ANTI-CORRUPTION PROGRAM

Economic Security Bureau of Ukraine for 2023-2024

1. Principles of Anti-Corruption policy of the Economic Security Bureau of Ukraine

1. By this Anti-Corruption Program (hereinafter referred to as the Program) of the Economic Security Bureau of Ukraine, realizing its responsibility for promoting the values of the rule of law and integrity, striving to ensure its sustainable development, taking care of its own business reputation as well as in the interests of the state and people of Ukraine, declares that the management and employees of the ESBU in their activities as well as in legal relations with state authorities, local governments, legal entities and individuals are guided by the principle of zero tolerance to corruption in any form.

 ESBU declares its principled position and condemns corruption as an illegal and unethical way of doing business.

2. The Program is developed for the medium term and is a logical continuation of the implementation of the measures envisaged by the ESBU Anti-Corruption Program for 2022-2023, approved by the ESBU Order No. 98 dated May 26, 2022. Based on the results of the implementation the Anti-Corruption Program of the ESBU in 2022, a system of corruption prevention in the ESBU was created, regulatory and organizational acts were adopted aimed at implementing mechanisms of transparency, integrity and elimination (minimization) of corruption risks in the ESBU activities.

1. The purpose of the Program is:
2. improving the system of preventing and combating corruption in the ESBU ensuring coherence and consistency of anti-corruption activities of structural units and territorial departments of the ESBU;
3. further implementation of mechanisms of transparency, integrity, reduction of corruption risks in the ESBU's activities and increase of the level of public trust.

4. The development of the Program is based on the following principles:

1) the rule of law, namely the formation of intolerance to corruption, the establishment of a culture of integrity;

2) legality, namely the compliance of anti-corruption measures with the Constitution of Ukraine, the legislation of Ukraine in the field of corruption prevention and other legal acts;

3) transparency, namely the openness and publicity of the process of assessing corruption risks, determining measures to influence corruption risks;

4) inclusiveness, namely ensuring the participation of the public and employees in the formation of anti-corruption standards and procedures;

5) adaptability, namely taking into account the sphere of activity of the ESBU, determining measures in accordance with the powers and functions of the ESBU;

6) objectivity and impartiality, namely taking into account public interests in improving the created internal organizational system for preventing and detecting corruption in order to achieve the Program's goal;

7) justice, namely ensuring the inevitability of legal responsibility for corruption and corruption-related offenses;

8) efficiency, namely the timely introduction of appropriate procedures that will minimize the relevant corruption risks.

5. The Anti-corruption policy of the ESBU is based on the following approaches:

1) compliance with standards of integrity in public service;

2) intolerance to corruption;

3) development of personnel potential;

4) efficiency and legality of the use of budget funds;

5) openness and transparency of the processes of preparation and adoption of public decisions;

6) the priority of observing the rights, freedoms and interests of individuals and legal entities;

7) creation of partnership mechanisms with institutions of civil society.

6. The principles of the Anti-corruption of the ESBU policy are implemented through the implementation of tasks and measures (Appendix 1) in the following priority areas:

1) ensuring a systematic approach to preventing and countering corruption;

2) implementation of anti-corruption policy in personnel management, formation of a negative attitude towards corruption;

3) implementation of measures to comply with the requirements of financial control, prevention and settlement of conflicts of interest;

4) prevention of corruption in the field of public procurement, strengthening of the efficiency of management of financial and material resources;

5) ensuring compliance by the employees of the ESBU with the requirements and restrictions established by the Law of Ukraine "On Prevention of Corruption", preventing violations of ethical standards, committing acts that can undermine the authority of ESBU, negatively affect the employee's reputation;

6) formation of a culture of notification of possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On Prevention of Corruption";

7) cooperation with the public and international organizations regarding the implementation of anti-corruption measures.

7. The director of the ESBU implements the anti-corruption policy of the ESBU by:

1) supporting the prevention and counteraction of corruption in the activities of the ESBU, demonstrating zero tolerance to corruption by their own example, and personal participation in anti-corruption activities of the ESBU;

2) adoption of regulatory, legal and organizational acts on preventing and combating corruption, including the anti-corruption program and amendments thereto;

3) ensuring the functioning of an independent authorized unit for the prevention and detection of corruption within the structure of the ESBU and providing it with organizational, material and other resources sufficient for the effective performance of its tasks; ensuring guarantees of independence of the authorized unit as a coordinator of the Program;

4) general management and control over the Program implementation, analysis of the effectiveness of corruption risk management;

5) making a decision to conduct regular assessment of corruption risks in the activities of the ESBU, establishing a working group and vesting it with appropriate powers;

6) providing the resources necessary for effective corruption risk management and promoting continuous improvement of corruption risk management processes.

7) timely response to possible facts of violations of the anti-corruption program, corruption or corruption-related offenses and other violations of the Law of Ukraine "On Prevention of Corruption".

8. The heads of the structural units of the Central apparatus of the ESBU and the territorial departments of the ESBU ensure the implementation of the anti-corruption policy of the ESBU by implementing the measures of the Program and measures to influence corruption risks.

9. The heads of territorial departments of the ESBU:

1) approve the plan of measures for the implementation of the territorial departments Program within 30 days from the date of publication of the Program on the official website of the ESBU (after its approval by the National Agency for the Prevention of Corruption);

2) ensure the functioning of an independent authorized unit (authorized person) for the prevention and detection of corruption in the structure of territorial departments of the ESBU, provision of organizational, material and other resources sufficient for the effective performance of the tasks assigned to it; ensuring independence guarantees authorized unit (authorized person);

3) ensure a timely response to possible violations of the anti-corruption program, corruption or corruption-related offenses other violations of the Law of Ukraine "On Prevention of Corruption".

10. The head of the authorized division for the prevention and detection of corruption of the Central office of the ESBU, the head of the authorized division (authorized person) for the prevention and detection of corruption of the territorial departments of the ESBU perform tasks and measures aimed at implementing the principles of the anti-corruption policy of the ESBU, namely:

1) carry out the development, organization and control over the implementation of measures to prevent corruption offenses and offenses related to corruption;

2) provide methodical and consulting assistance on issues of compliance with legislation on prevention of corruption to the employees of the ESBU;

3) carry out measures to identify a conflict of interest, contribute to its settlement, inform the Director of the ESBU or the head of the territorial department of the ESBU and the National Agency for the Prevention of Corruption about the detection of a conflict of interest and the measures taken to resolve it;

4) verify the fact that the subjects of the ESBU declaration have submitted declarations of the person authorized to perform the functions of the state or local self-government, and notify the National Agency for the Prevention of Corruption about cases of non-submission or late submission of such declarations in accordance with the procedure determined in accordance with the Law of Ukraine "On Prevention of Corruption";

5) monitor compliance with anti-corruption legislation, including consideration of reports of violations of the requirements of the Law of Ukraine "On Prevention of Corruption" by employees of the ESBU;

6) ensure the protection of employees who have reported violations of the requirements of the Law of Ukraine "On Prevention of Corruption" from the application of negative influence measures in accordance with the legislation on the protection of whistleblowers;

7) inform the Director of the ESBU or the head of the territorial department of the ESBU, the National Agency for the Prevention of Corruption or other specially authorized entities in the field of anti-corruption about the facts of violations of legislation in the field of prevention and anti-corruption;

8) organize special inspections of persons applying for positions that involve taking a responsible or particularly responsible position and positions with an increased corruption risk in the ESBU.

11. The head of the authorized division for the prevention and detection of corruption of the central apparatus of the ESBU carries out:

1) organization and coordination of work on assessment of corruption risks in the activities of ESBU and development of measures to influence corruption risks;

2) monitoring and evaluation of the implementation of the Program, monitoring of the ESBU environment, timely response to changes affecting the emergence of new or changes in the level of existing corruption risks;

3) coordination of structural subdivisions of the central apparatus of the ESBU and territorial department of the ESBU on the implementation of the Program;

4) conducting inspections of the state of the organization of work on prevention and detection of corruption in the territorial department of the ESBU.

 12. Employees of the ESBU are obliged to comply with the requirements and restrictions established by the Law of Ukraine "On Prevention of Corruption", as well as the anti-corruption policy and principles defined by the Program.

13. The issue of preventing and countering corruption in the ESBU is regulated by:

 1) The Procedure for conducting a psychophysiological interview with the use of a polygraph in the work of the Economic Security Bureau of Ukraine, approved by the Order of the ESBU of October 26, 2021, No. 10, registered with the Ministry of Justice of Ukraine on November 09, 2021, No. 1470/37092;

2) Procedure for conducting integrity checks and monitoring the lifestyle of employees of the Economic Security Bureau of Ukraine, approved by the Order of the ESBU of November 19, 2021, No. 19, registered with the Ministry of Justice of Ukraine on January 27, 2022, No. 94/37430;

3) Regulation on the implementation of mechanisms for encouraging whistleblowers and forming a culture of reporting possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On Prevention of Corruption" in the Economic Security Bureau of Ukraine, approved by the Order of the ESBU of July 05, 2022, No. 134, registered with the Ministry of Justice of Ukraine on August 11, 2022, No. 911/38247;

4) Procedure for organizing work with reports of possible facts of corruption or corruption-related offenses other violations of the Law of Ukraine "On Prevention of Corruption" in the Economic Security Bureau of Ukraine, approved by the Order of the ESBU of July 05, 2022 No. 134, registered with the Ministry of Justice of Ukraine on August 11, 2022 No. 911/38247;

5) Rules of professional ethics for employees of the Economic Security Bureau of Ukraine, approved by Order of the ESBU of June 30, 2022, No. 129, registered with the Ministry of Justice of Ukraine on August 19, 2022, No. 943/38279;

6) other regulatory, legal, organizational and administrative acts governing the procedure for performing the tasks and functions of the ESBU.

14. The heads of the structural divisions of the Central apparatus and territorial departmens of the ESBU within their powers, ensure the implementation of the Anti-corruption strategy, approved by the Law of Ukraine "On the principles of the state Anti-corruption policy for 2021-2025" and the state program for its implementation in 2023-2024 (Appendix 4).

1. Assessment of corruption risks
2. In order to establish the probability of committing corruption and corruption-related offenses by the employees of the Economic Security Bureau of Ukraine to establish the causes, conditions and consequences of the possible commission of such offenses as well as to analyze the effectiveness of existing control measures aimed at preventing the implementation of corruption risks it is accepted to conduct an assessment of corruption risks in the format of a self-assessment with the involvement of experts in accordance with the Order of the ESBU of July 13, 2022 No. 143 "On the assessment of corruption risks" which was published on the official website of the ESBU.

2. According to the Order of the ESBU No. 175 of August 5, 2022 "On the working group on the assessment of corruption risks", a working group on the assessment of corruption risks was formed its personnel and regulations were approved. According to the Orders of the ESBU No. 195 of August 22, 2022 and No. 232 of September 19, 2022, changes were made to the personnel of the corruption risk assessment working group in connection with personnel changes.

The working group includes employees of independent structural subdivisions of the central office of the ESBU and anti-corruption experts of the Consultative Mission of the European Union in Ukraine.

1. In order to prepare for the assessment of corruption risks, on July 12, 2022, an introductory training was held for members of the working group with the involvement of representatives of the National Agency for the Prevention of Corruption and the Consultative Mission of the European Union in Ukraine.
2. The working group drew up a plan for assessing corruption risks which defines the stages of the working group's activities taking into account the functions of the ESBU its internal and external stakeholders and other factors of the ESBU environment (minutes of the meeting of the working group dated July 12, 2022 No. 1).
3. For the purpose of researching the environment of the ESBU and determining the functions and processes vulnerable to corruption by the working group:
4. the results of the assessment of corruption risks in the first half of 2022, the measures to influence them and the evaluation of the effectiveness of their implementation were analyzed;
5. an anonymous survey (questionnaire) of external and internal interested parties was conducted, the information obtained was analyzed and summarized;
6. analyzed the results of audits and inspections carried out in relation to other organizations that perform similar functions or implement similar processes, summarized and documented the collected information about possible facts of corruption and corruption-related offenses, functions and processes with which such facts are related yazan;
7. analyzed the materials of disciplinary proceedings, official investigations; court decisions in cases involving administrative and criminal liability for corruption and corruption-related offenses; court decisions in criminal, administrative, economic cases, the participants of which were other organizations that perform similar functions or implement similar processes and their employees;
8. analyzed the information contained in open information systems, registers and databases and information from the mass media, social networks, other open sources of information about possible facts of corruption or corruption-related offenses by employees of the ESBU and employees of other organizations that perform similar functions or implement similar processes;
9. analyzed the analytical materials of the National Agency for the Prevention of Corruption on the analysis of corruption risks as well as the analytical materials of other state, international and public institutions on the prevention and counteraction of corruption and on other issues related to the activities of the ESBU.

6. On the basis of the collected and documented information the working group identified the functions of ESBU that are vulnerable to corruption (minutes of the meeting of the working group dated September 9, 2022 No. 2 and dated September 15, 2022 No. 3):

1. the pre-trial investigation;
2. operational search activity;
3. information-research and analytical-information work;
4. formation of data banks (bases);
5. procurement of goods, works and services;
6. personnel management;
7. implementation of international cooperation with competent bodies of foreign countries;
8. organization and maintenance of accounting, planning and financial work and control over the use of financial and material resources.

7. Corruption risks were identified by:

1) analysis of regulatory and administrative documents regulating the activities of the ESBU;

2) conducting individual communication (interview) and focused group interview (focus group) with external and internal interested parties;

3) modeling the method(s) of committing corruption or corruption-related offenses, identifying internal and external interested parties who may participate in their commission.

8. Based on the results of summarizing the received information and proposals from internal and external interested parties, the working group identified, analyzed, determined the levels of corruption risks and measures to influence corruption risks (minutes of the meeting of the working group dated October 31, 2022 No. 4).

For each measure of influence on the corruption risk, the working group has determined the executors of such measures, the term (term) and the indicator of its implementation.

1. The results of identification of corruption risks, levels of probability of implementation, consequences and levels of corruption risks, as well as measures of influence on corruption risks and stages of their implementation are indicated in the risk register (Appendix 2).
2. According to the results of the monitoring of the implementation of the Program in the first half of 2023, in connection with the identification of inconsistencies / shortcomings in the activities of managing corruption risks as well as changes in the environment of the ESBU it was decided to conduct an additional assessment of corruption risks in the form of a self-assessment with the involvement of experts in accordance with with the Order of the ESBU dated July 14, 2023 No. 218 "On the assessment of corruption risks" which was published on the official website of the ESBU.
3. According to the Order of the ESBU dated August 7, 2023 No. 229 "On making changes to the personnel composition of the working group for assessing corruption risks", the personnel composition of the working group for assessing corruption risks was updated which included representatives of the structural divisions of the central apparatus and territorial departments of the ESBU as well as experts proposed by the Consultative Mission of the European Union in Ukraine, the European Business Association, the All-Ukrainian public organization "Association of Lawyers of Ukraine", the Ukrainian Union of Industrialists and Entrepreneurs.
4. The working group has developed a corruption risk assessment plan which defines the stages of the working group's activities taking into account the functions of the ESBU its internal and external stakeholders and other factors of the ESBU environment (minutes of the meeting of the working group dated August 16, 2023 No. 1).
5. In order to study the ESBU environment and identify functions and processes vulnerable to corruption, the working group analyzed:

1) results of assessment of corruption risks for the previous period, measures to influence them, assessment of effectiveness of their implementation;

2) reports on activities of the ESBU;

3) the preliminary report of the Temporary Investigative Commission of the Verkhovna Rada of Ukraine on the investigation of possible violations of the legislation of Ukraine by officials of the Economic Security Bureau of Ukraine, state authorities and other state bodies that exercise powers in the field of economic security, which could lead to a decrease in revenues to the state and of local budgets, taken into account in accordance with the resolution of the Verkhovna Rada of Ukraine dated May 30, 2023 No. 3129-IX;

4) Comprehensive strategic plan for the reform of law enforcement agencies as part of the security and defense sector of Ukraine for 2023-2027, approved by the Decree of the President of Ukraine dated May 11, 2023 No. 273/2023;

5) appeals and complaints about the activities of the ESBU or the territorial departments of the ESBU;

6)information from the mass media, other open sources of information about possible facts of corruption or corruption-related offenses committed by employees of the ESBU and employees of other organizations that perform similar functions or implement similar processes.

1. On the basis of the collected information the working group identified a list of functions and processes potentially vulnerable to corruption which are implemented by the ESBU independently or jointly with other external interested parties (minutes of the meeting of the working group dated September 8, 2023, No. 2).
2. Based on the results of summarizing the received information and proposals from internal and external interested parties, the working group identified, analyzed, determined the levels of corruption risks and measures to influence corruption risks (minutes of the meeting of the working group dated September 28, 2023 No. 3).

The results of identification of corruption risks, levels of probability of implementation, consequences and levels of corruption risks as well as measures of influence on corruption risks and stages of their implementation are specified in the new version of the risk register.

ІІІ. Training, information dissemination activities regarding anti-corruption programs

1.In order to create an appropriate level of anti-corruption culture the head of the authorized unit for prevention and detection of corruption of the Central Bureau of internal affairs and communications, the head of the authorized unit (authorized person) for the prevention and detection of corruption of the territorial department of the ESBU ensure the organization of mandatory familiarization of employees of the ESU with the provisions of the Law of Ukraine "On Prevention of Corruption", Programs, normative-legal and organizational-administrative acts which regulate issues of prevention and counteraction of corruption in the ESBU.

1. The head of the authorized division for the prevention and detection of corruption of the Central office of the ESBU, the head of the authorized division (authorized person) for the prevention and detection of corruption of the territorial department of the ESBU organize the training of employees of the ESBU on the prevention and counteraction of corruption.
2. The topics of training activities on the prevention and countering of corruption, the schedule and the target audience are determined in the training program on anti-corruption topics in the ESBU (Appendix 3).
3. The forms of educational events are lectures, trainings, seminars.
4. Educational activities can be conducted face-to-face or remotely.
5. The authorized division for the prevention and detection of corruption of the Central apparatus of the ESBU, the authorized unit (authorized person) for the prevention and detection of corruption of the territorial department of the ESBU carry out within the limits of their authority, measures to disseminate information about anti-corruption programs by:

1) publication of the Program on the official website of the ESBU (after its approval by the National agency for the prevention of corruption);

2) publication on the official website of the ESBU of information on measures aimed at preventing corruption in the ESBU;

3) carrying out advisory and explanatory work among employees of the ESBU on compliance with the requirements of anti-corruption legislation, filling out electronic declarations, the procedure for checking the fact of submitting electronic declarations by the subjects of the declaration, preventing the occurrence of conflicts of interests; regarding responsibility for non-submission, untimely submission or entry by the subjects of the declaration of knowingly false information in the declaration, responsibility for other corruption or corruption-related offenses, as well as violations of other requirements of the Law of Ukraine "On Prevention of Corruption";

4) publication on the official website of the ESBU and social networks and mass media, interviews, press releases, briefings with the participation of the ESBU management on prevention and countering corruption.

1. In case of questions regarding the clarification of certain provisions of the anti-corruption legislation employees of the ESBU can contact the authorized unit for prevention and detection of corruption of the central apparatus of the ESBU, the authorized unit (authorized person) for prevention and detection of corruption of the territorial departments of the ESBU upon receiving a verbal or written solution clarification or consultation.
2. The head of the authorized unit for the prevention and detection of corruption of the Central office of the ESBU, the head of the authorized unit (authorized person) for the prevention and detection of corruption of the territorial departments of the ESBU provides clarification or consultation within a period of no more than 10 days from the date of receipt of the appeal. If it is not possible to provide an explanation or consultation within the specified period, the period for consideration of the appeal may be extended but not more than 30 days from the date of its receipt.
3. The authorized division for the prevention and detection of corruption of the central apparatus of the ESBU, the authorized division (authorized person) for the prevention and detection of corruption of the territorial departments of the ESBU summarizes the most common questions addressed to it answers to them and posts generalized explanations (consultations, etc.) ) of an informational nature on publicly accessible employees of the ESBU and/or distributes them in another way (for example, sending informational letters).
4. The head of the authorized division for the prevention and detection of corruption of the central apparatus of the ESBU, the head of the authorized division (authorized person) for the prevention and detection of corruption of the territorial departments of the ESBU to choose other forms of providing explanations and consultations on the implementation of the Program and anti-corruption legislation (memoirs , guidelines, video messages, etc.).
5. Training, retraining, advanced training of the employees of the ESBU is carried out taking into account the specifics and profile of their official activities in accordance with Article 28 of the Law of Ukraine "On the Economic Security Bureau of Ukraine", regulations on the system of professional training of civil servants, heads of local state administrations their first deputies and deputies, officials of local self-government and deputies of local councils, approved by the Resolution of the Cabinet of Ministers of Ukraine dated February 6, 2019 No. 106, other regulatory and organizational-administrative acts that regulate the issue of official training of persons who have special titles of ESBU.

IV. Monitoring, evaluation of implementation and review of the Program

1. The monitoring of the implementation of the Program is carried out at least once every six months by the authorized unit for prevention and detection of corruption of the central apparatus of the ESBU which if necessary informs the Director of the ESBU or his deputy (first deputy) about the progress of the Program in accordance with the approved division of duties.
2. Monitoring of the implementation of the plan of measures of the territorial departments of the ESBU for the implementation of the Program is carried out by the authorized unit (authorized person) for the prevention and detection of corruption of the territorial departments of the ESBU in accordance with the requirements of this section.
3. Monitoring the implementation of the Program consists in collecting and analyzing information on the completeness and timeliness of the implementation of measures provided for by the anti-corruption program their relevance and compliance with the organization's environment in order to control the state of corruption risk management, identify and eliminate deficiencies in the provisions of the anti-corruption program.
4. During monitoring the actual state of implementation of each category of measures provided for by the anti-corruption program is analyzed, namely, measures to implement the anti-corruption policy of ESBU, measures to influence corruption risks and training measures.
5. The heads of territorial departments of the ESBU, the heads of structural subdivisions of the central office of the ESBU, responsible for the implementation of measures provided for by the anti-corruption program, every six months (by January 5 and until July 5) provide the authorized division for prevention and detection of corruption of the ESBU with information on the status of the implementation of measures, and in case of non-implementation or untimely implementation of certain measures - inform about the reasons that led to this.
6. The head of the authorized unit for the prevention and detection of corruption of the Central office of the ESBU analyzes and summarizes the information received, prepares a report on the status of the implementation of the Program which contains information on the number of measures provided for by the Program and their share (in percentage) in the total number of measures that should have been performed in the corresponding reporting period: I half-year, calendar year.
7. The evaluation of the implementation of measures provided for by the Program is determined according to the following criteria:

1) "Completed" or "Continuously implemented" - if the planned measure in the reporting period has been implemented or is continuously implemented during the reporting period;

2) "In the stage of implementation" - if the implementation of the measure has been started in the reporting period;

3) "Not implemented" - in case the implementation of the measure has not started in the reporting period.

 If the implementation of the measure is conditioned by a certain event, the period of implementation of the measure begins from the moment of the occurrence of this event.

1. A report on the state of implementation of the Program every six months (by January 15 and by July 15) is submitted to the Director of the ESBU for decision-making and is posted on the official website of the ESBU.

The results of monitoring the implementation of measures to influence corruption risks are displayed in the risk register and posted on the official website of the ESBU.

1. Public control of the Program is carried out by the Council of Public Control at the ESBU. International institutions and representatives of civil society may also be involved in monitoring.
2. In order to receive consultations regarding the assessment of the state of achievement of the Program's goal and the effectiveness of the implemented tasks and measures, representatives may be involved in the monitoring of the implementation of the program.Consultative mission of the European Union in Ukraine.
3. The program is subject to revision in case of:

1) determination by the Verkhovna Rada of Ukraine of the principles of anti-corruption policy (Anti-Corruption Strategy) and approval by the Cabinet of Ministers of Ukraine of the state program for the implementation of the Anti-Corruption Strategy within 30 days from the date of entry into force of the relevant legislative act;

2) provision of proposals by the National Agency for the Prevention of Corruption regarding the improvement (specification) of its provisions;

3) adoption of other legislative acts in the field of corruption prevention;

4) if in the process of implementation of the measures provided for by the Program, their insufficient effectiveness was found or, based on the results of the research (analysis) of the internal/external environment of the ESBU, new corruption risks were discovered in its activities.

The Head of the Department of

Prevention and Detection of Corruption Andriy Grama