

20 December 2016 No.07/2-33039-14

to No. BP 0912-10301-6 dated 21 December 2016

**To the attention of the People's Deputy of Ukraine,**

**Chumak V.V.**

01008, Kyiv, 5 Hrushevskoho Str

Dear Viktor Vasylovych,

The Prosecutor Generals' Office of Ukraine considered your appeal regarding results of the pretrial investigation in criminal proceedings No. 4201400000000805 dated 6 August 2014 on suspicion of Zlochevsky M.V. in committing criminal offence envisaged by part 3 of Art 368-2 of the Criminal Code of Ukraine and committing criminal offence envisaged by part 3 of Art. 209 of the Criminal Code of Ukraine.

I would like to inform you that the Unit of Investigation of the Criminal proceedings in the sphere of economy of the Department of Investigation of Particularly Important Cases in the Sphere of Economy of the Prosecutor General's Office of Ukraine carried out pretrial investigation in criminal proceedings No 4201400000000805 dated 6 August 2014 on suspicion of Zlochevsky M.V. in committing criminal offence envisaged by part 3 of Art 368-2 of the Criminal Code of Ukraine and on suspicion of the Chief Accountant of ESC Esko-Pivnich LLC, Volodarska R.Z., in committing a criminal offense envisaged by part 3 of Art 212 of the Criminal Code of Ukraine.

As a result of the pretrial investigation in the indicated criminal proceedings on suspicion Zlochevskiy M.V. in a criminal offense under part 3 of Art of 368-2 of the Criminal Code of Ukraine, no violations of tax legislation on the completeness and timeliness of payment of the personal income tax to the budget during relevant period by Zlochevski M.V. were established. This is confirmed by the extraordinary documentary tax audit performed by the Shevchenko District Inspection of MD of SFS in Kyiv city.

The findings of the Shevchenko District Inspection of MD of SFS in Kyiv city regarding absence of violations of tax laws by Zlochevsky M.V. were also confirmed by the decision of the Central Criminal Court of the UK on 21 January 2015 as well as expert opinion made as the result of the economic forensic examination dated 6 February 2015.

Given the above, on 01 November 2016 the prosecutor in the proceedings ordered to close the criminal proceedings under subpara 2 of part 1 of Art 284 Criminal Procedure Code of Ukraine, namely in the regard of suspicion Zlochevsky M.V. in committing criminal offences envisaged by part 3 of Art 368-2 and part 3 of Art. 209 of the Criminal Code of Ukraine, due to the absence of corpus delicti of the crime.

Furthermore, the results of the pretrial investigation in the indicated criminal proceedings on suspicion of the Chief Accountant of ESC Esko-Pivnich LLC, Volodarska R.Z., in committing a criminal offence envisaged by part 3 of Art 212 of the Criminal Code of Ukraine established the following.

According to the findings of the extraordinary documentary on-site tax audit of " ESC Esko-Pivnich LLC held by the Large Taxpayers Office of the SFS of Ukraine, the Chief Accountant, Volodarska R.Z., underestimated the income tax in the amount of 33,099,840 UAH. During the pretrial investigation, the damages indicated in the criminal proceedings were reimbursed by the company the company to the state budget in full, including penalties in the amount of 16,549,920 UAH. In this regard, the prosecutor sent the court a request for exemption from criminal responsibility of the Chief Accountant of ESC Esko-Pivnich LLC, Volodarska R.Z., under part 4 of Art 212 of the Criminal ProcedureCode of Ukraine.

On 17 November 2016, the Podil District Court of the Kyiv city confirmed the fact of reimbursement of damages indicated in the criminal proceedings to the budget, and, therefore, Volodarska R.Z. was exempted from the criminal liability under part 3 of Art 212 of the Criminal Code of Ukraine.

Also, the pretrial investigation indicated violations of the tax legislation by the business entities engaged in natural gas extraction in Ukraine, which are the part of the group of companies of Burisma Holdings and are beneficially owned by the former Minister of Environmental Protection, Zlochevsky M.

As the results of the investigation regarding the management of these entities of Burisma Holdings group of companies, requests for exemption from criminal liability were sent to the court due to the full reimbursement of damages. These requests were fulfilled by the court

In general, 180 mln. UAH was paid to the state budget

Best regards,

Deputy Prosecutor General

State Counselor of Justice of the 3rd Class

[Signature]

Stolarchuk Y.