

Guide to Beneficial Ownership Information in Ukraine: Legal Entities and Legal Arrangements

The purpose of this country-specific guide is to provide assistance to investigators on the type of information that is available on the natural persons who control legal persons and arrangements, such as companies and trusts, or otherwise play an important role in a legal person and arrangement in **Ukraine**, and the conditions that need to be met to be able to access such information. For ease of reference, the contents of the guide are listed below.

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Introduction

In Ukraine, three types of entities are subject to state registration: legal entities, natural persons – entrepreneurs and civic formations. The state registration of these entities is regulated by the Law “On the State Registration of Legal Entities, Natural Persons – Entrepreneurs and Civic Formations” (hereafter – the Law on the State Registration). Information about the state registration is included in the Unified State Register of Legal Entities, Individual Entrepreneurs and Civic Formations of Ukraine (hereafter – the Unified State Register).

According to the Civil Code of Ukraine (Article 80), a legal entity means an organization that was created and registered according to the procedure established by law.

Civic formations mean political parties, structural units of political parties, civic associations, local offices of a civic association with the legal entity status, trade unions and their associations, trade union organizations as provided in the trade union’s statute and associations of such organizations, creative unions and their local offices, permanent courts of arbitration, employers’ organizations and their associations, separate units of foreign non-governmental organizations, representation offices and branches of foreign charities (Law on the State Registration, Article 1). Civic formations – with or without legal entity status – have to be registered. Information about ultimate beneficial owners (controllers) of civic formations is not submitted in Ukraine.

A natural person – entrepreneur means an individual who has been registered as an entrepreneur in order to carry out commercial activity and who is taxed accordingly. A natural person – entrepreneur by definition cannot have an ultimate beneficial owner (controller) that is different from the natural person – entrepreneur himself/herself.

This Guide covers only legal entities that are not civic formations.

According to the Civil Code of Ukraine, legal entities, depending on the procedure of their establishment, are classified as legal entities of private law and legal entities of public law. Legal entities can be established in the form of partnerships, establishments and in other forms provided by the law.

Certain forms of legal entities are also determined in the Economic Code of Ukraine according to which, depending on the ownership type provided in the law, there can be the following types of legal entities (Article 63):

- A private enterprise acting on the basis of private ownership of citizens or economic entity (a legal person);
- An enterprise based on collective ownership (collective ownership enterprise);
- A municipal enterprise based on municipal ownership of the territorial community;
- A state enterprise based on state ownership;
- An enterprise based on mixed ownership form (on the basis of joint property of different kinds);
- A joint municipal enterprise based on a contract of joint funding (management) of the respective territorial communities.

A private enterprise means an enterprise that acts based on the private ownership of one or several citizens, foreigners, stateless persons and their labor or using hired labor. A private enterprise also means an enterprise that is based on the private ownership of the economic entity – a legal entity.

I. Definitions and Company Formation Process

1. What is the definition of legal ownership in Ukraine?

The legislation of Ukraine does not provide for a definition of ownership of a legal entity, instead it defines the participants (founders) of a legal entity and rights arising from such status.

During state registration, information on the ownership structure and control over the legal entity, especially regarding the founders (participants) and the size of the share of each of the founders (participants) in the authorized capital of the legal entity, the ultimate beneficiary owner (controller) of the legal entity, the head of the legal entity, the members of the corporate (steering) bodies is provided (see details below).

2. What does “beneficial ownership” mean in Ukraine?

Article 1 of the Law of Ukraine on “Prevention and Counteraction to Legalization (Laundering) of the Proceeds of Crime, Terrorist Financing as well as Financing of Proliferation of Mass Destruction Weapons” provides for the definition of the ultimate beneficial owner (controller) of the legal entity:

"The ultimate beneficial owner (controller) is an individual who, notwithstanding formal ownership, has the ability to exercise decisive influence over the management or economic activity of a legal entity, directly or through other persons, carried out, especially, by the way of exercising the right of possession or use of all assets or their significant share, the rights of decisive influence on the formation of the composition, voting results, as well as making the transactions that give the opportunity to specify conditions of economic activity, to give mandatory instructions or to perform functions of the governing body, or who has the ability to influence via direct or indirect (through another individual or legal entity) possession by one person solely or jointly with related individuals and/or legal entities of the share in the legal entity equal to 25 or more per cent of the authorized share capital or voting rights in the legal entity."

“At the same time, the ultimate beneficial owner (controller) cannot be a person who has a formal right to 25 or more per cent of the authorized share capital or voting rights in a legal entity, but is an agent, nominee holder (nominee) or is just an intermediary with respect to this right.”

Information about the ultimate beneficial owner (controller) of a legal entity is submitted during the legal entity’s state registration. Such information, however, is not submitted for civic formations, attorney associations, trade chambers, associations of co-owners of apartment buildings, religious organizations, state authorities, local self-government bodies and their associations, state and municipal enterprises, establishments, organizations.

Information about the ultimate beneficial owner (controller) that is submitted during the state registration process consists of information about a natural person including last name, name and

patronymic (if it exists) of the individual (or individuals), country of the individual's (or individuals') permanent residence, and date of birth.

The legislation of Ukraine does not require mandatory submission to the state registrar of any confirmation documents regarding the ultimate beneficial owner (controller). The state registrar is not obliged to verify the accuracy of the submitted beneficial ownership data.

3. How are legal entities formed in Ukraine?

The procedure of formation of a legal entity depends on its legal and organizational form.

Under the provision of the Civil Code of Ukraine, legal entities may be established in the form of partnerships, establishments (установи) and in other forms set forth by the law.

A partnership is an organization created by the association of persons (participants) who have an interest in this partnership. A partnership may be created by one person, unless otherwise provided by law. Partnerships are divided into for-profit and non-profit partnerships.

Partnerships that conduct entrepreneurial activity for the purpose of receiving of profit and its subsequent distribution among participants (for-profit partnerships) may be established only as business partnerships or production cooperatives.

A business partnership is a legal entity, the authorized (compound) capital of which is divided into shares between the participants. Business partnerships may be established in the form of a full partnership, a limited partnership, an additional or limited liability partnership or a joint-stock company. Limited liability companies (LLCs) and Joint Stock Companies (JSCs) are both types of business partnerships.

A member of a business partnership may be an individual or a legal entity. Business partnerships, except for full and limited partnerships, can be established by one person who becomes its sole participant.

Establishments (установи) are organizations created by one or several persons (founders) by means of merging (allocating) their property in order to achieve a goal specified by the founders. The founders do not actively participate in the organization's management. A foundation is one type of establishment, among other types.

To create a legal entity its participants (founders) prepare in writing constituent documents that are signed by all participants (founders), unless the law provides for a different procedure of their approval.

A legal entity of private law may be set up and conduct its activity based on a model statute approved by the Cabinet of Ministers of Ukraine, which, after its acceptance by the participants, becomes a constituent document.

The constituent document of the partnership is a statute adopted by the participants or founding agreement among the participants, unless otherwise provided in the law. A partnership that was set up by one person acts based on the statute approved by such person. An establishment is created based on

an individual or joint constituent act drawn up by the founder (founders). A constituent act may be included in the testament.

A legal entity is considered to be established from the date of its state registration.

For state registration of the establishment of a legal entity (incorporation) (including also the establishment as a result of separation, merger, transformation, division), in particular, the following documents have to be submitted:

- 1) request for state registration of the establishment of a legal entity (incorporation);
- 2) the application for the selection by a legal entity of a simplified tax system and/or a registration application for voluntary registration as a value-added tax payer, at the request of the applicant;
- 3) original copy (notarized copy) of the founders' decision on the establishment of a legal entity (incorporation);
- 4) the instrument of incorporation (constituent document) of a legal entity - in the case of the incorporation of a legal entity on the basis of its own instrument of incorporation;
- 5) a document confirming the registration of a foreign legal entity in the country of its location (extract from the commercial, bank, judicial register etc.) in case of an incorporation of a legal entity with a foreign legal entity as a founder;
- 6) original copy (notarized copy) of the certificate of ownership and merger - in the case of the incorporation of a legal entity resulting from the restructuring or merger;
- 7) original copy (notarized copy) of the distributive balance sheet - in the case of the incorporation of a legal entity resulting from division or separation.

4. What is the role of Company Registrars in Ukraine?

Registration of legal entities is carried out by the state registrars. State registrars are executive bodies of the village, town and city councils, Kyiv and Sevastopol city state administrations, district, district in Kyiv and Sevastopol state administrations, notaries, certified entities. A certified entity may be a legal person of public law that complies with the conditions stipulated in the Law on the State Registration and has obtained a certification from the Ministry of Justice.

State registrars:

- Accept registration documents.
- Review submitted documents to check for grounds to suspend consideration or grounds for denial of the state registration.

- Carry out registration actions (registration of the creation or termination of a legal entity, registration of the changes in information about the legal entity that is included in the Unified State Register, including changes in the legal person's constituent documents, etc.).
- Maintain the Unified State Register and registration case files.
- Carry out other powers provided in the Law on the State Registration.

Powers of the Ministry of Justice related to state registration include:

- 1) State policy making related to state registration of legal entities.
- 2) Legal, methodological and information support related to state registration.
- 3) Control of activities related to state registration, including through ongoing monitoring of registration actions in the Unified State Register according to the Law on the State Registration, adoption of mandatory decisions provided in said Law.
- 4) Performing functions of the owner ('holder') of the Unified State Register, such as determining its technical administrator.
- 5) Ensuring that state registrars and other authorized entities have access to the Unified State Register, taking decisions on the temporary suspension or termination of such access in cases provided in the Law on the State Registration.
- 6) Reviewing complaints filed against the state registrars, state registration entities, territorial offices of the Ministry of Justice and taking mandatory decisions based on such review.
- 7) Preparing administrative offence protocols in cases provided in the Code of Administrative Offences.
- 8) Interaction with other state authorities, local self-government bodies, international organizations on issues related to state registration of legal entities.

5. How is basic information and information on beneficial ownership on legal entities obtained and recorded in Ukraine?

Information about a legal entity and its registration is included in the Unified State Register.

The Unified State Register contains information about the ultimate beneficiary owner (controller) of a legal entity. This includes the ultimate beneficial owner (controller) of its founder, provided that the founder is a legal entity. Information collected includes: surname, name, patronymic (if any), date of birth, country of citizenship, series and passport number of a citizen of Ukraine or ID of a foreign citizen, place of residence, registration number of taxpayer's registration card (if any), date of birth, as well as full name and identification code (for residents) of a founder of the legal entity of which this person is the ultimate beneficial owner (controller).

In case of absence of an ultimate beneficiary owner (controller) of the legal entity, as well as of the ultimate beneficial owner (controller) of its founder (provided the founder is a legal entity), a note on the reason for such absence is to be filed.

If the founders of a legal entity are natural persons and are the same persons as the beneficial owners of a legal entity, then the law relieves them from the duty to separately declare and file information about ultimate beneficiary owners (controllers) (as such information is collected about the founders already).

The information in the Unified State Register is collected on the basis of:

- documents submitted by the applicant for state registration;
- court decisions which have become legally binding and entail a change of information in the Unified State Register, and also received by electronic means from the court or the state enforcement service in accordance with the provisions of the Law of Ukraine on Enforcement Proceedings;
- decisions taken on the basis of appeal against the decision, action or omission to act of the state registrar to the Ministry of Justice of Ukraine and its territorial departments or to the court.

Meanwhile, in course of the state registration process the information about the final beneficiary owners (controllers) is not verified, it is submitted into the Unified State Register on the basis of documents submitted by the applicant.

According to Article 64-1 of the Economic Code of Ukraine, enterprises (including business partnerships), except for state and municipal enterprises, are obliged to establish who their ultimate beneficiary owners (controllers) are, regularly update and preserve information about them and provide it to the state registrar in cases and in the scope required by the law.

Non-submission of the information as provided in the Law on the State Registration about its ultimate beneficiary owners (controllers) by a legal entity to the state registrar entails administrative liability, namely imposition of a fine from 300 to 500 untaxed minimum incomes (i.e. from UAH 5,100 to 8,500) on the head of the legal entity or person authorized to act on its behalf (on behalf of its governing body).

Besides, the central executive authority that implements state policy in the area of prevention and counteraction to legalization (laundering) of crime proceeds, terrorism financing as well as financing of proliferation of mass destruction weapons (the FIU) should provide to the Unified State Register information about the ultimate beneficiary owners (controllers) of a legal entity that was not provided by the applicant according to the Law on the State Registration.

According to the legislation on the prevention and counteraction to legalization (laundering) of crime proceeds, terrorism financing, as well as financing of proliferation of mass destruction weapons, primary financial monitoring subjects the following information about a legal entity during the identification and verification process: full name, location, date and number of entry in the Unified State Register about the state registration (or obtain a copy of the legalized excerpt from the trade, banking or court register or

notarized registration certificate of the authorized body in the foreign state about the legal entity's registration); ID data of persons who have the right to dispose of the accounts and/or property; information that allows establishing the ultimate beneficiary owners (controllers); information on the bank where accounts were opened and details of the accounts. To establish the ultimate beneficiary owners (controllers), the financial monitoring entities can request the client to provide information and/or documents that confirm the client's ownership structure.

The primary financial monitoring entities are obliged to refuse conducting business or carrying out a financial operation if it is impossible to identify and/or verify the client (including information about its ultimate beneficiary owner (controller)) or if the financial monitoring entity has doubts as to whether the person acts on its own behalf.

6. How are legal arrangements (express trusts and trust-like agreements) formed in Ukraine?

Ukrainian legislation does not provide for the possibility of establishing and registering trusts in Ukraine as separate structures. Fiduciary ownership is regulated by contract law (property management contract), which is set forth in the Civil Code of Ukraine.

In Ukrainian legislation, the definition of "trust" applies only to non-residents. Under the provisions of the Law of Ukraine on Prevention and Counteraction of the Legalization (Laundering) of the Proceeds of Crime, Terrorist Financing and the Financing of the Proliferation of Mass Destruction Weapons: the trust is a non-resident legal entity that operates on the basis of fiduciary ownership, where a proxy acts for an account and in the interest of a principal, and undertakes to perform certain legal actions for a reward.

According to the Regulations on the Procedure for Submitting Information about Ownership Structure of a Bank, as adopted by the National Bank of Ukraine, a trust construction (trust) is an arrangement of possession/management of property that is based on a contract (trust contract, trust declarations, etc.) and provides for the dissection of the ownership right into the legal right of ownership that is transferred to trustee and the beneficiary right of ownership that is transferred to beneficiaries. The legal right of ownership means the right of legal possession, use and disposal of property for the benefit and in the interests of the beneficiaries, and the beneficiary right of ownership means the right to receive any benefit from the property.

II. Types of Legal Entities

There are many types of legal entities that can be formed in **Ukraine**. This Guide will provide information on three commonly used entities:

Limited Liability Company

Type of legal entity	Limited Liability Company	
What is the minimum number of natural persons required for formation?	1	
	Yes	No
Is there a requirement to register with the company registry?	X	
Is there a requirement to provide verification for identity of natural persons (shareholders, representatives of bodies corporate and beneficial owners)	X	
Is there a residency requirement for directors?		X
Are bearer shares/share warrants permitted?		X
Is a Trust and Company Service Provider required to form?		X
Is a registered agent in the jurisdiction of formation required?		X
Is the entity required to hold financial account(s) in jurisdiction of formation?	X	
Are tax filings required in the jurisdiction of formation (even if there are no direct tax liabilities)?	X	
Does the jurisdiction allow for nominee directors?		X
If so, are they required to disclose their status as nominee directors?		
If so, are the nominee directors required to obtain information on and/ or disclose the identity of natural person(s) on whose behalf they are acting?		
Does the jurisdiction allow for nominee shareholders?		X
If so, are they required to disclose their status as nominee shareholders?		
If so, are the nominee shareholders required to obtain information on and/ or disclose the identity of natural person(s) on whose behalf they are acting?		

Notes:

If a legal entity has shareholders, then when registering a legal entity it is possible to specify the total number of shareholders referring to the register of shareholders.

Private Enterprise (or privately held company)

Type of legal entity	Private Enterprise (or privately held company)	
What is the minimum number of natural persons required for formation?	1	
	Yes	No
Is there a requirement to register with the company registry?	X	
Is there a requirement to provide verification for identity of natural persons (shareholders, representatives of bodies corporate and beneficial owners)	X	
Is there a residency requirement for directors?		X
Are bearer shares/share warrants permitted?		Not applicable
Is a Trust and Company Service Provider required to form?		X
Is a registered agent in the jurisdiction of formation required?		X
Is the entity required to hold financial account(s) in jurisdiction of formation?	X	
Are tax filings required in the jurisdiction of formation (even if there are no direct tax liabilities)?	X	
Does the jurisdiction allow for nominee directors?		X
If so, are they required to disclose their status as nominee directors?		

If so, are the nominee directors required to obtain information on and/ or disclose the identity of natural person(s) on whose behalf they are acting?		
Does the jurisdiction allow for nominee shareholders?		X
If so, are they required to disclose their status as nominee shareholders?		
If so, are the nominee shareholders required to obtain information on and/ or disclose the identity of natural person(s) on whose behalf they are acting?		

Joint-Stock Company

Type of legal entity	Joint-Stock Company	
What is the minimum number of natural persons required for formation?	1	
	Yes	No
Is there a requirement to register with the company registry?	X	
Is there a requirement to provide verification for identity of natural persons (shareholders, representatives of bodies corporate and beneficial owners)	X	
Is there a residency requirement for directors?		X
Are bearer shares/share warrants permitted?		X
Is a Trust and Company Service Provider required to form?		X
Is a registered agent in the jurisdiction of formation required?		X
Is the entity required to hold financial account(s) in jurisdiction of formation?	X	
Are tax filings required in the jurisdiction of formation (even if there are no direct tax liabilities)?	X	
Does the jurisdiction allow for nominee directors?		X
If so, are they required to disclose their status as nominee directors?		
If so, are the nominee directors required to obtain information on and/ or disclose the identity of natural person(s) on whose behalf they are acting?		
Does the jurisdiction allow for nominee shareholders?		X
If so, are they required to disclose their status as nominee shareholders?		
If so, are the nominee shareholders required to obtain information on and/ or disclose the identity of natural person(s) on whose behalf they are acting?		

III. How to Access Information

Registry

The registry in **Ukraine** is called the Unified State Register of Legal Entities - Individual Entrepreneurs and Public Organizations. The holder of the Unified State Register is the Ministry of Justice of Ukraine.

The registry is available online at <https://usr.minjust.gov.ua>.

Contact information for the registry is provided here:

Title: Unified State Register of Legal Entities
 Agency: Ministry of Justice of Ukraine (Department for State Registration and Notariat)
 Address: 13 Horodetskogo St., Kyiv, Ukraine, 01001
 Phone: +38 (044) 278-37-23, +38 (044) 278-37-29, +38 (044) 278-37-18
 Email: themis@minjust.gov.ua, civil@minjust.gov.ua

Types of information and how it can be accessed are described below. The paid access to information in the Register requires prior registration on the web-portal of the Unified State Register.

Type of request	Free of charge	Electronic document
Price	UAH 0	UAH 60*
<i>Search criteria</i>		
<ul style="list-style-type: none"> By the code of the Unified State Register By the tax registration number or name of the natural person – entrepreneur 	✓	✓
<ul style="list-style-type: none"> By information on the legal entity's founders By information on the head of the legal entity By information on the person who has the right of signature without the power of attorney 	✗	✓
Possibility to choose as of which date the information will be provided	✗	✓
<i>Content</i>		
Information about availability or non-availability in the Unified State Register	✓	✓
Basic information	✓	✓

Type of request	Free of charge	Electronic document
Full information	✓	✓
<i>Saving</i>		
Possibility to save information obtained	⊗	✓

*Price in 2017

Information about a legal entity that is provided through online free-of-charge access:

- 1) Name of the legal entity, including a shortened one (if any);
- 2) Identification code;
- 3) Organizational and legal form;
- 4) List of founders (participants) of the legal entity: surname, name, patronymic (if any), country of citizenship, place of residence if the founder is a natural person; name, country of residency, location and identification code if the founder is a legal entity;
- 5) Information about the ultimate beneficial owner (controller) of the legal entity, including about the ultimate beneficial owner (controller) of its founder if the founder is a legal entity;
- 6) Location of the legal entity;
- 7) Types of activity;
- 8) Names of the governing bodies of the legal entity;
- 9) Information about the head of the legal entity, other persons who are authorized to act on behalf of the legal entity including by signing contracts, submitting documents for state registration, etc.: surname, name, patronymic (if any), information on any restrictions as to the rights of representation of the legal entity;
- 10) Amount of the constituent (compound) capital (shareholder fund) and the size of share of each of the founders (participants);
- 11) Type of the constituent document (constituent act, model statute, founding contract, unilateral statement (memorandum), regulations, etc.);
- 12) Date and number of entry in the Unified State Registry about the state registration of the legal entity (including data about registration if it was carried out before enactment of the Law on the State Registration);
- 13) Date of the state registration, date and number of entry in the Unified State Registry about the state registration that was created as a result of transformation;
- 14) Information about the separate offices of the legal entity: name and location, ID code;
- 15) Information about the legal entity being in the process of termination, including information about the decision to terminate the legal entity, termination commission (liquidator, liquidation commission, etc.) and the term defined by the founders (participants) of the legal entity, court or body that decided on the legal entity's termination during which creditors can submit their claims;
- 16) Information about the legal entity undergoing insolvency, readjustment proceedings, including about the manager of property, manager of the readjustment;

- 17) Information about death of the founder (participant) of the legal entity, that he was recognized to be missing or declared dead, information about death of the head of the legal entity or person who is authorized to act on behalf of the legal entity;
- 18) Information about legal persons whose legal successor the registered legal entity is: full name and ID codes;
- 19) Information about legal persons who are legal successors: full name and ID codes;
- 20) Date and number of entry about registration of legal entity's termination, grounds for the entry;
- 21) Date and number of entry about cancellation of registration of the legal entity's termination, grounds for the entry;
- 22) Place of storing of the registration case file in paper form;
- 23) Information received as a result of information exchange between the Unified State Register and information systems of state authorities: date and number of entry about registration and removing from registration, name and ID data of the statistics bodies, tax bodies, at which the legal entity has been registered;
- 24) Date of opening enforcement proceedings regarding the legal entity;
- 25) Contact information of the legal entity (telephone, e-mail).

Other information that is included in the Unified State Register but not available through online access:

- 1) Financial reports of the legal entity that include balance sheets and financial results report in electronic form as obtained from the information system of the statistics bodies;
- 2) Information received as a result of the information exchange between the Unified State Register and information systems of state authorities;
- 3) Information about licenses received by the legal entity: type of business activity for which the license was obtained; name and ID code of the licensing body; date and number of the licensing body's decision on issuing or denying the license (with the ground for denial mentioned); information about the location and means of conducting licensed activity as provided for in the licensing conditions, etc.;
- 4) Information about issued permits to the legal entity: objects of the permit; name of the permit; duration of the permit, etc.

	Online Access (free or for nominal fee)	Other Public Access (available in person only or via pre-registration requirement)	Law Enforcement Access only	For Information/ documents accessible only by Law Enforcement, please describe how an investigator may access information
Name of Legal Entity	X			
Unique Entity Number	X			
Type of Legal Entity	X			
Date of Incorporation	X			
Current Status (active, etc.)	X			
Principal Address of Business	X			
Principal Purpose of Business	X			
Registered Capital	X			
Registered Agent Information	X			
Officer/ Director Information (incl. power of representation)	X			
Shareholder/ Member Information	X			
Memorandum			X	
Articles of Incorporation			X	
Application/ Certificate of Formation			X	
Annual/ Biennial Reports			X	
Shareholder Register	X			Held at the National Securities Commission regarding joint stock companies, free online access
Register of Charges	X			
Bank Account Information			X	Not included in the Company Register. Accessible to the FIU (State Financial Monitoring Service of Ukraine)
Payment Records			X	
Historical Documents (example: past annual filings)	X			

Other Channels

The explanation below outlines the channels by which foreign authorities may obtain information on legal entities, legal arrangements, or relevant persons from different sources in **Ukraine**.

Channels through which foreign authorities may obtain information about:

Legal entities/ Relevant Individuals (directors, shareholders, managers, associates, family members, etc.)

	Information/ Intelligence Sharing Inquiry		Explanation	Mutual Legal Assistance Request		Explanation
	Yes	No		Yes	No	
Interviews with relevant Individuals		X		X		Formal interviews with suspects or witnesses are possible within the MLA framework
Records/ documents	X		If publicly available or filed into the state registries. Law enforcement agencies and the FIU have full access to the state registers' data.	X		Within the MLA framework, access to any documents is possible (taking into account the procedure for execution of the relevant request)

Legal arrangements/ relevant individuals (trustees [nonprofessional], settlers, beneficiaries, protectors, etc.)

	Information/ Intelligence Sharing Inquiry		Explanation	Mutual Legal Assistance Request		Explanation
	Yes	No		Yes	No	
Interviews with relevant Individuals	Not applicable. The establishment of trusts and their activity in Ukraine is not regulated by the law.					
Records/document s	Not applicable. The establishment of trusts and their activity in Ukraine is not regulated by the law.					

Financial Institutions

	Information/ Intelligence Sharing Inquiry		Explanation	Mutual Legal Assistance Request		Explanation
	Yes	No		Yes	No	
Interviews with personnel		X		X		Formal interviews with suspects or witnesses are possible within the MLA framework
Accounts records/ documents	X		The financial intelligence body may provide the information on the availability of accounts and operations on them, but such information cannot be used as	X		Within the MLA framework, access to any documents is possible (taking into account the procedure for execution of the relevant request)

			evidence in criminal proceedings.			
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Trust and Company Service Providers

	Information/ Intelligence Sharing Inquiry		Explanation	Mutual Legal Assistance Request		Explanation
	Yes	No		Yes	No	
Interviews with personnel			Not applicable			Not applicable
Accounts records/ documents			Not applicable			Not applicable

Other Designated Non-Financial Businesses and Professions

	Information/ Intelligence Sharing Inquiry		Explanation	Mutual Legal Assistance Request		Explanation
	Yes	No		Yes	No	
Interviews with personnel		X		X		Formal interviews with suspects or witnesses are possible within the MLA framework
Accounts records/ documents	X		If publicly available or filed into the state registries. Law enforcement agencies and the financial intelligence body have full access to the state registers' data.	X		Within the MLA framework, access to any documents is possible (taking into account the procedure for execution of the relevant request)

IV. Register update and validity of information

Legal entities must update information in the company register. Inaccurate or not updated information may lead to negative consequences for the legal entity. At the same time, the state registration is carried out according to the information submitted; state registrars are not authorized to verify information provided for the state registration.

According to the Law on the State Registration, if the required documents and information are entered into the Unified State Register, such documents and information are considered accurate and can be used in a dispute with a third party. If information entered in the Unified State Register is false, a third person may refer to such information in a dispute as accurate. A third person may not refer to such information if they knew or could have known that such information is false. If information that should have been entered into the Unified State Register was not entered in the Register, then it may not be used in the dispute with a third person, except when the third person knew or could have known this information.

Information included in the Unified State Register is used for identification of the legal entity or its separate offices, in particular when they conduct business activity and open bank accounts.

Article 205-1 of the Criminal Code of Ukraine provides a criminal liability for knowingly entering false information into documents that are submitted for the state registration of the legal entity, as well as for the willful submission to the state registrar of documents that knowingly include false information. Persons liable for this crime are the head or founder of the legal entity who are guilty of knowingly entering false information or willful submission of false documents.

If during the review of document submitted for the state registration the state registrar has doubts as to the authenticity of the document, he or she should immediately notify law enforcement agencies.

The Code of Administrative Offences (Article 166-6) envisages administrative liability for failure to submit legally required documents to the state registrar on time for the termination of the legal entity or submission of false information in such documents.

Also, the Code of Administrative Offences (Article 166-1) includes liability for failure to submit information about the ultimate beneficiary owner (controller) of the legal entity to the state registrar, as required by the law.

V. Other Useful Sources of Information

Resource Name	Web Link
Online service for obtaining information from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations	usr.minjust.gov.ua
Website of the Ministry of Justice of Ukraine	https://minjust.gov.ua/information-from-register
State Enterprise "National Information Systems"	http://nais.gov.ua/text/248 , nais.gov.ua/download/open_data/15-UFOP.zip
The Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations on the central public web portal for open data in machine-readable format	http://www.data.gov.ua/node/6218/revisions/168626/view
Open Ownership	https://register.openownership.org/
Unified State Register of Court Decisions	http://reyestr.court.gov.ua/ (Link is publicly accessible in Ukraine; access appears to be blocked from some foreign destinations)

Information about ultimate beneficiary owners (controllers) of legal entities can also be found in the following open sources:

1. Unified State Register of Declarations of Persons Authorized to Perform Functions of the State or Local Self-Government

Persons who are authorized to perform functions of the state or local self-government, in accordance with the Corruption Prevention Law of Ukraine, are obliged to file declarations with information about their and their family members' assets, income, financial liabilities and expenditures. The declarations also include information about legal entities (registered in Ukraine or abroad) in which the declarant or his family members are ultimate beneficial owners (controllers). The obligation to submit such declarations covers most of the public officials in Ukraine (about 1 million persons). The submission of false information in the declaration entails criminal and administrative liability.

The filed declarations are available in the open (except for certain confidential personal data) and free of charge access in the Unified State Register of Declarations of Persons Authorized to Perform Functions of the State or Local Self-Government (<https://public.nazk.gov.ua>). This information is also accessible in a machine-readable format (open data).

2. Information about public procurement participants

According to the Public Procurement Law of Ukraine (Article 17), the procuring organization should refuse participation in the procurement procedure of the bidder if the Unified State Register of Legal Entities does not contain information about the ultimate beneficial owner (controller) of the legal entity,

including information about the ultimate beneficial owner (controller) of its founder, if such founder is a legal entity. Information about bidders and the participant with whom the procurement contract was signed, including information about their ultimate beneficial owners (controllers), is accessible online free of charge on the public procurement web-portal (<https://prozorro.gov.ua>). This information is also accessible in a machine-readable format (open data).

3. Open Ownership

Under the Cabinet of Ministers of Ukraine decision of 08 September 2016, in order to implement Ukraine's commitments of the Anti-Corruption Summit that was held on 12 May 2016 in London and the action plan for 2016-2018 to implement the Open Government Partnership initiative, information on ultimate beneficiary owners (controllers) of legal entities from the Unified State Register is provided in an electronic format for the purpose of integrating such information into the Global Register of Beneficial Ownership within the framework of the international project **Open Ownership**. The provision of this information is free of charge: <https://register.openownership.org/>

In order to transfer the information of the Unified State Register to the Global Register of Beneficial Ownership, an online database of beneficiary owners of legal entities was established. For now, free access to the database with information on beneficiary owners of companies on the Unified State Portal of Open Data is available at data.gov.ua. The information is available for download under this link: nais.gov.ua/download/open_data/15-UFOP.zip