



Position of the Ukrainian Bar Association on the threats to the independence of anti-corruption institutions, risks to the rule of law and European integration arising from the adoption of law No. 4555-IX

On July 22, 2025, the Verkhovna Rada of Ukraine (hereinafter – the Parliament) adopted the Law of Ukraine “On Amendments to the Criminal Procedure Code of Ukraine on Peculiarities of Pre-trial Investigation of Criminal Offenses Related to the Disappearance of Persons Under Special Circumstances During Martial Law” (hereinafter – Law No. 4555-IX). On the same day, the Law was signed by the President of Ukraine and entered into force on July 23, 2025.

Through this statement, the Ukrainian Bar Association (hereinafter – the Association, UBA) draws attention to the fact that the adoption of Law No. 4555-IX significantly undermines the independence of Ukraine's anti-corruption institutions, poses a serious threat to the country's European integration aspirations, and violates the principles of the rule of law and legality (particularly due to procedural violations during its adoption in breach of the Parliament's Rules of Procedure).

Among the most significant changes are:

1. Revocation of the Exclusive Jurisdiction of NABU and SAPO over Corruption Offenses:
 - The Prosecutor General is now authorized to assign the investigation of corruption-related crimes to other law enforcement bodies if NABU detectives are deemed ineffective.
 - The Prosecutor General is vested with exclusive authority to resolve disputes concerning the jurisdiction of the NABU
 - SAPO prosecutors are deprived of their authority to assign other proceedings that are not directly provided for by the Criminal Procedure Code to the jurisdiction of NABU. Only the Prosecutor General has exclusive authority to perform such actions.
2. The General Prosecutor is granted the authority to request materials from any proceeding. Moreover, the analysis of such materials for compliance with legal requirements may be delegated by the Prosecutor General to any other prosecutor.
3. Establishing exclusive jurisdiction over notifications of suspicion to top officials.
4. Confirming the possibility of concluding agreements in NABU proceedings, also with the approval of the Prosecutor General (previously – exclusively with the approval of the head of the SAPO and the heads of SAPO departments.).
5. Confirming the authority of the Prosecutor General to close criminal proceedings against top officials upon a motion submitted by a participant in such proceedings.

ГЕНЕРАЛЬНІ ПАРТНЕРИ

AEQUO

ASTERS

AVELLUM

INTEGRITES

МІЖНАРОДНІ ПАРТНЕРИ

GT GreenbergTraurig

Linklaters

LCF

MORIS

SAYENKO
KHARENKO

Sokolovskiy
and Partners

2QB

ПАРТНЕР

LSI LAW FIRM
GROUP

6. The possibility of appointing a person to the position of prosecutor without a competitive selection process, based on a personal application and the results of a special check. This provision undermines the selection standards established by law, contradicts the principle of independence of the prosecutor's office, and creates risks to the legitimacy of personnel decisions.

Other legislative changes include:

- Failure by an investigator/detective to comply with the prosecutor's instructions may now serve as a ground for his removal (may be used as a tool to influence the procedural independence of the investigator/detective);
- The possibility of conducting an "urgent" search without a court order, also for the purpose of seizing or preserving evidence (previously, only for the purpose of protecting human life, safeguarding property, or in cases of persecution of individuals)

The Association emphasizes that such changes, firstly, significantly restrict the functional independence of anti-corruption bodies; and secondly, significantly strengthen the influence of the Prosecutor General, granting him exclusive powers in cases involving state leadership and senior officials.

Furthermore, the independence of anti-corruption institutions is a fundamental requirement of international partners and a condition for financial support to Ukraine. Its provision was envisaged, in particular, within the framework of visa liberalization with the EU, IMF programs, and the Memorandum on Economic and Financial Policies of March 24, 2023. The importance of consistent preservation of reforms has also been repeatedly emphasized by the EU, the IMF, G7 ambassadors, and other partners.

Moreover, such a law could create obstacles to Ukraine's accession to the EU, as it violates the principles of the rule of law, which is a fundamental component of the European integration process.

In light of the above, the Ukrainian Bar Association calls on:

- The Verkhovna Rada of Ukraine to urgently initiate a review of the provisions of Law No. 4555-IX, which undermine the institutional independence of NABU and SAPO;
- International partners to continue monitoring and promoting compliance with the principles safeguarding the independence of Ukraine's anti-corruption framework;
- The professional legal community and civil society to unite efforts in public discussion and the development of legislative amendments aligned with international standards of the rule of law.