



Strasbourg, 8 February 2007

Opinion no. 422 / 2007

CDL (2007)006
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW
ON THE PARLIAMENTARY OPPOSITION
IN UKRAINE

DRAFT LAW ON THE PARLIAMENTARY OPPOSITION IN UKRAINE

**As adopted by the Verkhovna Rada of Ukraine
in the first reading on 12 January 2007**

This Law defines principles and guarantees of oppositional activities, which is one of the pillars of democracy that has a representative and pluralistic (multi-approach) nature and ensures accountability and responsibility of state authorities and their officials to the voters by means that have not been so far provided for in other laws of Ukraine.

SECTION I. GENERAL PROVISIONS

Article 1. Definition of terms

1. In this Law the terms set forth below shall be used in the following meaning:

1) oppositional activity in the Verkhovna Rada of Ukraine (hereinafter referred to as the oppositional activity) means activity of the parliamentary opposition in the Verkhovna Rada of Ukraine aimed at the oversight over activities of the parliamentary majority and the Cabinet of Ministers of Ukraine, criticism of their activities, proposing and implementing the program of development of Ukraine and ways of its implementation;

2) parliamentary majority means a coalition of deputy factions in the Verkhovna Rada of Ukraine or a deputy faction that comprises the majority of people's deputies of Ukraine of its constitutional membership;

3) parliamentary opposition means a voluntary association of deputy factions (a deputy faction) in the Verkhovna Rada of Ukraine and (or) people's deputies of Ukraine who do not belong to the parliamentary majority, submitted an application on joining the opposition and do not agree with the official policy of the parliamentary majority and the Cabinet of Ministers and (or) ways of its implementation, criticise their activities and offer an alternative program for development of Ukraine and ways of its implementation;

4) official policy of the parliamentary majority and the Cabinet of Ministers of Ukraine means a totality of political approaches (views) expressed in the Program of Action of the Cabinet of Ministers of Ukraine approved by the parliament, normative legal acts of the Verkhovna Rada of Ukraine as adopted by the parliamentary majority and normative legal acts of the Cabinet of Ministers of Ukraine.

Article 3. Scope of this Law

1. This Law applies to relationships that arise as a result of oppositional activity in the Verkhovna Rada of Ukraine (hereinafter referred to as the oppositional activity), the state's fulfilment of its tasks related to democratic development of Ukraine as one of the pillars of democracy that has a representative and pluralist (multi-approach) character.

2. This Law provides for accountability and responsibility to the voters of state authorities and their officials by establishing guarantees and legal grounds for the oppositional activity.

Article 3. Objective and Legal Grounds of Oppositional Activity

1. The objective of the oppositional activity is to take part in development of sovereign and independent, democratic, social and governed by the rule of law state in Ukraine through the exercise of rights and fulfilment of obligations defined by the law and in the interests of Ukrainian citizens and the state.

2. Legal grounds for the oppositional activity shall be the Constitution of Ukraine, this and other laws of Ukraine, international treaties ratified by the Verkhovna Rada of Ukraine, the Rules of Procedure of the Verkhovna Rada of Ukraine.

3. Oppositional activity shall be based on the following principles:

1) the state's recognition of the oppositional activity as a necessary condition for functioning of a democratic state based on the rule of law and the parliamentary opposition – as an important component of its political system;

2) the rule of law;

3) voluntary commencement or termination of the oppositional activity;

4) equality;

5) legality;

6) openness;

7) the state's guarantees of free and unimpeded activity of the parliamentary opposition.

4. Oppositional activity aimed at the elimination of Ukraine's independence, change of its constitutional order by force, violation of sovereignty and territorial integrity of the state, undermining of its safety, illegal seizure of the state power, promotion of war, violence, kindling of inter-ethnic, race or religious hatred, infringement of human rights and freedoms, health of the population or creation of military formations shall be prohibited.

Article 4. Peculiarities of Establishing Parliamentary Opposition

1. The parliamentary opposition shall consist of deputy factions, voluntary associations of deputy factions and individual people's deputies of Ukraine as provided in Article 6 of this Law.

2. The procedure of joining the parliamentary opposition for an individual people's deputy of Ukraine shall be provided for in Article 8 of this Law.

3. Individual deputy factions or people's deputies who did not join the parliamentary majority and did not declare their joining to the parliamentary opposition shall not be recognised as participants of the oppositional activity. Such factions and people's deputies of Ukraine shall take part in activities of the Verkhovna Rada of Ukraine on general basis provided for in the Constitution and laws of Ukraine. Such factions and people's deputies of Ukraine shall hold positions in parliamentary committees or investigation commissions after respective offices have been distributed between the parliamentary majority and the parliamentary opposition.

Article 5. Guarantees of the Oppositional Activity

1. In Ukraine, conditions for free and unimpeded oppositional activity shall to be established and secured.

2. Rights of the parliamentary opposition to carry out the oppositional activity shall be guaranteed by the Constitution of Ukraine and provided for in laws of Ukraine.

3. The oppositional activity shall not be a ground for granting privileges or imposing restrictions on the parliamentary opposition or individual deputies that belong to it.

4. State authorities and their officials shall be prohibited to interfere with activities of the parliamentary opposition, except for cases provided for by the law.

SECTION II. ACTIVITY OF THE PARLIAMENTARY OPPOSITION

Chapter 1. Procedure for Establishment and Termination of the Parliamentary Opposition

Article 6. Procedure for Establishment of the Parliamentary Opposition

1. A deputy faction or a people's deputy of Ukraine may decide to join the opposition at any time during the period of authorities of the respective convocation of the Verkhovna Rada of Ukraine. A decision to join the parliamentary opposition shall be formalised in the form of an application.

2. An application of a deputy faction or people's deputy of Ukraine, who is not a member of this faction, on joining the parliamentary opposition shall be submitted to the Secretariat of the Verkhovna Rada of Ukraine – with personal signatures of people's deputies and the personal membership of the faction attached.

3. The parliamentary opposition shall be considered to have been established from the moment of official announcement of applications of deputy faction, people's deputy on joining the parliamentary opposition by the presiding person at the plenary sitting of the Verkhovna Rada of Ukraine following the submission to the Verkhovna Rada of Ukraine Secretariat of documents as provided for in paragraph 2 of this Article.

4. A list of members of the parliamentary opposition shall be published in the *Holos Ukrainy* [Voice of Ukraine] newspaper within four days after the announcement of the establishment of the parliamentary opposition at the Verkhovna Rada of Ukraine plenary sitting.

5. The parliamentary opposition shall publish its alternative programme of development of Ukraine in the *Holos Ukrainy* newspaper not later than in a month after its establishment.

Article 7. Organizational and Legal Grounds for the Parliamentary Opposition's Activity

1. The procedure for internal organisation of the parliamentary opposition's activity shall be defined by the opposition independently.

2. The procedure for organisation of activity of the parliamentary opposition shall be approved by the majority of participants of the parliamentary opposition and published in the *Holos Ukrainy* newspaper together with the alternative programme for development of Ukraine.

3. In case such procedure was not approved, the parliamentary opposition shall adopt respective decisions by the vote of majority of its members.

Article 8. Changes in the Membership of the Parliamentary Opposition

1. The parliamentary opposition can accept to its membership any people's deputy of Ukraine who is a member of respective deputy faction on the basis of his/her personal application.

2. A people's deputy of Ukraine cannot be a member of the parliamentary majority and a member of the parliamentary opposition at the same time. A people's deputy who is member of the parliamentary majority may submit an application on joining the parliamentary opposition only after a withdrawal of his/her signature under the coalition agreement of deputy factions in the Verkhovna Rada of Ukraine.

3. A deputy faction cannot belong to the parliamentary majority and the parliamentary opposition at the same time. A deputy faction that belongs to the parliamentary majority may submit an application on joining the parliamentary opposition only after withdrawal of signatures of people's deputies of Ukraine who are members of this deputy faction under the coalition agreement of deputy factions in the Verkhovna Rada of Ukraine.

4. A people's deputy of Ukraine who is a member of the parliamentary opposition can be excluded from it by a decision adopted by the parliamentary opposition.

5. A deputy faction that belongs to the parliamentary opposition may adopt a decision on leaving the parliamentary opposition.

6. Information about changes in the membership of the parliamentary opposition shall officially be announced by the presiding person at the plenary sitting of the Verkhovna Rada of Ukraine following the submission to the Verkhovna Rada Secretariat of documents as provided for in this Article.

Article 9. Termination of Activities of Parliamentary Opposition

1. Activity of the parliamentary opposition shall be terminated in the following cases:

1) adoption by the parliamentary opposition of a decision to terminate the oppositional activity;

2) termination of powers of the Verkhovna Rada of Ukraine of respective convocation.

2. The decision to terminate oppositional activity shall officially be announced by the presiding person at the plenary sitting of the Verkhovna Rada of Ukraine following its submission to the Verkhovna Rada Secretariat.

3. Information on termination of activities of the parliamentary opposition in cases provided for in sub-paragraph 1 of paragraph 1 of this Article shall be published in the *Holos Ukrainy* newspaper within four days after respective announcement made by the presiding person at the plenary sitting of the Verkhovna Rada of Ukraine.

4. In case provided for in sub-paragraph 2 of paragraph 1 of this Article, activity of the parliamentary opposition shall be considered terminated simultaneously with termination of authorities of respective convocation of the Verkhovna Rada of Ukraine without relevant announcement at the plenary sitting of the Verkhovna Rada of Ukraine and without publication in the *Holos Ukrainy* newspaper.

5. Termination of activity of the parliamentary opposition shall not preclude establishment of a new parliamentary opposition pursuant to the procedure provided for in this Law.

Chapter 2. Rights of the Parliamentary Opposition

Article 10. Rights of the Parliamentary Opposition in the Verkhovna Rada of Ukraine

1. Parliamentary opposition shall have a right to:

1) be represented in the leadership of the Verkhovna Rada of Ukraine's and its bodies as provided for in Article 11 of this Law;

2) take part in the parliamentary control of activities of the parliamentary majority, the Cabinet of Ministers of Ukraine, state authorities (except courts) and their officials; present annual report on results of the parliamentary control which shall be published pursuant to the procedure provided for in paragraph 3 Article 12 of this Law;

3) submit proposals to the draft law on the State Budget of Ukraine;

4) establish an oppositional government and other auxiliary bodies pursuant to the procedure provided for in Article 14 of this Law.

2. At a plenary sitting of the Verkhovna Rada of Ukraine, the parliamentary opposition shall have a right to:

1) have floor to present its views concerning an item included into the agenda for a plenary sitting of the Verkhovna Rada of Ukraine;

2) make a statement;

3) take part in the formation of the Verkhovna Rada of Ukraine's agenda;

4) co-report on issues considered by the Verkhovna Rada of Ukraine as provided for in Article 18 of this Law.

Article 11. Right to Be Represented in the Leadership of the Verkhovna Rada of Ukraine and its Bodies

1. People's deputies who are members of the parliamentary opposition shall have a right to hold the following posts:

1) chairs of the parliamentary committees on issues of:

a) Freedom of Speech and Information;

b) Legislative Provision of Law-Enforcement Activities;

c) Human Rights, National Minorities and Inter-Ethnic Relations;

d) Budget;

e) the Rules of Procedure, Deputy Ethics and Organisation of Work of the Verkhovna Rada of Ukraine;

f) Functioning of the Judiciary;

g) Oversight over Protection of Rights of Industrialists, Entrepreneurs and Investors;

h) Oversight over Adherence to Social Standards and Ensuring Proper Citizens' Living Standards;

i) Activities of State Monopolies, National Joint-Stock Companies, State-Owned Banks and State Corporate Rights Management;

j) Energy Safety;

k) Agricultural Policy and Land Affairs;

l) Health Care, Science and Education;

2) first deputy chairs of all parliamentary committees except for those chaired by representatives of the parliamentary opposition.

2. Parliamentary opposition shall be guaranteed a right for its members to take the post of Deputy President of the Verkhovna Rada of Ukraine.

3. Candidacies for respective posts shall be submitted by the parliamentary opposition. The procedure for nomination of candidacies for these posts by the opposition and procedure for their consideration shall be provided for in this Law.

4. Appointment to the posts provided for in paragraphs 1 and 2 of this Article shall be carried out according to the principle of proportional representation of deputy factions in the Verkhovna Rada of Ukraine.

5. In the event when the parliamentary opposition failed to submit candidacies for the posts provided for in paragraphs 1 and 2 of this Article, the Verkhovna Rada of Ukraine shall appoint persons to relevant posts pursuant to the general procedure.

6. Committee chairs and deputy chairs shall be elected as a list of candidates without a discussion at the plenary sitting by an open roll-call vote.

7. A people's deputy appointed to the post provided for in paragraph 1 of this Article shall be dismissed from it by the Verkhovna Rada of Ukraine upon submission of the parliamentary opposition.

Article 12. Participation in the Exercise of the Parliamentary Control

1. Pursuant to the procedure provided for in the Constitution of Ukraine and this Law, the parliamentary opposition shall have a right to take part in the exercise of the parliamentary control of activities of the parliamentary majority, the Cabinet of Ministers of Ukraine, state authorities (except courts) and their officials by the following means:

1) establishment of temporary investigation commissions of the Verkhovna Rada of Ukraine;

2) representation in the committees and temporary special commissions of the Verkhovna Rada of Ukraine;

3) an inquiry of a people's deputy of Ukraine who is a member of the parliamentary opposition to the bodies of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, heads of other state authorities and local self-government bodies as well as heads of enterprises, institutions and organisations located on the territory of Ukraine regardless of their subordination and ownership;

4) submission of proposals to the Verkhovna Rada on consideration of the issue of responsibility of the Cabinet of Ministers of Ukraine;

5) appeal to the Constitutional Court of Ukraine on ruling on constitutionality (compliance with the Constitution of Ukraine) and official interpretation of laws and other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea;

6) appeal to the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on infringement of human and civil rights and freedoms;

7) other means provided for in the Constitution of Ukraine or in the law.

2. To exercise its right of the parliamentary control the parliamentary opposition shall be entitled to receive information about activities of state authorities and their officials.

3. An authorised representative of the parliamentary opposition shall have a right to present an annual report on the results of the parliamentary control at the plenary sitting of the Verkhovna Rada of Ukraine for minimum 1 hour.

Article 13. Participation of the Parliamentary Opposition in the Budgetary Process

1. The parliamentary opposition shall have a right to submit proposals to the draft law on the State Budget of Ukraine.

2. Administrators of budget funds that undertake budget commitments and administer expenditures must provide written information about the amount of the undertaken budget commitments, administered expenditures, recipients and contractors of the administrators within fifteen days after receipt of a request of the parliamentary opposition.

3. The State Treasury shall submit to the parliamentary opposition monthly and quarterly information (reports) on the status of budget implementation pursuant to the procedure provided for in the Budget Code of Ukraine. All single payments from the budget, upon written demand of the parliamentary opposition representatives, must be included into the submitted report.

4. The parliamentary opposition shall have a right to initiate consideration in the Verkhovna Rada of the issue of exercise of payments by the State Treasury of Ukraine upon instruction of the budget funds administrators in the following cases:

1) there is a budget commitment to exercise a payment that has signs of a doubtful or fictitious commitment;

2) budget funds are spent not for the purposes they were allocated for;

3) administrators of budget funds fail to use allocated budget funds for the specified purposes or there are underfinanced mandatory expenditures;

4) financing of expenditures infringes competition in entrepreneurial activities (provision of illegal benefits, privileges, etc.) or goods, works or services are procured at prices higher than those, at which other economic subjects regardless of their ownership and subordination procured the same goods, works or services in the same region or city;

5) use of budget funds is related to laundering of illegally received money, including transfers of money to purchase goods, works or services with budget funds (at prices that are higher than those, at which other economic subjects regardless of their ownership and subordination procured the same goods, works or services in the same region).

5. Upon request of the authorised representative of the parliamentary opposition the discussion of the aforementioned budgetary violations shall be included in the agenda of the Verkhovna Rada of Ukraine. The report may be delivered by any member of the parliamentary opposition.

Article 14. Right to Establish Oppositional Government and Other Auxiliary Bodies

1. The parliamentary opposition can establish an oppositional government. The composition and personal membership of the oppositional government shall be decided by the participants of the opposition pursuant to the procedure for organisation of the oppositional activity or by a majority vote of members of the opposition for a respective candidacy.

2. The oppositional government shall:

1) carry out an on-going monitoring of activities of the Cabinet of Ministers of Ukraine, other executive bodies and their officials;

2) exercise control over the process of preparation of the draft State Budget of Ukraine and implementation of the State Budget of Ukraine within the framework of the parliamentary control;

3) prepare materials for reports (co-reports) of the parliamentary opposition on issues related to activities of the Cabinet of Ministers of Ukraine and other executive bodies as well as relevant materials to be used by people's deputies during discussion in the Verkhovna Rada, speeches for the voters or publications in media pursuant to the procedure established by this Law;

4) prepare alternative proposals to the Programme of Action of the Cabinet of Ministers of Ukraine and submit them pursuant to the established procedure for consideration of the Cabinet of Ministers of Ukraine;

5) prepare its own programme of action for approval by the parliamentary opposition;

6) draft alternative legislative proposals to be submitted for consideration of the Verkhovna Rada of Ukraine by subjects having a right of legislative initiative;

7) execute other instructions of the parliamentary opposition.

3. The oppositional government shall be chaired by the Head appointed by a decision of the parliamentary opposition.

4. The Head of the oppositional government shall have a right to take part in the meetings of the Cabinet of Ministers of Ukraine. The head of the oppositional government participating in a meeting of the Cabinet of Ministers of Ukraine shall have a right to have floor for a presentation for minimum 15 minutes. In case the parliamentary opposition has not created the oppositional government, a right to speak at the meeting of the Cabinet of Ministers of Ukraine shall belong to an authorised representative of the parliamentary opposition who has a right to have floor for minimum 15 minutes.

5. Positions of the Head and members of the oppositional government shall be unpaid positions.

6. The parliamentary opposition shall have a right to establish a secretariat of the parliamentary opposition pursuant to the procedure provided for establishment of secretariats of deputy factions. Powers of the Secretariat of the parliamentary opposition shall include law drafting activity, preparation and preliminary consideration of issues identified by the parliamentary opposition.

7. Parliamentary opposition shall have a right to establish other auxiliary bodies that operate on a voluntary basis.

Article 15. Right to Have Floor to Speak on Issues Included in the Agenda of the Plenary Sitting of the Verkhovna Rada of Ukraine

1. An authorised representative of the parliamentary opposition shall have a right to make a speech for up to 5 minutes at the plenary sitting of the Verkhovna Rada of Ukraine on any issue included in the agenda and considered by the Verkhovna Rada of Ukraine as provided for in its Rules of Procedure.

Article 16. Right to Make s Statement

1. An authorised representative of the parliamentary opposition shall have a right to make a statement of up to 30 minutes at the plenary sitting of the Verkhovna Rada of Ukraine once during a regular parliamentary session on the position of the parliamentary opposition with regard to the official policy of the parliamentary majority and the Cabinet of Ministers of Ukraine, other state authorities and their officials.

2. A person presiding over the plenary sitting of the Verkhovna Rada of Ukraine shall give floor to the authorised representative of the parliamentary opposition at the plenary sitting not later than the next day of a plenary meeting at the beginning of a plenary meeting.

3. Such statement may not be made on the day when the Verkhovna Rada of Ukraine hears a regular or extraordinary address of the President of Ukraine to the Verkhovna Rada of Ukraine and Ukrainian people.

Article 17. Right to Form Parliamentary Agenda ("Opposition Day")

1. One day during a regular parliamentary session shall be allocated for consideration of issues identified by the parliamentary opposition that shall be included into the agenda of the Verkhovna Rada of Ukraine without debate and voting.

Article 18. Right to Co-Report in the Verkhovna Rada of Ukraine

1. Parliamentary opposition shall have a right to have floor to co-report on the following issues discussed by the Verkhovna Rada:

- 1) principles of domestic and foreign policy of Ukraine;
- 2) draft State Budget of Ukraine and the situation with the execution of the State Budget of Ukraine;
- 3) Programme of Action of the Cabinet of Ministers of Ukraine;
- 4) activity report by the Cabinet of Ministers of Ukraine;
- 5) responsibility of the Cabinet of Ministers of Ukraine pursuant to Article 87 of the Constitution of Ukraine;
- 6) draft National Program for economic, scientific, technical, social, national and cultural development and protection of environment;
- 7) impeachment of the President of Ukraine pursuant to Article 111 of the Constitution of Ukraine;
- 8) expression of no-confidence in the Prosecutor General of Ukraine;
- 9) annual report of the Verkhovna Rada Commissioner for Human Rights on the situation with respect and protection of human rights and fundamental freedoms in Ukraine;
- 10) annual report of the Accounting Chamber of Ukraine;

11) annual report of the National Council for TV and Radio Broadcasting.

Article 19. Right to Participate in Formation of Membership of State Authorities

1. Parliamentary opposition has a right to take part in formation of membership of the Accounting Chamber of Ukraine, Board of National Bank of Ukraine, National Council for TV and Radio Broadcasting and the High Council of Justice of Ukraine through submitting candidacies for relevant positions to be appointed by the Verkhovna Rada of Ukraine.

2. The number of candidacies to be submitted by the parliamentary opposition to form the membership of state authorities provided for in paragraph 1 of this Article shall be determined on the basis of the principle of proportional representation of deputy factions.

3. Candidacies for positions to form the membership of state authorities provided for in paragraph 1 of this Article shall be appointed by voting on a total list of candidates without discussion at the plenary sitting by an open roll-call vote.

4. Parliamentary opposition shall nominate the Verkhovna Rada Commissioner for Human Rights.

5. Termination of activity of the parliamentary opposition shall not constitute a ground for termination of authorities of officials appointed upon nomination by the parliamentary opposition to offices provided for in this Article.

6. Head, Deputy Head and Secretary and four auditors of the Accounting Chamber shall be appointed by the Verkhovna Rada upon nomination by the parliamentary opposition and First Deputy Head and three auditors shall be appointed by the Verkhovna Rada upon nomination by the parliamentary majority.

7. The Verkhovna Rada shall appoint three members of the Board of National Bank of Ukraine nominated by the parliamentary majority and four members of the Board of National Bank of Ukraine nominated by the parliamentary opposition.

8. The Verkhovna Rada of Ukraine shall appoint two members of the National Council for TV and Radio Broadcasting nominated by the parliamentary majority and two members of the National Council on TV and Radio broadcasting nominated by the parliamentary opposition.

9. The Verkhovna Rada of Ukraine shall appoint two members of the High Council of Justice nominated by the parliamentary majority and one member of the High Council of Justice nominated by the parliamentary opposition.

10. The State Committee of Ukraine for Financial Monitoring shall be identified as an executive body with special status activities of which shall be determined and co-ordinated by the parliamentary opposition of Ukraine. The Chair of the State Committee for Financial Monitoring shall be appointed to and dismissed from office by the Cabinet of Ministers of Ukraine. A candidacy for the post of the Chair of the State Committee for Financial Monitoring shall be nominated by the parliamentary opposition. First Deputy Chair and Deputy Chairs shall be appointed by the Prime Minister of Ukraine. The Prime Minister shall appoint two Deputy Chairs nominated by the parliamentary opposition.

Article 20. Right to Access to Mass Media

1. Parliamentary opposition shall have a right to circulate information about its activities as provided for in this Article through media outlets of all forms of ownership as well as by other means not prohibited by law.

2. Resolution of the Verkhovna Rada of Ukraine on the procedure and forms of mandatory coverage of activity of the Verkhovna Rada by audiovisual media (execution of state request) adopted pursuant to the Law of Ukraine "On the Procedure for Covering Activities of State Authorities and Local Self-Government Bodies of Ukraine in Mass Media" for the whole period of authorities of a regular convocation of parliament shall, *inter alia*, provide for the procedure and forms of mandatory coverage of activities of the parliamentary opposition by the First National Channel of the National TV Company of Ukraine, First National Channel of the National Radio Company of Ukraine and in the state-owned printed media that were founded (co-founded) by the Verkhovna Rada of Ukraine proportionally to the number of members of the parliamentary opposition.

3. TV and radio programmes about activity of the parliamentary opposition as provided for in paragraph 2 of this Article may not be interrupted with advertisement of goods, works and services or other information. Within 20 minutes before and after such TV or radio programme any comments or evaluations of the programme contents presented in the same channel shall be prohibited.

4. Parliamentary opposition shall have a right to use media regardless of their ownership on a contractual basis pursuant to the procedure established by law.

Article 21. Right to Appeal to State Authorities to Eliminate Violations of Law

1. An authorized representative of the parliamentary opposition pursuant to the procedure established by the law shall have a right to appeal to the state authorities and their officials to eliminate, within their remit, violation of law, infringement of human and civil rights and freedoms and to bring guilty persons to responsibility.

Article 22. Procedure for Bringing Civil Servants to Responsibility upon Request of the Parliamentary Opposition

1. In case of violation of legislation or commission of corruption offence by officials of state authorities, such officials shall be dismissed from the office by court upon request of the parliamentary opposition.

2. The parliamentary opposition shall adopt, by a majority vote, a decision to submit a request to court concerning violation of legislation or commission of corruption offence by an official.

3. According to the decision on violation of legislation or commission of corruption offence by an official adopted by the parliamentary oppositions, an authorized representative of the opposition shall address the court within five days after adoption of such decision as provided for by the law.

SECTION III RESPONSIBILITIES OF THE PARLIAMENTARY OPPOSITION

Article 23. Responsibilities of Parliamentary Opposition

1. Members of the parliamentary opposition when exercising their rights as provided for by the law shall:

- 1) act according to the Constitution and laws of Ukraine;
- 2) act in the interests of Ukrainian citizens and the state;

3) offer an alternative to the official policy of the parliamentary majority and the Cabinet of Ministers of Ukraine and ways of implementation of alternative policy;

4) adopt a decision on the termination of the oppositional activity, including termination of the oppositional activity of individual people's deputies of Ukraine, members of oppositional factions taking into consideration their own individual responsibility to the voters and a political party on whose party list such individual people's deputy was elected.

SECTION IV FINANCING, INFORMATIONAL AND TECHNICAL SUPPORT OF THE OPPOSITION

Article 24. Financial, Informational and Technical Support of Activity of the Parliamentary Opposition

1. Activity of the parliamentary opposition shall be financed by the secretariat of the parliamentary opposition from the funds allocated from the State Budget of Ukraine to provide for activities of the Verkhovna Rada of Ukraine.

2. Secretariat of the parliamentary opposition shall be the administrator of these funds.

3. Informational and technical support of activities of the parliamentary opposition, including operation of the oppositional government shall be provided by the secretariat of the parliamentary opposition.

SECTION V RESPONSIBILITY FOR VIOLATION OF LEGISLATION ON THE PARLIAMENTARY OPPOSITION

Article 25. Responsibility for Violation of Legislation on the Parliamentary Opposition

1. Violation of legislation on the parliamentary opposition shall entail responsibility as provided for by the law.

SECTION VI FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall enter into force on the day of its publication.

2. The following legislative acts of Ukraine shall be amended as follows:

1) in the Budget Code of Ukraine:

a) sub-paragraph 1 paragraph 1 of Article 22 shall be added with the words "Secretariat of the parliamentary opposition";

b) in Article 37:

the following sub-paragraph 2 shall be added in paragraph 1:

“Ministry of Finance of Ukraine shall attach proposals of the parliamentary opposition to the draft State Budget of Ukraine together with its conclusions as to the possibility of their taking into account containing mandatory financial, economic and legal justification”;

the following sub-paragraphs 2 and 3 shall be added in paragraph 2:

“A representative of the parliamentary opposition shall have a right to be present at the meeting at which resolution of the Cabinet of Ministers of Ukraine on approval of the draft State Budget of Ukraine is adopted.

The resolution of the Cabinet of Ministers of Ukraine shall contain a separate conclusion of the parliamentary opposition on the draft State Budget of Ukraine”;

c) Article 59 shall to be put in the following wording:

“1. Monthly reports on the execution of the State Budget of Ukraine shall be submitted by the State Treasury of Ukraine to the Verkhovna Rada of Ukraine, including the parliamentary opposition, Cabinet of Ministers of Ukraine, Accounting Chamber and Ministry of Finance of Ukraine not later than on the 15th day of the month following the reported month.

2. Summary figures of reports on the execution of budgets, information on the execution of secured articles of the State Budget of Ukraine and information on the use of funds of the reserve fund of the Cabinet of Ministers of Ukraine shall be submitted by the State Treasury to the Verkhovna Rada of Ukraine, including the parliamentary opposition, Cabinet of Ministers of Ukraine, Accounting Chamber and Ministry of Finance of Ukraine not later than on the 25th day of the month following the reported month. Report on the budget debt shall be submitted not later than on the 15th day of the second month following the reported month.

3. Monthly report on actual receipt of taxes and fees (mandatory payments) and other budget revenues, monthly report on the tax debt, including outstanding amount of tax deficiency and overpayments (indicating branch and territorial breakdown as well as breakdown of sources of income and form of ownership) shall be provided by the tax authorities to the Verkhovna Rada of Ukraine, including the parliamentary opposition, Cabinet of Ministers of Ukraine, Accounting Chamber and Ministry of Finance of Ukraine not later than on the 12th day of the month following the reported month.

4. The State Treasury shall submit the aforementioned reports upon a written request of the parliamentary opposition. Provision of detailed information specified in the request shall be mandatory”;

d) paragraphs 1 and 3 of Article 60 shall to be put in the following wording:

“1. The State Treasury shall submit a quarterly report on the execution of the State Budget of Ukraine to the Verkhovna Rada of Ukraine, including the parliamentary opposition, Cabinet of Ministers of Ukraine, Accounting Chamber and Ministry of Finance of Ukraine not later than 35 days after the end of respective reported period”;

„3. Tax authorities shall submit to the Verkhovna Rada of Ukraine, including the parliamentary opposition, Cabinet of Ministers of Ukraine, Accounting Chamber and Ministry of Finance of Ukraine information on budget revenue losses due to tax benefits as well as the total restructured and written off tax debts (indicating branch and territorial breakdown as well as breakdown of sources of income and form of ownership) and the total sum of deferred payments and instalment payments not later not later than 35 days after the end of respective

reported period”;

2) add paragraph 11 in Article 10 of the Law of Ukraine “On the Accounting Chamber” as follows:

“Head, Deputy Head and Secretary and four auditors of the Accounting Chamber shall be appointed by the Verkhovna Rada upon nomination by the parliamentary opposition as provided for in the Law of Ukraine “On the Parliamentary Opposition”, and the First Deputy Head and three auditors shall be appointed by the Verkhovna Rada upon nomination by the parliamentary coalition”;

3) add paragraph 4 in Article 8 of the Law of Ukraine “On the High Council of Justice as follows:

“The Verkhovna Rada of Ukraine shall appoint two members of the High Council of Justice nominated by the parliamentary coalition and one member of the High Council of Justice nominated by the parliamentary opposition as provided for in the Law of Ukraine “On the Parliamentary Opposition”;

4) paragraph 4 of Article 10 of the Law of Ukraine “On the National Bank of Ukraine” shall be put in the following wording:

“The Verkhovna Rada shall appoint three member of the Board of National Bank of Ukraine nominated by the parliamentary coalition and four members of the Board of National Bank of Ukraine nominated by the parliamentary opposition as provided for in the Law of Ukraine “On Parliamentary Opposition”;

5) add the following sentence in paragraph 1 of Article 5 of the Law of Ukraine “On the National Council for TV and Radio Broadcasting”:

“The Verkhovna Rada of Ukraine shall appoint two members of the National Council for TV and Radio Broadcasting nominated by the parliamentary coalition and two members of the National Council on TV and Radio Broadcasting nominated by the parliamentary opposition as provided for in the Law of Ukraine “On the Parliamentary Opposition”.

3. Authorities of officials elected to the posts provided for in paragraphs 6-9 of Article 19 and sub-paragraph 2 of Section VI of this Law before enactment of this Law shall be terminated on the day this Law comes into force.

4. The Verkhovna Rada of Ukraine shall bring its Rules of Procedure in compliance with this Law within 30 days after the day of its enactment.

5. The Cabinet of Ministers of Ukraine shall submit to the Verkhovna Rada within 30 days after the day of enactment of this Law proposals on bringing the Rules of Procedure of the Verkhovna Rada of Ukraine in compliance with the Constitution and this Law, including a draft law “On the Rules of Procedure of the Verkhovna Rada of Ukraine.