by the National Assembly of a decision on resignation of the Cabinet of Ministers of Ukraine, the President of Ukraine takes a decision on resignation of the members of

the Cabinet of Ministers of Ukraine appointed by him according to the Constitution of Ukraine.

The Cabinet of Ministers of Ukraine whose resignation is accepted continues to exercise its powers until a newly-formed Cabinet of Ministers of Ukraine commences its operation but no longer than 60 days”;

11) in Article 116:

a) in Paragraph 6 the wording “submits a report on its implementation to the Verkhovna Rada of Ukraine” to replace with the wording “submits a Draft Law on amending the Law on the Budget of Ukraine and the Report on the implementation of the State Budget of Ukraine ” to the Verkhovna Rada of Ukraine”;

b) to add to the Article after Paragraph 9 with the following Paragraphs: “10) appoints on the submission of the Prime-Minister of Ukraine chief officers of central bodies of the central executive power who are not members of the Cabinet of Ministers of Ukraine except cases, envisaged by the Constitution of Ukraine, terminates the authority in these positions;

11) appoints one-half of the composition of the Council of the National Bank of Ukraine”.

In this connection Paragraph 10 to consider as Paragraph 12;

12) In Part one of Article 122 the wording “the Verkhovna Rada of Ukraine”, “the Verkhovna Rada of Ukraine”, to replace respectively with the wording “the Chamber of Regions”, “the Chamber of Regions”;

13) In Article 126:

a) Part four to formulate as follows:

“Judges hold office for 10 years except judges of the Constitutional Court of Ukraine and the Judges appointed to the office of judge for the first time”;

b) Paragraph 2 of Part V to add with the wording “but for the members of the Supreme Court of Ukraine, Judges of the Constitutional Court of Ukraine – seventy five years”;

14) the second sentence of Part I, Article 128 to formulate in the following wording: “All other Judges, except the judges of the Constitutional Court of Ukraine are elected by the Chamber of Regions for the term of 10 years by the procedure established by the Law”;

15) in Article 141:

a) Part one to formulate in the following wording:

“Article 141. A village, settlement, and city, district and region council is composed of deputies elected for a five-year term by residence of a village, settlement, city, district, region on the basis of universal, equal and direct suffrage, by secret ballot.”.

6) In Part II the wording: “for a four year-term” to replace with the wording “for a five year-term”;

в) To complement the Article after Part One with a new Part of the following contents:

“In the event of extraordinary, repetitive elections of deputies of village, township, town, city, district and region council, village, town and city chairpersons, election of deputies and chairpersons instead of those who had resigned, as well as in the event of creation of a new administrative and territorial unit, deputies and chairpersons are elected for the term remaining before the next regular elections to be conducted in accordance with the Constitution of Ukraine respectively of deputies of village, township, town, city, district and region council, village, town and city chairpersons.

In this connection Part 3 and 4 to consider respectively as Part 4 and 5; 16) in the Article 148:

a) Part 2 and 4 to formulate respectively in the following wording:

“The President of Ukraine, the Chamber of Regions appoint in nine judges of the Constitutional Court of Ukraine”;

“A judge of the Constitutional Court of Ukraine is appointed for a nine year-term. The same person can not be appointed as the judge of the Constitutional Court of Ukraine more then for two terms successively”;

b) to exclude in Part 5 the wording “only for one three-year term”.

Decree of the President of Ukraine

On Submission to the Nationwide Discussion of the Draft of Law of Ukraine “On Amendments to the Constitution of Ukraine”

Coming from the exclusive right of the Ukrainian People to determine and change the constitutional order in the State, with the aim of implementation of the requirements of the Basic Law of Ukraine as to exercising of the Sovereignty of the People, securing of thorough discussion of the propositions regarding the ways of realization of the reform of the political system in Ukraine, according to Articles 5, 38 and 102 of the Constitution of Ukraine resolve:

1. To submit to the nationwide consideration the Draft Law of Ukraine “On Amendments to the Constitution of Ukraine”, presented by the President of Ukraine for consideration of the Verkhovna Rada of Ukraine with the aim of determining the position of the citizens of Ukraine regarding the issues of redistribution of constitutional powers between the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine, transition from the Presidential- Parliamentary to Parliamentary-Presidential form of governing and other basic provisions of the draft.

To officially publish the abovementioned draft in the newspaper “Uryadovyi Kurier” and to issue as an individual brochure.

To propose to printed mass media to publish the draft law for possibly widest awareness of the citizens of Ukraine of its provisions.

To hold the nationwide discussion of the Draft Law of Ukraine “On Amendments to the Constitution of Ukraine” within two months from the date of its official promulgation.

2. The Ministry of Justice shall provide summing up of proposals which will be forwarded in the course of the nationwide discussion of the draft law, establishing for this purpose a respective working group. To invite representatives of the Verkhovna Rada of Ukraine, the Administration of the President of Ukraine, the Cabinet of Ministers of Ukraine, central and local bodies of executive power, public organizations, prominent scientists and specialists to join to the composition of the aforementioned group;

Prepare following the results of summing up and submit until 15 May 2003 formulated proposals to the Draft Law of Ukraine “On Amendments to the Constitution of Ukraine”.

3. The Administration of the President of Ukraine shall organize with the participation of the National Academy of Sciences of Ukraine conducting, in term determined for the nationwide consideration, of sociological research regarding the attitude of the citizens of Ukraine to the issues of redistribution of powers between the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, as well to the transition from the Presidential-Parliamentary to Parliamentary-Presidential form of governing, other basic provisions of the draft, inviting to participate in this research Kyiv International institute of Sociology, the "Socis" Center, "Social Monitoring" Center and the Ukrainian Center of Economic and Social Research by O.Razumkov.

About the results of the conducted research to inform until May 15, 2003.

4. The State Committee on Television and Radio Broadcasting of Ukraine and the Ministry of Justice of Ukraine together with National Academy of Science of Ukraine, the Academy of Legal Sciences of Ukraine, "Znannya" Society, other public organizations, prominent scientists in the field of law, politologysts shall provide conduction of "round tables", conferences, discussions, in particular on Television, Radio, in newspapers and web-pages, as well as conduct another measures for discussion and clarification of the essence of the provisions of the Draft Law of Ukraine "On Amendments to the Constitution of Ukraine", main goals and targets of its nationwide discussion.

5. The Cabinet of Minister, the Council of Ministers of the Autonomous Republic of the Crimea, local State Administrations shall promote comprehensively the conduction of nationwide discussion of the Draft Law "On Amendments to the Constitution of Ukraine".

6. Financial, material and technical and other kinds of support of the nationwide discussion conduction and sociological research shall be provided by the Cabinet of Ministers of Ukraine.

The President of Ukraine

Leonid Kuchma