



Ukraine Legal Market News

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Amendment of Appeal Regulation Procedure on Institution of Criminal Case

According to the decision of the Constitutional Court of Ukraine, Case No. 1-17/2009 dated June 30, 2009 (published on July 20, 2009) certain provisions of article 236⁸ of Criminal Procedure Code of Ukraine considered as unconstitutional (i.e. invalid since the date of decision). The Constitutional Court resolved that:

- a court shall not cancel the decision on institution of criminal proceeding on the ground that the documents from instituted criminal case subject to review during court hearings were not submitted to the court without justifiable reasons. We shall note that the above decision allows a public prosecutor to abuse its rights in order to delay indefinitely the proceeding;
- should a public prosecutor fail to attend the court hearing, the court shall adjourn the hearings. In other words the court hearing shall not take place without a public prosecutor;
- a court shall not adopt a decision in criminal case on refuse of its institution.

Project Declaration: Procedure for Registration Approved by the Cabinet of Ministers

The Cabinet of Ministers of Ukraine adopted the Resolution dated July 22, 2009 No.759 which approved the Rules for Registration of Project Declaration (the "Rules").

The Project Declaration is the document considered pre-condition for obtaining of so-called Construction Permit (*dozvil na vykonannya budivelnyh robit* in Ukrainian). Pursuant to recent amendments introduced into the Law of Ukraine On Planning and Development of Territories No.1699-III, the Project Declaration shall be submitted to the State Architectural and Construction Inspection (the "Inspection") in case a developer applies for Construction Permit of residential project. In other words, any private residential construction requires duly registered and published Project Declaration to be submitted to the Inspection before issuance of the Construction Permit.

According to the Rules the following information shall be disclosed in the Project Declaration: details of developer, contractor, asset management company, construction sites and investment objects. The registration of the Project Declaration is carried out by the local and central bodies of the Architectural and Construction Inspection.

The above Rules are effective since July 31, 2009.

Amendments to the Code of Administrative Procedure of Ukraine

Under the Law of Ukraine dated June 23, 2009 No.1545-VI certain amendments to the Code of Administrative Procedure of Ukraine were adopted. It is

provided that in case the decision is proclaimed in person's absence, who participates in hearings, the term for appeal for such person starts from the day when he/she receives the copy of the court's decision.

The mentioned amendments are effective since January 1, 2010.

Minimum-wage

The Law of Ukraine on Amendments of Certain Laws on hourly wages (hereinafter – the **“Law”**) changed the rules for calculation of minimum-wage amount.

Pursuant to the amendments since January 1, 2010 a minimum-wage will be calculated also on hourly basis (per each worked hour).

Thereby, the Law sets forth the rule that an employer shall calculate the wage per one worked hour in the amount that shall not be less than established minimum of per hour wage.

The respective amendments were introduced in the article 95 of the Labour Code of Ukraine and the article 3 of the Law of Ukraine of Payment for Labour.

Unified Tax

The State Tax Administration of Ukraine issued the Overview Letter dated 10 July, 2009 No.14487/7/15-0417, about application of the simplified tax system with payment of the unified tax by legal entities. In particular, the following issues are covered in the above letter:

- according to the amendments introduced by the Law of Ukraine dated 18 September, 2008 No. 523-VI to the article 63 of the Economic Code of Ukraine and article 1 of the Law of Ukraine On State Support of Small Business – the small business entities are the business entities, in which average amount of employees in a calendar year does not exceed 50 persons and volume of annual gross income does not exceed 70 million UAH.

The State Tax Administration of Ukraine paid attention to the fact that only those small business entities which comply with the criteria set forth by the Decree of the President of Ukraine No. 727/98 dated 3 July 1998 are entitled to pay a single tax. The above criteria provides for that the volume of annual gross income shall not exceed 1 million UAH.

The small municipal and state business entities are not allowed to use the simplified tax system and accounting. Nonprofit organizations are not allowed to pay unified tax, as they are not business entities.