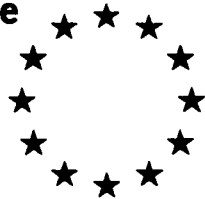


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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

LAW OF UKRAINE

**ON THE CONSTITUTIONAL COURT
OF UKRAINE**

Kyiv, 1996

Law of Ukraine on the Constitutional Court of Ukraine

CHAPTER I FOUNDATIONS OF THE CONSTITUTIONAL JUDICIAL SYSTEM

SECTION 1 GENERAL PROVISIONS

Article 1 Status of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction in Ukraine.

The Constitutional Court of Ukraine is a legal entity, having a seal portraying the State Coat of Arms of Ukraine and its own name.

Article 2 Task of Constitutional Court of Ukraine

The task of the Constitutional Court of Ukraine is to guarantee the supremacy of the Constitution of Ukraine as the Fundamental Law of the State throughout the territory of Ukraine.

Article 3 Normative regulation of the activity of the Constitutional Court of Ukraine

The organization, authority and arrangement of activities of the Constitutional Court of Ukraine are established by the Constitution of Ukraine and this Law.

The Constitutional Court of Ukraine adopts acts which regulate the organization of its internal work in conformity with this Law.

Article 4 Basic principles of activity of the Constitutional Court of Ukraine

The activity of the Constitutional Court of Ukraine is based on the principles of supremacy of law, independence, collegiality, equality of judges' rights, openness, comprehensive and multi-dimensional consideration of cases, and the soundness of the decisions it adopts.

Article 5 Composition of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine is composed of 18 judges of the Constitutional Court of Ukraine.

The President of Ukraine, the Verkhovna Rada of Ukraine and the Congress of Judges of Ukraine each appoint six judges to the Constitutional Court of Ukraine.

Article 6 Procedure for the appointment of judges of the Constitutional Court of Ukraine by the President of Ukraine

The President of Ukraine consults with the Prime Minister of Ukraine and the Minister of Justice of Ukraine as to candidates for the offices of judges of the Constitutional Court of Ukraine.

A person shall be deemed to be appointed to the position of judge of the Constitutional Court of Ukraine provided that a Decree of the President of Ukraine confirmed by the signatures of the Prime Minister of Ukraine and the Minister of Justice of Ukraine is adopted.

In the case of termination of the powers of a judge of the Constitutional Court of Ukraine who was appointed by the President of Ukraine, the President of Ukraine, in the a one-month period, appoints another person to the position.

Article 7 Procedure for the appointment of judges of the Constitutional Court of Ukraine by the Verkhovna Rada of Ukraine

The Verkhovna Rada of Ukraine appoints judges of the Constitutional Court of Ukraine through secret voting by means of submitting ballots.

The Chairman of the Verkhovna Rada of Ukraine submits proposals as to the candidates for the offices of judges of the Constitutional Court of Ukraine. Such proposals may also be submitted by no fewer than one-quarter of the National Deputies of the constitutional composition of the Verkhovna Rada of Ukraine. A National Deputy has a right to sign the proposal as to a single candidate only, and the Deputies' signatures can not be recalled. The respective Committee of the Verkhovna Rada of Ukraine submits its conclusions as to each candidate for the position of judge of the Constitutional Court of Ukraine submitted in prescribed order, to the Verkhovna Rada.

A candidate is deemed to be appointed to the office of judge of the Constitutional Court of Ukraine if he/she received a majority of the votes of National Deputies, but more than half of the constitutional composition of the Verkhovna Rada of Ukraine. Where several candidates receive equal support and if the necessary number of judges in the case of their appointment is exceeded, they shall be subject to a second vote.

In the case of termination of authorities of a judge of the Constitutional Court of Ukraine who was appointed by the Verkhovna Rada of Ukraine, the Verkhovna Rada of Ukraine, within a one-month period, appoints another person to the position.

According to the result of voting, the Chairman of the Verkhovna Rada of Ukraine signs resolutions of the Verkhovna Rada of Ukraine on appointments of judges of the Constitutional Court of Ukraine.

Article 8 Procedure for the appointment of the judges of the Constitutional Court of Ukraine by the Congress of Judges of Ukraine

The Congress of Judges of Ukraine, upon the proposal of the Congress's delegates through open voting by a majority of votes of delegates present at the Congress determines candidates for the office of judges of the Constitutional Court of Ukraine to be included in ballots for secret voting.

A candidate is deemed to be appointed to the office of judge of the Constitutional Court of Ukraine if he/she in the course of secret voting received a majority of votes from the elected delegates to the Congress of Judges of Ukraine.

If voting is carried out for candidates, the number of which exceeds the quota for appointment to the office of judges of the Constitutional Court of Ukraine, the candidates deemed appointed are those who, under the circumstances set forth in paragraph two of this article, receive more votes than other candidates for the office.

In the case of termination of the powers of a judge of the Constitutional Court of Ukraine who was appointed by the Congress of Judges of Ukraine, the Congress of Judges of Ukraine, within a three-month period, appoints another person to the position.

According to the results of voting, the chairman and secretary of the Congress sign the decision of the Congress of Judges of Ukraine about appointing judges of the Constitutional Court of Ukraine.

Article 9 Term of authority of a judge of the Constitutional Court of Ukraine

Judges of the Constitutional Court of Ukraine are appointed for a term of nine years with no right to reappointment.

Article 10 Uniform and badge of judges of the Constitutional Court of Ukraine

Judges of the Constitutional Court of Ukraine, while performing their duties in Plenary sessions, in sessions of the Constitutional Court of Ukraine and in the Collegium of judges of the Constitutional Court of Ukraine, should be dressed in a gown.

Judge of the Constitutional Court of Ukraine has a badge, the description and form of which is approved by the Verkhovna Rada of Ukraine.

Article 11 Attributes of the Constitutional Court of Ukraine

Unalienable attributes of the Session Hall of the Constitutional Court of Ukraine are the State Coat of Arms of Ukraine, the State Flag of Ukraine.

Article 12 Location of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine is located in the city of Kyiv.

SECTION 2

AUTHORITY OF THE CONSTITUTIONAL COURT OF UKRAINE

Article 13 Authority of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine adopts decisions and provides conclusions in cases concerning:

1) constitutionality of laws and the other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, legal acts of the Supreme Rada of the Autonomous Republic of Crimea;

2) conformity with the Constitution of Ukraine of international treaties of Ukraine that are in force, or those international treaties submitted to the Verkhovna Rada of Ukraine for consent to their binding nature;

3) adherence to the constitutional procedure for investigating and considering cases about removing the President of Ukraine from office through impeachment, within the limits prescribed by Articles 111 and 151 of the Constitution of Ukraine;

4) official interpretation of the Constitution and laws of Ukraine.

Article 14 Limits of the authority of the Constitutional Court of Ukraine

The authority of the Constitutional Court of Ukraine does not cover issues concerning the legality of acts of state power authorities, power authorities of the Supreme Rada of the Autonomous Republic of Crimea and local self-government authorities, as well as the other issues which are subject to the authority of the courts of general jurisdiction.

Article 15 Grounds for recognizing legal acts as unconstitutional

The grounds for adopting decisions by the Constitutional Court of Ukraine concerning the unconstitutionality of legal acts (their separate parts) are:

non-conformity with the Constitution of Ukraine;

violation of the order for their consideration prescribed by the Constitution of Ukraine, their approval or entry into force;

exceeding constitutional authority during their adoption.

SECTION 3

JUDGES OF THE CONSTITUTIONAL COURT OF UKRAINE

Article 16 Requirements for judges of the Constitutional Court of Ukraine

A judge of the Constitutional Court of Ukraine may be a citizen of Ukraine who, on the day of appointment has attained the age of forty, has higher legal education, no less than ten years of practical, scholarly or pedagogical professional experience, has command of the state language and has resided in Ukraine for the last twenty years.

Judges of the Constitutional Court of Ukraine may not be members of political parties or trade unions, have a representative mandate, take part in any kind of political activity, possess any other paid position, execute any other paid work other than scholarly, teaching or creative.

Article 17 Entering the office of judge of the Constitutional Court of Ukraine

A judge of the Constitutional Court of Ukraine enters office from the date of swearing the judges' oath of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine, upon taking office, swears the following oath: "I solemnly swear to perform honestly and conscientiously the high duties of a judge of the Constitutional Court of Ukraine, ensure the supremacy of the Constitution of Ukraine, protect the constitutional order of the State, constitutional rights and freedoms of the individual and citizen."

A judge of the Constitutional Court of Ukraine takes the oath at a session of the Verkhovna Rada of Ukraine with the participation of the President of Ukraine, the Prime Minister of Ukraine, the Chairman of the Supreme Court of Ukraine.

Article 18 Status of a judge of the Constitutional Court of Ukraine

The status of a judge of the Constitutional Court of Ukraine is established by the Constitution of Ukraine, this Law and the laws of Ukraine on the status of the judges.

The authority of judges of the Constitutional Court of Ukraine and their civil rights may not be restricted upon the introduction of martial or emergency situations in Ukraine or in particular areas of its territory.

Article 19 Authority of judges of the Constitutional Court of Ukraine

A judge of the Constitutional Court of Ukraine executes preliminary preparation of issues for consideration by the Collegium of judges of the Constitutional Court of Ukraine, the Constitutional Court of Ukraine, takes part in consideration of cases.

A judge of the Constitutional Court of Ukraine has the right to demand from the Verkhovna Rada of Ukraine, the President of Ukraine, the Prime Minister of Ukraine, the General Procurator of Ukraine, judges, state power authorities, power authorities of the Autonomous Republic of Crimea, local self-government authorities, officials, enterprises, institutions, organizations of all forms of ownership, political parties and other associations of citizens, individual citizens, requisite documents, materials and other information concerning the matters being prepared

for consideration by the Collegium of judges of the Constitutional Court of Ukraine, the Constitutional Court of Ukraine

Avoidance to provide explanations or refusal to provide documents, materials, information to a judge of the Constitutional Court of Ukraine carries the liability of the responsible persons under the law.

A judge of the Constitutional Court of Ukraine has the right to announce his/her point of view as to the issues concerning examination by the Constitutional Court of Ukraine of only those cases which were subject to the decision adopted or opinions provided by the Constitutional Court of Ukraine.

Article 20 Elections of the Chairman of the Constitutional Court of Ukraine

The Chairman of the Constitutional Court of Ukraine is elected at a special Plenary session of the Constitutional Court of Ukraine from the membership of the judges of the Constitutional Court of Ukraine for a single three-year period through secret voting by means of submitting ballots with any number of candidates, proposed by judges of the Constitutional Court of Ukraine. No more than one candidate can be left on any ballot.

The Chairman of the Constitutional Court of Ukraine is the elected candidate who received more than half of the constitutional composition of the Constitutional Court of Ukraine.

In case more than two candidates are proposed for the office of the Chairman of the Constitutional Court of Ukraine and none of the candidates is elected, repeat voting is conducted on the two candidates who received the majority of votes.

In case no more than two candidates are proposed for the office of the Chairman of the Constitutional Court of Ukraine and neither of the candidates is elected or the Chairman of the Constitutional Court of Ukraine is not elected during repeated voting, new elections are conducted with nominations of other candidates for the office of the Chairman of the Constitutional Court of Ukraine.

The Constitutional Court of Ukraine elects from among the judges of the Constitutional Court of Ukraine a commission on organizing and conducting elections of the Chairman of the Constitutional Court of Ukraine.

Article 21 Authority of the Chairman of the Constitutional Court of Ukraine

The Chairman of the Constitutional Court of Ukraine heads the Constitutional Court of Ukraine and organizes its activity.

The authority of the Chairman of the Constitutional Court of Ukraine includes:

organization of the work of the collegium of judges of the Constitutional Court of Ukraine, Commissions and Secretariat of the Constitutional Court of Ukraine;

convocation and conducting the sessions, plenary sessions of the Constitutional Court of Ukraine;

management of budget funds for maintaining and securing the activities of the Constitutional Court of Ukraine in accordance to the estimate approved by the Constitutional Court of Ukraine;

performance of other authority under this Law and acts of the Constitutional Court of Ukraine which regulate its internal work.

Article 22 Deputy Chairmen of the Constitutional Court of Ukraine

The chairman of the Constitutional Court of Ukraine has two deputy Chairman of the Constitutional Court of Ukraine.

Deputy chairmen perform under instruction of the Chairman of the Constitutional Court of Ukraine certain of his/her responsibilities. When the Chairman of the Constitutional Court of Ukraine is absent or unable to exercise his/her authority, his/her duties are performed by the eldest of the deputy chairman.

When both deputy-chairmen are absent, the duties of the Chairman of the Constitutional Court are executed by the eldest judge of the Constitutional Court of Ukraine.

Deputy chairmen of the Constitutional Court of Ukraine are elected on the proposal of the Chairman of the Constitutional Court of Ukraine for a single three-year term by secret voting by the means of submitting ballots prescribed by Article 20 of this Law.

Article 23 Termination of the authority of a judge of the Constitutional Court of Ukraine

The authorities of a judge of the Constitutional Court of Ukraine are terminated in the case of:

- 1) expiration of the term of office;

- 2) attaining of the age of sixty-five;
- 3) inability to perform his/her duties due to the state of health;
- 4) violation by the judge of the requirements of Article 16, part two, of this Law;
- 5) violation of the oath;
- 6) the entry into legal force of a guilty verdict against him/her;
- 7) termination of his/her citizenship;
- 8) recognition that he is missing or declared dead;
- 9) submission by the judge of a petition for his/her resignation or dismissal from the office by personal request.

The decision about the termination of authority of a judge of the Constitutional Court of Ukraine in cases foreseen by subsections 1-3, 6-9 are adopted at the session of the Constitutional Court of Ukraine and in the cases under subsections 4, 5 -- by the Verkhovna Rada of Ukraine.

The authority of a judge is terminated in the case of his/her death.

Article 24 Pre-term dismissal of the Chairman of the Constitutional Court of Ukraine, Deputy-Chairman of the Constitutional Court of Ukraine on their petition

The Chairman of the Constitutional Court of Ukraine, deputy Chairman of the Constitutional Court of Ukraine are dismissed from office on their petition by the Constitutional Court of Ukraine.

The decision on pre-term dismissal is deemed to be adopted if it receives the votes of more than a half of the constitutional composition of the Constitutional Court of Ukraine.

The dismissal from the office of the Chairman of the Constitutional Court of Ukraine, deputy Chairman of the Constitutional Court of Ukraine does not deprive them of authority as judge of the Constitutional Court of Ukraine.

Article 25 Research consultants and assistants of judge of the Constitutional Court of Ukraine

A judge of the Constitutional Court of Ukraine has a research consultant and assistant.

The research fellow and assistant fulfill instructions of the judge of the Constitutional Court of Ukraine on cases of constitutional examination.

The research consultant and assistant of a judge of the Constitutional Court of Ukraine are state employees.

Article 26 Out-of-court activity of judges of the Constitutional Court of Ukraine

Judges of the Constitutional Court of Ukraine have the right to take part in conferences, symposiums, to be members of delegations of the Constitutional Court of Ukraine.

Decisions on official journeys of judges of the Constitutional Court of Ukraine are adopted by the Chairman of the Constitutional Court of Ukraine and where he/she is absent, by the deputy Chairman of the Constitutional Court of Ukraine.

**SECTION 4
GUARANTEES FOR THE ACTIVITY OF JUDGES OF THE
CONSTITUTIONAL COURT OF UKRAINE**

Article 27 Independence of judges of the Constitutional Court of Ukraine

Judges of the Constitutional Court of Ukraine, while exercising their authorities, are independent and obey only the Constitution of Ukraine and are guided by this Law, other laws of Ukraine other than those laws or their separate parts which are subject to examination by the Constitutional Court of Ukraine.

Article 28 Immunity of the person of a judge of the Constitutional Court of Ukraine

The person of judge of the Constitutional Court of Ukraine enjoys immunity.

A judge of the Constitutional Court of Ukraine may not be detained or arrested without the consent of the Verkhovna Rada of Ukraine before a guilty verdict is handed down by a court.

Judges of the Constitutional Court of Ukraine do not bear legal liability for voting results or expressing points of view in the Constitutional Court of Ukraine and in its collegia, other than liability for offense or slander during the consideration of cases, adopting decisions and providing opinions by the Constitutional Court of Ukraine.

Article 29 Social and consumer provision of judges of the Constitutional Court of Ukraine

Judges of the Constitutional Court of Ukraine receive a salary and enjoy other types of material security established by legislative acts of Ukraine regarding the status of judges of Ukraine.

Where the authority of a judge of the Constitutional Court of Ukraine is terminated under subsections 1 and 3, part of one of Article 23 of this Law, he/she will receive 80% of monetary maintenance and the other types of material security which are enjoyed by a judge of the Constitutional Court of Ukraine, until his/her retirement.

SECTION 5
ORGANIZATION AND ACTIVITY
OF THE CONSTITUTIONAL COURT OF UKRAINE

Article 30 Organization of the activity of the Constitutional Court of Ukraine

Issues concerning the examination of cases and activity of the Constitutional Court of Ukraine, its Secretariat, the order of office work, internal schedule rules of the Constitutional Court of Ukraine are determined by the Constitution of Ukraine, this Law and acts of the Constitutional Court of Ukraine that establish the order of organizing the internal work of the Constitutional Court of Ukraine.

Article 31 Financing the Constitutional Court of Ukraine

Financing the Constitutional Court of Ukraine is foreseen by the State budget of Ukraine in a separate item.

Proposals as to the volume of financing of the Constitutional Court of Ukraine as well as and the draft of the respective estimate are submitted by the Chairman of the Constitutional Court of Ukraine to the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine during the formulation of the proposed State budget for each following year.

Article 32 Secretariat of the Constitutional Court of Ukraine

The organizational, scholarly and expert, informational and reference and other facilities for the activity of the Constitutional Court of

Ukraine are performed by the Secretariat of the Constitutional Court of Ukraine which is headed by the Head of Secretariat of the Constitutional Court of Ukraine.

Provisions on the Secretariat of the Constitutional Court of Ukraine, its structure and staff are approved by the Constitutional Court of Ukraine.

The Head of the Secretariat of the Constitutional Court of Ukraine is appointed by the Constitutional Court of Ukraine on the basis of a proposal of the Chairman of the Constitutional Court of Ukraine from among citizens who have the right to assume the position of the professional judge.

The Head of the Secretariat of the Constitutional Court of Ukraine may not be a member of any political party, have a representative mandate, take part in any political activity, occupy any other paid jobs or perform other paid activity, other than scholarly, teaching and creative work.

The Head and other officials of the Secretariat of the Constitutional Court of Ukraine are state employees.

Article 33 Standing Commissions of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine forms standing commissions at its session from the number of judges of the Constitution Court of Ukraine that are the auxiliary working organs regarding issues of organization of its internal activity.

Provisions about standing commissions of the Constitutional Court of Ukraine are approved by the Constitutional Court of Ukraine at its Plenary session.

Heads of standing commissions are appointed by the Chairman of the Constitutional Court of Ukraine for the term of their office.

Article 34 Temporary commissions of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine may create at its Plenary sessions temporary commissions for additional research of issues connected with constitutional examination of a case with the participation of experts in appropriate fields of law.

Article 35 Archive of the Constitutional Court of Ukraine

Materials about the activity of the Constitutional Court of Ukraine are kept in the Archive of the Constitutional Court of Ukraine.

Materials of the cases, about which decisions were adopted or opinions were provided by the Constitutional Court of Ukraine are kept in the archive of the Constitutional Court of Ukraine for one hundred years.

Original copies of decisions and opinions of the Constitutional Court of Ukraine are kept in the archive in perpetuity.

Other materials about the activity of the Constitutional Court of Ukraine are kept in the archive of the Constitutional Court of Ukraine on the general grounds determined by Ukrainian law.

The provision about the Archive of the Constitutional Court of Ukraine is approved by the Constitutional Court of Ukraine.

Article 36 Library of the Constitutional Court of Ukraine

To provide the Constitutional Court of Ukraine with regulatory-legal acts, scholarly and other special literature, a Library of the Constitutional Court of Ukraine shall be established.

The provision about the Library of the Constitutional Court of Ukraine is approved by the Constitutional Court of Ukraine.

Article 37 Printed organ of the Constitutional Court of Ukraine

The printed organ of the Constitutional Court of Ukraine is "The Bulletin of the Constitutional Court of Ukraine".

CHAPTER II CONSTITUTIONAL EXAMINATION

SECTION 6

APPLICATION TO THE CONSTITUTIONAL COURT OF UKRAINE

Article 38 Forms of application to the Constitutional Court of Ukraine

The forms of application to the Constitutional Court of Ukraine are constitutional petition and constitutional appeal.

Article 39 Constitutional petition

Constitutional petition -- a written petition to the Constitutional Court of Ukraine on the recognition of a legal act (its separate parts) as unconstitutional, on determination of the constitutionality of an international treaty or on the necessity of official interpretation of the Constitution of Ukraine and the laws of Ukraine. A constitutional petition is also an appeal of the Verkhovna Rada of Ukraine on providing an opinion concerning the conformity with the constitutional procedure for investigating and considering the case of removing the President of Ukraine from office through impeachment.

The constitutional petition sets forth:

1) the full name of the organ, official, submitting the constitutional petition in accordance with rights provided by the Constitution of Ukraine and this Law;

2) the facts about the representative by law or the person authorized by proxy;

3) the full title, number, date of adoption, source of publication (provided that it was published) of the legal act whose constitutionality is in question and which needs to be officially interpreted;

4) legal rationale of statements concerning the unconstitutionality of the legal act (its separate parts) or the necessity to be officially interpreted;

5) data concerning the other documents and materials upon which the subjects of the constitutional petition are relying (copies of this documents and materials are enclosed);

6) a list of the enclosed materials and documents.

The constitutional petition, enclosed documents and materials are submitted in triplicate.

Article 40 Subjects of the right to constitutional petition for adopting a decision by the Constitutional Court of Ukraine

Subjects of the right to a constitutional petition for adopting a decision by the Constitutional Court of Ukraine in cases provided for by subsection one, Article 13 of this Law are: the President of Ukraine, no fewer than forty-five National Deputies of Ukraine (a National Deputy's signature may not be recalled), the Supreme Court of Ukraine, the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights the Supreme Rada of the Autonomous Republic of Crimea.

Article 41 Subjects of the right to constitutional petition for providing opinions by the Constitutional Court of Ukraine

Subjects of the right to a constitutional petition for providing opinions by the Constitutional Court of Ukraine in the cases provided for by subsections two, three, four, of Article 13 this Law are:

under subsection two, the President of Ukraine, the Cabinet of Ministers of Ukraine;

under subsections three, the Verkhovna Rada of Ukraine;

under subsection four, the President of Ukraine, no fewer than forty-five National Deputies of Ukraine (a National Deputy's signature may not be recalled), the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights, the Supreme Court of Ukraine, the Cabinet of Ministers of Ukraine, the other State power authorities, the Supreme Rada of the Autonomous Republic of Crimea, local self-government authorities.

Article 42 Constitutional appeal

The constitutional appeal -- a written petition to the Constitutional Court of Ukraine on the necessity of an official interpretation of the Constitution of Ukraine and the laws of Ukraine in order to secure implementation or protecting the constitutional rights and freedoms of the individual and citizen as well as the rights of a legal entity.

The constitutional appeal sets forth:

1) the surname, first name and patronymic of the citizen of Ukraine, alien, or a stateless person, his/her address of residence, or the full name and the place of location of the legal entity;

2) data about the citizen's representative by law, or the person authorized by proxy;

3) articles (their separate provisions) of the Constitution of Ukraine or the Law of Ukraine, the interpretation of which will be made by the Constitutional Court of Ukraine;

4) rationale of the necessity of an official interpretation of the statements of the Constitution of Ukraine or the laws of Ukraine;

5) data concerning the other documents and materials upon which the subjects of the constitutional appeal are relying (copies of these documents and materials are enclosed);

6) a list of materials and documents enclosed.

The constitutional appeal, enclosed documents and materials are submitted in triplicate.

Article 43 Subjects of the right to a constitutional appeal for providing opinions by the Constitutional Court of Ukraine

Subjects of the right to a constitutional appeal for providing opinion by the Constitutional Court of Ukraine in the cases foreseen by subsection 4 of Article 13 of this Law are the citizens of Ukraine, aliens, stateless persons and legal entities.

Article 44 Withdrawal of the constitutional petition, constitutional appeal

A constitutional petition, constitutional appeal may be withdrawn under the written application of the subject who submitted it to the Constitutional Court of Ukraine at any time before the date of its consideration at the Plenary session of the Constitutional Court of Ukraine.

Procedural decision on terminating the examination of a case based on constitutional petition, constitutional appeal which is being withdrawn is adopted at sessions of the Constitutional Court of Ukraine.

Article 45 Grounds for refusal to open constitutional examination

Grounds for refusal to open examination of a case in the Constitutional Court of Ukraine are:

1) absence in the Constitution of Ukraine, this Law, of the right to constitutional petition, constitutional appeal;

2) non-conformity of the constitutional petition constitutional appeal with the requirements prescribed by the Constitution of Ukraine and this Law;

3) lack of jurisdiction by the Constitutional Court of Ukraine over issues raised by the constitutional petition, constitutional appeal.

SECTION 7
EXAMINATION OF CASES
IN THE CONSTITUTIONAL COURT OF UKRAINE

Article 46 Procedures of constitutional examination of a case

Opening of examination of a case in the Constitutional Court of Ukraine under the constitutional petition or constitutional appeal is approved by the Collegium of judges of the Constitutional Court of Ukraine, or by the Constitutional Court of Ukraine at its session.

The case which is subject to the opened constitutional examination is considered by the Constitutional Court of Ukraine at a plenary session following the order and within the term prescribed by this Law.

The date for consideration of a case by the Constitutional Court of Ukraine is determined by the Chairman of the Constitutional Court of Ukraine.

Article 47 Collegia of judges of the Constitutional Court of Ukraine

In the Constitutional Court of Ukraine, collegia of judges are created to consider the issues concerning opening examination of cases arising from constitutional petition and collegium of judges -- to consider the issues concerning opening examination of cases arising from constitutional appeal.

Decisions on creating the collegia of judges of the Constitutional Court of Ukraine, confirmation of the composition and appointment of the Secretaries of the collegia are adopted at sessions of the Constitutional Court of Ukraine during the first month of each calendar year.

The Secretary of a Collegium of judges is appointed from the judges who are members of the Collegium and heads it.

Article 48 Authorities of the Collegium of judges of the Constitutional Court of Ukraine on cases arising from constitutional petitions

The Collegium of judges of the Constitutional Court of Ukraine in cases arising from constitutional petition adopts, by a majority of the judges' votes, a procedural decision on opening examination of a case in the Constitutional Court of Ukraine or on refusing such examination.

When the Collegium of judges of the Constitutional Court of Ukraine adopts a procedural decision to open examination of a case in the Constitutional Court of Ukraine, the Chairman of the Constitutional

Court of Ukraine submits this case for consideration to the plenary session of the Constitutional Court of Ukraine.

When the Collegium of judges adopts a procedural decision on refusing to open examination of a case, the secretary of the Collegium of judges submits the materials to the Chairman of the Constitutional Court of Ukraine for consideration of the case at the session of the Constitutional Court of Ukraine.

Article 49 Authorities of collegia of judges of the Constitutional Court of Ukraine in cases arising from constitutional appeals

The Collegium of judges of the Constitutional Court of Ukraine in cases arising from constitutional appeal adopted a procedural decision on opening examination of the case in the Constitutional Court of Ukraine or on refusing such examination in the order prescribed by Article 48 of this Law.

Article 50 Sessions of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine at its sessions examines issues concerning opening the examination of cases in the Constitutional Court of Ukraine in the case of adoption by the Collegium of judges of the Constitutional Court of Ukraine of a procedural refusal to open such an examination.

Where a session of the Constitutional Court of Ukraine adopts a procedural approval for opening of examination of a case in the Constitutional Court of Ukraine, this case is submitted by the Chairman of the Constitutional Court of Ukraine for consideration to the Plenary session of the Constitutional Court of Ukraine.

The procedural decision, adopted at a session of the Constitutional Court of Ukraine, on the refusal to open examination of the case in the Constitutional Court of Ukraine is final.

Sessions of the Constitutional Court of Ukraine also review all the issues subject to resolution by the Constitutional Court of Ukraine, other than those that are subject to resolution at its plenary session, according to this Law.

Sessions of the Constitutional Court of Ukraine are legally empowered provided that no fewer than 11 judges of the Constitutional Court of Ukraine are present.

A decision of the Constitutional Court of Ukraine in its session is deemed adopted provided that it received the votes of more than a half of the judges who took part in the session.

Article 51 Plenary sessions of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine at its plenary sessions considers cases, examination of which has been opened by constitutional appeals and constitutional petitions, and the other issues subject to consideration of the Constitutional Court of Ukraine at its plenary sessions according to this Law.

At Plenary sessions, the Constitutional Court of Ukraine adopts decisions in cases concerning issues foreseen in subsection 1 of Article 13 and provides opinions on the issues prescribed by subsections 2, 3, 4 of Article 13 of this Law.

Plenary session of the Constitutional Court of Ukraine is legally empowered provided no fewer than 12 judges of the Constitutional Court of Ukraine are present.

Decisions of the Constitutional Court of Ukraine are adopted, opinions of the Constitutional Court of Ukraine are provided if they receive the votes of no fewer than ten judges of the Constitutional Court of Ukraine.

Article 52 Order of conducting Plenary sessions of the Constitutional Court of Ukraine, sessions of the Constitutional Court of Ukraine

The order of conducting Plenary sessions, sessions of the Constitutional Court of Ukraine are established by this Law and acts of the Constitutional Court of Ukraine which regulate the organization of its internal work.

The Plenary sessions and sessions of the Constitutional Court of Ukraine are headed by the Chairmen of the Constitutional Court of Ukraine.

Article 53 Responsibility for violating the order of conducting Plenary session of the Constitutional Court of Ukraine

The chairman of the Plenary session of the Constitutional Court of Ukraine secures adherence to the order of its conducting.

Participants of the constitutional examination and those present in the session hall of the Constitutional Court of Ukraine are forewarned of the necessity to adhere to the established order.

In the event of demonstrating disrespect to the Constitutional Court of Ukraine or hindering the conduct of its plenary session, the responsibility is imposed on the violator as prescribed by law.

The decision on imposing responsibility is adopted by the Constitutional Court of Ukraine on the proposal of the chairman in the session hall of the Constitutional Court of Ukraine.

The violator is removed from the session hall of the Constitutional Court of Ukraine.

Article 54 Securing the completeness of the consideration of a case by the Constitutional Court of Ukraine

The Collegium of judges of the Constitutional Court of Ukraine, during the preparation period of a case, and the Constitutional Court of Ukraine, during the examination of the case, are empowered to demand from the Verkhovna Rada of Ukraine, the President of Ukraine, the Prime Minister of Ukraine, the General Procurator of Ukraine, judges, State power authorities, power authorities of the Autonomous Republic of Crimea, local self-government authorities, officials, enterprises, institutions, organizations of all forms of ownership, political parties and other associations of citizens and individual citizens the requisite documents, materials and other information concerning the case.

The Collegium of judges of the Constitutional Court of Ukraine, during the preparation of the case, the Constitutional Court of Ukraine, during examination of the case, where necessary, orders expertise of the case and resolves problems concerning the involvement in the constitutional examination of experts.

The Collegium of judges of the Constitutional Court of Ukraine, during the preparation period of a case, the Constitutional Court of Ukraine, during examination of the case, have the right to summon officials, experts, representatives by law and persons authorized by proxy, citizens, whose participation should ensure unbiased and complete consideration of the case.

Avoiding without just cause to appear before the Collegium of judges of the Constitutional Court of Ukraine or the Constitutional Court of Ukraine, as well as refusal to present requisite documents, materials

and the other information or their intentional concealment carries with it the liability of the guilty persons according to law.

Article 55 Participants of the constitutional examination

Participants of the constitutional examination are: subjects of the right to constitutional petition and constitutional appeal and their representatives, and authorities and officials, witnesses, experts and translators invited by the Constitutional Court of Ukraine to participate in consideration of the case as well.

The failure to appear for good cause of a participant in the constitutional examination in the Plenary session or session of the Constitutional Court of Ukraine may be grounds to delay consideration of the case.

In case of the repeated failure to appear for good cause of a participant in the constitutional examination in the Plenary session or session of the Constitutional Court of Ukraine, the Constitutional Court of Ukraine may adopt a decision to consider the case at the respective session in the absence of him/her.

In case of the failure to appear without good cause of a participant of the constitutional examination, the Constitutional Court of Ukraine adopts the decision in the absence of him/her.

Article 56 Language of the constitutional examination

In the Constitutional Court of Ukraine, examination of cases is conducted, decisions are adopted and opinions are provided and promulgated in the state language.

The participants of the constitutional examination who do not have command of the state language have a right to use a translator. Participants of the constitutional examination provide timely notice to the Constitutional Court of Ukraine about their intention to use the services of translator.

Article 57 Term for constitutional examination

The term for the examination of cases arising from constitutional appeal should not exceed three months.

When examining a case arising from constitution petition which is recognized by the Constitutional Court of Ukraine as urgent, the term for consideration of such a petition should not exceed one month.

The term for the examination of cases arising from constitutional appeal should not exceed 6 months.

Calculation of the term of constitutional examination begins the day of adoption of the procedural decision on opening of the constitutional examination of the case.

Article 58 Joining of constitutional examinations

Where several constitutional petitions, constitutional appeals concerning the same issue have been submitted to the Constitutional Court of Ukraine, they are joined in one constitutional examination of a case.

Article 59 Compensation of costs to the participants of the constitutional examination

Costs of the participants in constitutional examination are compensated at the expense of the budgetary funds as decided by the Constitutional Court of Ukraine.

Article 60 State duty

The constitutional petition, constitutional appeal are submitted to the Constitutional Court of Ukraine without payment of state duty.

If a repeated submission of a constitutional petition, constitutional appeal on the same issue that was already considered in the Constitutional Court of Ukraine constitutes a misuse of the right, the Constitutional Court of Ukraine, upon deciding to refuse to open examination of a case, may decide that the subjects of the right to constitutional petition, constitutional appeal pay state duty in the volume prescribed by law.

SECTION 8 DECISIONS AND OPINIONS OF THE CONSTITUTIONAL COURT OF UKRAINE

Article 61 Decisions of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine adopts a decision following the consideration of a case concerning the constitutionality of the laws and the other legal acts of the Verkhovna Rada of Ukraine, acts of the

President of Ukraine, acts of the Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea.

The Constitutional Court of Ukraine may recognize as unconstitutional the legal act in its entirety or its separate parts.

If consideration of the case arising from constitutional petition or constitutional appeal reveals the non-conformity with the Constitution of Ukraine of legal acts (their separate parts) other than those for which an examination has been opened and which influence the adoption of a decision or the providing of an opinion in the case, the Constitutional Court of Ukraine recognizes such legal acts (their separate parts) as unconstitutional ones.

Article 62 Opinions of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine provides opinions in cases: concerning questions of

the official interpretation of the Constitution of Ukraine and the laws of Ukraine;

the conformity with the Constitution of Ukraine of valid international treaties of Ukraine or those international treaties submitted to the Verkhovna Rada of Ukraine for consent to their binding status;

the adherence to the constitutional procedure for investigating and considering the case of removing the President of Ukraine from office through impeachment.

Article 63 Adopting decisions and providing opinions by the Constitutional Court of Ukraine

Decisions are adopted, opinions are provided by the Constitutional Court of Ukraine through individual voting in the form of questioning of the judges of the Constitutional Court of Ukraine.

Proposals of the judges of the Constitutional Court of Ukraine regarding the draft decision or opinion are voted on in the order in which they are received.

Judges of the Constitutional Court of Ukraine do not have the right to abstain from voting.

Decisions and opinions of the Constitutional Court of Ukraine are justified in written form and signed individually by the judges of the Constitutional Court of Ukraine who voted for them and who voted

against them and are promulgated. They are final and not subject to complaint.

The signature of a judge of the Constitutional Court of Ukraine under a decision, opinion of the Constitutional Court of Ukraine is mandatory.

Article 64 Separate thoughts of judges of the Constitutional Court of Ukraine

The separate thoughts of judges of the Constitutional Court of Ukraine who signed a decision or opinion of the Constitutional Court of Ukraine is expressed by the judge of the Constitutional Court of Ukraine in written form and is added to the decision or opinion of the Constitutional Court of Ukraine.

Article 65 Contents of a decision of the Constitutional Court of Ukraine

A decision of the Constitutional Court of Ukraine contains:

- 1) the title of the decision, date and place of adoption, its number;
- 2) names of the judges of the Constitutional Court of Ukraine who took part in consideration of the case;
- 3) list of participants of the court session;
- 4) the content of the constitutional petition;
- 5) the full title, date of adoption, index number given by the authority, official to the adopted legal act whose constitutionality is under consideration;
- 6) the provisions of the Constitution of Ukraine which guided the Constitutional Court of Ukraine in adopting the decision;
- 7) the rationale (explanation) of the decision;
- 8) the resolute part of the decision;
- 9) mandatory remark that the decision of the Constitutional Court of Ukraine is final and is not subject to complaint.

Article 66 Content of an opinion of the Constitutional Court of Ukraine

Opinions of the Constitutional Court of Ukraine contain:

- 1) the title of the opinion, date and place of providing the opinion, its number;
- 2) names of the judges of the Constitutional Court of Ukraine who took part in consideration of the case;
- 3) list of participants of the court session;

- 4) the content of the constitutional petition, constitutional appeal;
- 5) provisions of the Constitution of Ukraine which guided the Constitutional Court of Ukraine in providing the opinion;
- 6) the rationale (explanation) of the opinion;
- 7) the resolute part of the opinion;
- 8) the mandatory remark that the opinion of the Constitutional Court of Ukraine is final and is not subject to complaint.

Article 67 Official promulgation of decisions and opinions

Decisions and opinions of the Constitutional Court of Ukraine are signed no later than seven days after adopting the decision, providing the opinion.

Decisions and opinions of the Constitutional Court of Ukraine are officially promulgated the next working day after they are signed.

Decisions and opinions of the Constitutional Court of Ukraine together with separate thought of judges of the Constitutional Court of Ukraine are published in the "Bulletin of the Constitutional Court of Ukraine" and other official publications of Ukraine.

Article 68 Grounds for beginning a new examination of a case

The Constitutional Court of Ukraine opens a new examination of a case upon the discovery of new circumstances concerning the case, which were not a subject of examination but which existed at the time of the consideration and adoption of a decision or providing opinion in the case.

Article 69 Binding nature of decisions and opinions of the Constitutional Court of Ukraine

Decisions and opinions of the Constitutional Court of Ukraine are equally binding.

Article 70 Order for implementing decisions and opinions of the Constitutional Court of Ukraine

Copies of decisions and opinions of the Constitutional Court of Ukraine are sent on the next working day after their official promulgation to the subject of the right to constitutional petition or constitutional appeal, on whose initiative the case was considered, to the Ministry of Justice of Ukraine as well as to the power authority that adopted the legal

act which was the subject to consideration in the Constitutional Court of Ukraine.

Where necessary, the Constitutional Court of Ukraine may determine in its decision, opinion, the order and terms of fulfillment and oblige appropriate State authorities to secure fulfillment of the decision, adherence to the opinion.

The Constitutional Court of Ukraine has the right to demand from authorities mentioned in this Article written confirmation of the fulfillment of the decision, adherence to the opinion of the Constitutional Court of Ukraine.

Failure to fulfill decisions or adhere to opinions of the Constitutional Court of Ukraine carries with it liability in accordance with law.

CHAPTER III PARTICULARITIES OF CONSTITUTIONAL EXAMINATION

SECTION 9

EXAMINATION OF CASES UNDER SUBSECTION 1 OF ARTICLE 13, OF THIS LAW

Article 71 Submission of constitutional petitions

The subjects of the right to constitutional petition, mentioned in Article 40 of this Law, submit to the Constitutional Court of Ukraine constitutional petitions which contain arguments and declarations as to the unconstitutionality of the laws, the other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea.

The subjects of the right to constitutional petition appoint up to three representatives for participation in consideration of the case.

Article 72 In examination of the case, the Constitutional Court of Ukraine must involve the representatives of the state authorities, whose

regulations are in dispute under the constitutional petition as to their constitutionality to participation.

Article 73 Decisions in cases

The Constitutional Court of Ukraine adopts decisions concerning the constitutionality of the acts set forth in subsection 1 of Article 13 of this Law.

If such acts or their separate parts are recognized to be non-conforming to the Constitution of Ukraine (unconstitutional) they are declared invalid and are null and void as of the day of adoption of the decision on their unconstitutionality by the Constitutional Court of Ukraine.

Article 74 Regulating legal relations which have arisen as a result of the application of an act recognized as unconstitutional

The Constitutional Court of Ukraine may make a statement on the prejudicialness of its decision during the consideration of claims by courts of general jurisdiction in connection with legal relations which have arisen as a result of the application of an unconstitutional act.

SECTION 10

PARTICULARITIES OF THE EXAMINATION OF CASES REGARDING THE CONSTITUTIONALITY OF LEGAL ACTS CREATING DISPUTES REGARDING AUTHORITIES OF THE CONSTITUTIONAL ORGANS OF STATE POWER OF UKRAINE THE ORGANS OF POWER OF THE AUTONOMOUS REPUBLIC OF CRIMEA AND ORGANS OF LOCAL SELF-GOVERNMENT

Article 75 Grounds for constitutional petition

The grounds for a constitutional petition are the existence of a dispute regarding authority of the constitutional organs of State power of Ukraine, organs of power of the Autonomous Republic of Crimea and organs of local self-government if one of the subjects of the right to the constitutional petition set forth in Article 40 of this Law considers the legal acts, set forth in subsection one of Article 13 of this Law, which establish the authority of the mentioned organs, do not correspond to the Constitution of Ukraine.

Article 76 Right to take part in the case

Every subject of constitutional petition set forth in Article 40 of this Law may apply to the Constitutional Court of Ukraine with the constitutional petition concerning the authority of the constitutional organs of State power of Ukraine, power organs of the Autonomous Republic of Crimea and organs of local self-government at any stage of constitutional examination if he/she/it considers that the decision of the Constitutional Court of Ukraine in the case may influence the scope of their authority.

Article 77 The resolute part of the decision

The resolute part of the decision of the Constitutional Court of Ukraine gives the conclusion as to the legal act which established the authority of the constitutional organs of State power of Ukraine, power organs of the Autonomous Republic of Crimea and organs of local self-government.

SECTION 11**PARTICULARITIES OF THE EXAMINATION OF CASES CONCERNING
THE CONSTITUTIONALITY OF ACTS CALLING ELECTIONS, ALL-
UKRAINIAN REFERENDA OR LOCAL REFERENDA
IN THE AUTONOMOUS REPUBLIC OF CRIMEA****Article 78** Term for submitting constitutional petitions

The constitutional petition for providing opinions concerning the constitutionality of the acts calling elections, all-Ukrainian referenda or local referenda in the Autonomous Republic of Crimea may be submitted to the Constitutional Court of Ukraine in the term of no later than a month from the date of the official announcement of the date, cancellation or delay of regular elections, of calling an all-Ukrainian referendum or local referendum in the Autonomous Republic of Crimea.

Article 79 Subject matter of consideration

The Constitutional Court of Ukraine considers issues concerning the constitutionality of legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, and the legal acts of the Autonomous

Republic of Crimea on calling elections, an all-Ukrainian referendum or local referenda in the Autonomous Republic of Crimea.

Article 80 Participation in the constitutional examination

The Constitutional Court of Ukraine may involve in consideration of the case those representatives of the organs that called elections, an all-Ukrainian referendum or local referendum in the Autonomous Republic of Crimea as well as organs charged with holding elections or referenda; a representative of the Central Electoral Commission of Ukraine, and representatives of the power organs, local self-government organs or organs with authority to conduct elections or referenda.

Where necessary, the Constitutional Court of Ukraine may involve representatives of political parties, other associations of citizens, to participate in consideration of the case.

Article 81 Resolutive part of decision

The resolutive part of a decision of the Constitutional Court of Ukraine gives a conclusion as to the constitutionality of the acts calling elections, calling an all-Ukrainian referendum or local referendum in the Autonomous Republic of Crimea.

Where these acts have been recognized to be unconstitutional, the decision of the Constitutional Court of Ukraine contains a statement about the termination of the activities of all organs created to conduct the elections or referenda, the destruction of ballots, agitational materials, termination of financing for the measures concerning holding elections or referenda, returning to the State revenues that were transferred but were not used.

SECTION 12
PARTICULARITIES OF THE EXAMINATION OF CASES REGARDING
THE
CONSISTENCY OF THE PROVISIONS OF CURRENT LEGAL ACTS,
SET FORTH IN SUBSECTION ONE OF ARTICLE 13 OF THIS LAW
WITH CONSTITUTIONAL PRINCIPLES AND NORMS
CONCERNING RIGHTS AND FREEDOMS OF THE
INDIVIDUAL AND CITIZEN

Article 82 Grounds for raising the issue of opening the constitutional examination

The grounds for raising the issue of opening the examination of a case concerning the conformity of current legislative norms to the principles and norms of the Constitution of Ukraine as to the rights and freedoms of individuals and citizens are:

1) the existence of disputable questions concerning the constitutionality of laws and other legal acts adopted and promulgated in the prescribed order;

2) the development of disputable questions concerning the constitutionality of legal acts revealed in the process of general court procedure;

3) the development of disputable questions concerning the constitutionality of legal acts revealed by executive power authorities in process of their implementation and by the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights in the process of his/her activity.

Article 83 Problems of constitutionality which develop during the process of general court procedure

When, in the process of examination of cases under general court procedure, a dispute develops concerning the constitutionality of norms of a law which is being applied by the court, the examination of the case is suspended.

Under such circumstances, a constitutional examination of the case is opened and the case is considered by the Constitutional Court of Ukraine immediately.

SECTION 13
PARTICULARITIES OF THE EXAMINATION OF CASES CONCERNING
THE CONSTITUTIONALITY OF LEGAL ACTS
WHICH ARE CONTRADICTORY IN REGULATING THE REALIZATION
OF CONSTITUTIONAL RIGHTS AND FREEDOMS OF
INDIVIDUALS AND CITIZENS

Article 84 The subject matter for constitutional examination and the order of its opening

The subject matter for the constitutional examination of cases concerning the constitutionality of norms of laws which are contradictory in regulating the order of realizing the constitutional rights and freedoms of the individual and citizen, is the resolution of the disputable issues concerning the constitutionality of the two or more norms or acts of international law, recognized to have binding nature in the territory of Ukraine, which establish different orders for realizing the same constitutional rights and freedoms and thus substantially restrict the possibility of applying them.

Article 85 Order of opening the examination of the case and the particularities of the decision's content

The constitutional examination of the case is opened on the initiative of the subjects of the right to constitutional petition set forth in Article 40 of this Law.

The decision of the Constitutional Court of Ukraine sets forth the norms of the law which are constitutional and which ones are unconstitutional and invalid.

SECTION 14
EXAMINATION OF CASES UNDER SUBSECTION 2 OF ARTICLE 13
OF THE LAW

Article 86 Subject matter of the examination of the case

The Constitutional Court of Ukraine considers the cases and provides opinions concerning the constitutionality of:

- 1) international treaties of Ukraine currently in force;

2) international treaties of Ukraine introduced to the Verkhovna Rada of Ukraine for approval of their binding force.

Article 87 Providing opinions concerning the constitutionality of international treaties currently in force

Issues concerning the constitutionality of an international treaty currently in force are considered by the Constitutional Court of Ukraine under the constitutional petition of the President of Ukraine, the Cabinet of Ministers of Ukraine.

In the case of providing opinions on non-conformity of an international treaty with the Constitution of Ukraine, the Constitutional Court of Ukraine, during this examination, resolves the issues concerning unconstitutionality of this treaty or its separate parts.

Article 88 Providing opinions concerning unconstitutionality of international treaties introduced to the Verkhovna Rada of Ukraine for approval of their binding force

Issues concerning constitutionality of international treaties introduced to the Verkhovna Rada of Ukraine for approval of their binding force are considered by the Constitutional Court of Ukraine under the constitutional petition of the President of Ukraine, the Cabinet of Ministers of Ukraine before adoption of appropriate law by the Verkhovna Rada of Ukraine.

Opening of the constitutional examination of such a case causes termination of consideration of the issue concerning approval of their binding force by the Verkhovna Rada of Ukraine.

Article 89 Consideration of the cases concerning the constitutionality of the legal acts on entering of the international treaties into force for Ukraine

Issues concerning constitutionality of the legal acts of the Verkhovna Rada of Ukraine, the President of Ukraine or the Cabinet of Ministers of Ukraine on entering of the international treaties into force for Ukraine are considered by the Constitutional Court of Ukraine in accordance with Article 13, subsection 1, under the constitutional petition of the subjects listed in Article 40 of this Law.

During the consideration of the case concerning constitutionality of the legal act mentioned in the first paragraph of this Article, the

Constitutional Court of Ukraine at the same time provides opinion on the constitutionality of the international treaty entered into force under the referenced legal act.

CHAPTER 15
EXAMINATION OF CASES ARISING FROM
SUBSECTION 3 OF ARTICLE 13 OF THIS LAW

Article 90 Opening the constitutional examination of cases concerning adherence to the constitutional procedure for investigating and considering cases of removing the President of Ukraine from office through impeachment

The basis for opening the constitutional examination of a case is the constitutional petition of the Verkhovna Rada of Ukraine on the issue of providing an opinion concerning adherence to the constitutional procedure for investigating and considering cases of removing the President of Ukraine from office through impeachment.

The referenced constitutional petition of the Verkhovna Rada of Ukraine is supplemented with the following documents and materials:

those concerning initiating of the question on removing the President of Ukraine from office through impeachment;

those on establishment and activity of the special temporary investigatory commission of the Verkhovna Rada of Ukraine for investigation; opinions and proposals of this commission;

those on consideration of the opinions and proposals of the temporary investigatory commission by the Verkhovna Rada of Ukraine;

decision of the Verkhovna Rada of Ukraine on bringing the accusation of state treason or other crimes against the President of Ukraine:

decision of the Verkhovna Rada of Ukraine on applying to the Constitutional Court of Ukraine.

Article 91 Concluding the constitutional examination

The voluntary resignation of the President of Ukraine, against whom charges were brought, is grounds for concluding constitutional examination of the case.

In such a case, that person is brought to judicial responsibility in accordance with general procedures.

Article 92 Opinion of the Constitutional Court of Ukraine

The Constitutional Court of Ukraine provides an opinion on the case concerning adherence to the constitutional procedure for investigating and considering cases of removing the President of Ukraine from office through impeachment in accordance with part six of Article 111 of the Constitution of Ukraine.

SECTION 16 EXAMINATION OF CASES FORESEEN BY SUBSECTION 4 OF ARTICLE 13 OF THIS LAW

Article 93 The ground for the constitutional petition

The ground for a constitutional petition for an official interpretation of the Constitution of Ukraine and laws of Ukraine is the practical necessity of elucidation or clarification, official interpretation of the provisions of the Constitution of Ukraine and the laws of Ukraine as well.

When constitutional examination of such a case is opened, the Constitutional Court of Ukraine notifies the subjects of the constitutional petition, who applied with such a petition, within ten days.

Article 94 Ground for a constitutional appeal

The ground for a constitutional appeal for an official interpretation of the Constitution of Ukraine and laws of Ukraine is the existence of inappropriate application of provisions of the Constitution of Ukraine or laws of Ukraine by the courts of Ukraine, other organs of State authorities, provided that the subject of the right to constitutional appeal considers it may lead or has led to a violation of his/her constitutional rights and freedoms.

Article 95 The resolute part of the opinion of the Constitutional Court of Ukraine

The resolute part of the opinion of the Constitutional Court of Ukraine officially interprets the provisions of the Constitution of Ukraine

and laws of Ukraine which were the subject of the constitutional petition or constitutional appeal.

If in the interpretation of a law of Ukraine (its separate parts) there was established the existence of non-conformity with the Constitution of Ukraine, then the Constitutional Court of Ukraine in that same examination decides the issue as to the unconstitutionality of such a law.

CHAPTER IV Final and Transitional Provisions

I. This Law enters into force on the date of its publication.

II. Upon the entry of this Law into force, the Law of Ukraine of 3 June 1992, "On the Constitutional Court of Ukraine" with amendments adopted on 4 February, 1993, and the Resolution of the Verkhovna Rada of Ukraine "On the Order of entering into force the Law of Ukraine "On the Constitutional Court of Ukraine" of 3 June 1992, are annulled.

III. The jurisdiction of the Constitutional Court of Ukraine regarding the conformity with the Constitution of Ukraine (constitutionality) extends to:

1) The laws of Ukraine and the other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of Autonomous Republic of Crimea adopted after the Constitution of Ukraine enters into force;

2) The laws of Ukraine, and the other legal acts of the Verkhovna Rada of Ukraine, its organs, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of Autonomous Republic of Crimea adopted before the Constitution of Ukraine entered into force;

3) All current international treaties of Ukraine or those international treaties submitted to the Verkhovna Rada of Ukraine for granting agreement on their binding nature.

IV. The Constitutional Court of Ukraine begins accepting constitutional petitions and constitutional appeals for consideration as of 1 January 1997.

V. The session of the Verkhovna Rada of Ukraine for taking the oath of the judges of the Constitutional Court of Ukraine takes place no later than within one month after the first appointment of judges of the Constitutional Court of Ukraine.

VI. The first special plenary session of the Constitutional Court of Ukraine for electing the Chairman of the Constitutional Court of Ukraine shall be convened on the day of the taking of the oath by the judges which constitute a minimally-requisite composition of the Constitutional Court of Ukraine.

VII. Until the problem of establishing the Committees of the Verkhovna Rada of Ukraine is solved, the functions of the Committee of the Verkhovna Rada of Ukraine set forth in subsection two of Article 7 of the Law are executed by the Standing Commission of the Verkhovna Rada of Ukraine.

VIII. Expenditures for maintenance of the Constitutional Court of Ukraine before 1 January 1997, shall be incurred at the expense of the Verkhovna Rada of Ukraine and compensated at the expense of the reserve fund of the Cabinet of Ministers of Ukraine.

IX. The Cabinet of Ministers of Ukraine, within three months following this Law's entry into force, provides the Constitutional Court of Ukraine, its sub-divisions and services, with a separate building in Kyiv. It also provides equipment and solves the problems of financial, material and technical provision for the Constitutional Court of Ukraine.

President of Ukraine
L. Kuchma

Kyiv, 16 October 1996.