

## ENHANCING INTEGRITY IN PUBLIC SERVICE OF POLAND AND UKRAINE: IS THE ABSENCE OF FINANCIAL COMPENSATION DURING THE "COOLING-OFF PERIOD" JUSTIFIED?

Tetiana Kolomoiets<sup>1</sup>, Maciej Serowaniec<sup>2</sup>, Serhii Fedchyshyn<sup>3</sup>,  
Karolina Rokicka-Murszewska<sup>4</sup>

**Abstract.** The present study examines the regulation of the "cooling-off period" in public service, focusing on Ukraine and Poland, and explores European experience in providing financial compensation for former public servants during such periods. The "cooling-off period" is a legal mechanism that restricts post-employment activities of former public officials in the private sector with a view to preventing conflicts of interest, misuse of official connections, and to ensure public trust. While the legislation is undoubtedly effective in safeguarding the public interest, it must be noted that it also imposes limitations on the constitutional right to work, which may result in financial and professional disadvantages for former officials. Ukraine and Poland are currently implementing a "cooling-off period" without providing financial compensation, resulting in the imposition of disproportionate restrictions and a concomitant diminution of the attractiveness of public service, particularly in challenging socio-economic conditions. In Poland, analogous regulations are applicable to former public servants, including senior officials. However, no financial compensation is currently provided, thereby underscoring the necessity to reconcile legal restrictions with personal rights. A comparative analysis of European practices, including EU institutions and countries such as Austria, Spain, Norway, Portugal, and Finland, reveals that financial compensation is often granted to former politicians and senior civil servants, with the duration and amount of payments being aligned with post-employment restrictions. The purpose of compensation is multifaceted, including the balancing of public and private interests, the assurance of proportionality of restrictions, the mitigation of income loss, and the reinforcement of ethical compliance. The study identifies the key features of such compensation, including its special legal nature, temporariness, monetary form, salary-based amount, and target positions. It also emphasises its role as a state guarantee. The conclusions emphasise the theoretical and practical necessity of introducing compensation mechanisms in Ukraine and Poland to align the "cooling-off period" with European standards, ensuring fairness, proportionality, and protection of former public servants' rights while maintaining effective anti-corruption safeguards.

**Keywords:** financial compensation, financial guarantees, public service, cooling-off period, termination of public service, anti-corruption, public interests, private interests, limitation of rights, public administration, Poland, Ukraine, European experience.

**JEL Classification:** D72, G28, H55, K38

<sup>1</sup> Zaporizhzhia National University, Ukraine (*corresponding author*)

E-mail: T\_deputy@ukr.net

ORCID: <https://orcid.org/0000-0003-1101-8073>

<sup>2</sup> Nicolaus Copernicus University in Toruń, Poland

E-mail: mserowaniec@umk.pl

ORCID: <https://orcid.org/0000-0003-4693-7977>

<sup>3</sup> Yaroslav Mudryi National Law University, Ukraine

E-mail: s.a.fedchyshyn@nlu.edu.ua

ORCID: <https://orcid.org/0000-0003-3096-3214>

<sup>4</sup> Nicolaus Copernicus University in Toruń, Poland

E-mail: krm@umk.pl

ORCID: <https://orcid.org/0000-0001-5402-4137>



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## 1. Introduction

Integrity is recognised as one of the fundamental European standards of public service, a matter of particular significance for Ukraine in the context of implementing the strategic course toward European Union integration, as enshrined in the Constitution of Ukraine. As a member of the European Union, Poland is committed to the ongoing pursuit of optimal practices and methodologies for the establishment of a public service founded on integrity. One of the instruments employed in European countries to prevent conflicts of interest in public service is the regulation of the so-called "cooling-off period". This is a legally or normatively established period following the termination of public service employment during which a former public servant is prohibited from occupying certain positions in the private sector or representing the interests of third parties in dealings with the public authority where they previously served. The primary objective of this instrument is to mitigate corruption risks, prevent the utilisation of official connections for personal gain, and foster public trust in governmental institutions. It is widely acknowledged that the temporal interval between employment in the public and private sectors is a crucial factor in determining the intensity of potential conflicts of interest. Following dismissal, it is expected that a former public servant's ability to influence decision-making processes in favour of a new employer through prior connections, knowledge and access to confidential information will be significantly reduced after a certain period (Transparency International, 2017).

Concurrently, the "cooling-off period" imposes a limitation on the exercise of a fundamental right of citizenship, the right to work. A former public servant who is unable to secure employment in the private sector that directly corresponds to their professional competence may encounter restrictions and financial difficulties. This prompts the following question: should the state provide compensation for such a prohibition? In various countries, different models have already been developed, ranging from the complete absence of financial compensation to guarantees of payments that partially or fully offset the individual's losses during the period of the prohibition.

The importance of this topic lies in the necessity to identify an equitable equilibrium between the interests of the general public and those of former public servants. In a global context, the discourse has been focused not only on the legal but also on the ethical aspects of this issue. The question that has been posed is whether it is justified to impose an additional burden on a public servant in the form of a prohibition on private sector employment without corresponding financial compensation. Ukraine, in conjunction with Poland, is currently undertaking a reform of the public service

institution in accordance with European standards, thereby encountering this challenge. Consequently, analysing European experience in this field to improve the Ukrainian and Polish model of the "cooling-off period" is significant from both theoretical and practical standpoints.

It should be noted that, although numerous studies have examined corruption prevention in public service – both by Ukrainian scholars (A. Berlach, Y. Bitiak, L. Bila-Tiunova, T. Kahanovska, S. Kivalov, T. Kolomoiets, V. Kolpakov, N. Matiukhina, N. Yanyuk, and others) and by European researchers (P. Kuczma, Ł.D. Dąbrowski, A. Barczewska-Dziobek, M.K. Kozłowska, A. Kobylńska, G. Makowski, M. Solon-Lipiński, L. Petráková, F. Pazderski), the issue of financial compensation for former public servants during the "cooling-off period" remains largely underexplored in legal scholarship. A paucity of such specialised studies exists even in the field of European jurisprudence, as noted in analytical materials of European Union institutions (European Parliament, 2017). Within the European Union, this issue has been characterised as "insufficiently theorized, inadequately researched, undervalued, and in many cases insufficiently regulated" (Keane, 2011).

In light of the above, several key *tasks* of this research arise: *first*, to provide a comparative analysis of the "cooling-off period" models in the public service of Ukraine and Poland in the context of the availability of financial compensation for former public servants; *second*, to analyse and summarise European experience regarding the normative and legal establishment of financial compensation during the "cooling-off period" for individuals leaving public service; *third*, to provide a theoretical characterisation of financial compensation for former public servants during the "cooling-off period" as a specific type of state financial guarantee; and *fourth*, to formulate proposals for improving the "cooling-off period" models in the public service of Ukraine and Poland, taking into account the leading experience of some European Union Member States.

## 2. The "Cooling-Off Period" in the Public Service of Ukraine: Current Status and the Absence of Financial Compensation

In Ukraine, the "cooling-off period" is subject to restrictions in the public service sector, which are legally defined as "limitations following the cessation of activities related to the performance of state or local government functions". These requirements are codified in Article 26 of the Law of Ukraine "On Preventing Corruption" of October 14, 2014 and provide for four types of prohibitions: concerning employment, transactions, the use and disclosure of information, and representation. Specifically, it is established that *individuals authorised to perform state or local*

government functions (hereinafter – public servants) are prohibited:

1) for one year from the date of termination of such activity, from entering into employment contracts or concluding transactions in the sphere of entrepreneurial activity with private-law entities or individual entrepreneurs, if such entities were, within one year prior to termination, subject to their powers of control, supervision, or the preparation/decision-making concerning their activities;

2) from disclosing or otherwise using information obtained in connection with the exercise of their official duties for personal benefit, except in cases provided for by law;

3) for one year from the date of termination of such activity, from representing the interests of any person in matters (including court proceedings) in which the other party is the authority, enterprise, institution, or organisation in which they were employed at the time of termination (The Law of Ukraine "On Prevention of Corruption", 2014).

The legislative regulation of the "cooling-off period" for former public servants aims to prevent the "revolving door" phenomenon, in which public servants, abusing their powers, transition to private companies whose activities they previously regulated, controlled, or interacted with professionally, using their official connections to benefit the new employer (Zheng, 2015).

The imposition of a "cooling-off period" directly restricts the constitutional right to work. Article 43 of the Constitution of Ukraine of June 28, 1996 guarantees that "everyone has the right to work, which includes the opportunity to earn a living through work freely chosen or agreed upon", and that "the state creates conditions for the full realization of the right to work, ensures equal opportunities in the choice of profession and type of labor activity, and implements programs of vocational and professional training, retraining, and requalification according to societal needs". According to the legal position of the Constitutional Court of Ukraine, "the possibility to freely choose a type of work and voluntarily enter into labor relations signifies the freedom of choice of a person seeking to acquire the legal status of an employee..." (Judgment of the Constitutional Court of Ukraine No. 1-r/2023, 2023). In characterising the essence of the constitutional right to work, the Constitutional Court emphasises principles such as equality, non-discrimination and fairness, alongside freedom of employment choice (Judgment of the Constitutional Court of Ukraine No. 9-rp/2013, 2013; Judgment of the Constitutional Court of Ukraine No. 6-r(II)/2019, 2019).

The regulation of the "cooling-off period" can be regarded as an imposition of a limitation on former public servants' freedom to choose a profession or type of activity in certain areas for a specified time, as guaranteed by Article 43 of the Constitution of Ukraine. It is evident that an individual who has

previously been employed within the public sector, and has thus acquired professional competence in a specific field, is prohibited from exercising their right to work in the private sector, as per the conditions established by Ukrainian law. The imposition of a "cooling-off period" is a practice that is justified on a global scale due to its social necessity: to prevent conflicts of interest and the misuse of official powers for private gain. Nevertheless, any limitation on constitutional rights, including the right to work, is subject to the principle of proportionality. In the context of international practice, this typically involves the introduction of compensatory mechanisms to mitigate the negative impact of such prohibitions on the individual. Within the framework of the Ukrainian "cooling-off period" model, the absence of financial compensation mechanisms is particularly problematic, resulting in disproportionate interference with the right of former public servants to work. The state has not provided an adequate "equivalent" for the restrictions it imposes.

Furthermore, the absence of financial compensation during Ukraine's public service's designated "cooling-off period" has been shown to have significant socio-economic consequences. Restricting employment rights without providing adequate financial compensation has the potential to reduce the motivation of highly qualified specialists to work for the state, especially in sectors where the private sector offers better pay and fewer restrictions. It is important to note that former public servants, who have gained valuable experience, knowledge, skills, and competencies during their time in public service, risk facing unequal conditions compared to private-sector employees. This has the potential to reduce the attractiveness of public service for Ukrainian citizens. Consequently, this may reinforce the perception of public service as an undesirable employment option and contribute to a "brain drain" from the public to the private sector.

This situation is further exacerbated by the overall trend of growing dissatisfaction and staff attrition in the public service under the conditions of martial law in Ukraine. The implementation of armed aggression and martial law has resulted in a multifaceted financial and material predicament for public servants. Concurrently, this predicament, in conjunction with other factors, has established the foundation for unfavourable personnel trends, encompassing staff attrition from the public service. Official statistics indicate an annual decline in the number of actively employed civil servants and an increase in vacant public service positions since the onset of martial law (voluntary resignation, significant internal and external migration, mobilisation to the army, etc.).

In this manner, the legislation of Ukraine on the prevention of corruption establishes a "cooling-



off period" requirement for former public servants, categorising this as a specific type of anti-corruption restriction (prohibition). A distinctive feature of the Ukrainian model of the "cooling-off period" is its failure to provide any financial compensation for the restriction of the constitutional right to work for former public servants. This has resulted in an imbalance between the public interest in preventing conflicts of interest and private interests, limitations on the right of former public servants to work, a reduction in the attractiveness of public service for qualified personnel, and an exacerbation of negative staffing trends under the conditions of martial law in Ukraine.

### 3. The "Cooling-Off Period" in Poland's Public Service in the Absence of Financial Compensation

The mechanism of the so-called "cooling-off period", i.e., the statutory grace period after the termination of public office, is one of the most significant measures in Polish law for the prevention of conflicts of interest in public administration. In the case of civil servants, this mechanism was established in the Act of August 21, 1997 on restrictions on business activities by persons performing public functions, and is based primarily on the provisions of Article 7 of that Act. This provision stipulates that persons holding public office, including those belonging to the civil service, may not, for a period of one year after leaving their position or function, be employed or perform other activities for an entrepreneur if they have previously participated in the issuance of an individual decision concerning that entrepreneur. This construction is indicative of the fundamental principle underlying the legislator's conception, namely that the competencies and influences employed within the state apparatus should not function as a direct instrument that results in the preferential treatment of a particular economic entity (Kuczma, 2025).

This provision is of particular importance for civil servants, as they are often responsible for preparing, analysing and compiling materials leading to the issuance of administrative decisions. While the ultimate responsibility for the decision lies with a superior, the substantive contribution of numerous lower-level officials has been demonstrated to have a significant impact on the content of the decision. However, it should be noted that the statutory prohibition referred to in Article 7(1) applies exclusively to formal participation in the issuance of the decision itself. This construction signifies that a considerable proportion of civil servants, despite their actual involvement in the case, are not subject to the waiting period requirement because they cannot be considered to have participated in the "issuance of the decision". In practice, this narrows the scope of the prohibition

and opens up the possibility of circumventing it (Rzetecka-Gil, 2021).

Nevertheless, the Act allows for a certain degree of flexibility in implementing this prohibition. Article 7(2)–(3) stipulates that consent to commence employment can be obtained at an earlier date in cases deemed justifiable. The commission's decision is final. The commission is comprised of three members appointed by the Prime Minister. The solution is intended to mitigate the rigour of the provision; however, if applied too broadly, it may also serve to blur its preventive function. This risk is especially salient in the civil service, where the range of tasks is highly diverse and the degree of risk of conflict of interest varies significantly. It is important to note the potential for the mechanism of exceptions to become a loophole, thereby allowing the prohibition to be circumvented in cases that require caution.

It is evident that the provisions unequivocally proscribe both employment and "performing other activities" for an entrepreneur. However, the Act itself does not provide a definition for these other activities. The absence of a definitive definition engenders interpretative ambiguity, resulting in a scenario wherein, in practical terms, former civil servants may collaborate with the former addressee of the decision in forms other than an employment relationship, such as consultancy, external expertise, contractual services or the provision of specific tasks. In accordance with Article 15 of the Act, which stipulates sanctions for violations of the prohibition, the term "employment" is exclusively utilised. Consequently, this stipulation does not encompass alternative forms of service provision. Consequently, the extent of protection stipulated in Article 7 is substantially diminished by the more limited approach to sanctions, which serves as an illustration of legislative inconsistency undermining the efficacy of the regulation in its entirety (Kuczma, 2025).

The sanction set out in Article 15 only applies to an entrepreneur who employs someone subject to the prohibition. This solution may raise legitimate doubts. A civil servant who has been involved in making a decision about a particular entity does not face any consequences if they accept an employment or co-operation offer from that entity. The entrepreneur is solely responsible, even if they are unaware of the official's previous activities. This configuration consequently results in the legal risk being transferred to a party that, in numerous instances, acts in good faith. Furthermore, the sanction stipulated in Article 15 is applicable solely to specific categories of individuals enumerated in Article 2 of the Act. Consequently, certain administrative personnel, inclusive of individuals belonging to the broadly interpreted civil service, are exempt from the repercussions of their potential employment during the designated grace period.

Another aspect is worth noting. The legislator has set the grace period at one year after the end of the term of office. Compared to solutions adopted in other European countries, this is relatively short. Many countries have adopted much longer periods ranging from two to five years, particularly for positions involving economic supervision, market regulation or handling strategic information. In the case of the civil service, whose employees frequently have access to confidential information, draft decisions, or strategies concerning the operation of entire sectors of the economy, it is difficult to consider that a one-year "cooling-off" period is sufficient to extinguish the potential influence of an official on the situation of economic entities. Consequently, despite the theoretical introduction of a significant safeguard within Article 7(1), its practical application frequently falls short of ensuring an adequate level of protection for the public interest (Rzetecka-Gil, 2021).

Despite the inherent limitations of the mechanism, it is important to acknowledge that the legislator's actions are constrained by constitutionally permissible restrictions on freedom of work. Such regulation is necessary because of the unique nature of public service, which requires transparency and impartiality in administrative operations. When taking up a post in the civil service, it is important to bear in mind that the statutory waiting period requirement is a key part of the public service ethos. It is also intended to protect citizens from unfair practices and unequal treatment.

#### **4. European Experience in Establishing Financial Compensation during the "Cooling-Off Period" in Public Service**

In the context of improving Ukraine's "cooling-off period" model in public service and its Europeanisation, it is of significant importance to study both pan-European experience, as observed in the institutions and bodies of the European Union, and national practices in individual European states. Analysing the experience of other European countries enables the development of generalised approaches to organising the "cooling-off period" in the public service, with regard to guaranteeing financial compensation for former public servants. Moreover, it facilitates the evaluation of such an experience and the determination of its feasibility for implementation in Ukraine.

European scholarly literature emphasises that the purpose of establishing financial compensation for compliance with the "cooling-off period" requirements for former public servants is "multidimensional". This compensation is intended to prevent conflicts of interest, support former public servants who are unemployed or restricted in their right to work,

provide assistance during periods of financial vulnerability, and serve as a manifestation of fairness, proportionality, and recognition for their hard work in the public interest. Furthermore, it has been demonstrated that compensation payments are regarded as a stepping stone to future employment (Keane, 2011; Roberts, 2017).

The necessity of properly regulating the requirements of the "cooling-off period" for former public servants is emphasised in analytical materials of European regional organisations, expert-analytical groups, and others. For instance, the OECD analytical report *"Post-Public Service Employment: Best Practices for Preventing Conflicts of Interest"* stresses the importance of proportionality and social justice in regulating "cooling-off period" requirements (OECD, 2010), which is directly linked to the advisability of introducing compensation mechanisms for former public servants. The OECD has prepared materials regarding specific EU Member States that highlight the appropriateness of financial compensation during the "cooling-off period". The OECD (2025) notes that "the advantage of such measures is that they may enhance compliance with post-employment restrictions".

Transitional allowances are provided for former public servants in EU institutions and bodies. These allowances are regulated by European acts. Council Regulation (EU) No 2016/300 of 29 February 2016, *"On the Determination of the Remuneration of High Officials of the EU"*, establishes this guarantee in the form of monthly transitional payments. Their duration "shall be no less than six months and no more than two years", based on the purpose of transitional allowances for public officials, which is "to ensure a certain level of financial stability during a limited period immediately after the end of their mandate, until they find subsequent paid employment with a similar level of remuneration, or until they find another source of income". Article 10, *"Transitional Payments"*, provides that, starting from the first day of the month following the month in which a public servant ceases to hold office, monthly transitional payments are made. The eligibility for these payments is contingent on the duration of public service, with a minimum duration of six months and a maximum duration of two years. The quantity of payments is calculated on the basis of the base salary received at the time of termination, as outlined below: a) 40% – for service ≤ 2 years; b) 45% – for service > 2 years but ≤ 3 years; c) 50% – for service > 3 years but ≤ 5 years; d) 55% – for service > 5 years but ≤ 10 years; e) 60% – for service > 10 years but ≤ 15 years; f) 65% – for service > 15 years (Council of the European Union, 2016).

A contemporary issue that is being discussed within the EU is the lack of correlation between the duration of transitional payments and the "cooling-off period". This issue was analysed by the Budget Policy

Department of the European Union's Directorate-General for Internal Policies. The department's analytical materials have concluded that "increasing the employment of former public servants may lead to the abuse of office for private gain". Consequently, the recommendations emphasised the need to "strengthen the link between transitional payments and the prohibition on post-office employment" (European Parliament, 2017).

Table 1

**Correlation between the duration of transitional payments and the "cooling-off period" for former EU public servants**

Position	Duration of transitional payments	Duration of cooling-off period
President of the European Council	6-24 months	18 months
President and Members of the European Commission	6-24 months	18 months
High Representative of the EU	6-24 months	18 months
President, Judges, Advocates General of the Court of Justice of the EU	6-24 months	36 months
Ombudsman	36 months	36 months
President and Members of the European Court of Auditors	6-24 months	36 months

Expert analytical and civil society organisations emphasise the importance of correlating transitional payments with the duration of the 'cooling-off period' for former EU public servants. In the context of the European Parliament, Transparency International EU (TI-EU) recommends that the cooling-off period, during which MEPs are prohibited from lobbying EU institutions or accepting employment that could create conflicts of interest, should be linked to the period during which they receive transitional payments funded by taxpayers (Freund, 2016). The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) considers transitional payments to be a key incentive to avoid employment that could lead to conflicts of interest. However, ALTER-EU emphasises that "the period during which transitional payments apply should match the cooling-off period", advocating a three-year transitional allowance during a three-year cooling-off period (ALTER-EU, 2017).

A review of national experiences in European states indicates that approaches to establishing "cooling-off period" requirements after leaving public service vary. Two main models can be distinguished: 1) "cooling-off period" requirements without financial compensation (Belgium, Greece, Italy, Poland, Slovenia, Czech Republic, etc.), which prevail in most European countries; 2) "cooling-off period" requirements with financial compensation, primarily viewed as a means of

ensuring financial support to prevent conflicts of interest in conditions of limited labor market opportunities and restricted guaranteed right to work (Austria, Spain, Norway, Portugal, Croatia, etc.). The experience of this latter group is of particular interest with regard to the subjects of guaranteed compensation, its amount, duration, and conditions.

Analytical findings demonstrate that in the majority of European countries where compensation is provided, it is guaranteed for individuals vacating high political office. In Austria, the aforementioned individuals (the former President, Prime Minister and Cabinet members) are entitled to compensation. In the Spanish context, transitional payments during the designated cooling-off period extend to the Prime Minister and Cabinet members. These payments are regarded as a form of compensation for restrictions placed on the right to employment subsequent to the termination of public service. Individuals may elect to decline transitional payments; however, this does not invalidate the cooling-off period. It is important to note that the right to transitional payments is incompatible with any new employment that is subject to monitoring by the social security service. In Portugal, the former President is the sole recipient of compensation during the designated cooling-off period. Norway's experience is notable as compensation is provided not only for politicians but also for senior civil servants, patronage officials, and other state employees (OECD, 2015). In the context of Finland, the term "compensation" pertains to financial remuneration provided to senior civil servants, officials entrusted with pivotal responsibilities, and state sector employees occupying positions within the government that necessitate access to confidential information (Government of Finland, 2017).

In Spain, the amount of compensation equals 80% of the base salary. According to §§ 8, 13–14 of the Norwegian Act "On the Duty to Provide Information, Employment Prohibitions, and Proceedings for Politicians, Civil Servants, and State Employees" of June 19, 2015, political figures and civil servants are guaranteed payment equal to their salary at the time of dismissal (Government of Norway, 2015). The same applies in Finland, as established by the Finnish Ministry of Finance directive of August 10, 2007 (Government of Finland, 2017).

It is evident from an analysis of European and national experiences that the effective regulation of the "cooling-off period" in public service is contingent on the combination of anti-corruption prohibitions with financial compensation. This combination has been demonstrated to engender compliance with post-employment restrictions, ensure proportionality in rights limitations, and provide financial support. In the majority of European states for which compensation is provided, payments are generally



granted to individuals vacating the most senior political offices (e.g., the President, the Prime Minister, Cabinet members in Austria and Spain). However, there are also cases of broader coverage, including senior civil servants and other state officials (e.g., Norway and Finland).

Table 2

**Approaches of European countries  
to regulation of financial compensation  
during the "cooling-off period" for former civil servants**

Country	Public servants guaranteed compensation	Alignment of compensation duration with cooling-off period
Austria	President	Yes
	Prime Minister	
	Members of the Government	
Spain	Prime Minister	Yes
	Members of the Government	
Norway	Prime Minister	Yes
	Senior Civil Service	
	Civil Servants	
	Patronage Officials	
Portugal	President	Yes
Finland	Senior Civil Service	Yes
	Civil Servants with Key Responsibilities	
	State Employees with Access to Confidential Information	

## 5. Conclusions

One of the state guarantees present in the public service of several European countries is financial compensation during the "cooling-off period" for former public servants. This compensation constitutes a particular form of state guarantee extended to public servants upon their departure from office. It involves the imposition of temporary legal restrictions (prohibitions) on their professional activities within the private sector, encompassing aspects such as employment and the conclusion of contracts. The principal objectives of remuneration during the designated "cooling-off period" are as follows: a) to ensure a balance between the public interest (the prevention of conflicts of interest and the abuse of power) and the private interests of the individual who has vacated a position within the public sector; b) to ensure the proportionality of the "cooling-off period" prohibition, since in the absence of appropriate compensation, such a prohibition constitutes an excessive restriction on the former public servant's right to employment; c) to provide compensation for losses (restrictions) in employment opportunities that the individual may experience as a result of being prohibited from exercising the right to work in the private sector after vacating a position within the

public sector. The extant literature also highlights an important purpose of the cooling-off period mechanism, which is to "eliminate doubts as to the impartiality of an official who, when making decisions, could be guided by the prospect of future benefits from employment in private companies in the private sector, and about the integrity of an employer who could gain access to confidential information, benefiting from the promised employment of the official" (Dąbrowski, 2015, p. 69).

The analysis of European experience enables the generalisation and identification of features of financial compensation during the "cooling-off period" for former public servants. The following characteristics are indicative of such compensation: a) the compensation is specific in nature and is not a general guarantee or social assistance, but is specifically linked to legally established restrictions on the rights of individuals leaving public service; b) the payment is guaranteed only for the duration of the "cooling-off period" restriction; c) the compensation is provided in the form of monetary compensation; d) the amount is dependent on the salary received while in public service, with the specific amount potentially varying (a certain percentage or the full salary); e) the compensation is generally granted to politicians and members of the senior civil service, among others.

Both in Poland and in Ukraine, under current conditions, there is no financial compensation for former public servants during the "cooling-off period". In Ukraine, the requirements for the "cooling-off period" are regulated as a type of "restriction after cessation of activity related to the performance of state or local government functions" (Article 26 of the Law of Ukraine "On Prevention of Corruption" of October 14, 2014). Concurrently, the Ukrainian "cooling-off period" model for former public servants, while establishing a number of restrictions (prohibitions) on professional activities subsequent to the cessation of public service, does not provide for monetary compensation, which can be characterised as a disproportionate restriction on the constitutional right to work. In this context, the search for compensation mechanisms is becoming increasingly relevant to ensure proportionality in restricting the rights of former public servants and to provide additional means for guaranteeing compliance with the legislatively established "restriction after cessation of activity related to the performance of state or local government functions". One potential approach involves the adoption and implementation of European practices (from EU institutions and bodies, Austria, Spain, Norway, Portugal, etc.) concerning the provision of financial compensation to former public servants during the "cooling-off period". This approach would necessitate amendments and additions to Article 26 of the Law of Ukraine "On Prevention of Corruption" of October 14, 2014.

The implementation of this proposal necessitates further scientific research and prior discussion within the academic community regarding the appropriate features of the proposed compensation (including the categories of public servants to whom it should be guaranteed, its amount, payment conditions, and other relevant aspects).

4. The "cooling-off" mechanism for civil service employees in Poland, as established in Article 7 of the Act on Restrictions on Conducting Business Activity by Persons Performing Public Functions, is recognised as a pivotal instrument for ensuring the impartiality of public administration. Its primary function is to prevent situations in which knowledge, influence or contacts acquired while performing public duties could be used in a manner that undermines the public interest or erodes trust in state institutions. Due to the nature of their duties, civil servants frequently have access to information of significant economic value, and their actions may directly impact the situation of specific market entities. Consequently, statutory restrictions in this area are of particular importance.

Nevertheless, the current shape of this regulation remains significantly insufficient. Despite the clarity with which the prohibition is formulated, it is important to note that its application is limited to instances of formal participation in the issuance of an individual decision concerning a given entrepreneur. It does not encompass the substantive contributions made by numerous officials to the decision-making

process. Consequently, the protection against conflicts of interest is only partial, arising more from the literal wording of the provision than from its intended purpose. Furthermore, the sanction stipulated in Article 15 places the onus exclusively on the entrepreneur, as opposed to the former civil servant who, despite being aware of the prohibition, voluntarily engages in co-operation, thereby engendering an imbalance that undermines the regulatory function.

A further concern is the one-year cooling-off period, which is notably short compared to solutions used in other European countries. When considering the pace of administrative processes, the durability of professional relationships, and the value of information gained within public administration, it is difficult to argue that a year is sufficient for genuinely cooling the relationship between a former official and the private sector. Consequently, the regulation does not provide the level of protection that would be appropriate to contemporary challenges facing the state. Although the cooling-off mechanism is necessary and justified by the constitution, reflecting the ethos of public service, it requires substantial revision. This could be achieved by refining its scope, precisely defining key terms, introducing shared responsibility for breaches and considering an extension to the cooling-off period. The establishment of a robust cooling-off framework would serve two primary functions: firstly, as a safeguard against potential abuses, and secondly, as a crucial instrument for fostering citizens' trust in public administration.

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Received on: 10th of October, 2025

Accepted on: 24th of November, 2025

Published on: 12th of December, 2025