

ротися з нею, іноді самі гинуть в ній. Тому і до відбору в члени Комісії закон ставиться скептично, ставлячи певні рамки у критеріях відбору.

Що стосовно порядку проведення конкурсу до ДБР, можна зазначити, що існує чітка регламентація етапів проведення конкурсу до ДБР, що включає в себе: 1) оголошення про проведення конкурсу; 2) прийняття та розгляд поданих документів для участі в конкурсі; 3) кваліфікаційний іспит 4) психофізіологічне дослідження за допомогою поліграфа; 5) співбесіда; 6) визначення переможців конкурсу. Такий порядок набагато спрощує роботу Комісії та допомагає правильно оформити документацію. Тому можна сказати, що це є позитивним моментом.

Дослідивши порядок обрання членів Комісії можна зробити висновок, що всі члени Комісії ретельно відбираються за спеціальними критеріями, маючи свої особливості щодо обрання, корупція у цій галузі мати місця не може. Також розглядаючи порядок проведення конкурсу до Державного бюро розслідувань, можна стверджувати, що всі етапи конкурсного відбору детально регламентовані нормами законодавства і створені всі умови, щоб цей конкурс був прозорим, а посаду в ДБР обіймали найдостойніші кандидати.

Створення в Україні Державного бюро розслідувань — рішучий крок, але це крок вперед у активізації боротьби з корупцією та іншими злочинами, що вчиняються посадовими особами правоохоронних органів.

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PROCEDURE FOR THE APPOINTMENT OF THE DIRECTOR OF THE STATE BUREAU OF INVESTIGATION AND HIS DEPUTIES

One of the urgent issues of present day in the field of law enforcement agencies in addition to staffing is the procedure for the appointment of the director of the State Bureau of Investigation (further — SBI) and his deputies. It should be noticed that the director of the SBI is appointed by the

President of Ukraine on submission of the Prime Minister of Ukraine according to the submission of the Competition Commission (which must be formed not later than two months before the termination of office of the Director of the SBI, the First Deputy Director of the SBI and Deputy Director of the SBI, or within 14 days from the day of early termination of the powers of one of these officials). The deputies could be appointed and fired by the director of the SBI according to the submission of the competition commission (Про Державне бюро розслідувань: Закон України № 794-VIII ред. від 28.08.2018. — Ст. 11. — П. 1 [Electronic resource]. — Access link: <https://zakon.rada.gov.ua/laws/show/794-19>).

Speaking about the composition of the Competition Commission it should be considered that it consists of nine members who have an impeccable business reputation, higher legal education, high professional and moral qualities and public authority, three of that appointed by the President of Ukraine, three persons — determined by the Verkhovna Rada of Ukraine on the submission of the Verkhovna Rada Committee of Ukraine, the subject of knowledge of which is the organization and activities of the bodies of pre-trial investigation, and three persons — appointed by the Cabinet of Ministers of Ukraine. It is considered to be authorized in case of approval of not less than six persons present in its composition, and its decision is considered to be accepted in case of the voting of not less than five members of the Competition Commission (further — Commission). Its work is controlled by the Secretariat of the Cabinet of Ministers of Ukraine (Про Державне бюро розслідувань: Закон України № 794-VIII ред. від 28.08.2018. — Ст. 11. — П. 3 [Electronic resource]. — Access link: <https://zakon.rada.gov.ua/laws/show/794-19>).

There are also a few limitations for person to become a member of the Commission: 1) If a person were found incompetent or limited in civilian capacity according to a court decision; 2) If a person has a conviction for committing an offense which has not been repaid or taken off in accordance with the procedure established by law (except for a person being rehabilitated) or for which an administrative penalty for committing a corruption offense has been imposed during the last year or which has been prosecuted for the commission of an intentional crime; 3) If a person in accordance with the verdict of the court which has acquired legal force, deprived of the right to engage in activities related to the exercise of state functions, or to occupy certain positions (Про Державне бюро розслідувань: Закон України № 794-VIII ред. від 28.08.2018. — Ст. 11. — П. 3 [Electronic resource]. — Access link: <https://zakon.rada.gov.ua/laws/show/794-19>).

It should be mentioned that the meetings of the Competition Commission are open to representatives of mass media and journalists, video and audio fixation, and real-time broadcasting of the Competition Commission meetings are provided on the official website of the Cabinet of Ministers of

Ukraine. Information about the time and place of the meeting of the Competition Commission is published on the official website of the Cabinet of Ministers of Ukraine not later than 24 hours before its beginning.

The Commission selects from among the total number of candidates for interviews with whom interviews are held at their meeting and persons for whom a special examination is provided by the Law of Ukraine «On Prevention of Corruption» and the verification provided for in the Law of Ukraine «On the Purge of Power». Then by means of an open ballot it selects from the number of interviewed candidates three candidates who are respectively meeting the requirements of the Director, the First Deputy and Deputy of the SBI. It also authorized to publish information about the candidates who submitted an application for participation in the competition, those ones who were selected for interviewing the Commission, and also those ones who were selected for appointment to the position of Director of the SBI, the First Deputy and Deputy Director of the SBI. In case of rejection of all candidates due to their non-compliance with the established requirements or failure to pass special examination it is authorized to conduct a repeat competition and the decisions of the Commission may be appealed to the court only in the matters of the observance of the procedure established by this Law for organizing and conducting a competition for the post of Director of the SBI (Про Державне бюро розслідувань: Закон України № 794-VIII ред. від 28.08.2018. — Ст. 11. — П. 7 [Electronic resource]. — Access link: <https://zakon.rada.gov.ua/laws/show/794-19>).

The Competition Commission places an announcement on the terms and conditions for conducting a competition for the post of Director of the State Bureau of Investigations in the national print media and on the official website of the Cabinet of Ministers of Ukraine.

Summing up, it should be mentioned that the procedure for appointment of the Director of the SBI and his deputies at all stages of the competition are regulated by the legislative norms and all conditions are created for the most worthy candidates to take the posts in this law enforcement agency. In turn, this instills confidence in the effectiveness of the SBI.

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