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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW ON THE STATUS OF JUDGES OF UKRAINE
(Comparative table showing amendments to the draft)

LAW OF UKRAINE “ON THE STATUS OF JUDGES”
Draft new wording

Text as approved by the National Commission on Strengthening Democracy and the Rule of Law, 11 July 2006	Text as submitted by the President of Ukraine to the Verkhovna Rada of Ukraine, 27 December 2006
<p>This Law defines the status of judges, people's assessors, jurors and regulates relations dealing with support of independence of judges, regulates procedures of appointment (election) of judges, qualification examination, bringing judges to disciplinary measures and dismissing them from their posts, and also guaranties financial and other support of judges.</p>	<p>This Law shall define the status of professional judge, people's assessor, juror and regulate relations connected with ensuring independence of judges, establish procedures of appointment (election) of judges, their qualification examination, bringing judges to disciplinary liability and their dismissal from the posts, as well guaranties of financial and other provision of judges.</p>
Section I. Fundamentals	Section I. BASIC PROVISIONS
Chapter 1. General provisions	Chapter 1. General provisions
Article 1. A judge – bearer of judicial power	Article 1. A judge – bearer of judicial power
<p>1. Professional judges are representatives of people, involved in execution of justice in the manner prescribed by the law, shall be bearers of judicial power in Ukraine, who execute justice independently from legislative and executive powers.</p>	<p>1. Professional judge and representatives of people engaged in the administration of justice in cases defined by the law shall be bearers of judicial power in Ukraine, who shall administer justice independently from legislative and executive powers.</p>
Article 2. Legislation of status of judges	Article 2. Legislation on the status of judges
<p>1. Status of judges shall be defined by the Constitution of Ukraine, this Law, and the Law of Ukraine “On Judiciary of Ukraine” and other laws.</p>	<p>1. Status of judge shall be defined by the Constitution of Ukraine, this Law, the Law of Ukraine “On the Judiciary of Ukraine”, and other laws.</p>
Article 3. Independence of judges	Article 3. Independence of judge
<p>1. Judges in their operation regarding administering justice shall be independent from any influence, shall not report to anyone and shall only abide to the Constitution of Ukraine and the laws of Ukraine. Interference in operation of judges in administering justice shall not be permitted and shall entail liability defined by the law.</p>	<p>1. Judge in his/her activity of administering justice shall be independent from any illegal influence, pressure, or interference whatever source they are coming from. Judge shall administer justice on the basis of the Constitution and laws of Ukraine, being governed by the principle of the rule of law. Interference with the judge's activity of administering justice shall be prohibited and shall entail liability defined by the law.</p>
<p>2. Judges shall consider cases received according to the procedure of distribution of trial cases, pursuant to the law. Distribution of cases shall not be influenced by the desire of judges or any other persons, interested results of its resolution.</p>	
<p>3. A judges shall not provide any information regarding the essence of cases, which are under his consideration, except for those pursuant to this Law.</p>	<p>2. Judge shall not be obliged to provide any information regarding the contents of cases, which are under his/her consideration, except for cases established by this Law.</p>
	<p>3. Judge shall have the right to address the Council of Judges of Ukraine with information about a threat to his/her independence. The Council of Judges of Ukraine shall without delay verify such information and consider it with participation of the judge concerned and shall take necessary measures to avoid the threat.</p>

4. Independence of judges shall be provided by:	4. Independence of judge shall be ensured by:
1) special procedure of appointment, election, bringing to liability and dismissal of judges;	1) special procedure of appointment, election, bringing to liability and dismissal;
2) judicial immunity;	2) judge's inviolability and immunity;
3) unchangeable nature of professional judges;	3) job security of professional judge;
4) procedure of justice execution pursuant to the procedural law, secrecy of rendition proceedings;	4) procedure of justice administration defined by the procedural law, secrecy of decision delivery;
5) prohibition of interference in execution of justice;	5) prohibition of interference in the administration of justice;
6) liability for contempt of court or a judge pursuant to the law;	6) liability for contempt of court or judge established by the law;
7) special procedure of funding and organizational support of court operation pursuant to the law;	7) special procedure of funding and organisational provision of courts' functioning established by the law;
8) adequate material and social support of judges;	8) proper material and social support of judges;
9) functioning of judicial self-government authorities;	9) functioning of bodies of the judicial self-government;
10) means of personal protection of judges, their families, property, defined by the law, and other means of their legal protection;	10) means of personal protection of judges, their families, property, defined by the law, and other means of their legal protection;
11) right of a judge to retire.	11) judge's right to retire.
5. All state authorities, institutions and organizations, local self-government authorities, citizens and their unions shall be bind to respect the independence of judges and not infringe on it.	5. Bodies of the state power, enterprises, institutions and organisations, bodies of the local self-government, citizens and their associations shall be bound to respect the independence of judge and not encroach on it.
6. Should the new laws or amendments to current laws be accepted, narrowing of the content and guarantees of judges' independence pursuant to the Constitution of Ukraine shall not be permitted.	6. When new laws or amendments to active laws are adopted, it shall not be allowed to narrow the content and volume of judge's independence defined by the Constitution of Ukraine.
Article 4. Immunity of judges	Article 4. Inviolability and immunity of judges
1. Judges are immune. Immunity of a judge shall spread upon his/her housing, office premises, transport and means of communication, correspondence, his/her property and documents.	1. Judge is inviolable. Inviolability of judge shall include his/her home, office, transport and means of communication, correspondence, property and documents.
2. A judge can not be arrested or taken into custody till the conviction by the court without approval of Verkhovna Rada of Ukraine.	2. Without approval of the Verkhovna Rada of Ukraine judge may not be arrested or taken into custody until his/her conviction by the court.
2. A judge arrested on suspicion of committing a misdemeanor entailing criminal or administrative liability, shall be immediately released after identification of his/her person. Any ground or cause to take to any institution or body, except for court, shall not be applied to a judge.	3. Judge who has been arrested on suspicion of committing an act entailing criminal or administrative liability, shall be immediately released after identification of his/her person. Judge may not be forcefully brought to any body or institution except for the court.
3. A criminal case concerning a judge shall be initiated only by the General Prosecutor of Ukraine or his/her deputy.	4. A criminal case against a judge may be opened only by the General Prosecutor of Ukraine or his/her deputy.
4. Intrusion in housing or other property of a judge, his/her office premises, personal or work transport, their examining, search and seizure, interception of his/her phone calls, personal search of a judge, as well as search and seizure of his/her correspondence, belongings and	5. Penetration in home or other property of judge, his/her office, personal or work transport, examination, search or seizure therein, interception of his/her phone calls, personal search of judge, as well as search and seizure of

documents shall be carried out only pursuant to the court decision.	his/her correspondence, belongings and documents shall be carried out only pursuant to the court decision.
5. Regional jurisdiction of a case regarding prosecution of a professional judge for committing a crime shall be determined by the affirmation of a judge of the Supreme Court of Ukraine. A case shall not fall into jurisdiction of the court, where the judge occupies or occupied before the post of judge.	6. Territorial jurisdiction for the case on the prosecution of professional judge for committing a crime shall be determined by the ruling of the judge of the Supreme Court of Ukraine. The case shall not be considered by the court, where the accused occupies or occupied before the post of judge.
	7. Judge shall not bear civil liability for the damage caused to a person by decision, act or omission related to the administration of justice. The State shall be held liable for the damage caused by court on grounds and according to the procedure defined by the law.
Article 5. Liability for contempt of judge (court)	Article 5. Liability for contempt of judge or court
1. Display of contempt of judge (court) from persons participating in case consideration or present at the trial proceedings, as well as committing actions out of court that speak for an evident contempt of judge in relation to his/her judicial activities shall entail liability pursuant to the law.	1. Display of contempt of judge or court by persons participating in case consideration or present at the court sitting shall entail liability established by the law.
Article 6. State protection of judge and his/her family	Article 6. State protection of judge and members of his/her family
1. Judges, members of their families and their property shall be under a special protection of the State.	1. Judge, members of his/her family and their property shall be under a special protection of the State.
2. A professional judge shall have a right to store, carry and use weapon and other special means of defense in the manner pursuant to the law.	
3. Security of judge, members of his/her family, protection of their property shall be provided according to the Law of Ukraine "On the State Protection of Employees of Court and Other Law Enforcement Authorities".	2. The protection of judge, members of his/her family, protection of their property shall be provided according to the Law of Ukraine "On the State Protection of Court Employees and Law Enforcement Authorities".
Chapter 2. Professional judge	Chapter 2. Professional judge
Article 7. Status of professional judge	Article 7. Status of professional judge
1. Professional judge shall be a citizen of Ukraine, who according to the Constitution of Ukraine appointed or elected to a post of judge, shall occupy a position of judge in one of the courts and administer justice on professional basis.	1. Professional judge shall be a citizen of Ukraine, who according to the Constitution of Ukraine was appointed or elected to the post of judge, shall occupy a position of judge in one of the courts and administer justice on professional basis.
2. Professional judges in Ukraine shall have unitary status independent from the place of court in the system of courts of general jurisdiction or administrative position occupied by a judge in court.	2. Professional judges in Ukraine shall have uniform status not dependent on the place of court in the system of the general jurisdiction courts or on the administrative post occupied by judge in the court.
Article 8. Unchangeable nature of judges	Article 8. Job security of judge
1. Judge shall occupy their posts without term limitation, excluding judges of the Constitutional Court of Ukraine and judges of court of general jurisdiction appointed to this position for the first time.	
2. Judges that occupy positions without term limitation shall be guaranteed occupying the post of judge until they	1. Judge who occupies his/her post for the permanent term shall be guaranteed to hold the

reach sixty five years of age.	post of judge until the age of sixty five years.
3. A judge shall not be transferred to a different position or a different court without his/her consent.	2. Judge may not be transferred to another position or to another court without his/her consent.
Article 9. Incompatibility requirements	Article 9. Requirements concerning incompatibility
1. Occupying the post of judge shall not be compatible with occupation of a post in any other body of state power, local self-government or representative mandate.	1. Holding the post of judge shall not be compatible with a post in any other body of state power, body of the local self-government or with representative mandate.
2. A judge shall not have a right to combine his/her activity with business activity, attorney activity, any other work (except for educational, scientific and creative work in the free time from execution of powers of judge), and also be a member of steering body or supervisory board of a for profit enterprise or organization.	2. Judge shall not have a right to combine his/her activity with entrepreneurial activity, advocate's work, any other paid occupation (except for educational, scientific and creative work in time free from execution of powers of judge), as well as to be a member of managing body or supervisory board of an enterprise or profit aimed organisation.
3. A judge shall not belong to any political party or professional union, publicly speak about or display sympathy to them, take part in political actions of political parties, meetings, strikes.	3. Judge shall not belong to any political party or professional union, publicly display sympathy to them, take part in political actions of political parties, meetings, and strikes.
4. Pursuant to an application of judge, he/she may be sent to work in the High Council of Justice, qualifications commissions of judges, the Disciplinary Commission of Judges of Ukraine, judicial inspectors' service, the National School of Judges of Ukraine, preserving their salary of primary employment.	4. Upon his/her request judge may be transferred to work in the High Council of Justice, qualifications commission of judges, the Disciplinary Commission of Judges of Ukraine, service of court inspectors, the National School of Judges of Ukraine with the preservation of the salary at the primary place of work.
Article 10. Rights and responsibilities of judge	Article 10. Rights and responsibilities of judge
1. The right of a judge regarding administering of justice shall be determined by the Constitution of Ukraine, procedural and other laws.	1. Rights of judge which relate to the administration of justice shall be determined by the Constitution of Ukraine, procedural and other laws of Ukraine.
2. A judge shall have a right to take part in judicial self-government for resolving matters of internal activities of courts in the manner pursuant to the law. Judges may establish unions and participate in them with the purpose of protection of their rights and interests, professional development.	2. Judge shall have a right to take part in the judicial self-government to resolve matters of internal operation of courts in the manner established by the law. Judges may establish unions and participate in them with the view of protection of their rights and interests, professional development.
3. A judge shall have a right to raise his/her professional skills, take appropriate training with this purpose. <u>A judge shall be required to take:</u>	3. Judge shall have a right to raise his/her professional skills and take appropriate training to this end.
<u>1) annual two-weeks training – during five years after the first time appointment to a position of judge;</u>	<u>Judge appointed to the post for the first time shall take annual two-week training. Judge with the permanent term shall take a two-week training at least once in three years.</u>
<u>2) two-weeks training – not less than once in three years after judge is elected to the post without term limitation;</u>	<u>Judge who was lowered in the qualification rank or deprived of the qualification rank shall take a two-week training.</u>
<u>3) two-weeks training – in case of deprivation of a qualification rank.</u>	
4. A judge shall be required to:	4. Judge shall be obliged:
1) timely, fairly and impartially consider and resolve legal cases pursuant to the law in accordance with	1) to consider and resolve court cases timely, fairly and impartially pursuant to the law in

fundamentals and rules of judicature;	accordance with principle and rules of the judicial procedure;
2) show respect to participants of proceedings;	2) to show respect to participants of proceedings;
3) not perform actions that may cause doubts of his/her independence and impartiality, and other actions, which discredit him/her as a carrier of judicial power;	3) not to perform actions that may cause doubts as to his/her independence and impartiality, and other actions, which discredit him/her as a bearer of judicial power;
4) not disclose information, which are secret protected by the law, in particular secret of jury room and closed court trial;	4) not to disclose information, which is a secret protected by the law, in particular a secret of judge's deliberation room and closed court sitting;
5) keep with the incompatibility requirements.	5) to respect requirements concerning the incompatibility of office;
	<u>6) annually, not later than 1 April, submit to the State Judicial Administration of Ukraine declaration of his/her proprietary situation which shall be published on the official web-portal of the judicial power.</u>
	<u>Declaration of the proprietary situation shall include information on revenues, securities, immovable property, valuable movable property, deposits in banks, financial obligations and expenditures (if one time expenditures exceed the amount of judge's monthly income) of the judge, members of his/her family and next of kin. The form of the declaration and procedure for its filling shall be adopted by the Cabinet of Ministers of Ukraine.</u>
Article 11. Oath of judges	Article 11. Oath of judge
1. A person elected to the post of judge for the first time shall assume office after taking the oath of the following content:	1. A person appointed to the post of judge for the first time shall assume office after taking an oath of the following content:
«I, (name and last name), assuming office of a professional judge, swear to execute justice impartially and unbiased pursuant to the Constitution of Ukraine and laws of Ukraine, on principals of rule of law, fairly and drudgingly perform the responsibilities of a judge in accordance with the rules of judicial ethics».	«I, (name and last name), assuming the office of professional judge, swear to administer justice in impartial and unbiased manner pursuant to the Constitution of Ukraine and laws of Ukraine, to be governed by the principle of the rule of law, to perform responsibilities of judge fairly and in good faith, to respect requirements of judge's ethics».
2. A judge shall swear during the solemn ceremony in the presence of the President of Ukraine. The text of the oath shall be signed by the judge and stored in the personal file.	2. Judge shall take the oath during a solemn ceremony in the presence of the President of Ukraine. The text of the oath shall be signed by the judge and stored in the personal file.
Article 12. Judicial ethics	Article 12. Judge's ethics
1. Judge shall be obliged to comply with the rules of judicial ethics, approved by the Congress of Judges of Ukraine.	1. Judge shall be obliged to respect rules of judge's ethics, which shall be approved by the Congress of Judges of Ukraine.
Chapter 3. People's assessors and jurors.	Chapter 3. People's assessors and jurors
Article 13. Status of people's assessor	Article 13. Status of people's assessor
1. People's assessor shall be a citizen of Ukraine, who according to the procedural law shall consider cases in court together with a professional judge, providing direct participation of people in execution of justice pursuant to the Constitution of Ukraine.	1. People's assessor shall be a citizen of Ukraine, who – in cases defined by the procedural law – shall consider cases in court together with a professional judge, providing direct participation of people in the administration of justice pursuant to the Constitution of Ukraine.
2. People's assessors during consideration and solving the case shall exercise powers of judge. People's	2. People's assessors during consideration and solving of cases shall have powers of a judge.

assessors shall have responsibilities determined by the items 1-4, part 4, Article 10 of this Law.	People's assessors shall have responsibilities determined by subparagraphs 1-4 of paragraph 4 of Article 10 of this Law.
Article 14. List of people's assessors	Article 14. List of people's assessors
1. A list of people's assessors shall include, in the quantity stated in the proposal of the chair of the court, citizens, who continuously live on the territory under jurisdiction of this court, comply with all requirements of Article 15 of this Law and give consent to be people's assessors.	1. The list of people's assessors shall include, in the quantity defined in the submission of the president of the court, citizens, who permanently reside on the territory under the jurisdiction of the respective court, comply with all requirements of Article 15 of this Law and gave their consent to be people's assessors.
2. A list of people's assessors shall be approved by the decision of a respective council for four years and reviewed if necessary, but at least in two years.	2. The list of people's assessors shall be approved by decision of the respective local council for four years and shall be reviewed when necessary but at least once in two years.
3. A list of people's assessors shall be published in printed mass media of a respective local council.	3. The list of people's assessors shall be published in print mass media of the respective local council.
Article 15. Requirements for people's assessors	Article 15. Requirements to people's assessor
1. People's assessor shall be a citizen of Ukraine, who reached 20 years of age and constantly lives on the territory under jurisdiction of a respective court.	1. People's assessor shall be a citizen of Ukraine, who reached 25 years of age and permanently resides on the territory under the jurisdiction of the respective court.
2. The following citizens shall not be included in the list of people's assessors:	2. The following citizens may not be included in the list of people's assessors:
1) determined by court as restrictedly capable or legally incapable;	1) recognised by court as partly capable or legally incapable;
2) those, who have chronic psychic or other diseases, which discount execution of duties of people's assessor;	2) who have chronic psychic or other diseases, which prevent the execution of duties of people's assessor;
3) those, who are a subject to inquiry, pre-trial investigation of legal consideration of criminal case or who are not discharged or who's conviction is not cancelled;	3) who are subjected to inquiry, pre-trial investigation or trial in criminal case or who have a conviction that has not been discharged or cancelled;
4) people's deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, judges, prosecutors, employees of bodies of internal affairs and other law enforcement authorities, military servants, employees of State Judicial Administration and court staff, other state servants, attorneys, notary officers.	4) people's deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, judges, prosecutors, employees of bodies of the interior and other law enforcement agencies, military servants, staff members of the State Judicial Administration and court secretariats, other civil servants, advocates, and notaries.
5) citizens older 65 years of age;	5) citizens older than 65 years;
6) persons, who do not speak the state language.	6) persons who do not speak the state language.
3. A person included in the list of people's assessors shall be obliged to inform the court about circumstances, which exclude his/her ability to take part in execution of justice.	3. A person included in the list of people's assessors shall be obliged to inform the court about circumstances, which exclude his/her possible participation in the administration of justice.
Article 16. Reasons and procedure for terminating people's assessor from execution of duties	Article 16. Grounds and procedure for dismissal from execution of duties of people's assessor
1. Persons, which can not be included in the list of people's assessors according to the Law, but were included, shall be dismissed from execution of duties of people's assessor by the chair of a respective court.	1. Person, who according to this Law cannot be included in the list of people's assessors but was included therein, shall be dismissed from execution of duties of people's assessor by the

	president of the respective court.
2. The following persons shall be dismissed from execution of duties of people's assessor by the chair of a respective court:	2. The following persons shall be dismissed from execution of duties of people's assessor by the president of the respective court:
1) persons who are on maternity leave, child-care leave, or have children of pre-school age or younger school age, or care after disabled children, other sick persons or members of family of senior age;	1) persons who are on maternity leave, child-care leave, or have children of pre-school age or younger school age, or take care after disabled children, other sick persons or elderly members of family;
2) heads and deputy heads of local self-government authorities;	2) heads and deputy heads of bodies of the local self-government;
3) persons, who can not participate in execution of justice because of their religious beliefs;	3) persons who due to their religious beliefs consider it impossible for them to participate in the administration of justice;
4) other persons if the chair of the court acknowledges the reasons they provide as justifiable.	4) other persons if the president of the court recognises the grounds they provide as justifiable.
3. Persons identified in the second part of this Article shall be released from execution of duties of people's assessor on their request filed prior to engagement in execution of these duties.	3. Persons identified in paragraph 2 of this Article shall be dismissed from execution of duties of people's assessor upon their request filed prior to engagement in the execution of these duties.
4. Dismissal from execution of duties of people's assessor as a result of withdrawal (self withdrawal) in a specific case shall be executed duly pursuant to the procedural law.	4. Dismissal from execution of duties of people's assessor as a result of challenge (self-withdrawal) in the specific case shall be carried out pursuant to the procedural law.
Article 17. Status of a juror	Article 17. Status of juror
1. A juror shall be a citizen of Ukraine, who according to the procedural law shall consider cases in court together with a professional judge , providing direct participation of people in execution of justice pursuant to the Constitution of Ukraine.	1. Juror shall be a citizen of Ukraine, who – in cases defined by the procedural law – shall be involved in the administration of justice in the specific case, providing direct participation of people in the administration of justice pursuant to the Constitution of Ukraine.
2. A juror shall be required to take part in consideration of the legal case and solve issues under jurors' consideration fairly and unbiased. Jurors shall have responsibilities determined by the items 2-4, part 4, Article 10 of this Law.	2. Juror shall be obliged to take part in consideration of court case and solve issues under jurors' consideration fairly and impartially. Juror shall also have responsibilities determined by subparagraphs 2-4 of paragraph 4 of Article 10 of this Law.
3. A jury trial shall be conducted for consideration of cases in the first instance determined by the procedural law.	3. A jury trial shall be established for consideration of cases in the first instance determined by the procedural law.
Article 18. List of jurors	Article 18. List of jurors
1. A list of jurors shall be compiled based on the candidate lists by the commission, composition of which is approved respectively by the Verkhovna Rada of the autonomous Republic of Crimea, regional council, and Kyiv and Sevastopol city councils. The composition of the commission shall include plenipotentiary representatives of court, justice authorities and respective council. A list of jurors shall include citizens, who continuously live on the territory of the jurisdiction of the respective court, and comply with the criteria stated in Article 19 of this Law.	1. The list of jurors shall be compiled based on the voters' lists by a commission, whose composition shall be approved respectively by the Verkhovna Rada of the Autonomous Republic of Crimea, oblast council, Kyiv and Sevastopol city councils. The composition of the commission shall include plenipotentiary representatives of court, bodies of justice and respective council in equal numbers.
	2. The list of jurors shall include citizens, who permanently reside on the territory under the jurisdiction of the respective court and who comply with requirements of Article 19 of this Law.
2. A list of jurors shall be approved by the decision of a respective council for four years and reviewed if	3. The list of jurors shall be approved by decision of the respective council for four years

necessary, but at least in two years.	and shall be reviewed when necessary but at least once in two years.
3. A list of jurors shall be published in printed mass media of a respective local council.	4. The list of jurors shall be published in print mass media of the respective local council.
Article 19. Requirements for jurors	Article 19. Requirements to jurors
1. A juror can be a citizen that reached the age of thirty.	1. Juror shall be a citizen who reached the age of 30.
2. The persons mentioned in the second part of Article 15 of this Law can not be jurors.	2. Persons mentioned in paragraph 2 of Article 15 of this Law cannot be jurors.
3. The very same person can not be included at the same time to a list of people's assessors and a list of jurors.	3. The same person cannot be included at the same time to the list of people's assessors and the list of jurors.
Article 20. Reasons and procedure of exonerating from execution of duties of juror	Article 20. Grounds and procedure of dismissal from execution of duties of juror
Exonerating from execution of duties of juror shall be performed by a professional judge, who is considering the case for the reasons prescribed by the Article 16 of this Law and other grounds and duly pursuant to the procedural law.	1. Dismissal from execution of duties of juror shall be carried out by the professional judge considering the case upon grounds provided for in Article 16 of this Law as well as other grounds and in accordance with the procedure established by the procedural law.
Article 21. Attraction of people's assessors and jurors to execution of duties of judge	Article 21. Engagement of people's assessors and jurors to execution of duties in court
1. A court shall attract people's assessors to execution of justice in the order of priority for the term not more than one month per year, except cases when prolonging this term is necessary to finish consideration of a case, which was started with their participation.	1. Court shall engage people's assessors to the administration of justice one after another for the term of not more than one month per year, except for cases when extension of this term is required by the necessity to finish consideration of the case, which was started with their participation.
2. A court shall attract jurors for consideration of a specific case.	2. Court shall engage jurors to consideration of the specific court case.
3. A written invitation to participate in execution of justice shall be sent by court to assessor or juror not later than two weeks prior to session of the court. The following shall be indicated in the invitation: rights and responsibilities of people's assessor and juror accordingly, set of requirements for people's assessors and jurors, as well as grounds for releasing them from execution of mentioned duties. Together with the invitation a written message for employer regarding attraction of a person as a people's assessor or a juror shall be sent.	3. A written invitation to participate in the administration of justice shall be sent by the court to people's assessor or juror not later than two weeks prior to the court sitting. The invitation shall include the mentioning of rights and responsibilities of people's assessor and juror accordingly, set of requirements for people's assessors and jurors, as well as grounds for their dismissal from execution of mentioned duties. Together with the invitation a written message for employer regarding engagement of the person as a people's assessor or a juror shall be sent.
4. The employer shall be obliged to release a people's assessor or a juror from his/her works for the time of execution of his/her duties in court. Refusal to release a person from work shall be viewed as a contempt of court.	4. The employer shall be obliged to release people's assessor or juror from his/her work for the time of execution of his/her duties in court. Refusal to release a person from work shall be considered as a contempt of court.
5. A people's assessor or a juror shall be obliged to appear on the invitation of court on time to participate in the court session. Default of appearance in court without a justifiable reason shall be viewed as a contempt of court.	5. People's assessor or juror shall be obliged to appear on the invitation of court on time to participate in the court sitting. Absence without a justifiable ground shall be considered as a contempt of court.
6. Procedure of selection of jurors for consideration of a case, procedure of their swear and the content of this oath shall be determined by the procedural law.	6. Procedure of selection of jurors for consideration of a case, procedure of taking the oath and its contents shall be determined by the procedural law.

Article 22. Guaranties of rights of people's assessors and jurors	Article 22. Guaranties of rights of people's assessors and jurors
1. People's assessors and jurors for the time of their execution of duties of a judge shall be paid compensation in the amount of their average monthly salary or pension, but not less than the living wage for an able-bodied person. They shall also receive compensation for transportation and housing rent, as well as per diem. The stated payments shall be executed by the regional department of the State Judicial Administration of Ukraine backed by the State Budget of Ukraine.	1. People's assessors and jurors for the time of execution of their duties in court shall be paid compensation in the amount of their average monthly salary or pension, but not less than the living minimum for person able to work. They shall also receive compensation for transportation and housing rent, as well as per diem. These payments shall be performed by the territorial department of the State Judicial Administration of Ukraine from the State Budget of Ukraine.
2. Dismissal of a people's assessor or a juror from work or transfer to a different job without his/her consent during execution of his/her duties in court shall not be permitted.	2. Dismissal of people's assessor or juror from work or transfer to another job without his/her consent during execution of his/her duties in court shall not be permitted.
3. Guaranties of independence and immunity of judges pursuant to the law shall apply to people's assessors and jurors for the term of execution of justice by them. On a justified request of a people's assessor or a juror security measures may be applied to him/her even after.	3. Guaranties of independence and immunity of judges pursuant to the law shall apply to people's assessors and jurors for the term of execution of their duties of the administration of justice. Upon a justified request of people's assessor or juror protection measures may be applied to him/her after he/she stopped executing these duties.
Section II. PROCEDURE FOR ASSUMING THE POSITION OF PROFESSIONAL JUDGE OF COURT OF GENERAL JURISDICTION	Section II. PROCEDURE FOR ASSUMING THE POST OF PROFESSIONAL JUDGE OF THE COURT OF GENERAL JURISDICTION
Chapter 1. General provisions	Chapter 1. General provisions
Article 23. Requirements for candidates for a position of judge	Article 23. Requirements to candidates for the post of judge
1. A citizen of Ukraine that reached the age of twenty five, who has high juridical education and work experience in the legal field of minimum three years, resides in Ukraine for at least ten years and fluently speaks the state language may be recommended for a position of judge.	1. A citizen of Ukraine who reached the age of 25, who has a high legal education and work experience in the legal field of at least three years, who resides in Ukraine for at least ten years and has a command of the state language may be recommended to the post of judge.
2. A citizen of Ukraine that reached the age of thirty, who has high juridical education and work experience in the legal field of minimum five years, resides in Ukraine for at least ten years and fluently speaks the state language may become a judge of a circuit court.	2. A citizen of Ukraine who reached the age of 30, who has a high legal education and work experience in the legal field of at least five years, who resides in Ukraine for at least ten years and has a command of the state language may be judge of a circuit court.
3. Additional requirements to candidates for positions of judge of court of high level shall be provided by this Law.	3. Additional requirements to candidates for the post of judge in the courts of high level shall be established by this Law.
	4. For the purposes of this Article it shall be considered that:
4. The high juridical education for this Article shall be considered the high juridical education received in Ukraine with educational-qualification rank "Master".	1) "a high legal education" is the high legal education received in Ukraine with the educational and qualification degree of "Master of Law";
5. Work experience in the legal field for this Article shall be considered experience of person's occupational work after this person receives the high juridical education with the educational-qualification rank of at least "Specialist".	2) "work experience in the legal field" is experience of person's legal work after graduation with the educational and qualification degree of not lower than "Specialist of law";
6. Residing in Ukraine for at least ten years for the purposes of this Article shall be considered the total	3) "residence in Ukraine for at least ten years" is the total time of residence in Ukraine of

amount of time of residing in Ukraine of minimum ten years not depending on the breaks in this period.	minimum ten years regardless of breaks in this period.
Article 24. Selection of candidates for a position of judge	Article 24. Selection of candidates for the post of judge
1. Selection of candidates for a position of judge shall be done on basis of competition from the number of persons that comply with the criteria set by the Constitution of Ukraine and Article 23 of this Law, and who passed work training for a position of judge, based on results of examination according to the requirements of this Law.	1. Selection of candidates for the post of judge shall be carried out on the basis of competitive principles from among persons who comply with requirements set by the Constitution of Ukraine and Article 23 of this Law, and who took training to work as judge, upon results of examinations according to requirements of this Law.
2. During the selection of candidates they shall be provided with equal rights regardless of their origin, social and material status, ethnic and race affiliation, sex, political and religious beliefs and other circumstances.	2. During the selection of candidates the equality of their rights shall be ensured regardless of their race, colour of skin, political, religious, and other beliefs, their sex, ethnic and social origin, property status, domicile, linguistic and other characteristics.
3. Every person, who complies with the requirements to the candidate for a position of judges and took appropriate training in the National School of Judges of Ukraine, shall have a right to address the High Qualifications Commission of Judges of Ukraine with a proposal to recommend him/her for appointing or electing him/her for a position of a professional judge.	3. Every person, who complies with the set requirements to candidate for the post of judge and took appropriate training in the National School of Judges of Ukraine, shall have a right to apply to the High Qualifications Commission of Judges of Ukraine with a request to have him/her recommended for the appointment or election to the post of professional judge.
4. A judge, whose term of powers ended, on his/her proposal shall be recommended for electing him/her without term limitation, if there are no grounds under the law, which discount this.	4. Judge, whose term of office has ended, upon his/her request shall be recommended for the election to the permanent post of judge, provided there are no circumstances established by the law which prevent this.
Article 25. Preparation for work on the post of judge	Article 25. Training for work on the post of judge
1. Training for work on the post of judge shall be done by the National School of Judges of Ukraine during two years. The term of such preparation shall be included in the work experience in the legal field. For attorneys, prosecutors, assistants of judges, and scientific consultants with work experience on a respective post more than five years, and persons with scientific rank of PhD or Doctor of Juridical Science the term of preparation for working on the position of judge in the National School of Judges of Ukraine shall be only one year.	1. Training for work on the post of judge shall be carried out by the National School of Judges of Ukraine during two years. The time of such training shall be included in the work experience in the legal field. For advocates, prosecutors, assistants to judges, and scientific consultants with work experience on the respective post of more than five years, and persons with scientific rank of PhD or Doctor of Juridical Science the time of training for work on the post of judge in the National School of Judges of Ukraine shall be one year.
2. Entrance to the National School of Judges of Ukraine shall be executed on basis of competition. The competition shall be held by the state examination commission, composition of which is approved by the High Qualifications Commission of Judges of Ukraine.	2. Entrance to the National School of Judges of Ukraine shall be on the basis of a competition. The competition shall be held by the state examination commission, whose composition shall be approved by the High Qualifications Commission of Judges of Ukraine.
3. Entrance competition shall be conducted in the manner of anonymous test, written task and interview in accordance with the regulations on procedures of entrance to the National School of Judges of Ukraine, approved by the High Qualifications Commission of Judges of Ukraine on the proposal of the National School of Judges of Ukraine.	3. Entrance competition shall be conducted in the form of anonymous test, written assignment and interview in accordance with the regulations on the procedure for entrance to the National School of Judges of Ukraine, which shall be approved by the High Qualifications Commission of Judges of Ukraine upon submission of the National School of Judges of Ukraine.
Article 26. Announcement of competition for a position of judge	Article 26. Announcement of competition for the post of judge

1. In order to conduct the competition for vacant posts of judge the High Qualifications Commission of Judges of Ukraine shall publish an announcement in the official printed periodical, assigned by the Cabinet of Ministers of Ukraine, not later than two months prior to the competition.	1. In order to conduct the competition for vacant posts of judges the High Qualifications Commission of Judges of Ukraine shall publish an announcement in the official printed periodical, assigned by the Cabinet of Ministers of Ukraine, not later than two months prior to the start of the competition.
2. The competition announcement shall indicate:	2. The competition announcement shall indicate:
1) titles of courts, where there are or will be vacant posts of judge, and the quantity of these posts;	1) titles of courts, where there are or will be available vacant posts of judges, and the number of these posts;
2) qualification requirements to a candidate for a post of judge;	2) qualification requirements to the candidate for the post of judge;
3) set of documents according to the first part of Article 27 of this Law and term of application;	3) list of documents according to paragraph 1 of Article 27 of this Law and the term for their submission;
4) title, location and postal address of the High Qualifications Commission of Judges of Ukraine;	4) title, location and postal address of the High Qualifications Commission of Judges of Ukraine;
5) conditions of conducting the competition;	5) terms of the competition;
6) date, place and time of the competition;	6) date, place and time of the competition;
Article 27. Filing documents by the candidate to the High Qualifications Commission of Judges of Ukraine	Article 27. Submission of documents by the candidate for judge to the High Qualifications Commission of Judges of Ukraine
1. In order to take part in the competition a person shall provide:	1. To take part in the examinations a person shall submit:
1) written application of a candidate, personally written;	1) written application of the candidate, personally handwritten;
2) copy of passport of a citizen of Ukraine;	2) copy of the passport of citizen of Ukraine;
3) special paper from the personnel inventory and curriculum vitae of a candidate;	3) personal page from the personnel inventory and curriculum vitae of the candidate;
4) copy of education diploma, present science-degree or academic rank;	4) copy of the education diploma, certificate of scientific degree or academic rank;
5) abbreviate from employment history;	5) extract from employment history book to prove the legal field work experience;
6) medical certificate on the state of health of a candidate;	6) medical certificate on the state of health of the candidate;
8) written consent of a candidate for collection, storage and use of information about him/her with the purpose of further evaluation of his preparedness to work on the post of judge;	8) written consent of the candidate for collection, storage and use of information about him/her with the purpose of further evaluation of his/her preparedness to work on the post of judge;
9) document with the results of the training in the National School of Judges of Ukraine;	9) document with the results of the training in the National School of Judges of Ukraine;
10) if available – other documents certifying candidate's readiness to work on the post of judge.	10) if available – other documents certifying candidate's readiness [preparedness] to work on the post of judge.
2. Acceptance of documents shall be closed two day prior to the conduction of the competition. Applications that arrived after the stated term shall not be reviewed. A judge, whose term of appointment is ending, must file application regarding recommending him/her for a position of judge not later than three months prior to termination of his term on the position of judge.	2. The documents shall be accepted until two days prior to the conduct of the competition. Applications arriving after the mentioned deadline shall not be considered. The judge, whose term of appointment is ending, shall file a request to be recommended for the post of judge not later than three months prior to the termination of his/her term of office on the post of judge.

<p>3. Competition shall be open to the persons stated in Articles 23, 24 of this Law, who managed to provide all necessary documents. A justified decision regarding rejection of admittance to the competition shall be made by the High Qualifications Commission of Judges of Ukraine.</p>	<p>3. Those persons who are mentioned in Article 23 and 24 of this Law and who have submitted all necessary documents shall be admitted to the competition. The High Qualifications Commission of Judges of Ukraine shall adopt a motivated decision on the refusal to admit to the competition.</p>
<p>Article 28. Examination for the position of judge</p>	<p>Article 28. Examinations for the post of judge</p>
<p>1. Examination for the position of judge shall be performed in the following way: a candidate shall take a qualification exam and interview. When results of the examination are determined, data that proves the person's ability to work on the post of judge shall be taken into consideration.</p>	<p>1. Examinations for the post of judge shall include a qualification exam and interview of the candidate. When establishing results of the examinations, information which proves the person's ability to work on the post of judge shall be taken into consideration.</p>
<p>2. Examination for positions of judge in local courts shall be conducted at least twice a year in the form of competition separately to district and circuit courts of every specialized jurisdiction.</p>	<p>2. Examinations for the post of judge in local courts shall be conducted at least twice a year in the form of competition separately for divisional courts and circuit courts of every specialised jurisdiction.</p>
<p>3. Examination for positions of judge in courts of appeal, high courts and the Supreme Court of Ukraine shall be conducted in the form of competition separately for each position. Examination with the purpose of solving issue of election of a judge without term limitation to the position, which he/she occupied before the termination of the term of appointment, shall be conducted without a competition.</p>	<p>3. Examinations for the post of judge in the courts of appeal, high specialised courts and the Supreme Court of Ukraine shall be conducted in the form of competition separately for each position. Examinations with the purpose of deciding the issue of election of the judge to the permanent post in the position, which he/she occupied before the termination of the term of [initial] appointment, shall be conducted without competition.</p>
<p>4. For conducting the examination the High Qualifications Commission of Judges of Ukraine shall have a right to collect information about a candidate, assign other state authorities collection of such information. Organization and citizens shall have a right to provide the High Qualifications Commission of Judges of Ukraine with the information about the candidate they possess.</p>	<p>4. For conducting examinations the High Qualifications Commission of Judges of Ukraine shall have a right to collect information about the candidate, instruct other state authorities to collect such information. Organisations and citizens shall have a right to submit to the High Qualifications Commission of Judges of Ukraine information about the candidate.</p>
<p>Article 29. Qualification exam</p>	<p>Article 29. Qualification exam</p>
	<p>1. Qualification exam shall be an attestation of the person who took appropriate training in the National School of Judges of Ukraine and declared its desire to be recommended for the appointment (election) to the post of judge.</p>
<p>2. Qualification exam shall involve screening of the knowledge and level of professional preparation of a judicial candidate, level of his/her readiness to execute justice on the issues under the jurisdiction of a relevant court, personal and moral characteristics.</p>	<p>2. Qualification exam shall involve screening of knowledge and level of professional preparation of the candidate to the post of judge, level of his/her preparedness to administer justice on the issues under the jurisdiction of relevant court, personal and moral qualities.</p>
<p>3. Qualification exam shall be conducted by the state examination commission, created by the High Qualifications Commission of Judges of Ukraine.</p>	<p>3. Qualification exam shall be conducted by the state examination commission, which shall be set up by the High Qualifications Commission of Judges of Ukraine.</p>
<p>4. Composition and operating procedure of the state examination commission under the High Qualifications Commission of Judges of Ukraine, as well as procedures of taking the qualification exam shall be determined by the Regulations approved by the High Qualifications Commission of Judges of Ukraine and the Chief Justice of the Supreme Court of Ukraine on approval of the High</p>	<p>4. Composition and procedure of operation of the state examination commission at the High Qualifications Commission of Judges of Ukraine, as well as procedure of taking the qualification exam, shall be determined by the regulations approved by the High Qualifications Commission of Judges of Ukraine and the President of the</p>

Council of Justice and the Council of Judges of Ukraine.	Supreme Court of Ukraine upon agreement of the High Council of Justice and the Council of Judges of Ukraine.
5. Results of the qualification exam shall be valid during the next three years.	5. Results of the qualification exam shall be valid during three years.
6. A person that fails the qualification exam can be admitted to the examination for the position of judge not sooner than in one year. A person that fails the qualification exam for the second time may be admitted to the next examination in two years.	6. Person who failed to pass the qualification exam can be admitted to the examinations for the post of judge not earlier than in one year. Person who failed to pass the qualification exam for the second time can be admitted to the next examinations not earlier than in two years.
8. Complaint of a candidate on results of the qualification exam shall be reviewed at the session of the High Qualifications Commission of Judges of Ukraine, and the person who filed the complaint shall be invited to this session. The High Qualifications Commission of Judges of Ukraine following the results of administration of complaint may cancel results of the qualification exam completely or in regard to this person and assign a new examination or a new exam accordingly.	7. A complaint of the candidate with regard to results of the qualification exam shall be considered at the meeting of the High Qualifications Commission of Judges of Ukraine with the person who filed the complaint being invited to this meeting. The High Qualifications Commission of Judges of Ukraine following the results of consideration of the complaint can cancel results of the qualification exam with regard to this person and order new examinations or an additional exam.
Article 30. Additional exam	Article 30. Additional exam
1. Additional exam – is a secondary examination of the person, who did not agree with the results of the exam, determined by the state examination commission.	1. Additional exam – is qualification exam, which is taken by the person, who disagreed with the results of the exam determined by the state examination commission.
2. Additional exam may be assigned by the High Qualifications Commission of Judges of Ukraine based on the complaint of the candidate for the post of judge in case of his dissent with the results of the qualification exam.	2. Additional exam can be ordered by the High Qualifications Commission of Judges of Ukraine upon complaint of the candidate for the post of judge in case of his/her dissent with the results of the qualification exam.
3. Additional exam shall be taken in front of the High Qualifications Commission of Judges of Ukraine in a one month term from the day a decision permitting taking the additional exam was made.	3. Additional exam shall be taken before the High Qualifications Commission of Judges of Ukraine within one month from the day of decision allowing taking additional exam.
4. A person who fails to pass the additional exam shall be admitted to the competition for a position of judge not earlier than in three years.	4. The person who failed to pass the additional exam can be admitted to the competition for the post of judge not earlier than in three years.
Article 31. Decision of the High Qualifications Commission of Judges of Ukraine regarding recommendation of the candidate for a position of judge	Article 31. Decision of the High Qualifications Commission of Judges of Ukraine regarding recommending of the candidate to the post of judge
1. A decision regarding recommendation of a candidate for a position of judge shall be made after hearing him at the session of the High Qualifications Commission of Judges of Ukraine.	1. Decision on recommending the candidate to the post of judge shall be made after the person was heard at the meeting of the High Qualifications Commission of Judges of Ukraine.
2. Issues on recommendation of a candidate for appointing (electing) him/her for a post of judge shall be made by the High Qualifications Commission of Judges of Ukraine based on results of interview, qualification exam, medical certificate of the person's state of health and other information about the candidate; both professional skills of the candidate and his/her personal and moral qualities shall be taken into consideration.	2. The issue of recommending the candidate to the appointment (election) to the post of judge shall be decided by the High Qualifications Commission of Judges of Ukraine based on results of interview, qualification exam, medical certificate of the person's state of health and other information about the candidate which define candidate's level of professional knowledge, personal and moral qualities.
3. The primary right for occupying the vacant post of judge shall be provided to the candidate, who passed the qualification exam with the best results.	3. The priority for occupying the vacant post of judge shall be given to the candidate who passed the qualification exam with better results. If the

	results are equal the priority shall be given to the working judge.
Chapter 2. Appointment for the post of judge	Chapter 2. Appointment to the post of judge
Article 32. Procedure of appointing for a post of judge	Article 32. Procedure of appointing to the post of judge
1. Procedure of appointing for a post of judge shall be the following:	1. Appointment to the post of judge shall be carried out in the following order:
1) The High Qualifications Commission of Judges of Ukraine shall announce a competition for a position of judge (Article 26 of this Law);	1) the High Qualifications Commission of Judges of Ukraine shall announce a competition for the post of judge (Article 26 of this Law);
2) A candidate shall address the High Qualifications Commission of Judges of Ukraine to recommend him/her for appointing for a post of judge (Article 27 of this Law);	2) candidate shall apply to the High Qualifications Commission of Judges of Ukraine to be recommended to the appointment to the post of judge (Article 27 of this Law);
3) The High Qualifications Commission of Judges of Ukraine shall conduct a competition, make a decision regarding recommendation of a candidate for a position of judge and send this decision to the High Council of Justice (Articles 28-31, 33 of this Law);	3) the High Qualifications Commission of Judges of Ukraine shall conduct a competition, make a decision on recommending the candidate to the post of judge and send this decision to the High Council of Justice (Articles 28-31, 33 of this Law);
4) The High Council of Justice shall review the recommendation and make decision regarding making a proposal to the President of Ukraine on appointment of the candidate for a post of judge (pursuant to the Law of Ukraine «On the High Council of Justice»);	4) the High Council of Justice shall consider the recommendation and decide on making a submission to the President of Ukraine on appointment of the candidate to the post of judge;
5) The President of Ukraine shall make a decision on appointment of a judge (Article 34 of this Law).	5) the President of Ukraine shall make a decision on the appointment of the candidate a judge (Article 34 of this Law).
Article 33. Consideration of the matter of appointment for a post of judge by the High Qualifications Commission of Judges of Ukraine	Article 33. Consideration by the High Qualifications Commission of Judges of Ukraine of the issue of appointment to the post of judge
1. The High Qualifications Commission of Judges of Ukraine may make a decision on recommending appointing a candidate only for a vacant position of judge.	1. The High Qualifications Commission of Judges of Ukraine can make a decision on recommending the candidate to the appointment only to a vacant position of judge.
2. Should there be two or more vacant positions of judge the primary right of choice shall belong to the candidate, who showed the best result at the qualification examination.	2. Should there be two or more vacant positions of judges the priority in choosing the court shall belong to the candidate who showed better results at the qualification exam. If the results are equal the priority shall be given to the working judge.
3. Persons that passed the qualification exam but temporary were not recommended for a post of judge because of the lack of vacant positions, shall have a right to take part in the competition for occupying the vacant post during the next two years, if they don't withdraw their applications. A competition shall be announced and conducted by the High Qualifications Commission of Judges of Ukraine. The primary right of choice shall belong to the candidate, who passed the qualification examination with the best result.	3. Persons who passed the qualification exam but temporarily were not recommended to the post of judge because of the lack of vacant positions, shall have a right to take part in the competition for occupying the vacant post during two years unless they withdraw their applications. The competition shall be announced and conducted by the High Qualifications Commission of Judges of Ukraine. The priority in choosing the court shall be given to candidates who passed the qualification examination with better results.
4. Should there be two or more vacant positions of judge the primary right of choice shall belong to the candidate, who showed the best result at the qualification examination. If there are two similar results of the examination, the priority shall be given to a working judge.	

Article 34. Appointment for a post of judge	Article 34. Appointment to the post of judge
1. The President of Ukraine shall appoint for a post of judge:	1. The President of Ukraine shall appoint to the post of judge:
1) A person, who did not occupy a post of judge before – for the term of five years;	1) a person who did not occupy the post of judge before – for the term of five years;
2) A person, who occupied a post of judge before for a period less than five years – in the boundaries of five years term;	2) a person who occupied the post of judge before for a period of less than five years – within five years term.
2. Appointment for the position of a professional judge shall be executed by the President of Ukraine based on the recommendation of the High Qualifications Commission of Judges of Ukraine on the proposal of the High Council of Justice.	2. Appointment to the post of professional judge shall be made by the President of Ukraine on the basis of recommendation of the High Qualifications Commission of Judges of Ukraine upon submission of the High Council of Justice.
3. Should the proposal of the High Council of Justice be rejected, the President of Ukraine shall issue a relevant decree, which has to be justified.	3. In case of rejection of the submission of the High Council of Justice, the President of Ukraine shall issue relevant order, which shall be justified.
<u>4. A person appointed for the position of judge shall acquire a status of a professional judge of a respective court.</u>	
Article 35. Transfer of a judge to a different court in the limits of a five year term of appointment	Article 35. Transfer of judge to another court within the limits of a five-year term of appointment
1. A judge in the limits of the five year term may be transferred to a different local court on his/her written application to the High Qualifications Commission of Judges of Ukraine to recommend him/her for a post of judge of a respective court.	1. Judge, within the limits of a five-year term, can be transferred to another local court upon his/her written request to the High Qualifications Commission of Judges of Ukraine to be recommended to the post of judge of the respective court.
2. Transfer of a judge from one court to another shall be executed according to the procedure of appointing a judge determined by this Law. A judge may be transferred to a different court based on results of a competition, conducted for filling vacant positions.	2. Transfer of judge from one court to another shall be carried out according to the procedure of appointment of judge established by this Law. Judge can be transferred to another court based on the results of competition conducted to fill vacant positions.
3. Should a judge take part in a competition for filling a vacant post of judge in a different court of the same level and same specialization, according to his/her wish the judge's results of previous qualification exam may be taken into consideration, if the exam was taken not more than three years ago. In this case the judge shall not take the qualification exam.	3. If the judge takes part in the competition to fill a vacant post in another court of the same level and of the same specialisation upon the judge's will, the results of previous qualification exam can be taken into consideration provided it was taken not later than three years ago. In this case the judge shall not take the qualification exam.
4. Should the results of the competition be the same, the priority shall be given to those candidates, who have a longer working experience on the position of judge.	4. In case of equal results of the competition, the priority shall be given to those candidates who have a longer work experience on the post of judge.
Chapter 3. Election of judge	Chapter 3. Election of judge
Article 36. Procedure of election for the position of judge	Article 36. Procedure of election to the post of judge
1. A procedure of election for a position of judge without term limitation shall be the following:	1. Election to the permanent post of judge shall be carried out in the following order:
1) The High Qualifications Commission of Judges of Ukraine shall announce a competition for a post of judge (Article 26 of this Law), except for the case, when the matter concerns election of a person for a post of judge, whose terms of powers on the position of judge ended;	1) the High Qualifications Commission of Judges of Ukraine shall announce a competition for the post of judge (Article 26 of this Law), except for the case when election concerns the person whose term of office in the post of judge has ended;

<p>2) A candidate shall address the High Qualifications Commission of Judges of Ukraine to recommend him/her for election for a post of judge (Article 27 of this Law);</p>	<p>2) candidate shall apply to the High Qualifications Commission of Judges of Ukraine to be recommended for the election to the post of judge (Article 27 of this Law);</p>
<p>3) The High Qualifications Commission of Judges of Ukraine shall inform about preparation of materials on election of candidate for a post of judge in local mass media, newspaper "Voice of Ukraine";</p>	<p>3) the High Qualifications Commission of Judges of Ukraine shall inform about the preparation of materials concerning the election of candidate to the post of judge in local mass media, official periodical of the Verkhovna Rada of Ukraine;</p>
<p>4) The High Qualifications Commission of Judges of Ukraine shall conduct a competition, make a decision regarding recommendation of a candidate for a position of judge and send this decision along with a proposal to the Verkhovna Rada of Ukraine (Articles 28-31, 37, 38 of this Law);</p>	<p>4) the High Qualifications Commission of Judges of Ukraine shall conduct the competition, make decision on recommending the candidate to the post of judge and send this decision together with a submission to the Verkhovna Rada of Ukraine (Articles 28-31, 37, 38 of this Law);</p>
<p>5) The Committee of the Verkhovna Rada of Ukraine, to whose jurisdiction belong issues of election and dismissal of judges elected without term limitation (further – the Committee of the Verkhovna Rada of Ukraine) shall review proposals for election of a candidate for a post of judge without term limitation, make decisions regarding recommending or not recommending a candidate for a post of judge without term limitation and bring this decision for consideration to the Verkhovna Rada of Ukraine (Articles 39-41, 44 of this Law);</p>	<p>5) the Committee of the Verkhovna Rada of Ukraine to whose competence issues of election and dismissal of judges elected for the permanent term belong (hereinafter – the Committee of the Verkhovna Rada of Ukraine) shall consider the submission on the election of the candidate to the post of permanent term judge, make decision on recommending or not recommending the candidate to the post of permanent term judge and bring this decision for consideration to the Verkhovna Rada of Ukraine (Articles 39-41, 44 of this Law);</p>
<p>6) The Verkhovna Rada of Ukraine shall make a decision regarding election of a candidate or denial of electing him/her for a post of judge without term limitation (Articles 42, 43 of this Law).</p>	<p>6) the Verkhovna Rada of Ukraine shall decide to elect the candidate or refuse his/her election to the post of permanent term judge (Articles 42, 43 of this Law).</p>
<p>Article 37. Consideration of the matter of election of a candidate for a post of judge without term limitation by the High Qualifications Commission of Judges of Ukraine</p>	<p>Article 37. Consideration by the High Qualifications Commission of Judges of Ukraine of the issue of election of the candidate to the post of permanent term judge</p>
<p>1. The High Qualifications Commission of Judges of Ukraine shall review issues concerning election of a candidate for a post of judge without term limitation not later than two months prior to termination of the term of occupying the post of judge.</p>	<p>1. The High Qualifications Commission of Judges of Ukraine shall consider issues, which concern election of the candidate to the post of permanent term judge not later than two months prior to the end of judge's term of office.</p>
<p>2. People's deputies of Ukraine shall have a right to participate in the session of the High Qualifications Commission of Judges of Ukraine during consideration of matters concerning election of a candidate for a post of judge.</p>	
<p>3. The High Qualifications Commission of Judges of Ukraine based on results of the qualification exam and studied materials may decide to deny a candidate in recommendation for a post of judge and send this decision to the Verkhovna Rada of Ukraine.</p>	<p>2. The High Qualifications Commission of Judges of Ukraine based on results of the qualification exam and study of other materials can decide to deny the recommendation of the candidate to the post of judge and forward this decision to the Verkhovna Rada of Ukraine.</p>
<p>4. A decision of the High Qualifications Commission of Judges of Ukraine concerning recommendation of a judge, whose term of appointment is ending, shall be sent to the Verkhovna Rada of Ukraine not later than one month prior to completion of the term of holding the position of judge.</p>	<p>3. The decision of the High Qualifications Commission of Judges of Ukraine on recommending the judge, whose term of appointment is ending, shall be forwarded to the Verkhovna Rada of Ukraine not later than one month prior to the end of the judge's term of office.</p>
<p>Article 38. Requirement to recommendation concerning election of a candidate for a post of judge</p>	<p>Article 38. Submission on the election of candidate to the post of permanent term judge</p>

without term limitation	and documents attached thereto
1. A recommendation of the High Qualifications Commission of Judges of Ukraine concerning election of a candidate for a post of judge without term limitation shall include last name, name, and patronymic name of a candidate, title and location of a court, to which a candidate should be elected.	1. The submission of the High Qualifications Commission of Judges of Ukraine on the election of candidate to the post of permanent term judge shall include candidate's last name, first name and patronymic, title and location of the court to which the candidate shall be elected.
2. Personal files of a candidate for election to a post of judge without term limitation shall be attached to the proposal and include the following:	2. A personal file of the candidate for the election to the post of permanent term judge shall be attached to the submission and shall include the following:
1) A written application of a candidate, personally written;	1) written application of the candidate, personally handwritten;
2) A decision regarding recommendation by the High Qualifications Commission of Judges of Ukraine for election of a candidate for a post of judge without term limitation with obligatory notice of abiding by the candidate of all requirements, determined by the Article 127 of the Constitution of Ukraine, or denial of candidate's recommendation for a post of judge;	2) decision of the High Qualifications Commission of Judges of Ukraine on recommending for the election of the candidate to the post of permanent term judge with mentioning of whether the candidate complies with requirements provided for in Article 127 of the Constitution of Ukraine, or on denying recommendation of the candidate to the post of judge;
3) Protocol and materials of qualification exam;	3) minutes and materials of the qualification exam;
4) Copy of passport of a citizen of Ukraine;	4) copy of the passport of citizen of Ukraine;
5) Special paper from the personnel inventory and curriculum vitae of a candidate;	5) personal page from the personnel inventory and curriculum vitae of the candidate;
6) Copy of educational diploma, present science-degree or academic rank;	6) copy of education diploma, certificate of scientific degree or academic rank;
7) Abbreviate from employment history;	7) extract from the employment history book;
8) Record of standard of performance as a judge for the last five years, signed by the chair of the respective court and head of the regional department of the State Judicial Administration. The record shall include: information regarding number of cases considered by years and categories, number of cancelled, changed judicial decisions; grounds for canceling, changing legal decisions, number of open disciplinary proceedings and number of decisions on bringing to the disciplinary liability;	8) reference of performance as a judge for the last five years signed by the president of the respective court and the head of the territorial department of the State Judicial Administration. The reference shall include: information on the number of cases considered by years and categories; number of quashed, changed court decisions; grounds for quashing, changing court decisions; number of opened disciplinary proceedings and number of decisions on bringing to the disciplinary liability;
9) Document with results of training in the National School of Judges of Ukraine;	9) document with results of training in the National School of Judges of Ukraine;
10) Copies of resolutions of the authorized state bodies concerning appointment (election) of a judge for the posts;	10) copies of decisions of the authorised state bodies concerning the appointment (election) of the judge to the posts;
11) Medical certificate on the state of health of a candidate;	11) medical certificate on the candidate's state of health;
12) Income declaration for the last year according to the form set by the Ministry of Finance of Ukraine;	12) declaration on the proprietary status for the last year;
13) If available – other documents certifying candidate's readiness to work on the stated post of judge in court.	13) If available – other documents certifying candidate's readiness [preparedness] to work on the stated post of judge.
Article 39. Review of citizens' addresses and other material concerning activity of a candidate for a post of judge without term limitation by the Committee of	Article 39. Verification by the Committee of the Verkhovna Rada of Ukraine of citizen appeals and other materials concerning

the Verkhovna Rada of Ukraine	activity of the candidate to the post of permanent term judge
<p>1. The Committee of the Verkhovna Rada of Ukraine shall perform check-up of abidance of the candidate for a post of judge without term limitation by all requirements, determined in the Article 127 of the Constitution of Ukraine and Articles 23 and 47 of this Law, as well as examination of addresses of citizens, community organizations, enterprises, institutions, bodies of state power and local self-government authorities (further – addresses) regarding activity of the candidate.</p>	<p>1. The Committee of the Verkhovna Rada of Ukraine shall check the candidate's compliance with requirements of Article 127 of the Constitution of Ukraine and Articles 23 and 47 of this Law, as well as verify appeals of citizens, civic organisations, enterprises, institutions, organisations, bodies of the state power and bodies of the local self-government (hereinafter – appeals) regarding activity of the candidate.</p>
<p>2. In case consideration of addresses requires additional examination, the Committee of the Verkhovna Rada of Ukraine shall make a decision on sending them to the Supreme Court of Ukraine, relative high specialized court, High Council of Justice, State Judicial Administration of Ukraine, the Council of Judges of Ukraine or the Disciplinary Commission of Judges of Ukraine.</p>	<p>2. If consideration of appeals requires additional examination, the Committee of the Verkhovna Rada of Ukraine shall decide to forward them to the Supreme Court of Ukraine, relative high specialised court, the High Council of Justice, the State Judicial Administration of Ukraine, the Council of Judges of Ukraine or the Disciplinary Commission of Judges of Ukraine.</p>
<p>3. The term of consideration of such addresses and provision the Committee of the Verkhovna Rada of Ukraine with the response shall be calculated according to the Regulations pursuant to the Law of Ukraine "On Addresses of Citizens".</p>	<p>3. The term for consideration of such appeals and reply to the Committee of the Verkhovna Rada of Ukraine shall be calculated according to the Law of Ukraine "On Appeals of Citizens".</p>
<p>4. If necessary, the Committee of the Verkhovna Rada of Ukraine shall have a right to conduct a direct examination of addresses, assigning execution of it to a member of the Committee (on his consent).</p>	<p>4. If necessary, the Committee of the Verkhovna Rada of Ukraine can carry out a direct verification of appeals having assigned its execution to a member of the Committee (upon his/her consent).</p>
<p>5. A candidate elected to the post of judge without term limitation shall have a right to study the materials of addresses regarding his/her activity, inquiries of the Committee of the Verkhovna Rada of Ukraine concerning them and responses, provided to the Committee of the Verkhovna Rada of Ukraine.</p>	<p>5. The candidate who is being elected to the post of permanent term judge shall have a right to study the materials of appeals regarding his/her activity, inquiries of the Committee of the Verkhovna Rada of Ukraine and responses thereto.</p>
<p>6. The secretariat of the Committee of the Verkhovna Rada of Ukraine in a three day term from the day of receiving proposal shall spread among the people's deputies of Ukraine through the apparatus of the Verkhovna Rada of Ukraine the lists of candidates, proposed for election for posts of judge without term limitation, with a notice of the date and time of a session of the Committee of the Verkhovna Rada of Ukraine.</p>	<p>6. The secretariat of the Committee of the Verkhovna Rada of Ukraine within three days after receiving the submission shall disseminate among the people's deputies of Ukraine through the Secretariat of the Verkhovna Rada of Ukraine the lists of candidates, proposed for the election to the posts of permanent term judges, with the mentioning of the date and time of the meeting of the Committee of the Verkhovna Rada of Ukraine.</p>
<p>7. Authorized representatives of the Supreme Court of Ukraine, high specialized courts, the High Council of Justice, High Qualifications Commission of Judges of Ukraine, the Disciplinary Commission of Judges of Ukraine, State Judicial Administration of Ukraine, the Council of Judges of Ukraine, as well as the candidate for a post of judge, whose presence is obligatory shall be invited to the session of the Committee of the Verkhovna Rada of Ukraine.</p>	<p>7. Authorised representatives of the Supreme Court of Ukraine, high specialised courts, the High Council of Justice, the High Qualifications Commission of Judges of Ukraine, the Disciplinary Commission of Judges of Ukraine, the State Judicial Administration of Ukraine, the Council of Judges of Ukraine, as well as the candidate for the post of judge, whose presence is obligatory, shall be invited to the meeting of the Committee of the Verkhovna Rada of Ukraine.</p>
<p>8. On request of the people's deputies of Ukraine representatives of bodies of state government, local self-government authorities and community may be invited to the session of the Committee of the Verkhovna Rada of Ukraine.</p>	<p>8. Upon demand of the people's deputies of Ukraine, representatives of bodies of the state power, bodies of the local self-government and representatives of the civil society can be invited to the meeting of the Committee of the Verkhovna Rada of Ukraine.</p>
<p>9. Persons mentioned in the part seven of this Article</p>	<p>9. Persons mentioned in paragraph 7 of this</p>

shall be informed about the date and time of the session in writing not later than three days prior to its beginning.	Article shall be notified of the date and time of the meeting in writing not later than three days prior to its beginning.
Article 40. Consideration of proposal on election of a candidate to the post of judge without term limitation at the session of the Committee of the Verkhovna Rada of Ukraine	Article 40. Consideration of the submission on the election of candidate to the post of permanent term judge at the meeting of the Committee of the Verkhovna Rada of Ukraine
1. The Committee of the Verkhovna Rada of Ukraine shall consider a proposal on election of a candidate to the post of judge without term limitation in a one month term from the day of receiving the proposal. In case when it is necessary to examine the facts, which disable decision making, this term may be prolonged by the Committee, but not more than for two months, with exception when the term of examining coincide with the inter-session period of work of the Verkhovna Rada of Ukraine.	1. The Committee of the Verkhovna Rada of Ukraine shall consider the submission on the election of the candidate to the post of permanent term judge within one-month term from the day of its receipt. If it is necessary to check facts, which prevent the decision making, this term can be extended by the Committee but not more than for two months, with exception when the time of such check-up coincides with the inter-session period of work of the Verkhovna Rada of Ukraine.
2. Consideration of proposal on election of a candidate to the post of judge without term limitation shall be executed at the session of the Committee of the Verkhovna Rada of Ukraine collectively concerning each candidate separately .	2. Consideration of the submission on the election of the candidate to the post of permanent term judge shall be carried out at the meeting of the Committee of the Verkhovna Rada of Ukraine collectively.
3. During a discussion, members of the Committee of the Verkhovna Rada of Ukraine, invited persons shall have a right to question presenter and the candidate directly.	3. During the discussion, members of the Committee of the Verkhovna Rada of Ukraine, invited persons shall have a right to question the rapporteur and directly the candidate.
4. A decision of the Committee of the Verkhovna Rada of Ukraine on recommending or not recommending a candidate for election for a post of judge without term limitation, after discussing the candidate and review of provided addresses regarding his/her activity, shall be announced in the presence of the candidate.	4. Decision of the Committee of the Verkhovna Rada of Ukraine on recommending or not recommending the candidate for the election to the post of permanent term judge, after discussing the candidate and consideration of submitted appeals regarding his/her activity, shall be announced in the presence of the candidate.
5. A decision of the Committee of the Verkhovna Rada of Ukraine on not recommending a candidate for election for a post of judge without term limitation shall not preclude from considering this matter at the plenary session of the Verkhovna Rada of Ukraine.	5. Decision of the Committee of the Verkhovna Rada of Ukraine on not recommending the candidate for the election to the post of permanent term judge shall not prevent the consideration of this issue at the plenary sitting of the Verkhovna Rada of Ukraine.
Article 41. Requirement for a decision of the Committee of the Verkhovna Rada of Ukraine	Article 41. Inclusion in the agenda of the Verkhovna Rada of Ukraine of the item of election a permanent term judge
1. In case of availability of the decision on recommending or not recommending a candidate for election for a post of judge without term limitation, the Committee of the Verkhovna Rada of Ukraine shall table a motion regarding including the matter of electing these judges to the procedure of the plenary session of the Verkhovna Rada of Ukraine.	1. If relevant decision on election to the post of permanent term judge has been made, the Committee of the Verkhovna Rada of Ukraine shall table a motion to include in the agenda of the plenary sitting of the Verkhovna Rada of Ukraine of the item of election of this judge.
2. The Verkhovna Rada of Ukraine at the plenary sessions shall elect or reject election of judges without term limitation, given a decision of a respective Committee of the Verkhovna Rada of Ukraine .	2. The Verkhovna Rada of Ukraine at its plenary meetings shall elect or deny election of permanent term judges.
Article 42. Procedure for considering the issue of election of a candidate for a post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine	Article 42. Debate on the item of candidate's election to the post of permanent term judge at the plenary sitting of the Verkhovna Rada of Ukraine
1. Consideration of the issue of election of a candidate for a post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine shall start from	1. Debate on the item of candidate's election to the post of permanent term judge at the plenary sitting of the Verkhovna Rada of Ukraine shall

<p>a report of a spokesperson, assigned by the Committee of the Verkhovna Rada of Ukraine.</p>	<p>start with the speech of the rapporteur appointed by the Committee of the Verkhovna Rada of Ukraine.</p>
<p>2. If during consideration of the issue of election of a candidate for a post of judge without term limitation in a respective Committee of the Verkhovna Rada of Ukraine some comments were made on the candidate for a post of judge without term limitation, the spokesperson shall have to inform the people's deputies of Ukraine about this fact.</p>	<p>2. If during consideration of the issue of election of the candidate to the post of permanent term judge in the respective Committee of the Verkhovna Rada of Ukraine there were objections with regard to the candidate, the rapporteur shall inform the people's deputies of Ukraine about this fact.</p>
<p>3. Every people's deputy of Ukraine shall have a right to question the spokesperson and the candidate directly, who is elected to the post of judge without term limitation, express his/her opinion concerning this candidate.</p>	<p>3. Every people's deputy of Ukraine shall have a right to question the rapporteur and directly the candidate, who is being elected to the post of permanent term judge, express his/her opinion concerning this candidate.</p>
<p>4. If there are remarks or comments on the candidate elected to the post of judge without term limitation, expressed at the plenary session of the Verkhovna Rada of Ukraine, which require additional examination by the respective Committee of the Verkhovna Rada of Ukraine, voting on this candidate shall not be conducted. Secondary consideration of a proposal regarding him/her shall be executed by the Verkhovna Rada of Ukraine if the decision was made by that Committee according to the requirements of the Article 40 of this Law.</p>	<p>4. If there are objections with regard to the candidate voiced at the plenary sitting of the Verkhovna Rada of Ukraine, which require additional examination by the respective Committee of the Verkhovna Rada of Ukraine, voting on this candidate shall not be held. The repeat consideration of the submission regarding this candidate shall be carried out by the Verkhovna Rada of Ukraine provided the decision was made by the Committee according to the requirements of Article 40 of this Law.</p>
<p>5. Questions may also be addressed to the authorized representative of the High Qualifications Commission of Judges of Ukraine.</p>	<p>5. Questions can also be addressed to the authorised representative of the High Qualifications Commission of Judges of Ukraine.</p>
<p>Article 43. Procedure for decision making on election of a candidate for a post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine</p>	<p>Article 43. Decision on the election of candidate to the post of permanent term judge at the plenary sitting of the Verkhovna Rada of Ukraine</p>
<p>1. The Verkhovna Rada of Ukraine shall elect a judge without term limitation:</p>	<p>1. The Verkhovna Rada of Ukraine shall elect to the post of permanent term judge:</p>
<p>1) a person, whose term on the post of judge has ended;</p>	<p>1) a person whose term of office on the post of judge has ended;</p>
<p>2) a person, who has previously occupied a position of judge not less than for five years, but who does not occupy a post of judge at the time of consideration of the issue of election.</p>	<p>2) a person who has previously occupied the post of judge not less than for five years but who, at the time of consideration of the issue of election, does not occupy the post of judge.</p>
<p>2. A decision on election of a candidate for a post of judge without term limitation shall be made by an open fixed vote by the majority of the constitutional composition of the Verkhovna Rada of Ukraine.</p>	<p>2. The decision on the election of candidate to the post of permanent term judge shall be adopted by an open fixed vote by the majority of votes of the constitutional composition of the Verkhovna Rada of Ukraine.</p>
<p>3. A decision on election of a candidate for a post of judge without term limitation shall be formalized by a decree of the Verkhovna Rada of Ukraine.</p>	<p>3. Decision on the election a permanent term judge shall be formalised by a resolution of the Verkhovna Rada of Ukraine.</p>
<p>4. A person elected to a post of judge without term limitation shall obtain status of a professional judge of the court of a relevant level.</p>	<p>4. Person elected to the post of permanent term judge shall obtain the status of professional judge of the court of the relevant level.</p>
<p>5. In case a candidate, whose term of powers on the post of judge has ended, was not elected without term limitation, the High Council of Justice shall file a proposal to the President of Ukraine regarding dismissal of this candidate from the post of judge.</p>	<p>5. If the candidate, whose term of office on the post of judge has ended, was not elected to the permanent term post, the High Council of Justice shall make a submission to the President of Ukraine on the dismissal of this candidate from the post of judge.</p>
<p>Article 44. Recurrent recommendation of a</p>	<p>Article 44. Repeat recommendation of</p>

candidate for the post of judge without term limitation	candidate for the election to the post of permanent term judge
<p>1. If a candidate was not elected to the post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine in regard of new circumstances, reported in speeches of the people's deputies of Ukraine, the Committee of the Verkhovna Rada of Ukraine shall make a decision on addressing the High Council of Justice, the Disciplinary Commission of Judges of Ukraine, the High Qualifications Commission of Judges of Ukraine with request for examination of these circumstances or assign people's deputies of Ukraine – members of this Committee to make proposal on conducting such examination, approve terms of its execution and based on results of examination shall issue a decision regarding recurrent proposal of previously rejected candidates for the plenary session of the Verkhovna Rada of Ukraine.</p>	<p>1. If the candidate was not elected to the post of permanent term judge at the plenary sitting of the Verkhovna Rada of Ukraine due to newly discovered circumstances reported in speeches of the people's deputies of Ukraine, the Committee of the Verkhovna Rada of Ukraine shall decide to address the High Council of Justice, the Disciplinary Commission of Judges of Ukraine, the High Qualifications Commission of Judges of Ukraine with a request to examine these circumstances or shall instruct the people's deputies of Ukraine – members of this Committee to make submission on conducting such examination, approve terms of its execution and, basing on results of the examination, shall decide to re-submit the previously rejected candidate to the plenary sitting of the Verkhovna Rada of Ukraine.</p>
<p>2. Results of the conducted examination shall be reviewed at the session of the Committee of the Verkhovna Rada of Ukraine pursuant to the requirements determined by the Article 40 of this Law.</p>	<p>2. Results of the conducted examination shall be considered at the meeting of the Committee of the Verkhovna Rada of Ukraine taking into account requirements determined by Article 40 of this Law.</p>
<p>3. Proposal of candidates for election for a post of judge without term limitation, which were rejected twice by the Verkhovna Rada of Ukraine, shall not be permitted.</p>	<p>3. It shall not be permitted to submit candidate for the election to the post of permanent term judge if the Verkhovna Rada of Ukraine has twice refused his/her election.</p>
<p>Article 45. Transfer of a judge elected without term limitation to a different court</p>	<p>Article 45. Transfer of judge elected to the permanent term post to another court</p>
<p>1. Transfer of a judge from one court to another court of the same level shall be executed on his/her submission by the Council of Judges of Ukraine pursuant to recommendations of the High Qualifications Commission of Judges of Ukraine based on results of the competition determined by this Law. Transfer of a judge from a court of upper level to a court of lower level shall be executed without competition on his/her submission.</p>	<p>1. Transfer of judge from one court to another court of the same level shall be carried out upon his/her request by the Council of Judges of Ukraine pursuant to the recommendations of the High Qualifications Commission of Judges of Ukraine based on results of the competition envisaged by this Law. Transfer of judge from the court of higher level to the court of lower level shall be carried out without competition upon judge's request.</p>
<p>2. If a judge participates in a competition for a position of judge in court of the same level and specialization, results of previous qualification exam can be taken into consideration on the wish of a judge, if it has not yet been three years from the time of the exam.</p>	<p>2. If a judge participates in the competition for a position of judge in court of the same level and specialisation, results of previous qualification exam can be taken into consideration on the wish of the judge, if the exam took place not later than three years ago.</p>
<p>3. Transfer of a judge from one court to another court of the upper level shall be executed according the procedure of election of judge pursuant to this Law, based on results of the competition.</p>	<p>3. Transfer of a judge to the court of upper level shall be carried out according the procedure of election of judge pursuant to this Law, based on results of the competition.</p>
<p>Section III. QUALIFICATION RANKS AND QUALIFICATION ATTESTATION</p>	<p>Section III. QUALIFICATION RANKS AND QUALIFICATION CERTIFICATION</p>
<p>Article 46. Objectives and grounds of qualification attestation</p>	<p>Article 46. Objectives and grounds of qualification certification</p>
<p>1. Qualification attestation shall involve evaluation of professional level of judge and making a decision by the qualification commission on assigning to a judge, or confirming by him/her of a relevant qualification rank.</p>	<p>1. Qualification certification shall involve the evaluation of professional level of judge and making a decision by the qualifications commission on assigning to judge of relevant</p>

	qualification rank or on confirming this rank.
2. Grounds for assigning a qualification attestation to a judge shall be:	2. Grounds for appointing a qualification certification of judge shall be:
1) completion of the term of judge's tenure in a relevant qualification category pursuant to the Law;	1) end of the term of judge's tenure in the relevant qualification rank established by the law;
2) submission of judge for reinstatement of qualification rank;	2) request of judge to renew his/her qualification rank;
3) decision of a body, authorized to execute disciplinary proceedings towards a judge, on assigning the qualification attestation for confirmation of the qualification rank.	3) decision of the body authorised to carry out disciplinary proceedings to appoint the qualification certification in order to confirm the qualification rank of the judge.
Article 47. Qualification ranks of judges	Article 47. Qualification ranks of judges
	1. Six qualification ranks shall be established for judges.
1. Qualification ranks shall be assigned to:	2. Qualification ranks – high, first, second, third, fourth and fifth – shall be assigned to:
1) judges of local courts - fifth, fourth, third and second qualification ranks;	1) judges of local courts - fifth, fourth, third and second qualification ranks;
2) judges of court of appeal– third, second and first qualification ranks;	2) judges of appellate courts – third, second and first qualification ranks;
3) judges of high specialized courts – second, first and high qualification ranks;	3) judges of the high specialised courts – second, first and high qualification ranks;
4) judges of the Supreme Court of Ukraine – high qualification rank.	4) judges of the Supreme Court of Ukraine – high qualification rank.
2. In order to occupy the post of judge of a court of appeal, a judge must possess at least the fourth qualification rank, post of judge of the high specialized court – at least third qualification ranks, post of judge of the Supreme Court of Ukraine – at least the first qualification rank.	3. In order to occupy the post of judge of the court of appeal, the judge must have at least the fourth qualification rank, post of the judge of the high specialised court – at least the third qualification rank, post of the judge of the Supreme Court of Ukraine – at least the first qualification rank.
3. Reduction of qualification rank or exemption a judge of qualification rank, which disable him/her to occupy a position in the court, where he/she works, shall terminate the powers of judge and bind him/her during the three months to take a special training in the National School of Judges of Ukraine and pass qualification attestation for a respective qualification rank.	
Article 48. Terms of judge's tenure in a qualification category	Article 48. Terms of judge's tenure in a qualification rank
1. A judge appointed to the post in district or circuit court for the first time shall pass qualification attestation in a year from the day of appointment and he/she may be assigned the fifth qualification rank.	1. Judge appointed to the post in divisional or circuit court for the first time shall pass qualification certification in a year from the day of appointment and he/she may be assigned the fifth qualification rank.
2. The term of judge's tenure of a qualification rank, which shall give a right to receive the next qualification rank, shall be: in fifth qualification rank – two years, fourth and third – three years, second – five years. After completion of this term a judge must pass a qualification attestation to confirm previously assigned to him qualification rank or assigning to him the fourth qualification rank. Avoidance of qualification attestation shall result into exemption of qualification rank of judge, regarding which a relevant qualification commission shall issue a decision.	2. The term of judge's tenure in a qualification rank, which shall give a right to receive the next qualification rank, shall be: in fifth qualification rank – two years, fourth and third – three years, second – five years. After completion of this term judge must pass the qualification certification to confirm the qualification rank previously assigned to him/her or to assign the next qualification rank to him/her. Evasion of the qualification certification shall result in deprivation of judge of the qualification rank, which shall be decided by relevant qualifications commission.

3. The terms of judge's tenure of first and high qualification ranks shall not be limited.	3. The terms of judge's tenure in the first and high qualification ranks shall not be limited.
4. A judge, dismissed from his/her post shall preserve assigned to him/her qualification rank. A judge shall lose the qualification rank in case he/she is dismissed from the post on grounds, determined by items 5, 6 of part five, Article 126 of the Constitution of Ukraine.	4. Judge, dismissed from his/her post, shall preserve the assigned qualification rank. Judge shall lose the qualification rank in case of dismissal from the post on grounds, determined by subparagraphs 5 and 6 of paragraph 5 of Article 126 of the Constitution of Ukraine.
Article 49. Procedure of conducting the qualification attestation	Article 49. Procedure of conducting the qualification certification
1. A qualification attestation shall be conducted in the form of a written test and interview. During the qualification attestation the results of training of a judge in the National School of Judges of Ukraine shall be taken into consideration.	1. The qualification certification shall be conducted in the form of a written test and interview. During the qualification certification the results of training of the judge in the National School of Judges of Ukraine shall be taken into consideration.
2. The next qualification attestation of judge shall be conducted not later than in one month from the day of completion of his/her term or tenure of assigned to him/her qualification rank with the purpose to confirm the judge's qualification rank or assign to him/her the next qualification rank.	2. The next qualification certification of judge shall be conducted within one month from the day of the end of the term of tenure in the assigned qualification rank with the purpose to confirm the judge's qualification rank or assign the next qualification rank.
3. The pre-term qualification attestation of judge shall be conducted during the two months from the day of receiving judge's request for reinstatement of a qualification rank or a decision, made by the body, authorized to apply disciplinary proceedings to a judge, regarding assigning of qualification attestation for confirming the qualification rank.	3. The pre-term qualification certification of judge shall be conducted within two months from the day of receiving judge's request of renewal of the qualification rank or a decision, made by the body, authorised to apply disciplinary proceedings to a judge, regarding appointing of the qualification certification to confirm the qualification rank.
4. Qualification test shall involve screening of the knowledge of a professional judge, identifying the level of qualification preparedness of judge, his/her ability to develop professional level and execute justice, including the courts of high level.	4. Qualification test shall be carried out in order to check knowledge of professional judge, identify the level of qualification preparedness of judge, his/her ability to develop professional level and administer justice, including in the courts of higher level.
5. Qualification interview shall be conducted orally and concern the actual execution of justice by a judge and his/her official duties.	5. Qualification interview shall be conducted orally and concern the actual administration of justice by the judge and performance of his/her official duties.
6. Qualification interview with a judge, who claims a qualification rank, which gives a right to occupy a post in a court of high level, shall concern the knowledge in the field of legislation, judicial practice and legal analytics, the level of which is sufficient for adequate execution of powers of judge in court of high level.	6. Qualification interview with a judge, who claims a qualification rank which gives a right to occupy a post in a court of higher level, shall concern knowledge in the field of legislation, judicial practice and legal analysis, the level of which is sufficient for adequate execution of powers of judge in the court of higher level.
	<u>7. The guidelines for evaluation of judge in order to assign each qualification rank shall be adopted by the High Qualifications Commission of Judges of Ukraine and the Council of Judges of Ukraine.</u>
Article 50. Decisions of the qualification commission on assigning of a qualification rank	Article 50. Decision of the qualifications commission of judges to assign a qualification rank
1. A qualification commission of judges, depending on the level of professional knowledge, term of service, experience of a judge under attestation shall issue a decision on:	1. Qualifications commission of judges, depending on the level of professional knowledge, term of service, work experience of the judge under certification, shall make a decision on:

1) assigning a relevant qualification rank to a judge;	1) assigning relevant qualification rank to the judge;
2) remaining of a judge in the previously assigned qualification rank;	2) leaving the judge in the previously assigned qualification rank;
3) postponing attestation (in case of insufficient level of professional knowledge of judge) for the term not more than six months;	3) postponing the certification (in case of insufficient level of professional knowledge of the judge) for the term of not more than six months;
4) exemption a judge of qualification rank and sending him/her to the National School of Judges of Ukraine for special training in case he/she fails to confirm the qualification rank.	4) deprivation of the judge of the qualification rank and sending him/her to the National School of Judges of Ukraine for special training in case of the failure to confirm qualification rank.
Article 51. Appeal against decision of the qualification commission of judges on issues of qualification attestation	Article 51. Appeal against decision of the qualifications commission of judges with regard to the qualification certification
1. A judge, who does not agree with the decision of the regional qualification commission of judges regarding his/her attestation, shall have a right to appeal this decision in the High Qualifications Commission of Judges of Ukraine in a 15 days term from the day of receiving a copy of the decision.	1. Judge, who disagrees with the decision of the territorial qualifications commission of judges regarding his/her certification, shall have a right to appeal this decision in the High Qualifications Commission of Judges of Ukraine within 15 days from the day of receiving a copy of the decision.
2. A complaint shall be filed through the regional qualifications commission of judges, which issued a decision. The regional qualifications commission of judges, which issued a decision, receiving the complaint shall send it not later than in three day term along with the materials of the case to the High Qualifications Commission of Judges of Ukraine.	2. The complaint shall be filed through the territorial qualifications commission of judges, which issued the decision. The territorial qualifications commission of judges, which issued the decision, having received the complaint shall, within three days, forward it together with materials of the case to the High Qualifications Commission of Judges of Ukraine.
3. The High Qualifications Commission of Judges of Ukraine shall process a complaint on the decision regarding qualification attestation during a month from the day of filing the complaint and materials of attestation. A person, who filed a complaint, may be called for review of the complaint.	3. The High Qualifications Commission of Judges of Ukraine shall process the complaint on the decision regarding qualification certification during one month from the day of filing the complaint and materials of certification. A person, who filed a complaint, may be called to be present during the review of the complaint.
4. The High Qualifications Commission of Judges of Ukraine shall have a right to:	4. The High Qualifications Commission of Judges of Ukraine shall have a right to:
1) Leave a complaint without redress;	1) leave the complaint without satisfaction;
2) Change a decision and assign a relevant qualification rank to a judge;	2) change the decision and assign relevant qualification rank to the judge;
3) Leave a judge with a previously assigned qualification rank.	3) leave the judge in the previously assigned qualification rank.
5. A decision of the High Qualifications Commission of Judges of Ukraine shall be sent during the ten days to the person, who filed the complaint, and the chair of the court, where the judge works.	5. Decision of the High Qualifications Commission of Judges of Ukraine shall be sent within ten days to the person, who filed the complaint, and the president of the court, where the judge works.
6. A decision of the High Qualifications Commission of Judges of Ukraine on issues of qualification attestation may be appealed in court only in case of violation of the procedure of consideration of the matter, determined by the law.	6. Decision of the High Qualifications Commission of Judges of Ukraine on the issues of qualification certification can be appealed in court only in case of violation of the procedure of consideration of the matter as determined by the law.
Section IV. DISCIPLINARY LIABILITY OF A PROFESSIONAL JUDGE	Section IV. DISCIPLINARY LIABILITY OF PROFESSIONAL JUDGE

Article 52. Grounds for disciplinary liability of a professional judge	Article 52. Grounds for disciplinary liability of professional judge
1. A judge may be brought to a disciplinary liability in the order of disciplinary proceedings on the following grounds:	1. Judge may be brought to disciplinary liability in the order of disciplinary proceedings on the following grounds:
1) intentional violation of norms of procedural law during execution of justice or evidently unqualified solution of case;	1) intentional violation of procedural law rules during administration of justice or evidently unqualified solution of case;
2) creation of obstacles for person's access to justice, not prescribed by the law;	2) creation of obstacles for person's access to justice, not prescribed by the law;
3) intentional delay of consideration of an application, complaint or case;	3) intentional delay of consideration of an application, complaint or case;
4) evident display of partiality or disrespect to any of the participants of the process;	4) evident display of partiality or disrespect to any of the participants of proceedings;
5) committing an immoral deed in or out of the court;	5) commission of an immoral deed in or out of the court;
6) systematical or severe violation of rules of judicial ethics;	6) systematic or grave violation of rules of judge's ethics;
7) use of his/her position for obtaining personal benefits, not provided by the status of judge;	7) use of his/her position for obtaining personal benefits, not provided by the status of judge;
8) avoidance of a required training at the National School of Judges of Ukraine;	8) evasion of the required training at the National School of Judges of Ukraine;
9) disclosure of confidential information about a specific person out of court;	9) disclosure of confidential information about a specific person out of court;
10) disclosure of a secret, which became known to a judge during consideration of case in a closed trial;	10) disclosure of secret, which became known to the judge during consideration of case in closed court sitting;
11) systematical ignoring of position of high level courts regarding application of legal norms in consideration of cases;	11) systematic ignoring of position of higher level courts regarding application of legal norms in consideration of cases;
12) receiving gifts from the participants of the process or persons connected with them.	12) receiving gifts from the participants of proceedings or persons connected with them;
	13) failure to submit or untimely submission for publication of the proprietary situation declaration, submission of false information in the declaration or concealment of revenues, property or other information which are subject to declaring.
2. Canceling or changing of a court decision shall not entail disciplinary liability of a professional judge, who participated in its issuing, if intentional violation of legal norms or evidently unqualified application of them did not take place.	2. Quashing or changing of court decision shall not entail disciplinary liability of professional judge, who participated in its delivery, unless intentional violation of legal norms or their evidently unqualified application took place.
Article 53. Disciplinary proceedings regarding a judge	Article 53. Disciplinary proceedings regarding a judge
1. Disciplinary proceedings – is a procedure of consideration by the authority determined by the law of address, which includes information about violation of requirements to judge's status, official duties or oath of judge.	1. Disciplinary proceedings shall be a procedure of consideration by the authority determined by the law of an address which contains information on violation of requirements for judge's status, official duties or oath of judge.
	2. Everyone who is aware of relevant facts shall have a right to submit a complaint (address) concerning the conduct of judge which may entail disciplinary responsibility.
2. Abuse of a right to address the body, authorized to	3. It shall be forbidden to abuse the right to

<p>apply disciplinary proceedings to a judge, in particular initiate an issue of liability of a judge without sufficient grounds and use of this right as means to pressure a judge executing justice, shall not be permitted.</p>	<p>address the body, authorised to carry out disciplinary proceedings, in particular to initiate the liability of judge without sufficient grounds and to use the said right as means of pressure on the judge in relation to administration of justice by him/her.</p>
<p>3. A disciplinary case can not be initiated on submission or addresses, which do not include information about features of disciplinary misbehavior of a judge, as well as anonymous submissions and addresses.</p>	<p>4. A disciplinary case concerning judge cannot be opened upon address or information, which do not include information on the features of disciplinary offence of judge, as well as upon anonymous addresses.</p>
<p>Article 54. Bodies that execute disciplinary proceedings</p>	<p>Article 54. Bodies that carry out disciplinary proceedings</p>
<p>Disciplinary proceedings shall be executed by:</p>	<p>1. Disciplinary proceedings shall be carried out by:</p>
<p>1) The Disciplinary Commission of Judges of Ukraine – concerning judges of local and appeal court;</p>	<p>1) the Disciplinary Commission of Judges of Ukraine – concerning judges of local and appellate courts;</p>
<p>2) The High Council of Justice – concerning judges of high specialized courts and judges of the Supreme Court of Ukraine.</p>	<p>2) the High Council of Justice – concerning judges of the high specialised courts and judges of the Supreme Court of Ukraine.</p>
<p>Article 55. Procedure of disciplinary proceedings in regard to a judge</p>	<p>Article 55. Procedure of disciplinary proceedings concerning judge</p>
<p>1. Disciplinary proceedings shall involve execution of examination of information on presence of circumstances for bringing a judge to disciplinary liability, initiation of a disciplinary case and consideration of a disciplinary case, and issuing a decision by the body, which executes disciplinary proceedings.</p>	<p>1. Disciplinary proceedings shall involve verification of information on the presence of grounds for bringing a judge to the disciplinary liability, opening a disciplinary case and its consideration, and issuing a decision by the body, which carries out disciplinary proceedings.</p>
<p>2. Examination of information on presence of circumstances for bringing a judge of local or appeal court to disciplinary liability shall be executed by the judicial inspector during one month on the written assignment of the board of three members of the Disciplinary Commission of Judges of Ukraine. If such circumstances are not evident in a person's claim, the board shall leave the claim without consideration, except for a case, if at least one of the members of the board came to a different conclusion.</p>	<p>2. Court inspectors, within one month and upon written instruction of the three-member panel of the Disciplinary Commission of Judges of Ukraine, shall conduct the verification of information on the presence of grounds for bringing a judge of local or appellate court to the disciplinary liability. If the address or information does not indicate relevant grounds, the panel shall leave such address or information without consideration, except for cases when at least one member of the panel came to a different conclusion.</p>
<p>3. During execution of examination, the judicial inspector shall have a right to study materials of legal cases, make copies of them, question judges and other persons aware of the circumstances of the deed, which has features of a disciplinary misconduct, request from the State Judicial Administration and staff of local and appeal courts necessary information.</p>	<p>3. During the verification, the court inspector shall have a right to study materials of court cases, make copies of them, question judges and other persons who are aware of the circumstances of the deed, which has features of disciplinary offence, demand from the State Judicial Administration and secretariats of local and appellate courts necessary information.</p>
<p>4. A judicial inspector, based on results of the examination, shall send materials along with his/her justified resolution to the Disciplinary Commission of Judges of Ukraine.</p>	<p>4. The court inspector, based on results of the verification, shall forward to the Disciplinary Commission of Judges of Ukraine the materials along with inspector's justified opinion.</p>
<p>5. Issues on initiating a disciplinary case shall be solved by the Disciplinary Commission of Judges of Ukraine at its session. A decision is made by the majority of votes of members of the Disciplinary Commission of Judges of Ukraine present at the session.</p>	<p>5. The matter of opening a disciplinary case shall be decided <u>by a panel of the Disciplinary Commission of Judges of Ukraine comprising its three members. If the panel failed to reach a decision on the opening of disciplinary case, the matter shall then be decided by the Disciplinary Commission of Judges of Ukraine at its meeting.</u></p>

<p>6. Consideration of a disciplinary case shall be executed at the session of the Disciplinary Commission of Judges of Ukraine, with the following persons invited to the session: a judicial inspector, who conducted the examination, a person, who filed a claim that resulted into initiating of this case, a judge, which is a subject to this case, other persons if necessary. Absence of invited persons without justified reasons, as well as in case they did not inform about the reasons of their absence, shall not interfere with consideration of the case.</p>	<p>6. Consideration of a disciplinary case shall be carried out at the meeting of the Disciplinary Commission of Judges of Ukraine with the following persons invited to the meeting: the court inspector, who conducted the verification; person, who filed the address that resulted in the opening of the case; the judge, against whom the case was opened; other interested persons if necessary. Absence of invited persons without justified reasons, as well as in case when they did not inform about reasons of their absence, shall not prevent the consideration of the case.</p>
<p>7. Consideration of a disciplinary case shall be conducted on basis of competition. The following persons shall present at the session of the Disciplinary Commission of Judges of Ukraine: judicial inspector, who conducted the examination, a judge, who is a subject of the case under consideration, as well as other interested persons.</p>	<p>7. Consideration of the disciplinary case shall be conducted according to the adversarial principle. The Disciplinary Commission of Judges of Ukraine shall hear explanations of the court inspector, who conducted the verification, the judge, whose case is considered, as well as other interested persons.</p>
<p>8. For review of the issue regarding initiating of the disciplinary case, as well as for consideration of the disciplinary case, the Disciplinary Commission of Judges of Ukraine shall have a right to request necessary documents concerning the issues under consideration.</p>	<p>8. For consideration of the matter of opening a disciplinary case, as well as for consideration of the disciplinary case, the Disciplinary Commission of Judges of Ukraine shall have a right to demand necessary documents concerning the issues under consideration.</p>
<p>9. The High Council of Justice shall conduct disciplinary proceedings in regard to the judges of the Supreme Court of Ukraine and judges of high specialized court duly pursuant to the Law of Ukraine "On the High Council of Justice" .</p>	<p>9. The High Council of Justice shall conduct disciplinary proceedings concerning judges of the Supreme Court of Ukraine and judges of the high specialised courts pursuant to the procedure established by the Law of Ukraine "On the High Council of Justice" .</p>
<p>10. The process of consideration of case and announcement of results shall be recorded by technical means.</p>	<p>10. The process of case consideration and announcement of its results shall be recorded by technical means.</p>
<p>Article 56. Decision in a disciplinary case of a judge</p>	<p>Article 56. Decision in the disciplinary case of judge</p>
<p>1. A decision in a disciplinary case of a judge shall be made by the majority of vote of members of the Disciplinary Commission of Judges of Ukraine present at the session, in absence of a judge, who is a subject of the case under consideration, and other interested persons.</p>	<p>1. The Disciplinary Commission of Judges of Ukraine shall discuss results of the consideration of the disciplinary case in the absence of the court inspector, judge, whose case was considered, and other interested persons. The decision in the disciplinary case shall be adopted by the majority of members of the Commission's general composition.</p>
	<p>2. While choosing a disciplinary penalty for the judge, the Commission shall take into account the nature of the offence, its impact, personality of judge, extent of his/her fault, circumstances, which influence selection of disciplinary punishment measure.</p>
	<p>3. If the Disciplinary Commission of Judges of Ukraine made a decision about absence of grounds for bringing a judge to the disciplinary liability, the Commission shall close the disciplinary proceedings and apprise interested persons of this.</p>
	<p>4. The disciplinary sanction shall be applied to the judge not later than in six months from the time when the disciplinary offence was discovered, excluding the time of temporary working disability of the judge or his/her vacation</p>

	time, as well as the time of verification of information regarding presence of grounds for bringing the judge to the disciplinary liability.
	5. Based on results of the disciplinary proceedings, the Disciplinary Commission of Judges of Ukraine may decide to order a pre-term qualification certification with the aim of confirming the qualification rank or to send a recommendation to the High Council of Justice to settle the issue of filing a submission concerning the dismissal of the judge from the post, if there are grounds for this.
2. A decision in a disciplinary case must include:	6. The decision of the Disciplinary Commission of Judges of Ukraine shall be put down in written form. Decision in the disciplinary case shall include:
1) name of the body authorized to conduct the disciplinary proceedings;	1) name of the body authorised to conduct the disciplinary proceedings;
2) last name, name and patronymic name of a judge, being brought to the disciplinary liability;	2) last name, name and patronymic name of the judge, who is brought to the disciplinary liability;
3) identified by the body circumstances of the case with reference to evidences;	3) circumstances of the case, established by the body, with reference to evidence;
4) motives of the body's decision;	4) motives behind the body's decision;
5) essence of the decision on results of consideration with mention of type of disciplinary punishment if the latter is applied;	5) contents of the decision based on results of the consideration with the mentioning of the type of disciplinary sanction if the latter was applied;
6) procedure and term of appeal against a decision.	6) procedure and term of appeal against the decision.
	The decision shall be signed by the presiding and other members of the Commission, who participated in the meeting, and shall be announced at the meeting.
	7. If a dissenting opinion is announced, it shall be put down by the member of the Disciplinary Commission of Judges of Ukraine in writing and shall be appended to the case with relevant announcement made at the meeting by the presiding member. The contents of the dissenting opinion shall not be announced during the meeting.
	8. A copy of the decision of the Disciplinary Commission of Judges of Ukraine shall be handed over to the court inspector, who launched the case's consideration, and the judge, whose disciplinary liability the case concerned, and if they are absent during announcement of the decision it shall be mailed to them by post within seven days.
3. When a judge is imposed with a disciplinary penalty the following shall be taken into account: nature of misconduct, its impacts, person of judge, and extent of his/her fault, circumstance, which influence selection of measure of disciplinary punishment.	
4. If the Disciplinary Commission of Judges of Ukraine made a decision about absence of grounds for bringing a judge to disciplinary liability, the Commission shall close the disciplinary proceedings and inform about it all interested persons.	

<p>5. A disciplinary punishment shall be applied to a judge not later than six months from discovering the disciplinary offence, excluding the time of temporary working disability of the judge or his/her vocation time, as well as the time of examining the information regarding presence of circumstance for bringing the judge to the disciplinary liability.</p>	
<p>6. Based on results of disciplinary proceedings, the Disciplinary Commission of Judges of Ukraine may issue a decision on assigning a pre-term qualification attestation for confirming the qualification rank or send recommendation to the High Council of Justice for resolving the matter of filing a proposal on dismissal of a judge from the post, if there are grounds for it.</p>	
<p>Article 57. Types of disciplinary punishments</p>	<p>Article 57. Types of disciplinary sanctions</p>
<p>1. The following disciplinary punishments shall be applied to professional judges:</p>	<p>1. The following disciplinary sanctions shall be applied to professional judges:</p>
<p>1) admonition;</p>	<p>1) reprimand;</p>
<p>2) reduction of qualification rank;</p>	<p>2) demotion in the qualification rank;</p>
<p>3) exemption of qualification rank.</p>	<p>3) deprivation of the qualification rank.</p>
<p>2. Each disciplinary offence entails application of one disciplinary punishment.</p>	<p>2. Each disciplinary offence shall entail application of only one disciplinary sanction.</p>
<p>3. Taking into consideration gravity of the disciplinary offence, the Disciplinary Commission of Judges of Ukraine may make a decision regarding publishing information concerning application of a disciplinary punishment to a judge in the official printed media of the Supreme Court of Ukraine and on the official web portal of the judicial power of Ukraine.</p>	<p>3. Taking into consideration the gravity of the disciplinary offence, the Disciplinary Commission of Judges of Ukraine may decide to publish information concerning application of a disciplinary sanction to the judge in the official print periodical of the Supreme Court of Ukraine and on the official web-portal of the judicial power of Ukraine.</p>
<p>Article 58. Appeal against decision of the disciplinary case of judge</p>	<p>Article 58. Appeal against decision in the disciplinary case of judge</p>
<p>1. A judge of local or appeal court may dispute a decision of the Disciplinary Commission of Judges of Ukraine on bringing him/her to the disciplinary liability in the High Council of Justice not later than one month from the next day of receiving a copy of the decision by him/her. A complaint shall be filed through the Disciplinary Commission of Judges of Ukraine.</p>	<p>1. Judge of the local or appellate court may appeal against the decision of the Disciplinary Commission of Judges of Ukraine concerning bringing him/her to the disciplinary liability to the High Council of Justice not later than within one month from the next day when he/she was handed over the copy of the decision. The complaint shall be lodged through the Disciplinary Commission of Judges of Ukraine.</p>
<p>2. The Disciplinary Commission of Judges of Ukraine not later than in three days from receiving the complaint shall send it along with the materials of the disciplinary case to the High Council of Justice.</p>	<p>2. The Disciplinary Commission of Judges of Ukraine not later than within three days from receiving the complaint shall forward it, along with the materials of the disciplinary case, to the High Council of Justice.</p>
<p>3. Procession of complaints by the High Council of Justice shall be executed duly pursuant to the Law of Ukraine "On the High Council of Justice".</p>	<p>3. Consideration of complaints by the High Council of Justice shall be carried out pursuant to the Law of Ukraine "On the High Council of Justice".</p>
<p>4. A decision of a disciplinary case may be disputed in court only in regard to violation of the procedure of execution of disciplinary proceedings.</p>	<p>4. The decision in a disciplinary case of judge may be appealed in court only on grounds of procedural violation of the disciplinary proceedings.</p>
<p>5. Submission of a complaint on a decision regarding bringing a judge to disciplinary liability to the High Council of Justice shall terminate application of a disciplinary punishment.</p>	<p>5. Lodging of complaint against the decision on bringing a judge to the disciplinary liability to the High Council of Justice shall suspend application of the disciplinary sanction.</p>

<p>SECTION V. DISMISSAL OF A PROFESSIONAL JUDGE OF A COURT OF GENERAL JURISDICTION FROM THE POST. TERMINATION AND SUSPENSION OF HIS/HER POWERS</p>	<p>SECTION V. DISMISSAL FROM THE POST OF PROFESSIONAL JUDGE OF THE COURT OF GENERAL JURISDICTION. TERMINATION AND SUSPENSION OF JUDGE'S POWERS</p>
<p>Chapter 1. General provisions</p>	<p>Chapter 1. General provisions</p>
<p>Article 59. General conditions for dismissal of a judge from the post</p>	<p>Article 59. General conditions for dismissal of judge from the post</p>
<p>1. A judge of a court of general jurisdiction shall be dismissed from the post by the authority, which appointed or elected him/her, only on grounds of part five, Article 126 of the Constitution of Ukraine on the proposal of the High Council of Justice.</p>	<p>1. Jjudge of the court of general jurisdiction shall be dismissed from the post by the authority, which appointed or elected him/her thereto, only on grounds envisaged by paragraph 5 of Article 126 of the Constitution of Ukraine, upon submission of the High Council of Justice.</p>
<p>Article 60. Dismissal of a judge in case of completion of his/her term of appointment</p>	<p>Article 60. Dismissal of judge in case of completion of his/her term of appointment</p>
<p>1. The High Council of Justice shall submit a proposal to the President of Ukraine on dismissal of a judge from the post in case of completion of term of his/her appointment, if:</p>	<p>1. The High Council of Justice shall make a submission to the President of Ukraine concerning dismissal of the judge from the post in case of completion of the term of his/her appointment, if:</p>
<p>1) a judge submitted a request for dismissal from the post on these grounds;</p>	<p>1) the judge submitted a request for dismissal from the post on this ground;</p>
<p>2) a judge was not elected for the post without term limitation after completion of the term of his/her appointment;</p>	<p>2) the judge was not elected to the permanent term post after completion of the term of his/her appointment;</p>
<p>3) a judge, according to the information from the High Qualifications Commission of Judges of Ukraine, did not submit a proposal on electing him/her for a post without term limitation on time without justified reasons.</p>	<p>3) the judge, according to the information of the High Qualifications Commission of Judges of Ukraine, did not submit a request for his/her election to the permanent term post in time without justified reasons.</p>
<p>2. The High Council of Justice shall submit a proposal on dismissal of a judge from post on the authority of completion of the term of appointment with a reference to the date, from which a judge shall be fired.</p>	<p>2. The High Council of Justice shall make a submission on the dismissal of the judge from the post based on the completion of the term of appointment with a reference to the date, from which the judge shall be dismissed.</p>
<p>3. A judge shall be dismissed from the post by the President of Ukraine by his/her decree from the following day after completion of the term of judge's appointment.</p>	<p>3. The judge shall be dismissed from the post by the President of Ukraine by his/her decree after the end of the judge's appointment term.</p>
<p>4. If a judge is not dismissed from the post, on the following day after completion of the term of judge's appointment he/she shall not be able to execute powers concerning administering of justice.</p>	<p>4. If the judge was not dismissed from the post, he/she cannot execute powers which concern the administration of justice starting from the following day after the end of the judge's appointment term.</p>
<p>Article 61. Dismissal of a judge in virtue of age</p>	<p>Article 61. Dismissal of judge because of age</p>
<p>1. A judge shall be dismissed from the post if reached the age of 65 on the following day after reaching the age of 65.</p>	<p>1. Judge shall be dismissed from the post because of age on the following day after reaching the age of 65.</p>
<p>2. The State Judicial Administration of Ukraine not later than one month prior to the day, mentioned in part one of this Article, shall inform the High Council of Justice about presence of a reason for dismissal of a judge.</p>	<p>2. The State Judicial Administration of Ukraine not later than one month prior to the day, mentioned in paragraph 1 of this Article, shall inform the High Council of Justice about the presence of the ground for the dismissal of judge.</p>
<p>3. The High Council of Justice shall submit a proposal on dismissal of a judge in virtue of reaching the age of 65 years to the body, which elected or appointed the judge, not later than fifteen days prior to the day, mentioned in</p>	<p>3. The High Council of Justice shall make a submission on the dismissal of judge because of reaching the age of 65 years to the authority, which elected or appointed the judge, not later</p>

part one of this Article.	than fifteen days prior to the day, mentioned in paragraph 1 of this Article.
4. If a judge is not dismissed from the post, on the following day after reaching the age of 65 he/she shall not be able to execute powers concerning administering of justice.	4. If the judge was not dismissed from the post due to any reasons, he/she cannot execute powers which concern the administration of justice from the following day after reaching the age of 65.
Article 62. Dismissal of a judge in virtue of state of health	Article 62. Dismissal of judge because of the state of health
1. A judge shall be dismissed from the post in regard to his/her incapability to execute powers in virtue of health status in case of available medical reference, provided by the medical commission, created by a specially authorized central body of the executive power on matters of health protection, or court decision on disqualifying a judge, which came into force.	1. Judge shall be dismissed from the post if he/she is unable to execute powers because of the state of health when there is a medical conclusion, delivered by a medical commission, set up by the specially authorised central body of the executive power on issues of health protection, or a valid court decision on recognising the judge incapable.
2. Acknowledging that the health status of a judge shall not allow him during a long time or permanently execute his/her powers, the High Council of Justice shall submit a proposal on dismissal of a judge to the body, which elected or appointed the judge.	2. Having acknowledged that the state of health of the judge will prevent him/her during long time or permanently to execute his/her powers, the High Council of Justice shall make a submission on the dismissal of the judge to the authority, which elected or appointed the judge.
Article 63. Dismissal of a judge in virtue of breach of incompatibility requirements by the judge	Article 63. Dismissal of judge in case of breach of the incompatibility requirements
1. A judge shall be dismissed from the post, in case he/she violates the incompatibility requirements, on the proposal of the High Council of Justice, which it shall submit to the body that elected or appointed the judge, duly pursuant to the Law of Ukraine "On the High Council of Justice".	1. Judge shall be dismissed from the post if he/she violated the requirements concerning incompatibility upon submission of the High Council of Justice, which it shall lodge to the body that elected or appointed the judge, according to the procedure established by the Law of Ukraine "On the High Council of Justice".
Article 64. Dismissal of a judge for violation of oath	Article 64. Dismissal of judge in case of breach of the oath
1. A judge may be dismissed from the post in virtue of forswear in case if he/she commits violations, determined in part 1, Article 52 of this Law, which had systematic nature or entailed serious consequences.	1. Judge may be dismissed from the post in case of breach of his/her oath when violations, mentioned in paragraph 1 of Article 52 of this Law, have been committed if they have had a systematic nature or led to grave consequences.
2. Facts that may witness the breach of oath by the professional judge may be establishes by the Disciplinary Commission of Judges of Ukraine or the High Council of Judges of Ukraine in result of the disciplinary proceedings concerning this judge.	2. Facts that may be evidence of the breach of the oath by the professional judge may be established by the Disciplinary Commission of Judges of Ukraine or the High Council of Judges of Ukraine in result of the disciplinary proceedings concerning this judge.
3. Dismissal of a judge from the post in virtue of forswear shall be conducted on the proposal of the High Council of Justice after consideration of this matter at its session according to the Law of Ukraine "On the High Council of Justice".	3. Dismissal of the judge from the post in case of breach of his/her oath shall be carried out upon submission of the High Council of Justice after consideration of this matter at its meeting according to the Law of Ukraine "On the High Council of Justice".
Article 65. Dismissal of a judge in virtue of entry of judgment of conviction regarding a judge into legal force	Article 65. Dismissal of judge in case of entry into force of his/her conviction
1. A judge, who approved a judgment of conviction regarding a judge, shall immediately inform the State Judicial Administration of Ukraine about it.	1. The court, which delivered a judgment of conviction regarding a judge, shall immediately notify the State Judicial Administration of Ukraine of this.
2. In case of entry of judgment of conviction regarding	2. In case of entry of judgment of judge's

<p>a judge into legal force, the State Judicial Administration of Ukraine shall inform about it the High Council of Justice, which shall submit a proposal on dismissal of a judge from the post.</p>	<p>conviction into legal force, the State Judicial Administration of Ukraine shall notify the High Council of Justice, which shall make a submission on the dismissal of the judge from the post.</p>
<p>3. In case of entry of judgment of conviction regarding a judge into legal force, the judge can not continue performing his/her powers and loses guaranties of independence and immunity, as well as the right for support of judges, provided by the law.</p>	<p>3. The judge, judgment of whose conviction entered into legal force, cannot continue performing his/her powers and shall lose guaranties of independence and immunity, as well as the right for remuneration and other benefits.</p>
<p>Article 66. Dismissal of a judge in virtue of revocation of his/her citizenship</p>	<p>Article 66. Dismissal of judge in case of termination of his/her citizenship</p>
<p>1. A judge shall be dismissed from the post on the proposal of the High Council of Justice in case of revocation of his/her citizenship according to the Law of Ukraine "On the Citizenship of Ukraine".</p>	<p>1. Judge shall be dismissed from the post upon submission of the High Council of Justice in case of termination of his/her citizenship according to the Law of Ukraine "On the Citizenship of Ukraine".</p>
<p>2. From the moment of revocation of citizenship, a judge can not continue performing his/her powers.</p>	<p>2. From the moment of termination of the citizenship, the judge cannot continue performing his/her powers.</p>
<p>Article 67. Dismissal of a judge in virtue of being listed as missing or dead</p>	<p>Article 67. Dismissal of judge in case he/she is recognised to be missing or announced dead</p>
<p>1. A court, which issued a decision on announcing a person of judge dead or missing, shall immediately inform about the decision the State Judicial Administration of Ukraine. In case of entry of such judgment into legal force, the State Judicial Administration of Ukraine shall inform about it the High Council of Justice, which shall submit a proposal on dismissing the judge from the post.</p>	<p>1. The court, which issued a decision on announcing a judge missing or dead, shall immediately notify of this decision the State Judicial Administration of Ukraine. When such decision enters into legal force, the State Judicial Administration of Ukraine shall notify the High Council of Justice, which shall make a submission on the dismissal of the judge from the post.</p>
<p>2. If a person listed as missing or dead appears before the decision regarding his/her dismissal was made by the body, which appointed or elected him/her, the High Council of Justice shall withdraw the proposal. If a person listed as missing or dead appears after the decision regarding his/her dismissal was made, he/she shall have a right to occupy the post of judge on general basis.</p>	<p>2. If the person recognised to be missing or announced dead appears before the decision regarding his/her dismissal was taken by the authority, which appointed or elected him/her, the State Judicial Administration shall notify the High Council of Justice of this. In this case the latter shall recall its submission. If the person appears after the decision regarding his/her dismissal was taken, he/she shall have a right to occupy the post of judge on general basis.</p>
<p>Article 68. Dismissal of a judge on his/her resignation or voluntary withdrawal from the post</p>	<p>Article 68. Dismissal of judge upon his/her retirement or resignation request</p>
<p>1. A judge, whose term of work on the post of judge is not less than twenty five years, determined according to the Article 79 of this Law, shall have a right to file in resignation. The right to file in resignation shall also be provided to a judge, whose health status according to the medical conclusions, which are provided by the medical commission, created by a specially authorized central body of the executive power on matters of health protection, interferes with execution of judicial powers of judge.</p>	<p>1. Judge, whose term of work on the post of judge is more than 25 years, as determined according to Article 79 of this Law, shall have a right to file a retirement request. The right to file a retirement request shall also be granted to judge, whose state of health prevents him/her from executing judge's powers according to the medical conclusion, which was delivered by a medical commission, set up by a specially authorised central body of the executive power on issues of health protection.</p>
<p>2. A judge shall have a right in any time of tenure of office despite the motives to submit a request for voluntary withdrawal from the post to the High Council of Justice for submission of a relevant proposal.</p>	<p>2. Judge shall have a right at any time of his/her tenure, regardless of the motives, to submit a resignation request to the High Council of Justice, which shall then make relevant submission.</p>
<p>3. A judge shall continue executing his/her powers until the decision on his/her dismissal is issued, except a case,</p>	<p>3. Judge shall continue executing his/her powers until the decision on his/her resignation is</p>

when the state of health interferes with execution of judicial powers.	taken (but for not more than six month after the request was filed), except for the case when the state of his/her health prevents the execution of judicial powers.
Article 69. Requirements to the proposal on dismissal of a judge from the post	Article 69. Requirements to the submission on dismissal from the post of judge
1. A proposal of the High Council of Justice on dismissal of a judge shall include:	1. The High Council of Justice shall state in its submission on the dismissal of judge the following:
1) the date of submission;	1) the date of submission;
2) full name, date of birth of a judge;	2) full name, date of birth of the judge;
3) information on occupation of the post of judge and the name of the court;	3) information on occupation of the post of judge and the title of the court;
4) grounds for filing a proposal on dismissal, determined by the part five, Article 126 of the Constitution of Ukraine;	4) grounds for making a submission on the dismissal as envisaged by paragraph 5 of Article 126 of the Constitution of Ukraine;
5) practical circumstances (in case of submitting a proposal on dismissal of a judge under special circumstances, determined by the Article 32 of the Law of Ukraine "On the High Council of Justice").	5) factual circumstances (if the submission on the dismissal of judge is made under special circumstances, determined by Article 32 of the Law of Ukraine "On the High Council of Justice").
2. A personal record with the materials revealing the grounds for dismissal shall be attached to the proposal of the High Council of Justice on dismissal of a judge from the post.	2. Personal file of the judge and materials which prove the existence of grounds for the dismissal shall be appended to the submission of the High Council of Justice.
Chapter 2. Peculiarities of consideration of the proposal on dismissal of a judge, elected without term limitation, from the post by the Verkhovna Rada of Ukraine	Chapter 2. Consideration by the Verkhovna Rada of Ukraine of submission on the dismissal of judge, elected to the permanent post
Article 70. Preliminary consideration of a proposal on dismissal of a judge, elected without term limitation, by the Committee of the Verkhovna Rada of Ukraine	Article 70. Preliminary consideration of submission on the dismissal of judge, elected to the permanent term post, by the Committee of the Verkhovna Rada of Ukraine
1. A proposal on dismissal of a judge, elected without term limitation, shall be preliminary considered by the Committee of the Verkhovna Rada of Ukraine during a one month term from the day of its submission. This term may be prolonged by the Committee of the Verkhovna Rada of Ukraine for examination of circumstances, which are of essence for decision making, but not more than for one month.	1. Submission on the dismissal of judge, elected to the permanent term post, shall be preliminarily considered by the Committee of the Verkhovna Rada of Ukraine within one month after it was received. This term may be extended by the Committee of the Verkhovna Rada of Ukraine in order to verify circumstances, which have significance for the decision making, but not longer than for one month.
2. The secretariat of the Committee of the Verkhovna Rada of Ukraine during the three day term shall spread among the people's deputies of Ukraine through the apparatus of the Verkhovna Rada of Ukraine a list of judges, proposed for dismissal from their posts, including the date and the time of the session of the Committee of the Verkhovna Rada of Ukraine.	2. The secretariat of the Committee of the Verkhovna Rada of Ukraine within three days after receiving the submission shall disseminate among the people's deputies of Ukraine, through the secretariat of the Verkhovna Rada of Ukraine, the list of judges, who are proposed to be dismissed from their posts, including the date and the time of the sitting of the Committee of the Verkhovna Rada of Ukraine.
3. The Committee of the Verkhovna Rada of Ukraine shall perform examination of addresses of citizens or other messages regarding the activity of a judge, received by the Committee of the Verkhovna Rada of Ukraine.	3. The Committee of the Verkhovna Rada of Ukraine shall examine addresses of citizens or other information concerning activity of the judge, received by the Committee of the Verkhovna Rada of Ukraine.
4. The Committee of the Verkhovna Rada of Ukraine may send a request for additional examination to the Supreme Court of Ukraine, the High Council of Justice, the	4. The Committee of the Verkhovna Rada of Ukraine may send a request for an additional examination to the Supreme Court of Ukraine, the

<p>Disciplinary Commission of Judges of Ukraine, a respective high specialized court, the State Judicial Administration of Ukraine, the Council of Judges of Ukraine.</p>	<p>High Council of Justice, the Disciplinary Commission of Judges of Ukraine, respective high specialised court, the State Judicial Administration of Ukraine, the Council of Judges of Ukraine.</p>
<p>5. The respective authorities shall inform the Committee of the Verkhovna Rada of Ukraine about results of examination in a term established by the Committee, but not later than in 15 day from the time of receiving the assignment for examination.</p>	<p>5. The respective authorities shall inform the Committee of the Verkhovna Rada of Ukraine about results of examination within the term established by the Committee, but not later than within 15 days from the time of receiving the instruction on the examination.</p>
<p>6. A judge, elected without term limitation, who is a subject to the issue of dismissal from the post, shall be informed about the date and the time of the session of the Committee of the Verkhovna Rada of Ukraine.</p>	<p>6. The permanent term judge, whose dismissal from the post is being considered, shall be notified of the date and the time of the sitting of the Committee of the Verkhovna Rada of Ukraine.</p>
<p>Article 71. Procedure of consideration of the matter of dismissal of a judge, elected without term limitation, by the Committee of the Verkhovna Rada of Ukraine</p>	<p>Article 71. Procedure of consideration by the Committee of the Verkhovna Rada of Ukraine of the issue of dismissal from the post of judge, elected to the permanent term post</p>
<p>1. People's deputies of Ukraine, representatives of the Supreme Court of Ukraine, high specialized court, the High Council of Justice, the State Judicial Administration of Ukraine, as well as representatives of state government authorities, bodies of local self-government, community make take part in the session of the Committee of the Verkhovna Rada of Ukraine on consideration of the matter of dismissal of a judge, elected without term limitation.</p>	<p>1. People's deputies of Ukraine, representatives of the Supreme Court of Ukraine, high specialised court, the High Council of Justice, the State Judicial Administration of Ukraine, as well as representatives of bodies of the state power, bodies of the local self-government, civil society can take part in the sitting of the Committee of the Verkhovna Rada of Ukraine wherein the issue of the dismissal of judge, elected to the permanent term post, is considered.</p>
<p>2. Participation of a judge, elected without term limitation, who is a subject to the proposal of dismissal from the post under consideration, in the session of the Committee of the Verkhovna Rada of Ukraine shall be obligatory, except cases, mentioned in items 2, 3, 6, 7, 8 and 9 of part five, Article 126 of the Constitution of Ukraine.</p>	<p>2. Participation of the permanent term judge, submission on whose dismissal is under consideration, in the sitting of the Committee of the Verkhovna Rada of Ukraine shall be obligatory, except for cases when the judge is dismissed on grounds, provided for in subparagraphs 2, 3, 6-9 of paragraph 5 of Article 126 of the Constitution of Ukraine.</p>
<p>3. In case of repetitive absence without a justified reason of a judge, who is a subject to the proposal of dismissal from the post under consideration, if the fact of receiving by him/her the information about the date and the time of the session is established by the Committee of the Verkhovna Rada of Ukraine, consideration of the matter regarding this judge shall be conducted at his absence. The Committee of the Verkhovna Rada of Ukraine shall evaluate the gravity of the reason of absence. The same procedure is applied to consideration of matters regarding judges, which refused in writing from participation in the session of the Committee of the Verkhovna Rada of Ukraine, or those, regarding which there is a written message of their refusal to participate in the session of this Committee.</p>	<p>3. In case of a repeat absence without a justifying reason of the judge, submission on whose dismissal is under consideration, provided the Committee of the Verkhovna Rada of Ukraine has ascertained the fact of receiving by the judge of the notification of the date and the time of the sitting, consideration of the issue concerning this judge shall be conducted in his/her absence. The Committee of the Verkhovna Rada of Ukraine shall assess the justification of the absence. The same procedure shall be applied to consideration of issues concerning judges, who refused in writing from participation in the sitting of the Committee of the Verkhovna Rada of Ukraine, or those concerning whom there is written information on their refusal to participate in the sitting of the Committee.</p>
<p>4. Consideration of proposals regarding dismissal of judges at the sessions of the Committee of the Verkhovna Rada of Ukraine shall begin from a report of the chair.</p>	<p>4. Consideration of the submission on the dismissal of judge at the sitting of the Committee of the Verkhovna Rada of Ukraine shall begin with a report of the chairperson.</p>
<p>5. Members of the Committee of the Verkhovna Rada of Ukraine and other people's deputies of Ukraine shall have a right to question the judge concerning the materials of examination, and also in regard to the facts, stated in addresses of citizens.</p>	<p>5. Members of the Committee of the Verkhovna Rada of Ukraine and other people's deputies of Ukraine shall have a right to question the judge concerning materials of examination, and also with regard to facts, stated in citizens'</p>

	addresses.
6. A judge shall have a right to study the materials, references and conclusions of the Committee of the Verkhovna Rada of Ukraine which concern his/her dismissal.	6. The judge shall have a right to study the materials, references and conclusions of the Committee of the Verkhovna Rada of Ukraine which concern his/her dismissal.
Article 72. Invitation of persons for consideration of the matter on dismissal of a judge, elected without term limitation, from the post	Article 72. Invitation of persons for consideration of the issue of dismissal of judge, elected to the permanent term post
1. The Chief Justice of the Supreme Court of Ukraine, the Chair of the High Council of Justice, the chair of the respective high specialized court, the Head of the State Judicial Administration of Ukraine shall be invited to the plenary session of the Verkhovna Rada of Ukraine for consideration of the matters on dismissal of judges, elected without term limitation.	1. The President of the Supreme Court of Ukraine, the Chairperson of the High Council of Justice, the president of the respective high specialised court, the Head of the State Judicial Administration of Ukraine shall be invited to the plenary sitting of the Verkhovna Rada of Ukraine for consideration of the issue of dismissal of judge, elected to the permanent term post.
2. Presence of the judge at the session of the Committee of the Verkhovna Rada of Ukraine during consideration of the matter of his/her dismissal in regard to the reasons, determined in items 1, 4 and 5 of part five, Article 126 of the Constitution of Ukraine, shall be obligatory. Absence at the session shall not interfere with consideration of the issue in essence.	2. Presence of the judge at the plenary sitting of the Verkhovna Rada of Ukraine during consideration of the issue of his/her dismissal on grounds, specified in subparagraphs 1, 4 and 5 of paragraph 5 of Article 126 of the Constitution of Ukraine, shall be obligatory. Absence at the sitting shall not prevent the consideration of the issue in substance.
Article 73. Procedure of consideration of the matter of dismissal of a judge, elected without term limitation, at the plenary session of the Verkhovna Rada of Ukraine	Article 73. Procedure of consideration of the issue of dismissal of judge, elected to the permanent term post, at the plenary sitting of the Verkhovna Rada of Ukraine
1. The Committee of the Verkhovna Rada of Ukraine shall submit for the plenary session of the Verkhovna Rada of Ukraine a proposal on recommending or not recommending dismissal of a judge, elected without term limitation, from the post.	1. The Committee of the Verkhovna Rada of Ukraine shall submit to the plenary sitting of the Verkhovna Rada of Ukraine a motion with recommendation on the dismissal from the post of judge, elected to the permanent term post.
2. Every candidate for dismissal from the post of judge, elected without term limitation, shall be personally presented at the plenary session of the Verkhovna Rada of Ukraine by the representative of the Committee of the Verkhovna Rada of Ukraine.	2. Every candidate for dismissal from the permanent term post of judge shall be presented separately at the plenary sitting of the Verkhovna Rada of Ukraine by the representative of the Committee of the Verkhovna Rada of Ukraine.
3. If a judge does not agree with the proposal for dismissal, his/her explanations shall be listened to.	3. If the judge disagrees with the submission on the dismissal, his/her explanations shall be heard.
4. People's deputies of Ukraine shall have a right to question a judge regarding his/her activity.	4. People's deputies of Ukraine shall have a right to question the judge concerning his/her activity.
5. If during consideration of the issue at the plenary session of the Verkhovna Rada of Ukraine there is a necessity for conducting examination of citizens' addresses regarding the activity of a judge or request additional information, the Verkhovna Rada of Ukraine shall assign conducting such examination to a relevant Committee of the Verkhovna Rada of Ukraine.	5. If during discussion of the issue at the plenary sitting of the Verkhovna Rada of Ukraine a necessity to conduct examination of citizens' addresses concerning activity of the judge or demand additional information arises, the Verkhovna Rada of Ukraine shall instruct its relevant Committee to conduct such examination.
Article 74. Issuing a decision regarding dismissal of a judge, elected without term limitation, by the Verkhovna Rada of Ukraine	Article 74. Adoption by the Verkhovna Rada of Ukraine of decision on the dismissal from the post of judge, elected to the permanent term post
1. In regard to the reasons, determined by the part five, Article 126 of the Constitution of Ukraine, the Verkhovna Rada of Ukraine shall issues a decision regarding dismissal of a judge from the post.	1. The Verkhovna Rada of Ukraine shall adopt a decision on the dismissal of judge from the post on grounds, determined by paragraph 5 of Article 126 of the Constitution of Ukraine.

<p>2. A decision shall be made by the open unfixed ballot by the majority of vote of the constitutional composition of the Verkhovna Rada of Ukraine.</p>	<p>2. The decision shall be adopted by an open unfixed ballot by the majority of votes of the constitutional composition of the Verkhovna Rada of Ukraine.</p>
<p>3. A decision regarding dismissal of a judge from the post shall be formalized by the resolution of the Verkhovna Rada of Ukraine.</p>	<p>3. The decision on the dismissal of judge shall be formalised by the resolution of the Verkhovna Rada of Ukraine.</p>
<p>Chapter 3. Termination and suspension of powers of judge</p>	<p>Chapter 3. Termination and suspension of judge's powers</p>
<p>Article 75. Termination of the powers of judge</p>	<p>Article 75. Termination of judge's powers</p>
<p>1. The powers of judge shall be terminated in case of his/her death.</p>	<p>1. Powers of judge shall be terminated in case of his/her death.</p>
<p>2. The chair of the court, where the judge occupied the post, shall inform the State Judicial Administration of Ukraine about presence of grounds for termination of powers of judge. The documents testifying the presence of grounds for termination of powers of judge shall be attached to the submission.</p>	<p>2. The president of the court, where the judge occupied the post, shall notify the State Judicial Administration of Ukraine and the authority, which appointed or elected the judge, about presence of ground for termination of judge's powers. Documents testifying the presence of ground for termination of judge's powers shall be attached to the notification.</p>
<p>Article 76. Suspension of the powers of judge</p>	<p>Article 76. Suspension of judge's powers</p>
<p>1. The powers of judge may be intermitted by the Council of Judges of Ukraine on request of:</p>	<p>1. Powers of judge may be suspended by the Council of Judges of Ukraine upon request of:</p>
<p>1) Prosecutor-General of Ukraine or his/her deputy – in virtue of bringing a judge to criminal liability;</p>	<p>1) the Prosecutor General of Ukraine or his/her deputy – in connection with bringing a judge to the criminal liability;</p>
<p>2) The High Council of Justice - in virtue of consideration by it of the case concerning violation of incompatibility requirements by the judge;</p>	<p>2) the High Council of Justice - in connection with consideration by it of the case on violation of incompatibility requirements by the judge;</p>
<p>3) Election commission or a judge himself – in case of his/her registration for a position, which entails receiving of representative mandate.</p>	<p>3) election commission or the judge himself/herself – in case of registration as candidate for the post, which entails receiving a representative mandate.</p>
<p>2. A decision of the Council of Judges of Ukraine on suspension of the powers of judge shall be sent to the chair of a respective court, who immediately shall inform the judge about suspension of his/her power.</p>	<p>2. The decision of the Council of Judges of Ukraine on the suspension of judge's powers shall be sent to the president of the respective court, who shall immediately inform the judge on the suspension of his/her powers.</p>
<p>3. From the moment of notification about suspension of the powers the judge shall not be permitted to exercise his/her powers, his/her salary shall be retained. A judge, whose powers were intermitted, shall not have a right to execute justice, send official documents, request materials.</p>	<p>3. From the moment of notification of the suspension the judge shall not have a right to administer justice, send official documents, demand materials, but his/her remuneration shall be kept.</p>
<p>4. Suspension of the powers of judge shall entail simultaneous suspension of his/her powers on administrative post in court.</p>	<p>4. Suspension of judge's powers shall entail simultaneous suspension of his/her powers on administrative post in the court.</p>
<p>5. A judge, whose powers were intermitted, shall preserve all guaranties of independence of judge.</p>	<p>5. Judge, whose powers were suspended, shall preserve all guaranties of judge's independence.</p>
<p>6. The powers of judge shall be reinstated in case of:</p>	<p>6. Powers of judge shall be reinstated in case of:</p>
<p>1) entry of a court's judgment of acquittal regarding the judge into legal force or closure of a criminal case;</p>	<p>1) entry into legal force of a court's acquittal judgment regarding the judge or closure of the criminal case;</p>
<p>2) closure of a case on violation of incompatibility</p>	<p>2) closure of the case on violation of</p>

requirements by the judge;	incompatibility requirements by the judge;
3) registration of the judge-candidate was removed by the election commission, announcement of results of election, according to which the judge failed to obtain a representative mandate, or judge's refusal from the representative mandate prior to taking the respective oath.	3) withdrawal of judge-candidate's registration by the election commission, announcement of election results, whereby the judge failed to obtain a representative mandate, or judge's refusal from the representative mandate prior to taking of the respective oath.
Section VI. SUPPORT OF A PROFESSIONAL JUDGE	Section VI. SUPPORT OF PROFESSIONAL JUDGE
Article 77. Judicial reward of a judge	Article 77. Judge's remuneration
1. A judicial reward of a judge shall be regulated by this Law, the Law of Ukraine "On the Constitutional Court of Ukraine" and can not be determined by any other regulatory legal act.	1. Judge's remuneration shall be regulated by this Law, the Law of Ukraine "On the Constitutional Court of Ukraine" and can not be determined by any other normative legal act.
2. A judicial reward of a judge shall consist of the post salary and supplemental payments for:	2. Judge's remuneration shall consist of the basic salary rate and supplemental payments for:
1) years of service;	1) period of service;
2) qualification rank;	2) qualification rank;
3) tenure of an administrative post in court.	3) taking an administrative post in the court.
3. A post salary of a judge of the district court shall be affirmed in amount of fifteen minimal wages, determined by the law.	3. Basic salary rate of a judge of the divisional court shall be established in the amount of 15 minimal wages determined by the law.
Post salaries of other judges shall be affirmed as follows:	Basic salary rates of other judges shall be established in the following amount:
1) judges of circuit courts — 1,1;	1) judges of circuit courts – 1.1 of the basic salary rate of the divisional court judge;
2) judges of courts of appeal — 1,2;	2) judges of courts of appeal — 1.2 of the basic salary rate of the divisional court judge;
3) judges of high specialized courts — 1,4;	3) judges of the high specialised courts — 1.4 of the basic salary rate of the divisional court judge;
4) judges of the Supreme Court of Ukraine — 1,55.	4) judges of the Supreme Court of Ukraine — 1.55 of the basic salary rate of the divisional court judge.
4. Judges shall be paid monthly supplementary payment for the qualification rank in amounts: for the fifth qualification rank — 50 percent; fourth qualification rank — 60 percent; third qualification rank — 70 percent; second qualification rank — 80 percent, first qualification rank — 90 percent; high qualification rank — 100 percent of their post salary.	4. Judge shall be paid a monthly supplementary payment for the qualification rank in the following amounts: for the fifth qualification rank — 50 percent; fourth qualification rank — 60 percent; third qualification rank — 70 percent; second qualification rank — 80 percent, first qualification rank — 90 percent; high qualification rank — 100 percent of the basic salary rate.
5. Judges shall be paid monthly supplementary payment for years of service in amounts: with the term of work over one year – 10 percent; over two years – 12 percent; over 3 years - 15 percent, over 5 years - 20, over 10 years - 30, over 15 years - 40, over 20 years - 50, over 25 years - 75, over 30 years - 80, over 35 years - 85 percent of their post salary.	5. Judge shall be paid a monthly supplementary payment for the period of service in the following amounts: with the period of service over one year – 10 percent; over two years – 12 percent; over 3 years - 15 percent; over 5 years - 20 percent; over 10 years - 30 percent; over 15 years - 40 percent; over 20 years - 50 percent; over 25 years - 75 percent; over 30 years - 80 percent; over 35 years - 85 percent of the basic salary rate.
6. Judges, who tenure administrative posts in court,	6. Judges, who hold administrative posts in

<p>shall be provided with monthly supplementary payment in amount: deputy chair of court, chair of judicial chamber, secretary of presidium of the Supreme Court of Ukraine – 3 percent, chair of court - 5 percent of the post salary of judge of a respective court.</p>	<p>courts, shall be provided with a monthly supplementary payment in the following amounts: deputy president of a court, chair of a judicial chamber, secretary of the Plenary Assembly of the Supreme Court of Ukraine – 3 percent; president of a court - 5 percent of the basic salary rate of judge of the respective court.</p>
<p>7. Judge, who has a right for retirement, but continues working on the post of judge, shall receive supplementary payment to financial support in amount of 30 percent of lifetime cash allowance, which he/she would receive in case of retirement. This supplementary payment shall not be taken into consideration when the amount of allowance of the retired judge shall be calculated.</p>	<p>7. Judge, who has a right to retire, but continues working on the post of judge, shall receive a payment supplementary to the remuneration in the amount of 30 percent of the lifetime money allowance, which he/she would have received in case of retirement. This supplementary payment shall not be taken into consideration when the amount of allowance of the retired judge is calculated.</p>
<p>Article 78. Rest leave</p>	<p>Article 78. Leave</p>
<p>1. Judges shall be provided with annual paid vacation time of thirty five calendar days with payment, beside the judicial reward, of vacation allowance in amount of the post salary. Judges, whose term of service exceeds 5 years, shall be provided with additional paid vacation of five calendar days, over 10 years – ten calendar days, over 15 years – fifteen calendar days.</p>	<p>1. Judges shall be given an annual paid vacation leave of 35 calendar days with payment, beside the judge's remuneration, of vacation allowance in the amount of the basic salary rate. Judges, whose period of service exceeds 5 years, shall be given an additional paid vacation of 5 calendar days, over 10 years – 10 calendar days, over 15 years – 15 calendar days.</p>
<p>Article 79. Calculation of term of service of judge</p>	<p>Article 79. Period of judge's service</p>
<p>1. The term of service of judge shall include:</p>	<p>1. The following shall be included in the period of judge's service:</p>
<p>1) work on posts of judges in courts of Ukraine, arbitrator (judge) of arbitration courts of Ukraine, state arbitrator of the former State Arbitration of Ukraine;</p>	<p>1) work on the post of judge in courts of Ukraine, arbitrator (judge) of arbitration courts of Ukraine, state arbitrator of the former State Arbitration of Ukraine;</p>
<p>2) work of judge on a post of member of the High Council of Justice, the Disciplinary Commission of Judges of Ukraine, the High Qualifications Commission of Judges of Ukraine, judicial inspector, who worked on permanent basis;</p>	<p>2) work of judge on the post of member of the High Council of Justice, the Disciplinary Commission of Judges of Ukraine, the High Qualifications Commission of Judges of Ukraine, court inspector, who worked on a permanent basis;</p>
<p>3) work on posts of judges in courts and arbitrators in the state arbitrage of the Union of Soviet Socialist Republic and allied countries.</p>	<p>3) work on the posts of judges in courts and arbitrators in the state arbitrage of the former Union of Soviet Socialist Republics and the Union's republics.</p>
<p>Article 80. Provision of a judge with housing</p>	<p>Article 80. Provision of judge with housing</p>
<p>1. A judge, who has no residential premises for constant habitation, shall have a right to receive a loan for construction or purchase of housing for the term of 20 years, paid back by the State Budget of Ukraine. This kind of loan shall be provided to a judge only once.</p>	<p>1. Judge, who has no residential premises for constant habitation, shall have a right to receive a loan for construction or purchase of housing for the term of up to 20 years, which shall be paid off from the State Budget of Ukraine. Such loan shall be provided to the judge only once.</p>
<p>2. Costs for construction and purchase of housing in the State Budget of Ukraine shall be determined in separate lines for judges of the Constitutional Court of Ukraine, judges of the Supreme Court of Ukraine and judges of other courts of general jurisdiction.</p>	<p>2. Costs for construction and purchase of housing for judges of the Constitutional Court of Ukraine, judges of the Supreme Court of Ukraine and judges of other courts of general jurisdiction shall be determined as separate allocation lines in the State Budget of Ukraine.</p>
<p>3. Ordering parties for crediting of construction and purchase of housing for judges shall be staff of the Constitutional Court of Ukraine, the Supreme Court of Ukraine, high specialized court and the State Judicial</p>	<p>3. Secretariats of the Constitutional Court of Ukraine, of the Supreme Court of Ukraine, of the high specialised courts and the State Judicial Administration of Ukraine shall order the crediting</p>

Administration of Ukraine. Selection of the authorized bank, which provides loans to judges, by the ordering party shall be conducted on basis of competition according to the legislation.	of construction or purchase of housing for judges. They shall select the authorised bank, which provides loans to judges, on the basis of competition according to the legislation.
4. Payment for services of expert evaluation of cost of housing and other services, related to making relevant agreements, payment of the first installment, redemption of credit and interest on credit shall be executed for account of the State Budget of Ukraine.	4. Payment for services of expert evaluation of housing cost and other services, related to the conclusion of respective agreements, payment of the first instalment, repayment of credit and interest on credit shall be executed from the State Budget of Ukraine.
5. The amount of the first installment and credit, paid at expense of the State Budget of Ukraine, shall be calculated based on standard size of floor space of residence, as well as results of expert evaluation of cost.	5. The amount of the first instalment and credit, paid at expense of the State Budget of Ukraine, shall be calculated based on standard size of floor space of residence, as well as results of expert evaluation of housing cost.
Standard size of residential floor space for a judge and his family, information concerning which are included in the personal record of the judge, shall be determined based on norms of general and living space, prescribed by the law.	Standard size of residential floor space for a judge and his family, information concerning whom was included in the personal file of the judge, shall be determined based on norms of general and living space, prescribed by the law.
The cost of one square meter of construction (purchase) of housing for a judge, which is paid from the State Budget of Ukraine, shall not exceed its average cost in a respective region.	The cost of one square meter of construction (purchase) of housing for a judge, which is paid from the State Budget of Ukraine, shall not exceed its average cost in the respective region.
6. The total sum of the first installment, credit and interest can be bigger, than the amount, determined according to the part five of this Article. The sum, which exceeds such amount, shall be paid by a judge on conditions of agreement between him/her and the authorized bank.	6. The total sum of the first instalment, credit and interest can be bigger, than the amount, determined according to paragraph 5 of this Article. The sum, which exceeds such amount, shall be paid by judge according to provisions of the agreement concluded between him/her and the authorised bank.
7. The sum of the first installment, credit and interest, which is paid from the State Budget of Ukraine, shall be sated in the agreement between the order party, the authorized bank and the judge.	7. The amount of the first instalment, credit and interest, which are paid from the State Budget of Ukraine, shall be fixed in the agreement among the ordering institution, the authorised bank and the judge.
8. In case of dismissal of a person from the post of judge, the responsibility for payment of the remaining part of credit and interest shall be transferred to the person (except for cases of dismissal of a judge of the Constitutional Court of Ukraine or dismissal of a judge on his/her submission for retirement).	8. In case of dismissal of person from the post of judge, the obligation to pay the remaining part of the credit and interest shall be transferred to that person (except for cases of dismissal of a judge of the Constitutional Court of Ukraine or dismissal of judge upon his/her retirement request).
9. I a person is dismissed from the post of judge on conditions of items 1,4,5,6 of part five, Article 126 of the Constitution of Ukraine, or if the person have occupied a post of judge less than five years, he/she shall be bind to compensate to the state the cost for expert evaluation of cost of housing and other services, related to settling relevant contracts, as well as the first installment.	9. If person is dismissed from the post of judge on grounds provided for in subparagraphs 1, 4-6 of paragraph 5 of Article 126 of the Constitution of Ukraine, or if person have occupied the post of judge less than for five years, he/she shall be bound to compensate the state the expenses of expert evaluation of the housing cost and other services, related to the conclusion of relevant contracts, as well as the first instalment.
Article 81. Provision of requirements of judges, related to their professional activity	Article 81. Provision of judge's needs related to his/her professional activity
1. A judge shall be provided free of charge with a mantle and lapel badge in the order, established by the Cabinet of Minister of Ukraine.	1. Judge shall be provided free of charge with a mantle and breast badge in the order, established by the Cabinet of Minister of Ukraine.
2. A judge shall be provided with a separate office, work space and necessary supplies.	2. Judge shall be provided with a separate office, work space and necessary facilities.

<p>3. With the purpose of health promotion and prophylaxis, a judge shall be provided with the annual allowance in the amount of one post salary with supplementary payments pursuant to this Law. A judge shall preserve this right even after retirement or resignation.</p>	<p>3. With the purpose of health improvement and disease prophylactics, judge shall be provided with an annual allowance in the amount of one basic salary rate with supplementary payments pursuant to this Law. This right shall be preserved even after judge's retirement or resignation.</p>
<p>Article 82. Social insurance of judges</p>	<p>Article 82. Social insurance of judges</p>
<p>1. The life and health of judges shall be subject to obligatory personal insurance according to all risks insurance, covered by the State Budget of Ukraine, for the amount of ten-year allowance from the last post.</p>	<p>1. The life and health of judges shall be subject to obligatory personal insurance according to risk insurance scheme, covered by the State Budget of Ukraine, for the amount of ten-year remuneration on the last post.</p>
<p>Section VII. STATUS OF RETIRED PROFESSIONAL JUDGE</p>	<p>Section VII. STATUS OF A RETIRED PROFESSIONAL JUDGE</p>
<p>Article 83. Execution of judicial powers by a retired judge</p>	<p>Article 83. Execution of judge's powers by a retired judge</p>
<p>1. A retired judge on his/her consent may be attracted by the Council of Judges of Ukraine to execution of powers of judge for the term not more than a year in case of temporary vacant post of judge in regard to deputation of a judge, which occupies this post, to bodies or institutions, mentioned in part four, Article 9 of this Law, or in regard to his/her absence for any other reason.</p>	<p>1. A retired judge, upon his/her consent, may be engaged by the Council of Judges of Ukraine to the execution of judge's powers for the term of not more than one year in case of availability of a temporary vacant post of judge due to the transfer of the judge, who occupies this post, to bodies or institutions, mentioned in paragraph 4 of Article 9 of this Law, or due to his/her absence for any other reason.</p>
<p>2. A retired judge, attracted to execution of powers of judge, shall be bound to meet the incompatibility requirements, determined by the Constitution of Ukraine and this Law.</p>	<p>2. A retired judge, engaged in the execution of judge's powers, shall be bound to respect requirements as to the incompatibility, determined by the Constitution of Ukraine and this Law.</p>
<p>3. A retired judge shall be attracted to execution of powers of judge on recommendation of the High Qualifications Commission of Judges of Ukraine on condition, that he/she meets the requirements to occupy the post of judge in a relevant court and has not yet reached the age of 65.</p>	<p>3. A retired judge shall be engaged in the execution of judge's powers on recommendation of the High Qualifications Commission of Judges of Ukraine if he/she meets the requirement for the occupation of the post of judge in the relevant court and has not yet reached the age of 65 years.</p>
<p>4. For execution of powers of judge, a retired judge shall receive compensation in amount of a post salary of judge of a respective court.</p>	<p>4. For execution of judge's powers, the retired judge shall receive remuneration in the amount of the basic salary rate of the judge of respective court.</p>
<p>Article 84. Monetary payment for retired judges</p>	<p>Article 84. Retirement assistance of judge</p>
<p>1. A judge, who retired from the office, shall be provided with the nontaxable monetary aid in the amount of his/her monthly average income, accounted for the last 12 calendar months or last two months on the choice of judge for each full year of work on the post of judge, but not less than six-month income.</p>	<p>1. Judge, who retired, shall be paid a non-taxable assistance in the amount of his/her average monthly income, accounted for the last 12 calendar months or last 2 months (as chosen by the judge) for every full year of work on the post of judge, but not less than six-month income.</p>
<p>In case of death of a judge, who had a right for resignation, but did not use it, the monetary aid shall be paid to the members of his/her family under support.</p>	<p>In case of death of a working judge, who had a right to retire, but did not use it, the retirement assistance shall be paid to members of judge's family whom he/she kept.</p>
<p>Article 85. Pension or life-time financial allowance of a retired judge</p>	<p>Article 85. Pension or life-time monetary allowance of a retired judge</p>
<p>1. A retired judge, who continues work activity, shall receive pension or life-time monetary allowance to be paid disregarding his/her income, received after resignation or retirement.</p>	<p>1. A retired judge, who continues working, shall receive pension or life-time monetary allowance regardless of his/her income, received after his/her retirement as a judge or retirement to</p>

	pension.
<p>2. A retired judge on his/her choice shall be provided with pension on condition, provided by the Article 37 of the Law of Ukraine "On the State Service", or nontaxable monthly life-time allowance in the amount of 80 percent of compensation paid to a judge, working of a relevant post. For every complete year of work over 25 years on the post of judge the amount of monthly lifetime financial allowance shall be increased by two percent, but not more than 90 percent of income of judge without limitation of boundary size of monthly life-time financial allowance.</p>	<p>2. A retired judge on his/her choice shall be paid pension on conditions, specified in Article 37 of the Law of Ukraine "On the Civil Service", or non-taxable monthly life-time allowance in the amount of 80 percent of remuneration paid to judge, working on the relevant post. For every complete year of work over 25 years on the post of judge the amount of monthly life-time financial allowance shall be increased by two percent, but not higher than 90 percent of income of judge without limitation on the overall amount of monthly life-time financial allowance.</p>
Article 86. Termination of judge's retirement	Article 86. Termination of judge's retirement
<p>1. Resignation of a judge shall be terminated as a result of:</p>	<p>1. Retirement of judge shall be terminated as a result of:</p>
<p>1) secondary election to a post of judge;</p>	<p>1) repeat election to the post of judge;</p>
<p>2) performing actions, which discredit him/her as a judge;</p>	<p>2) commission of actions, which discredit him/her as a judge;</p>
<p>3) convicting judgment, which entered into legal force;</p>	<p>3) entrance into legal force of a conviction judgment against him/her;</p>
<p>4) termination of citizenship of Ukraine.</p>	<p>4) termination of the Ukrainian citizenship.</p>
<p>2. In the case, determined in item 3 of part one of this Article, along with termination of resignation a judge shall lose the guaranties of judge's immunity.</p>	<p>2. In the case, provided for in subparagraph 3 of paragraph 1 of this Article, along with termination of judge's retirement he/she shall also lose the guaranties of judge's immunity.</p>
<p>3. Termination of resignation, except for the secondary election to the post of judge, shall be grounds for deprivation of life-time financial allowance of a judge, which was affirmed in regard to resignation. Pension under these conditions shall be allocated on general basis.</p>	<p>3. Termination of retirement, except for the case of repeat election to the post of judge, shall be a ground for deprivation of life-time financial allowance of the judge, which was accrued due to the retirement. Under these conditions, pension shall be calculated on general basis.</p>
<p>4. A decision on termination of resignation of a judge shall be made by the High Qualifications Commission of Judges of Ukraine.</p>	<p>4. Decision on the termination of judge's retirement shall be made by the High Qualifications Commission of Judges of Ukraine.</p>
Section VIII. FINAL AND TRANSITIONAL PROVISIONS	Section VIII. FINAL AND TRANSITIONAL PROVISIONS
<p>1. This law shall come into force on January1, 2007.</p>	<p>1. This law shall come into force on 1 July 2007.</p>
<p>2. Before the laws and other regulations are brought into compliance with this Law, they shall be applied in the part, which does not contravene this Law.</p>	<p>2. Before laws and other normative legal acts are brought in line with this Law, they shall be applied in part not contradicting this Law.</p>
<p>3. The term of service of judges, elected or appointed for the post before enactment of this Law, shall include other work, which pursuant to the law must be included to the special term of service.</p>	<p>3. The period of service of judges, who were elected or appointed to the posts before enactment of this Law, shall include other work, which pursuant to the law can be included in the special period of service.</p>
<p>4. The term of service of judges, elected or appointed for the post before enactment of this Law, which gives a right for resignation and receiving monthly life-time financial allowance, except work on the posts, determined in Article 80 of this Law, shall also include term of service on the posts, directly connected to management and control over operation of courts in the Ministry of Justice of Ukraine and regional bodies under its jurisdiction, as well</p>	<p>4. The period of service, which gives a right to retire and receive monthly life-time financial allowance, of judges, who were elected or appointed to the posts before enactment of this Law, in addition to work on the posts provided for in Article 79 of this Law, shall also include time of work on the posts, directly connected to the management and control over operation of courts</p>

<p>as posts of investigators and prosecutors under condition that all mentioned persons' terms of service on the posts of judges are not less than ten years.</p>	<p>in the Ministry of Justice of Ukraine and its local bodies, as well as posts of investigators and prosecutors under condition that all mentioned persons' period of service on the posts of judges is not less than ten years.</p>
<p>5. If a judge, elected or appointed for the post before enactment of this Law, pursuant to this Law receives financial allowance in the amount less, than before, he/she shall receive compensation in the amount of the difference between the financial allowance for the last month before this Law comes into force (not accounting for vacation allowance and bonuses) and the financial allowance, determined by this Law.</p>	<p>5. If judge, who was elected or appointed to the post before enactment of this Law, receives pursuant to this Law a financial allowance in the amount which is smaller than before, he/she shall receive compensation of the difference between the financial allowance in the last month before this Law came into effect (not accounting for vacation allowance and one-time bonuses) and the financial allowance, determined by this Law.</p>
<p>6. The part four of Article 23 of this Law in the part, in which a candidate for a post of judge must possess at least Master's educational-qualification level, shall not apply to persons, who received high juridical education prior to this Law came into legal force with the qualification level of specialist.</p>	<p>6. Paragraph 4 of Article 23 of this Law, in its part which concerns the requirement to a candidate for the post of judge to possess at least a Master of Law educational and qualification level, shall not be applied to persons, who graduated before this Law came into effect with high legal education's qualification level of Specialist of Law.</p>
<p>7. Regulation of this Law concerning qualification attestation and disciplinary liability shall come into legal force from June 1, 2007. From the moment of enactment of this Law, the qualification ranks shall be assigned pursuant to this Law.</p>	<p>7. Provisions of this Law concerning qualification certification and disciplinary liability shall come into effect on 1 December 2007. From the moment of enactment of this Law, the qualification ranks shall be assigned pursuant to this Law.</p>
<p>8. Training of the candidates for positions of judges and raising of qualification level of judges according to the requirements of this Law shall start not later than September 1, 2008.</p>	<p>8. Training of candidates for posts of judges and improvement of qualifications level of judges according to this Law shall start not later than from 1 September 2008.</p>
<p>9. The requirements of this Law concerning selection of candidates for posts of professional judges from among the persons, who passed two-year training in the National School of Judges of Ukraine, shall enter into legal force from September 1, 2010.</p>	<p>9. The requirements of this Law concerning selection of candidates for posts of professional judges from among the persons, who passed a two-year training in the National School of Judges of Ukraine, shall enter into effect on 1 September 2010.</p>
<p>10. The requirements regarding qualification rank, term of service for occupying a post of judge in district, appeal, high specialized court and the Supreme Court of Ukraine shall not apply to the judges, who occupy these posts for the moment of enactment of this law.</p>	<p>10. The requirements regarding qualification rank, period of service for occupying a post of judge in a circuit, appellate, high specialised court and the Supreme Court of Ukraine shall not apply to judges, who occupy these posts at the moment of enactment of this Law.</p>
<p>11. The changes shall be introduced to the following laws of Ukraine:</p>	<p>11. The following amendments shall be introduced in the following laws of Ukraine:</p>
<p>1) in Articles 8 of the Law of Ukraine "On Payment for Labor" (State paper (Vidomosti) of the Verkhovna Rada of Ukraine, 1995, № 17, p. 121; 2000, № 35, p. 288; 2005, № 4, p. 92):</p>	<p>1) in Articles 8 of the Law of Ukraine "On Payment for Labour":</p>
<p>a) in part two the words "except the case, provided by" shall be substituted by the words "except for the cases, provided by the part 3 of this Article and";</p>	<p>a) in paragraph 2 the words "except for the case, provided for by" shall be replaced with the words "except for the cases, provided for by paragraph 3 of this Article and";</p>
<p>б) add the third part of the following content:</p>	<p>б) add paragraph 3 as follows:</p>
<p>"The conditions of payment for labor of judges shall be determined by the law".</p>	<p>"The conditions of payment for labour of judges shall be determined by the law";</p>
<p>2) introduce the following changes to the Law of Ukraine "On the Constitutional Court of Ukraine" (State</p>	<p>2) re-word Article 29 of the Law of Ukraine "On the Constitutional Court of Ukraine" as follows:</p>

paper (Vidomosti) of the Verkhovna Rada of Ukraine, 1992, № 33, p. 471; 1996, № 49, p. 272):	
a) embody Article 29 in the following way:	“Article 29. Material, social and household support of judges of the Constitutional Court of Ukraine
„Article 29. Material, social and household support of judges of the Constitutional Court of Ukraine	Judge’s remuneration in the Constitutional Court of Ukraine shall be equal to the judge’s remuneration in the Supreme Court of Ukraine with monthly supplementary payments for high qualification rank and period of service over 25 years.
The judicial compensation of a judge of the Constitutional Court of Ukraine shall equal the judicial compensation of a judge of the Supreme Court of Ukraine with monthly supplementary payments for high qualification rank and term of service over 25 years.	Judge of the Constitutional Court of Ukraine shall be paid a non-taxable retirement assistance in the amount of his/her average monthly remuneration, accounted for the last 12 calendar months or last 2 months (as chosen by the judge) for every full year of work on the post of judge, but not less than annual income. In case of death of the judge of the Constitutional Court of Ukraine, who had a right to retire, but did not use it, the retirement assistance shall be paid to members of judge’s family whom he/she kept.
	The period of service, which gives the judge of the Constitutional Court of Ukraine a right to retire and receive the retirement assistance, shall also include the time of other practical, scientific, pedagogic work in the same profession and the period of civil service regardless the requirement of 10 years of period of service on the post of judge.
Judges of the Constitutional Court of Ukraine shall receive nontaxable leave allowances in the amount of his/her average monthly judicial compensation, based on payments for the last twelve calendar months or the last two months on the choice of a judge for each complete year of work on the post of judge, but not less than his/her annual income. In case of death of a judge of the Constitutional Court of Ukraine, who had a right for resignation, but did not use it, the allowance shall be paid to the members of the family of the judge, which were under his/her support.	In case when powers of the judge of the Constitutional Court of Ukraine, who does not have a right for resignation, were terminated pursuant to subparagraphs 1 and 3 of paragraph 1 of Article 23 of this Law, he/she shall preserve – until age retirement – 80 percent of financial allowance and other types of material support, which are provided to judges of the Constitutional Court of Ukraine.
In case the powers of a judge of the Constitutional Court of Ukraine, who does not have a right for resignation, were terminated pursuant to items 1 and 3 of part 1, Article 23 of this Law, he/she shall preserve until retirement in regard to age eighty percent of financial allowance and other types of material support, which are provided to the judges of the Constitutional Court of Ukraine.	Other types of material and household support, social protection, medical service of judges of the Constitutional Court of Ukraine, including retired judges, as well as their provision with housing, benefits, privileges and guaranties shall be provided according to the Law of Ukraine “on the Status of Judges” and acts of legislation”.
Other types of material and household support, social protections, medical service of judges of the Constitutional Court of Ukraine, including retired judges, as well as matters of housing provision, incentives and guaranties shall be provided according to the Law of Ukraine “on Status of Judges of Ukraine” and other regulations.	
6) complement Article 31 with a new part of the following content:	
	12. The Law of Ukraine “On the Procedure of Election to the Post and Dismissal from the Post of Professional Judge by the Verkhovna Rada of Ukraine” shall be declared ineffective.

<p>"3. The work experience, which gives a right to a judge of the Constitutional Court of Ukraine for resignation, payment of leave allowance, shall also include the term of other practical, scientific, educational work in the same occupation and term of state service without the condition of necessity of ten-year work experience on the post of judge".</p>	<p>13. The Cabinet of Ministers of Ukraine, within 4 months from the day of publication of this Law, shall:</p>
<p>12. The Cabinet of Ministers of Ukraine within four-month term from the day of publishing of this Law shall:</p>	<p>prepare and submit for consideration of the Verkhovna Rada of Ukraine proposals concerning bringing legislative acts in compliance with this Law;</p>
<p>Prepare and submit for consideration of the Verkhovna Rada of Ukraine proposals concerning bringing regulatory acts into compliance with this law;</p>	<p>bring its normative legal acts in line with this Law;</p>
<p>Bring its legal acts into compliance with this law;</p>	<p>ensure, within its competence, the revision and revocation of normative legal acts, which contradict this Law;</p>
<p>Provide in the boundaries of its jurisdiction for review and cancellation of legal acts, which contravene this Law;</p>	<p>ensure that ministries and other central bodies of the executive power bring their normative legal acts in line with this Law;</p>
<p>Support ministries and other central bodies of executive power bring their legal acts into compliance with this law;</p>	<p>take actions to bring monthly life-time financial allowance of judges, who retired before 1992, in compliance with the amount of judges' salary, established by this Law.</p>
<p>Assume measures to bring monthly life-time financial allowance of judges, retired prior to 1992, in compliance with the amount of judges' salary, pursuant to this Law.</p>	