



law of ukraine

about charity and charitable organizations
with changes and additions
made by Law of Ukraine
from the 7th of March, 2002 N 3091-III

This law determines the common principles of charity, provides the legal regulation of relations in society, which are directed on development of charity, strengthening of humanism and mercy, guaranties state support for its participants, creates the conditions for activity of charitable organizations in accordance with the legislation of Ukraine.

Part I. Common foundations

Article 1. Determination of terms and concepts

Above-mentioned terms and concepts in this Law are used in such meaning:

charity is the voluntary disinterested contribution of physical and legal persons in giving of material, financial, organizational and other charitable help; the specific forms of charity are the patronship and sponsorship;

charitable activity is the voluntary disinterested activity of the charitable organization which doesn't mean getting profit from this organization;

(the 3d paragraph of the Article 1 with changes
according to the Law of Ukraine from 07.03.2002 N 3091-III)

charitable organization is the non-state organization, which has the main objective of activity the realization of charitable activity in interests of society or separate categories of people according to this Law;

philantropists are the physical and legal persons who do charity for these people who need help;

persons who obtain the charitable help are the physical and legal persons who need and obtain charitable help;

patronship is the voluntary disinterested material, financial, organizational and other charitable support which is made by physical persons for persons who need the charitable help;

(the 7th paragraph of the Article 1 is in the editorship of the Law of Ukraine from 07.03.2002 N 3091-III)

sponsorship is the voluntary material, financial, organizational and other support which is made by physical and legal persons for persons who need the charitable help with the object of popularization just his/her name or trade mark of the commodities or services;

(the 8th paragraph of the Article 1 is in the editorship of the Law of Ukraine from 07.03.2002 N 3091-III)

Article 2. The principles of charity and charitable activity

The charity, charitable activity is made on the principles of the legality, humanity, similarity of the interests and rights equality of its participants, publicity, voluntariness and self-government.

The activity of charitable people and organization has the social character which doesn't contrary to their co-operating with state bodies and does not deprive of right on the getting of state help.

(the part two of the Article 2 with the changes according to the Law of Ukraine from 07.03.2002 N 3091-III)

The physical and legal persons may be engaged in charity on one's own or with the charitable organization, which are registered according to the established order.

(the part three of the Article 2 with the changes according to the Law of Ukraine from 07.03.2002 N 3091-III)

The President of Ukraine, deputies, public and official servants of the state bodies and institutions of local self-government and also the members of their families may be engaged in charity just within the limits of the obtained and declared profits.

Article 3. The legislation about charity and charitable organizations

The legislation about charity and charitable organizations consists of the Ukraine Constitution, this Law, other regulatory legal acts which regulate charity and charitable activity.

In case of setting other rules then those which are contained in the legislation of Ukraine about charity and charitable organizations by the international agreement of

Ukraine than the rules of international agreement are used, the consent on which is given by Verkhovna Rada of Ukraine.

Article 4. The main directions of charity and charitable organizations

Charity and charitable activity are made in such main directions:

assistance for practical realization of the national, regional, local and international programs which are directed on the improvement of socio-economic position;

improvement of financial position of the people who need charitable help, assistance of the social rehabilitation of scanty means, unemployed persons, invalids, other persons who need anxiety and also help for persons who are limited in realization of their rights and legal interests because of their physical or other defects;

help for the citizens who suffered from natural calamity, ecological, technogenic and other catastrophes, social conflicts, accidents, and also for the victims of repressions, refugees;

assistance in development of science and education, realization of the scientific-and-educational programs, help for teachers, scientists, students, pupils;

assistance in development of culture, including in the realization of the national-and-cultural development programs, in accessing for all layers of society, especially for scanty means, to the cultural values and artistic art;

help for talented creative youth;

assistance in protection and maintainance of cultural heritage, historical-and-cultural sphere, burial places;

help in development of publishing business, mass media, informative infrastructure;

assistance in development of natural-reserve fund and nature protection business;

assistance in development of health protection, mass physical culture, sport and tourism, healthy way of life propaganda, participation in giving of medical care for people and realization of social care for patients, invalids, singles, old people and other persons who are limited in their physical, material or other abilities need the social support and care;

assistance in defence of maternity and childhood, help for having many children and for scanty means.

Concrete directions of charity and charitable activity are determined by

philanthropists and regulations of charitable organizations.

Part II. Organizational-and-legal regulation of charity and charitable organization.

Article 5. Founders of charitable organizations.

The founders (founder) of charitable organization can be the citizens of Ukraine, foreigners, persons without citizenship, who reached 18 years old and are legal persons irrespective of property.

The state bodies and local self-government bodies, and also state and communal enterprises, establishments, organizations of Ukraine, which are financed from a budget can not be the founders (founder) of charitable organization.

The founder of charitable organization makes a decision about foundation of charitable organization, asserts a statute, forms the management organization body, hears reports of supervisory committee about the control of money spending and charitable organization property, solves other questions which are taken to his jurisdiction by this Law and statute of charitable organization.

(part three of article 5 is in the editorship
of the Law of Ukraine from 07.03.2002 N 3091-III)

If the founders of charitable organization are two or more persons, questions, which are in part three of this article are solved at the general meetings (congress, conference) of charitable organization founders.

(article 5 is supplemented by part four
according to the Law of Ukraine from 07.03.2002 N 3091-III)

Article 6. Organizational-and-legal forms of charitable organizations

The charitable organizations can be created in such organizational-and-legal forms:

member charitable organization;
charitable fund;
charitable institution;
other charitable organizations (foundations, missies, leagues etc.)

The concrete organizational-and-legal form of charitable organization is established by founders.

Article 7. The status of charitable organizations

Charitable organizations are created and operate on territorial principle and divided according to the status into Ukrainian, local and international.

The charitable organizations which activity spreads on territory of all Ukraine and which have its own departments (branches, representative offices) in many regions of Ukraine are belong to Ukrainian charitable organizations.

The charitable organizations which activity spreads on territory of concrete region or administrative-territorial unit are belong to local charitable organizations.

The charitable organizations which activity spreads on territory of Ukraine and even one another country are belong to international charitable organizations.

Registered Ukrainian and international charitable organizations have the right to open department, branches and also the representative offices according to the order which established by Ministry of Ukraine.

The territory of charitable organization activity established according to its statute.

Article 8. Charitable organization state registration

State registration of Ukrainian and international charitable organizations is made by Ministry of Justice of Ukraine and local charitable organizations and also departments (branches, representative offices) of Ukrainian, international charitable organizations is made by the proper local institutoins of executive power.

For state registration of charitable organization is made a payment, the size of which is set by Ministry of Ukraine but it can not be higher then 3 untaxed minimums of citizens profits.

(the part 3 of article 8 with the changes
according to the Law of Ukraine from 07.03.2002 N 3091-III)

For state registration of charitable organization such documents are given: a statement of founders (founder) or their authorized persons, statute, protocol of constituent assembly (congress, conference), information about the founders (founder) and bodies of charitable organization management, information about the local departments (branches, representative offices) of charitable organization, document which certifies payment for state registration.

A statement about state registration of charitable organization is examined in a two-month term from the date of giving all necessary documents. In 10-days term the results are given to the declarant. An institution which makes the state registration can perform the verification of information which is contained in the given

documents. After the results of statement consideration the decision about state registration is taken or the refuse in state registration. After state registration of charitable organization the founders (founder) gets the certificate about registration according to the standard which is established by Ministry of Ukraine.

Registered charitable organization is entered in the register of charitable organizations with the appropriation of the proper number by institution which carries state registration. An order of register conduct is established by Ministry of Ukraine.

Information about the charitable organizations, which are registered by the Ministry of Justice of Ukraine, are promulgated in official editions.

After getting the certificate about state registration the charitable organization should register in taxation authority according to its location.

The charitable organization informs about the changes in statute documents in 10-days term to the body of registration.

A decision about state registration of charitable organization can be canceled according to the judicial order in the case of constituent documents falsification fact establishment.

Registration of the few charitable organizations under the same name isn't admitted.

When charitable organizations which have the same name apply with the statement about state registration, the advantage gets charitable organization which first gave the statement about registration.

Article 9. Refusal in charitable organization state registration

The infringement of set charitable organization foundation order established by this Law and other standard legal acts of Ukraine or ealier registered charitable organization under the same name can be reasons for the refusal in state registration.

The grant of legal address by a citizen according to his place (house) can not be considered the reason for refusal in state registration charitable organization. .

A decision about the refusal in state registration of charitable organization can be appealed according to the juridical order in accordance with the legislation of Ukraine.

Article 10. Reorganization of charitable organization

Reorganization of charitable organization is realized in accordance with the decision of its high management and according to the statute.

Under the reorganization of charitable organization its rights and duties are transferred to the assignee.

The charitable organization can't be reorganized in legal person who has an aim of earning profit.

Article 11. The liquidation of charitable organization

The liquidation of charitable organization is realized according to the established order by legislation

Article 12. The statute of charitable organization

The charitable organization operates on the grounds of statute.

The statute contains such information:

the name, location, status and organizational-and-legal form of charitable organization;

an object, aims, tasks and the main forms of charitable activity;

an order of creation and activity of the charitable organization management bodies;

the sources of financing and order of the charitable organization property and money use;

an order of making alterations to charitable organization statute;

an order of reorganization or liquidation of charitable organization, use of its property and money (in the case of activity stopping);

an order and conditions of affiliating to the charitable organization;

the rights and duties of the charitable organization members;

Other positions could be included to the statute which are connected with the activity of the charitable organization;

The statute of charitable organization couldn't contradict for legislation of Ukraine.

Article 13. The rights of charitable organization

With the purpose of charitable activity realization the charitable organizations have a

right:

to solve the questions about giving charity to persons who need it on one's own, to use the special donations, which are given by philanthropists on realization of the charitable program in accordance with the conditions of this donation;

to create departments, branches, representative offices according to the legislation of Ukraine;

to unite in unions, associations and other groups, which are created on a voluntary basis;

to exchange information and specialists with the proper organizations from the foreign countries;

to organize a collection of charitable donations from physical and legal persons, foreign countries and international organizations;

to determine the forms, objects, subjects and size of charitable help;

to open accounts (in national and foreign currencies) in the banks;

to found mass media, enterprises and organizations, to attend of publishing activity;

to be a member of other charitable organization;

to have own symbolism which is subject to state registration in order established according to the Law of Ukraine «About the unification of citizens» for registration the symbolism of citizens unions;

to popularized its name, symbolism;

to have the other rights according to the legislation of Ukraine;

Article 14. The duties of charitable organization

The charitable organization is obliged to provide implementation of regulation tasks, free access to its reports, documents about economic and financial activity. Founders and workers of charitable organization have no right to get financial advantages and additional money because of his position in this organization, except those which are in the Law of Ukraine.

Article 15. Charitable program

The charitable program is accepted by charitable organization and is the complex of

charitable measures directed on the decision of tasks which answer the regulation aims of organization. For charitable programs financing should be used all sum of receipts, which are received during the fiscal year from enterprises and organizations which are in the property of charitable organization except of administrative charges concerned with the functioning of charitable organization. On the assumption of realization long-term program the draft of funds is realized with the accordance of the terms established by these programs.

Article 16. Forms of charitable activity realization by subjects of charity

The charitable help can be given as:

non-permanent financial, material and other help;

systematic financial, material and other help;

financing of the concrete having a special purpose programs;

help on the basis of agreements (contracts) about charitable activity;

gift or permission on the free (privilege) property means use;

permission on the use of the name, emblem, symbols;

grant of the help by personal labour, services or grant of hand of the personal creative activity results;

assumption of charges on free of payment, full or partial maintenance of charity objects;

other measures which are not forbidden by law.

Realization of charitable activity by charitable organizations as a grant of concrete services (implementation of works) which are under the compulsory certification or licensing is assumed after such certification or licensing is established by legislation of Ukraine order.

Article 17. Management bodies of the charitable organization

The higher institution of charitable organization management is a collective(corporate) body (general meeting, congress, conference) which carries out the authorities in accordance with statute of charitable organization.

To jurisdiction of superpower of charitable organization management are concerned: the establishment of charitable organization statute, making alterations to it, electing

of executive and control bodies of charitable organization, confirmation of the charitable programs, determination of basic directions of charity organization activity, taking decision about reorganization and liquidation of charitable organization and solving of other questions which are foreseen by the statute about charitable organization.

The executive body of charitable organization is a committee. The authorities of the committee are determined by charitable organization statute. For providing of current activity the charitable organization appoints an administrative-and-executive body with the head of the president whose authorities are determined by statute.

The regulatory and supervisory functions in charitable organization are carried out by supervisory committee the membership of which is chosen by founder(s).

The members of charitable organization executive body, except for the President do not get a salary for the work in this body. Charges which are conditioned by implementation of the statute duties in these bodies can be recovered due to the money of charitable organization in accordance with the decision of committee.

On the workers of charitable organization spreads the legislation of Ukraine about labour, social maintenance and social security.

Part III. Financial maintenance of charitable organization

Article 18. The property of charitable organization

In the property of charitable organization can be the movables and immovables, material and non-material assets, money, and also other property which was purchased on the legal grounds.

The charitable organization has a right to carry out with the property and money, which are in its property, any agreements which do not contradict its statute aims and legislation of Ukraine.

Article 19. The sources of property organization and money of charitable organizations

Property and money of charitable organizations make:

payments of founders(founder) and other philanthropists;

charitable payments and donations which have the special purpose character (charitable grants) which are given by physical and legal persons in a monetary and natural form;

money from the realization of charitable campaigns at takings of the charitable

donations, charitable mass measures, charitable lotteries and auctions from property realization donations which are given by philanthropists;

profits from the deposit holdings and from the securities, takings from enterprises, organizations which are in the property of charitable organization;

other sources which are not forbidden by the legislation of Ukraine.

The source of property organization and money of charitable organization can not be credits.

The property and donations of charitable organization can not be pawned.

Article 20. Economical activity of charitable organization

Charitable organization carries out economical activity directed on implementation of its statute aims and tasks.

Charitable organization is independent in the questions of economic decisions acceptance, determination of salaries for workers of charitable organization, using of its own financial and material resources in accordance with the requirements of legislation.

The size of charges for maintenance of charitable organization can not exceed 20 percents of estimate of this organization in current year.

Physical and legal persons, which give part of their incomes, savings or property on charitable activity, use tax remissions and other benefits in accordance with the legislation of Ukraine.

Charitable organizations which exist only on membership dues and charitable donations are cleared from payment of taxes and other payments to the budget and special institutions.

Article 21. The financing activities of charitable organization

The charitable organization takes stock on the bank accounts money for economic and charitable activity in a national and in a foreign currencies.

An order of opening and carrying of the bank accounts of charitable organizations are established by the National bank of Ukraine.

Financial activity of charitable organization is carried in accordance with the requirements of legislation of Ukraine. Financial activity, directed on charity, is not considered as an enterprise or other profitable activity.

The takings of charitable organization from financial activity are directed on charity and providing of economic activity in sizes and order which are established by this Law.

Article 22. The control of the charitable organization activity

The control of the charitable organizations activity, including the control of the order of the use the property and money, which are intended for the charitable help, is carried out by the bodies of executive power in accordance with their jurisdiction.

The supervisory bodies of executive power within the limits of their authorities have a right to require from philanthropists and bodies of management of charitable organization to give them necessary documents and necessary explanations.

Philanthropists who give their property, money and other stock of materials to charitable organization, get on their requirement a report about the use of the property, money and stock of materials. If property, money and other stock of materials are given for an end use, a report about the use is given to philanthropist without fail by charitable organization.

Recipient of charitable help in a form of charitable contributions and donations which have the special purpose character (charitable grants) must report for philanthropists and charitable organizations about their use.

Part IV. The State, Charity and Charitable activity

Article 23. The state support of charity and charitable organization

The state in the person of its power bodies guarantees and provides the defence of the established by the legislation of Ukraine rights and interests of physical and legal persons - participants of charity and charitable activity.

Interference from state power bodies, bodies of local self-government and the authorities in activity of charitable organizations, as well as the interference of charitable organizations in activity of state power bodies and bodies of local self-government, except for the cases established by this Law, is forbidden.

Article 24. Accounting of the charitable organization

The volume and forms of the statistical accounting of charitable organizations are set by Ministry of Ukraine taking into account the features of their activity.

Forms, order of drafting and presentation of the financial reporting about the use of money and property are set by the central rating authority taking into account the

features of charitable activity.

Article 25. The responsibility for breach of the legislation about charity and charitable organizations

The persons who are guilty in the breach of the legislation about charity and charitable organizations are liable with the accordance of the laws of Ukraine.

Part V. The International charitable activity

Article 26. Realization of international charitable activity

The participants of charitable activity have the right to carry out the international charitable activity with the accordance of this Law, other standard legal acts and international agreements of Ukraine, consent of which is given by Verkhovna Rada of Ukraine.

The international charitable activity is realized by the active participation in the international charitable projects, participation in the activity of international charitable organization and also other forms which don't contradict for the legislation of Ukraine, institutes and principles of international law.

The priority direction in international charitable activity is a cooperation with the Ukrainian diaspora.

The recipients of charitable help and charitable organizations have a right to get donations from the physical and legal persons of the foreign countries.

Article 27. The charity and charitable activity of the foreigners, persons without citizenship, foreign and international organizations on the territory of Ukraine

The foreigners, persons without citizenship, foreign and international organizations have a right to carry out the charity and charitable activity on the territory of Ukraine. One of the form of charity is humanitarian and material help, an order and realization of which on the territory of Ukraine are established by the Ministry of Ukraine with the accordance of the Constitution and the rights of Ukraine.

Part VI. Final statutes

1. This law goes into effect from the date of its publishing.
2. Before bringing of legislation to conformity with Law of Ukraine "About the charity and charitable organizations" the standard legal acts of Ukraine are used in part which does not contradict with this Law.
3. To the Ministry of Ukraine in a two-month term:

to give for consideration by Verkhovna Rada of Ukraine the suggestions about bringing of legislation to conformity with Law of Ukraine "About the charity and charitable organizations";

to provide a revision and abolition by the executive power bodies the acceptance by them standard legal acts which do not correspond with this Law;

in accordance with jurisdiction to provide acceptance standard legal acts which are established by this Law.

The President of Ukraine
Kyiv
the 16th of September, 1997
N 531/97-VR

L.Kuchma