



LEGAL ALERT

March 2017

1. Registration Procedure for Beneficiaries of Humanitarian Aid was amended

On March 16, 2017 The Cabinet of Ministers (CMU) has amended the Procedure for Beneficiaries of Humanitarian Aid, which also stipulates the procedure under which providers of humanitarian aid are registered. The amendment pertains CMU Resolution 39 of 30 January 2013 which prescribed that in order for an organization to be registered as a supplier of humanitarian aid it should, among others, submit documents required for recognition of goods, funds, including foreign currency, works, and services rendered as humanitarian aid.

The previous version of the Procedure had stipulated the following exhaustive list of such documents:

- a) an application for recognition as humanitarian aid;
- b) written offer to donate such humanitarian aid;
- c) distribution plan;
- d) information from ministries and other central executive authorities of the Autonomous Republic of Crimea, Kyiv and Sevastopol city state administrations regarding the advisability of recognition of goods, funds, including foreign currency, works, services rendered as humanitarian aid (if any).

The amended Procedure does not list required documents, but instead stipulates that the list of required documents is to be set by the Ministry of Social Policy.

As of the moment this Alert is sent out, the list of required documents to be set by the Ministry of Social Policy is not made public. Humanitarian operators are likely to be affected by the uncertain procedure until the MoSP clarifies and publicizes the new documentation requirement. We will continue to monitor this situation with the Ministry of Social Policy to keep you updated.

Full text of the amendments in Ukrainian may be found here: <http://zakon2.rada.gov.ua/laws/show/146-2017-%D0%BF>.

2. Restrictions on cargo transportation across the contact line

On 15 March, 2017 the President has enacted a Decree of the National Security and Defense Council "On urgent additional measures to counter hybrid threats to national security of Ukraine".

According to this Decree, all cargo movement across the contact line is prohibited, save for humanitarian aid. Such restrictions will be in effect until the following conditions are met:

- a) Paragraphs 1-2 of the Minsk Agreements of 15 February 2015 are enforced, i.e.
 - 1) Immediate and full ceasefire in particular districts of Donetsk and Luhansk oblasts of Ukraine and its strict fulfilment as of 00:00 midnight EET on 15 February 2015.

2) Pull-out of all heavy weapons by both sides to equal distance with the aim of creation of a security zone on minimum 50 kilometres (31 mi) apart for artillery of 100mm calibre or more, and a security zone of 70 kilometres (43 mi) for multiple rocket launchers (MRLS) and 140 kilometres (87 mi) for MLRS Tornado-S, Uragan, Smerch, and Tochka U tactical missile systems:

- for Ukrainian troops, from actual line of contact;
- for armed formations of particular districts of Donetsk and Luhansk oblasts of Ukraine, from the contact line in accordance with the Minsk Memorandum as of 19 September 2014.

b) Ukrainian enterprises currently being under control of the armed formations return under the control of Ukrainian Government and begin operating in accordance with Ukrainian legislation.

This Decree is a serious blow on the advocacy efforts to restore movement of goods and services across the contact line. By implication, it also nullifies all previous executive orders pertaining to movement of goods and services across the line of contact. It is pertinent to mention that on 1st March 2017, the Cabinet of Ministers had adopted resolution no 99, which among others, provided the authority to the MToTIDPs to develop a list of goods and items that can be sold or distributed at humanitarian logistics centers and transferred across the line of contact. The resolution provided guidelines on movement of coal by rail and carrying of goods in hand luggage and vehicles. It needs to be seen how much of the 1st March 2017 CMU remain unaffected by the latest Decree.

The full text of the Decree in Ukrainian may be found here: <http://www.rnbo.gov.ua/documents/441.html>

3. The curfew is set in Donetska Oblast

On 23 March, 2017 the official website of the Donetsk Oblast Civil-Military Administration has published a note, in accordance with which a curfew is being set in the whole of Donetska Oblast by the Decree of the anti-Terrorist Center until further notice from the latter.

The curfew, among other restrictions, prohibits the following:

- Any movement without personal documents from 22-00 till 05-00;
- Any vehicle and/or pedestrian movement outside registered roads (field/dirt roads, paths etc) except for agro machinery;
- No hunting, fishing and tourism outside especially registered and designated spots;
- No photo- or video- footage of the military, movement of the troops, hideouts and positions;
- No aerial footage.

The curfew also stipulates that any movement of foreigners and undocumented persons will be investigated rigorously.

The date of the ending of the curfew is not set, however it should be announced by the Anti-Terrorist Center.

As of the moment this Alert was drafted, the official webpage of Donetsk CIMIC was unavailable, thus we are including other sources of information:

<https://hromadskeradio.org/news/2017/03/23/na-terytoriyi-donechchyny-vvedely-ryad-obmezhen-zokrema-komendantsku-godynu>; <http://dn.gov.ua/shanovni-meshkantsi-donetskoyi-oblasti/>

4. The list of persons to be exempted from paying income tax for inheriting property from their relatives has been extended

On 25 March, 2017 the amendments into Tax Code of Ukraine came into force, stipulating that the starting with 01 January, 2017 citizens of Ukraine of second relation degree can inherit property without paying 5% income tax for such inheritance.

The relations of the second degree are: brothers and sisters, paternal and maternal grandparents.

Prior to these amendments only spouses and children of the deceased were exempted from income tax for inheriting property.

The amendment may have positive implications for the IDPs. According to DRC's legal aid needs assessment in the buffer zone, 12% of the residents along the GCA line of contact have become entitled to inheritance since the beginning of the conflict.

Full text of the law here: <http://zakon2.rada.gov.ua/laws/show/1910-19>

5. The deadline for physical identification in Oshchad bank has been extended

On 23 March, 2017 Cabinet of Ministers of Ukraine has informed that the deadline for physical identification of internally displaced persons who have not yet received an electronic Pension ID card has been extended till 01 May 2017 in order to allow everyone willing to go through physical identification procedure and to continue receiving their pensions.

Official notification here: http://www.kmu.gov.ua/control/publish/article?art_id=249839286

This analysis is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of Danish Refugee Council and do not necessarily reflect the views of the USAID or the United States Government.