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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW

OF UKRAINE N° 2453-VI

ON THE JUDICIARY

AND

THE STATUS OF JUDGES

ADOPTED BY THE VERKHOVNA RADA
ON 7 JULY 2010

This law determines the legal principles of organization of the judiciary and administering justice in Ukraine in order to protect rights, freedoms and legal interests of persons and citizens, rights and legal interests of legal entities, interests of the state based on the rule of law principle, establishes a system of courts of general jurisdiction, status of a professional judge, people's assessor, juror, the system of and procedure for judicial self-government, as well as establishes the system and general procedure for supporting the operation of courts and regulates other aspects of the judiciary and status of judges.

SECTION I. FUNDAMENTALS OF ORGANIZATION OF JUDICIAL POWER

Article 1. The Judiciary

1. Based on the constitutional principle of division of powers, judicial power in Ukraine shall be exercised by independent and impartial courts created pursuant to law.

2. Judicial power shall be exercised by professional judges, people's assessors and jurors should such be envisaged by law through administration of justice within relevant court procedures.

3. Legal proceedings shall be conducted by the Constitutional Court of Ukraine and courts of general jurisdiction.

Article 2. Court Objectives

1. In administering justice on the basis of the rule of law, court shall ensure everyone's right to a fair trial and respect for other rights and basic freedoms guaranteed by the Constitution and laws of Ukraine, as well as international treaties recognized as binding by the Verkhovna Rada of Ukraine.

Article 3. The Judiciary of Ukraine

1. The judiciary of Ukraine shall consist of courts of general jurisdiction and a court of constitutional jurisdiction.

2. The courts of general jurisdiction shall form a unified system of courts. The Constitutional Court of Ukraine shall be the sole body of constitutional jurisdiction in Ukraine.

3. The judiciary shall ensure access to justice for every person according to the procedure established by the Constitution and laws of Ukraine.

4. The creation of extraordinary or special courts shall not be permitted.

5. The procedure for organization and operation of the Constitutional Court of Ukraine shall be established by the Constitution of Ukraine and the Law of Ukraine "On the Constitutional Court of Ukraine."

Article 4. Legislation on the Judiciary and the Status of Judges

1. The judicial system and the status of judges in Ukraine shall be determined by the Constitution of Ukraine, this Law, and other laws.

Article 5. Administration of Justice

1. Justice in Ukraine shall be administered exclusively by courts. The delegation of court functions as well as appropriation of these functions by other bodies or officials shall not be permitted.

2. Persons who have assumed court functions shall be liable under the law.

3. The people shall participate in the administration of justice through people's assessors and jurors.

Article 6. Autonomy of Courts

1. Courts shall administer justice autonomously. In the administration of justice, courts shall be independent from any undue influence. Courts shall administer justice on the basis of the Constitution and laws of Ukraine and in doing so shall ensure the rule of law.

2. Petitions filed with a court (in connection with consideration of specific cases) by citizens, organizations, or officials who in legal terms are not participants in the court proceedings shall not be considered by court unless otherwise specified by law.

3. Interference with the administration of justice, influence upon a court or judges in any manner, contempt of court or judges, collection, storage, use and dissemination of information in verbal, written or any other form with the aim of undermining the authority judges or affecting the impartiality of court shall be prohibited and punishable in accordance with the law.

4. To address the issues of internal operation of courts, judicial self-government shall be available under this law.

Article 7. Right to Judicial Protection

1. Everyone shall enjoy a guaranteed protection of their rights, freedoms and interests by an independent and impartial court established according to law.

2. Courts of first instance, courts of appeals, courts of cassation and the Supreme Court of Ukraine shall operate in Ukraine to ensure fair and unbiased consideration of cases within reasonable time, established by law.

3. Everyone shall have the right to take part in the consideration of his/her case in a court of any level in the manner prescribed by the procedural law.

4. Foreigners, stateless persons, and foreign legal entities shall enjoy in Ukraine the right to court protection on equal terms with the citizens and legal entities of Ukraine.

Article 8. Right to a Competent Trial

1. Nobody can be denied the right to have his/her case heard in a court which has jurisdiction over his/her case under the procedural law.

2. A judge shall hear cases assigned to him/her according to the case assignment procedure established by the law. The assignment of cases among judges cannot be influenced by the wish of a judge or any other persons.

Article 9. Equality before the Law and the Court

1. Justice in Ukraine shall be administered on the basis of equality of all participants in court proceedings before the law and the court irrespective of race, color of skin, political, religious or other convictions, sex, ethnic or social origin, property status, domicile, linguistic or other characteristics.

Article 10. Legal Assistance in Exercising the Right to a Fair Trial

1. Everyone shall be entitled to use legal assistance. Such assistance shall be provided free of charge should such be provided by law.

2. Everybody shall be free in their choice of a counsel to protect their right. The procedure and terms of the legal assistance provision shall be established by law.

3. The bar shall be available to provide counsel for the defence and legal assistance in consideration of cases in courts of Ukraine.

Article 11. Openness and Transparency of Court Proceedings

1. Nobody can be restricted in the right to obtain from the court written or verbal information about the results of consideration of his/her case. Anyone who is not a party to a case shall have the right to free access to a court decision in the manner prescribed by law.

2. The hearing of cases in courts shall be open except for cases specified by the procedural law. Participants in court proceedings and other persons attending an open court hearing may use portable audio technical devices. Photographing, filming, video or sound recording using stationary equipment in a courtroom, as well as televising/broadcasting of a court hearing may be permitted by court ruling.

3. A case may be permitted to be heard in an in-camera proceeding by a reasoned court ruling in cases specified by the procedural law.

4. In cases under consideration, court proceedings shall be recorded by technical means in the manner prescribed by the procedural law.

Article 12. Language of Legal Proceedings and Court Case Management

1. Legal proceedings and court records keeping in Ukraine shall be conducted in the state language.

2. Courts shall ensure the equality of citizens' rights in court process in terms of language.

3. Courts shall implement (use) state language in the adjudication process and shall guarantee the right of citizens to use their native tongue or the language that they speak in the court process.

4. In courts, along with the state language may be used other regional languages or minority languages in accordance with the Law of Ukraine "On Ratification of the European Charter for Regional or Minority Languages" in accordance with the procedure established by the procedural law.

5. Use of regional or minority languages in the court proceedings shall be guaranteed by the state and provided at the expense of the State Budget of Ukraine funds.

Article 13. The Binding Nature of Court Decisions

1. The final judgment in a case shall be passed in the name of Ukraine.

2. Court decisions which have come into legal force shall be binding for all bodies of state power, local self-government bodies, their officials and employees, natural persons and legal entities and associations thereof throughout all of the territory of Ukraine. Whether a court decision must be taken into account by (precedential) other courts shall be determined by the procedural law.

3. Foreign court decisions shall be enforceable in the territory of Ukraine under the conditions set out by law, pursuant to international treaties recognized as binding by the Verkhovna Rada of Ukraine.

4. Failure to comply with court decisions shall entail legal liability under the law.

Article 14. Right to Challenge Court Decisions

1. In the cases and following the procedure prescribed by the procedural law, participants in court proceedings and other persons have the right to challenge court decisions in a court of appeals or a court of cassation as well as the review of the case by the Supreme Court of Ukraine.

Article 15. Consideration of Cases by One Judge or a Panel of Judges

1. In courts, cases shall be considered by a single judge or, and in cases prescribed by the procedural law - by a panel of judges, as well as with the participation of people's assessors and a jury.

2. A judge considering a case single-handedly shall act as a court.

3. Courts of general jurisdiction shall operate using an automated case management system.

The judges on the panel to consider a specific case shall be assigned/selected by the automated case management system on the basis of random case assignment during registering cases, motions and complaints in court.

4. When an automated case assignment system assigns judges on the panel to consider a specific case it will be ensured that each judge's caseload, specialization and requirements of the procedural law are taken into consideration.

5. The Regulation on automated case management system shall be approved by the Council of Judges of Ukraine upon agreeing it with the State Judicial Administration of Ukraine with regard for specific of courts' specialization.

Article 16. Symbols of the Judiciary

1. The symbols of judicial power shall be the state symbols of Ukraine – the State Emblem of Ukraine and the State Flag of Ukraine.

2. A judge administering justice shall wear a judicial robe with a judge's breast badge. The standard robe and the standard chest badge shall be approved by the Council of Judges of Ukraine.

SECTION II. COURTS OF GENERAL JURISDICTION

Chapter 1. Institutional Framework for the System of Courts of General Jurisdiction

Article 17. System of Courts of General Jurisdiction

1. According to the Constitution of Ukraine the system of courts of general jurisdiction shall be based on the principles of territorial division, specialization, and instance.

2. The system of courts of general jurisdiction shall be composed of:

- 1) local courts;
- 2) courts of appeals;
- 3) high specialized courts;
- 4) the Supreme Court of Ukraine.

3. The highest judicial body in the system of courts of general jurisdiction is the Supreme Court of Ukraine. The highest judicial body of specialized courts are the respective high specialized courts.

4. The unity of the system of courts of general jurisdiction shall be ensured by the following:

the unified basis for organization and functioning of courts;

the unified status of judges;

mandatory nature of rules of legal proceedings specified by law for all courts;

ensuring by the Supreme Court of Ukraine the unified application of norms of substantive law by courts of cassation;

mandatory compliance with (enforcement of) court decisions on the territory of Ukraine;

the single procedure for organizational support of the operations of courts;

financing of courts exclusively from the State Budget of Ukraine;

resolving the internal issues of courts by judicial self-government bodies.

Article 18. Specialization of Courts of General Jurisdiction

1. Courts of general jurisdiction shall specialize in civil, criminal, commercial, and administrative cases, cases on administrative offences.

2. In courts of general jurisdiction the specialization of judges in particular categories of cases may be introduced.

Article 19. Procedure for Creating and Abolishing of General Jurisdiction Courts

1. Courts of general jurisdiction shall be created and abolished by the President of Ukraine upon recommendation of the Minister of Justice of Ukraine based on the proposal from the chief judge of the relevant high specialized court.

2. The location, territorial jurisdiction, and status of a court shall be determined with regard for the principles of territorial division, specialization, and court level.

3. The grounds for creation or abolishment of a court shall be a change of the system of courts established by this Law, the need to improve access to justice or changes in the administrative and territorial division.

4. The number of judges in a court shall be determined by the State Judicial Administration of Ukraine upon suggestion of the Minister of Justice of Ukraine on the basis of proposals

from Head of the respective high specialized court with due regard for the caseload of the court and within the expenses approved in the State Budget of Ukraine for courts maintenance/support.

Article 20. Procedure for Judges' Appointment to Administrative Positions

1. Chief judge and deputy (deputies) chief judge offices shall be considered as administrative positions in court.

2. Chief judge of local court, his/her deputy, chief judge of appellate court, his/her deputies, chief judge of high specialized court, his/her deputies shall be appointed for a five-year term from among the judges of that court and shall be removed from office by the High Council of Justice upon the submission from the respective council of judges.

A judge may not be allowed to occupy one administrative office in a corresponding court longer than two consecutive terms.

3. Chief Justice of the Supreme Court of Ukraine, deputy Chief Justice of the Supreme Court of Ukraine shall be appointed and shall be removed from office by the Plenary Session of the Supreme Court of Ukraine following the procedure established by this law.

4. Appointment of a judge to administrative position without compliance with the requirements of this law shall not be permitted.

5. Taking administrative position in court does not relieve the judge from performing the duties of a judge stipulated by this law in the respective court.

6. Removal of a judge from an administrative position shall not terminate his/her tenure of judicial office. Removal of a judge as well as expiry of the term for which he/she has been appointed (elected) shall terminate his/her powers associated with holding that administrative office.

Chapter 2. Local Courts

Article 21. Types and Composition of Local Courts

1. Local general courts are: raion, city-district, city and city-raion courts.

2. Local commercial courts are: commercial courts of Autonomous republic of Crimea, oblasts, city of Kyiv and Sevastopol;

3. Local administrative courts are: circuit administrative courts as well as other courts stipulated by procedural law.

4. A local court shall be composed of local court judges from among them a chief judge and deputy chief judges are appointed. If there are more than fifteen judges in a local court, no more than two deputy chief judges may be appointed therein.

Article 22. Authority of a Local Court

1. A local court shall be a court of first instance and shall hear cases falling within its jurisdiction according to the procedural law.

2. Local general courts shall hear civil, criminal, and administrative cases as well as administrative offence cases in cases and pursuant to procedure stipulated by procedural law.

3. Local commercial courts shall hear cases arising from economic/commercial legal relations, as well as other cases within their jurisdiction under procedural law.
4. Local administrative courts shall hear administrative cases (cases under administrative jurisdiction).
5. Whether certain category of cases fall under the jurisdiction of local courts and the procedure for their consideration shall be determined by procedural law.

Article 23. Judge of a Local Court

1. A judge of a local court shall administer justice in the manner prescribed by procedural law, as well as exercising other powers set forth by the law.

Article 24. Chief Judge of a Local Court

1. The chief judge of a local court shall:

- 1) represent the court as a body of state power in relations with other bodies of state power, local self-government bodies, physical persons and legal entities;
- 2) define the administrative powers of the deputy chief judge of the local court;
- 3) exercise control over the effectiveness of court staff, submit motions to the head of territorial office of State Judicial Administration of Ukraine on appointment and termination managers of court staff, their deputies as well as on applying to the court chief of staff or his/her deputy incentives or discipline sanctions under the law;
- 4) issue a relevant order on the basis of a certificate of appointment (election) to a judicial position or of removal of a judge;
- 5) notify the High Qualifications Commission of Judges of Ukraine about the available vacant judicial positions in the court within a ten-day term from the day of their opening;
- 6) provide for the enforcement of decisions of the meetings of the local court's judges;
- 7) supervise the keeping of court statistics and organize case law studies; focus on informational and analytical support for judges so as to improve the quality of justice;
- 8) ensure compliance with the requirements regarding on-going training of judges of the local court;
- 9) exercise other powers specified by the law.

2. The chief judge of a local court shall issue orders and instructions regarding matters within his/her administrative authority.

3. In the absence of the chief judge of local court, his/her administrative duties and powers shall be performed by the deputy chief judge; and in the absence of the deputy chief judge, the administrative powers shall be exercised by the judge who has the longest years of service as a judge.

Article 25. Deputy Chief Judge of the Local Court

1. Deputy Chief Judge of the Local Court shall exercise administrative powers established by the chief judge.

Chapter 3. Courts of Appeals

Article 26. Types and Composition of the Courts of Appeals

1. In the system of courts of general jurisdiction there shall be appellate courts as courts of appellate instance considering civil and criminal, commercial, administrative cases and cases on administrative offences.

2. Courts of appeals that consider civil and criminal cases as well as cases of administrative offences include: courts of appeals of oblasts, courts of appeals of city of Kyiv and Sevastopol, Court of appeals of Autonomous Republic of Crimea.

3. Courts of appeals that consider commercial cases and courts of appeals that consider administrative cases are: appellate commercial courts and appellate administrative courts respectively created in the appellate circuits in accordance with Decree of the President of Ukraine

4. A court of appeals shall be composed of judges who have worked as a judge for at least five years. From among them a chief judge and deputy chief judges are appointed. If the number of judges in appellate court exceeds 35, no more than three deputy chief judges may be appointed.

5. In a court of appeals, judicial chambers can be created to hear particular categories of cases within the respective court jurisdiction. A court chamber shall be run by a chamber secretary appointed from among judges of that court. Decision on creating a court chamber, its composition/membership, and appointment of a secretary shall be taken by meetings of judges of appellate court upon proposal from the chief judge. The chamber secretary shall organize operations of the corresponding chamber, control analysis and generalization of court practices (case law) for cases under the chamber competence and shall inform the meetings of appellate court judges about the activity of the court chamber.

Article 27. Powers of Appellate Courts

1. Courts of appeals shall:

1) hear appellate cases within the respective court jurisdiction according to the procedural law;

2) in cases stipulated by procedural law consider cases under respective jurisdiction as courts of first instance;

3) analyze court statistics; study and generalize judicial practice (case law);

4) provides methodological assistance to local courts in regards to application of law;

5) exercise other powers prescribed by the law.

Article 28. Judge of a Court of Appeals

1. A judge of a court of appeals shall administer justice in the manner prescribed by the procedural law, as well as exercising other powers set forth by the law.

Article 29. Chief Judge of a Court of Appeals

1. The chief judge of a court of appeals shall:

- 1) represent the court as a body of state power in relations with other bodies of state power, local self-government bodies, physical persons and legal entities;
- 2) define the administrative powers of the deputy chief judges of the appellate court;
- 3) exercise control over the effectiveness of court staff, submit motions to the head of State Judicial Administration of Ukraine on appointment and termination managers of court staff, their deputies as well as on applying to the court chief of staff or his/her deputy incentives or discipline sanctions under the law;
- 4) issue a relevant order on the basis of a certificate of appointment (election) to a judicial position or of removal of a judge;
- 5) notify the High Qualifications Commission of Judges of Ukraine about the available vacant judicial positions in the court within a ten-day term after they opened;
- 6) provide for the enforcement of decisions of the meetings of the appellate court's judges;
- 7) supervise the keeping of court statistics and organize studies of general judicial practice (case law); focus on informational and analytical support for judges so as to improve the quality of justice;
- 8) ensure compliance with the requirements regarding on-going training of judges of the appellate court;
- 9) exercise other powers specified by the law;

2. The chief judge of a court of appeals shall issue orders and instructions regarding matters within his/her administrative authority.

3. In the absence of the chief judge, his/her administrative duties and powers shall be performed and exercised by one of the deputy chief judges as directed by the chief judge; and in the absence of a such a directive, the administrative powers shall be exercised by the deputy chief judge who has the longest years of service as a judge, in the absence of the deputy chief judge the administrative powers shall be exercised by the judge of that court who has the longest years of service as a judge.

Article 30. Deputy Chief Judges of a Court of Appeals

1. The deputy chief judges of a court of appeals shall perform administrative duties and powers as defined by the chief judge.

Chapter 4. High Specialized Courts

Article 31. Types and Composition of High Courts

1. In the system of courts of general jurisdiction, there shall be high specialized courts operating as courts of cassation instance for civil and criminal, commercial, and administrative cases.

2. The high specialized courts shall include the High Specialized Court of Ukraine for Civil and Criminal Cases, the High Commercial Court of Ukraine, the High Administrative Court of Ukraine.

3. A high specialized court shall be composed of judges elected to lifetime judicial positions. From among them chief judge, his/her deputies shall be appointed. In high specialized court where the number of judges exceeds 45, not more than three deputy chief judges may be appointed.

4. In a high specialized court, judicial chambers shall be created to hear particular categories of cases within the respective court jurisdiction. A court chamber shall be run by a chamber secretary appointed from among judges of that court. Decisions on creating a court chamber, its composition, as well as appointment of the secretary shall be taken by meetings of judges of high specialized court upon a proposal from the chief judge. The chamber secretary shall organize operations of the corresponding chamber, control the analysis and generalization of court practices (case law) for cases under the chamber competence and shall inform the meetings of judges of high specialized court about the activity of the chamber.

5. In a high specialized court, Plenary Sessions of the high specialized court shall be held to address issues listed by this law. The composition and procedure for the plenary session of the high specialized court shall be defined pursuant to this law.

6. Under a high specialized court, there shall be Scientific Consultative Council, the status of which is prescribed by this Law.

7. High specialized court shall have its official publication and can act as a co-founder of other publications.

Article 32. Powers of a High Specialized Court

1. A high specialized courts shall:

1) hear cases within the respective court jurisdiction under cassation proceedings according to procedural law;

2) in exceptional cases prescribed by the procedural law hear cases within the respective court jurisdiction as a court of first or appellate instance;

3) analyze court statistics, study and generalize case law;

4) provide methodological assistance to lower level courts in order to foster consistent application of norms of the Constitution and laws of Ukraine in court practices based on the generalization of the latter and analysis of court statistics; provides the specialized courts of the lower level with advisory interpretations/clarifications on issues of law application in regards to cases that fall under the corresponding jurisdiction;

5) exercise other powers prescribed by the law.

Article 33. Judge of a High Specialized Court

1. A judge of a high specialized court shall administer justice in the manner prescribed by the procedural law, as well as exercising other powers set forth by the law.

Article 34. Chief Judge of a High Specialized Court

1. The chief judge of a high specialized court shall:

1) represent respective specialized courts as a body of state power in relations with other bodies of state power, local self-government bodies, physical persons and legal entities, as well as with judicial bodies of other states and international organizations;

2) define the administrative responsibilities of the deputy chief judges of the court;

3) supervise the efficiency of the operation of the court staff, submit motions to the head of State Judicial Administration of Ukraine on appointment and termination managers of court staff, their deputies as well as on applying incentives or discipline sanctions under the law to court chief of staff or his/her deputy;

4) issue a relevant order on the basis of a certificate of appointment (election) to a judicial position or of removal of a judge;

5) notify the High Qualifications Commission of Judges of Ukraine about the available vacant judicial positions in the court within ten days from their opening;

6) submit, pursuant to this Law, proposals on creating relevant local and appellate courts, on altering the territorial jurisdiction thereof and the number of judges therein;

7) convene the Plenary Session of the high specialized court, present a submission regarding the appointment of Plenary Session secretary to be considered by the Plenary Session; present issues to be considered by the Plenary Session, and preside at its meetings;

8) inform the Plenary Session of the Supreme Court of Ukraine about the state of justice within the respective court jurisdiction and the practice of resolving particular categories of cases;

9) provide for the enforcement of decisions of the meetings of judges of the high specialized court;

10) organize the keeping and analysis of court statistics, generalization of judicial practice (case law); focus on informational and analytical support for judges so as to improve the quality of justice;

11) ensure compliance with the requirements regarding on-going training of the judges of the high specialized court;

12) exercise other powers specified by the law.

2. The chief judge of a high specialized court shall issue orders and instructions regarding matters within his/her administrative authority.

3. In the absence of the chief judge of a high specialized court, his/her administrative duties and powers shall be performed by one of the deputy chief judges as directed by the chief judge, and in the absence of such a directive, the administrative powers shall be exercised by the deputy chief judge of this court who has the longest years of service as a judge; in the absence of the deputy chief judge the administrative powers shall be exercised by the judge of that court who has the longest years of service as a judge.

Article 35. Deputy Chief Judges of a High Specialized Court

1. Deputy chief judges shall exercise administrative powers as defined by the chief judge.

Article 36. Plenary Session of a High Specialized Court

1. The Plenary Session of a high specialized court, composed of all the judges of the high specialized court, shall address issues related to ensuring uniform court practice in dealing with cases within the respective specialized jurisdiction and other matters referred to its authority by this Law.

2. The Plenary Session of a high specialized court shall:

1) appoint from among judges of high specialized court upon suggestion from chief judge of the high court and terminate the secretary of high specialized court Plenary Session;

2) generalize/summarize the practice (case law) of applying substantive and procedural law to ensure uniform application of legal norms to cases within the respective court jurisdiction;

3) hear accounts about the state of justice within the respective court jurisdiction and the practice of resolving particular categories of cases;

4) decide on applying to the Supreme Court of Ukraine regarding submission of a constitutional petition requesting assessment of compliance of laws and other regulations of the Verkhovna Rada of Ukraine, acts/regulations issued by the President of Ukraine, regulations of the Cabinet of Ministers of Ukraine, legal acts of the Vekhovna Rada of the Autonomous Republic of Crimea, with the Constitution, requesting for the official interpretation of the Constitution and laws of Ukraine;

5) approve the Standing Rules of a high specialized court;

6) according to results of generalization of court practice (case law), provides clarifications of advisory nature on issues of specialized courts' application of norms of legislation in the course of considering cases of corresponding court jurisdiction;

7) approves provisions on Science and Advisory council of a high specialized court, and decide on its membership;

8) decide on the membership of an editing panel for a high specialized court's publication;

9) consider and resolve other matters referred to its authority by the law.

3. The Plenary Session of a high specialized court shall be convened by the chief judge of the high specialized court or when requested by at least one fifth of all the judges of the high specialized court, but not less than twice a year. Participants in the Plenary Session shall be notified of its day and time at least ten days prior to the meeting. Materials regarding issues to be presented for consideration to the Plenary Session shall be sent out within the same timeframe.

4. A meeting of the Plenary Session of a high specialized court shall be competent if attended by at least two-thirds of the members of the Plenary Session.

5. Invited to a meeting of the Plenary Session may be judges from courts of respective specialization, representatives of bodies of state power, scientific institutions, non government organizations, mass media, etc.

6. Resolutions of the Plenary Session shall be adopted in an open ballot by a majority of the members of the Plenary Session. Resolutions of the Plenary Session shall be signed by the chair of the meeting of the Plenary Session and by the secretary of the Plenary Session and shall be published in the official periodical (publication) of the high specialized court.

7. The secretary of the Plenary Session of a high specialized court shall organize the work of the secretariat of the Plenary Session, the preparation of the meetings of the Plenary Session, ensure the keeping of the minutes, and oversees that the resolutions passed by the Plenary Session of the specialized court are complied with.

Article 37. Scientific-Consultative Council and Official Periodical of a High Specialized Court

1. Under a specialized court, there shall be created a scientific-consultative council from among highly qualified experts in the field of law to preliminary review on draft resolutions of the high specialized court, the drafting of which requires scientific support.

2. The organizational structure and operating procedures of the scientific-consultative council shall be established by the regulations to be adopted by the Plenary Session of the high specialized court.

3. A high specialized court shall publish an official periodical presenting case law of the high specialized court and other courts of the respective jurisdiction, materials on organizational issues related to the operation of courts of the respective jurisdiction, and other materials.

Chapter 5. The Supreme Court of Ukraine

Article 38. The Supreme Court of Ukraine, the Highest Judicial Body

1. The Supreme Court of Ukraine shall be the highest judicial body within the system of courts of general jurisdiction.

2. The Supreme Court of Ukraine shall:

1) review cases regarding unequal application by courts (court) of cassation of the same rule of substantive law in similar legal relations in the manner prescribed by the procedural law;

2) review cases when international judicial institution the jurisdiction of which is recognized by Ukraine has established the violation of international obligations by Ukraine when deciding case in court;

3) provide opinion on whether or not the actions of which the President of Ukraine is accused contain elements of state treason or other crime; submit, upon request of the Verkhovna Rada of Ukraine, a written motion stating that the President of Ukraine is incapable of exercising his/her powers for health reasons;

4) apply to the Constitutional Court of Ukraine for constitutionality of laws or other legal acts as well as for the official interpretation of the Constitution and laws of Ukraine.

Article 39. Composition of the Supreme Court of Ukraine

1. The Supreme Court of Ukraine shall be composed of twenty justices: five judges representing each specialized jurisdiction (civil, criminal, commercial, and administrative) from among whom the Chief Justice of the Supreme Court of Ukraine and his/her deputy are elected.

2. A justice of the Supreme Court of Ukraine shall be a person who has worked as a judge for at least fifteen years or a judge of the Constitutional Court of Ukraine.

3. Plenary Sessions of the Supreme Court shall be held to address issues specified by the Constitution of Ukraine and by this Law. The composition and operating procedures of the Plenary Session of the Supreme Court of Ukraine shall be determined by this Law.

4. Under the Supreme Court of Ukraine, there shall be created a scientific-consultative council the status of which shall be specified by this Law.

5. The Supreme Court of Ukraine shall publish an official periodical and may be a cofounder of other periodicals.

Article 40. Justice of the Supreme Court of Ukraine

1. A justice of the Supreme Court of Ukraine shall:

- 1) take part in case consideration in the manner prescribed by the procedural law;
- 2) take part in consideration of matters put on the agenda of meetings of the Plenary Session of the Supreme Court of Ukraine;
- 3) analyze court practice; submit, according to the established procedure, proposals on ways to improve legislation and its application;
- 4) exercise other powers specified by the law.

Article 41. Chief Justice of the Supreme Court of Ukraine

1. The Chief Justice of the Supreme Court of Ukraine shall:

- 1) represent the court as a body of state power in relations with other bodies of state power, local self-government bodies, physical persons and legal entities, as well as with judicial bodies of other states and international organizations;
- 2) define the administrative responsibilities of the Deputy Chief Justice of the Supreme Court of Ukraine;
- 3) convene the Plenary Session of the Supreme Court of Ukraine; submit for consideration of the Plenary Session submission/suggestion regarding the appointment of Plenary Session secretary; introduce issues to be considered by Plenary Session, and preside at its meetings;
- 4) issue a relevant order on the basis of an act of election to the position of justice of the Supreme Court or of removal of a justice;
- 5) notify the High Qualifications Commission of Judges of Ukraine of the availability of vacant judicial positions in the Supreme Court of Ukraine within a ten-day term of their opening;
- 6) supervise the activities of the staff of the Supreme Court of Ukraine, submit to the Head of State Judicial Administration of Ukraine motions on appointment and termination managers of court staff, their deputies as well as on their reward or disciplinary penalty according to legislation;

7) inform the Plenary Session of the Supreme Court of Ukraine about the operation of the Supreme Court of Ukraine;

8) exercise other powers specified by the law.

2. The Chief Justice of the Supreme Court of Ukraine shall issue orders and instructions regarding matters within his/her administrative authority.

3. In the absence of the Chief Justice of the Supreme Court of Ukraine, his/her administrative powers shall be exercised by the Deputy Chief Justice; and in the absence of the Deputy Chief Justice, the administrative powers shall be exercised by the justice of this court who has the longest years of service as a judge.

Article 42. Procedure for Electing the Chief Justice of the Supreme Court of Ukraine

1. The Chief Justice of the Supreme Court of Ukraine shall be elected for a five-year term, and removed from office by the Plenary Session of the Supreme Court of Ukraine by majority vote (of the total number of the Plenary Session members) through a secret ballot.

2. The Plenary Session of the Supreme Court of Ukraine devoted to the issue of electing a Chief Justice of the Supreme Court of Ukraine shall be convened not later than within a month from the day of termination of powers of the previous Chief Justice of the Supreme Court of Ukraine.

3. The procedure for electing the Chief Justice of the Supreme Court of Ukraine and for his/her removal from office shall be established by the Procedural Rules of the Plenary Session of the Supreme Court of Ukraine, to be adopted by the Plenary Session. It shall not be permitted to change the procedure set forth in the Procedural Rules within six months prior to expiry of the tenure of office of the Chief Justice of the Supreme Court of Ukraine.

Article 43. Procedure of early dismissal from the Chief Justice of the Supreme Court position.

1. The Chief Justice of the Supreme Court of Ukraine maybe dismissed pre-term on the grounds set forth by law. The Chief Justice of the Supreme Court of Ukraine authority shall be terminated pre-term as well as a result a vote of non-confidence by the Plenary Session of the Supreme Court of Ukraine.

2. Procedure of pre-term termination of the Chief Justice of the Supreme Court of Ukraine's authority as a result of a vote of non-confidence by the Plenary Session of the Supreme Court of Ukraine shall be envisaged exclusively by this Article. The Procedural Rules of the Plenary Session of the Supreme Court of Ukraine shall not extend to this procedure.

3. Issue of vote of non-confidence to the Chief Justice of the Supreme Court of Ukraine shall be considered by the Plenary Session of the Supreme Court of Ukraine upon a motion made by at least one fifth of the membership of the Plenary Session of the Supreme Court of Ukraine, signed by them. The motion should be well-grounded.

4. In order to hold a meeting of the Plenary Session of the Supreme Court of Ukraine dedicated to the vote of non-confidence issue to the Chief Justice of the Supreme Court of Ukraine, there should be established a steering committee and its head and deputy head appointed, which should be reflected in a protocol/minutes.

5. The steering committee shall ensure preparation and holding of the Plenary Session of the Supreme Court of Ukraine dedicated to the vote of non-confidence to the Chief Justice of

the Supreme Court of Ukraine within a twenty-day term from the day of its establishment. The participants of a meeting of the Plenary Session of the Supreme Court of Ukraine shall be informed by the steering committee about the day and time the Plenary Session is scheduled to convene, as well as about the session agenda followed by sending of corresponding materials in accordance with the procedure envisaged by this Law. Addition of other than the vote of non-confidence to the Chief Justice issues to the Plenary Session of the Supreme Court of Ukraine's agenda shall be prohibited.

6. The Plenary Session of the Supreme Court of Ukraine to hear the issue of the vote of non-confidence to the Chief Justice of the Supreme Court of Ukraine shall be legal providing more than a half of the judicial membership of the Plenary Session of the Supreme Court of Ukraine is present. The Plenary Session of the Supreme Court of Ukraine shall be chaired by the head of the steering committee, and should he/she be absent – the deputy head of the steering committee.

7. The chairman shall submit for approval of the Plenary Session of the Supreme Court of Ukraine proposals regarding a candidate for the secretary role of the Plenary Session of the Supreme Court of Ukraine, membership of the calculation commission, as well as the ballot form and the vote protocol that shall be approved by an open vote.

8. The issue of the vote of non-confidence to the Chief Justice of the Supreme Court shall be considered with participation of the Chief Justice of the Supreme Court of Ukraine, or in his/her absence. The Chief Justice of the Supreme Court of Ukraine may provide written explanation regarding the raised issues, which shall be explained by him/her personally or by a person authorized by him/her, at the Plenary Session of the Supreme Court of Ukraine.

9. The steering committee shall establish the procedure of such session, and the voting procedure in accordance with requirements of this Law, and shall carry control the procedure compliance.

10. A decision about vote of non-confidence to the Chief Justice of the Supreme Court of Ukraine shall be passed by secret ballot by the majority of the membership of the Plenary Session of the Supreme Court of Ukraine.

11. A decision about vote of non-confidence to the Chief Justice of the Supreme Court of Ukraine shall formalized as the Plenary Session of the Supreme Court of Ukraine resolution, which shall be signed by the chairman and the session secretary, elected by the Plenary Session of the Supreme Court of Ukraine upon the chairman recommendation.

12. Should the Chief Justice of the Supreme Court of Ukraine receive the vote of non-confidence, it shall not deprive him/her of a justice of the Supreme Court of Ukraine authority. Should the Chief Justice of the Supreme Court of Ukraine authority be terminated pre-term, election of a new Chief Justice of the Supreme Court of Ukraine shall be carried out in accordance with established by this Law procedure.

13. The issue of non-confidence to the Chief Justice of the Supreme Court of Ukraine shall not be initiated during one year from the day if its consideration at the Plenary Session of the Supreme Court of Ukraine.

14. The procedure of dismissal of the Chief Justice of the Supreme Court of Ukraine on grounds not related to vote of non-confidence to him/her, shall be established by the Procedural Rules of the Plenary Session of the Supreme Court of Ukraine.

Article 44. Deputy Chief Justice of the Supreme Court of Ukraine

1. The Deputy Chief Justice of the Supreme Court of Ukraine shall be elected for a five year term and terminated by the Plenary Session of the Supreme Court of Ukraine by majority vote (of the total number of the Plenary Session members) through a secret ballot.
2. The Deputy Chief Justice of the Supreme Court of Ukraine may be removed from office before the end of his/her/their term in the manner provided in the Procedural Rules of the Supreme Court of Ukraine.
3. The Deputy Chief Justice of the Supreme Court of Ukraine shall exercise administrative authority defined by the Chief Justice of the Supreme Court of Ukraine and report to/inform the Plenary Session of the Supreme Court of Ukraine on his/her activity.

Article 45. Plenary Session of the Supreme Court of Ukraine

1. The Plenary Session of the Supreme Court of Ukraine shall be a collegial/collective body with powers specified by the Constitution of Ukraine and this Law. The Plenary Session of the Supreme Court of Ukraine shall be composed of all the justices of the Supreme Court of Ukraine.

2. The Plenary Session of the Supreme Court of Ukraine shall:

- 1) elect and remove from office the Chief Justice of the Supreme Court of Ukraine and his/her Deputy in a secret ballot in the manner prescribed by this Law;
- 2) appoint, from among the Supreme Court Justices upon a motion by the Chief Justice of the Supreme Court of Ukraine, and remove from office the Secretary of the Plenary Session of the Supreme Court of Ukraine;
- 3) hear information provided by the Chief Justice of the Supreme Court of Ukraine and the Deputy Chief Justice of the Supreme Court of Ukraine on their activities;
- 4) provide conclusions on draft laws regarding the court system and the operation of the Supreme Court of Ukraine;
- 5) decide on petitioning the Constitutional Court of Ukraine regarding issues of constitutionality of laws and other legal acts as well as requesting official interpretation of the Constitution and laws of Ukraine;
- 6) provide opinion on whether or not the acts of which the President of Ukraine is accused contain elements of state treason or other crime; deliver, upon request of the Verkhovna Rada of Ukraine, a written motion stating that the President of Ukraine is incapable of exercising his/her powers for health reasons;
- 7) approve Standing Rules of the Plenary Session of the Supreme Court of Ukraine.

3. A meeting of the Plenary Session of the Supreme Court of Ukraine shall be competent if attended by at least two-thirds of its members except for events envisaged by this Law.

4. Invitations to a meeting of the Plenary Session may be extended to representatives of bodies of state power, scientific institutions, non government organizations, mass media, etc.

5. The Plenary Session of the Supreme Court of Ukraine shall be convened by the Chief Justice of the Supreme Court of Ukraine if needed or when requested by at least one fourth of all the justices of the Supreme Court of Ukraine, but not less than once a quarter. In the absence of the Chief Justice of the Supreme Court of Ukraine the Plenary Session shall be

convened by Deputy Chief Justice of the Supreme Court of Ukraine. The Law may envisage different form of convocation of the Plenary Session of the Supreme Court of Ukraine. Participants in a meeting of the Plenary Session shall be notified of its day and time as well as of the issues on its agenda at least ten days prior to the meeting. Within the same timeframe the materials regarding issues proposed for consideration of the Plenary Session shall be forwarded.

6. A meeting of the Plenary Session shall be chaired by the Chief Justice of the Supreme Court of Ukraine; and in case of his/her absence, by the Deputy Chief Justice of the Supreme Court of Ukraine, in accordance with the Procedural Rules. In cases prescribed by this Law a meeting of the Plenary Session shall be chaired by the head (or his/her deputy) of the steering committee established in order to hold meeting of the Plenary Session of the Supreme Court of Ukraine dedicated to the vote of non-confidence issue to the Chief Justice of the Supreme Court of Ukraine.

7. The operational procedure of the Plenary Session of the Supreme Court of Ukraine shall be established by this Law and by the Plenary Session Procedural Rules of the Supreme Court of Ukraine adopted pursuant to this Law.

8. The Plenary Session of the Supreme Court of Ukraine shall pass resolutions on the issues it has considered. Resolutions of the Plenary Session of the Supreme Court of Ukraine shall be signed by the chair of the meeting of the Plenary Session and by the secretary of the Plenary Session and be published in the official periodical of the Supreme Court of Ukraine.

9. The secretary of the Plenary Session of the Supreme Court of Ukraine shall organize the work of the secretariat of the Plenary Session, the preparation of the meetings of the Plenary Session, ensure the keeping of the minutes, and supervise the execution of the resolutions passed by the Plenary Session of the Supreme Court of Ukraine.

10. Peculiarities of the Plenary Session of the Supreme Court of Ukraine called to consider certain issues, including the convene procedure, legality of the session, session agenda, the voting procedure, procedure of passing a decision and signing of resolutions, passed by the Plenary Session of the Supreme Court of Ukraine, shall be established by law.

Article 46. Scientific-Consultative Council and Official Periodical of the Supreme Court of Ukraine

1. Under the Supreme Court of Ukraine, there shall be created a scientific-consultative council, to be composed of highly qualified legal specialists, for preliminary consideration of draft resolutions of the Plenary Session of the Supreme Court of Ukraine on providing opinions on draft laws and on other issues related to the operation of the Supreme Court of Ukraine whenever the preparation thereof requires scientific support.

2. The organizational structure and operating procedures of the scientific-consultative council shall be established by the regulations to be adopted by the Plenary Session of the Supreme Court of Ukraine.

3. The Supreme Court of Ukraine shall publish an official periodical presenting case law of the Supreme Court of Ukraine and other courts of general jurisdiction, materials on organization of operation of courts of general jurisdiction and other materials.

SECTION III. PROFESSIONAL JUDGES, PEOPLE'S ASSESSORS, AND JURORS

Chapter 1. General Provisions on the Status of Judges

Article 47. Judicial Independence

1. In their professional activities, judges shall be independent of any undue influence, pressure or interference. A judge shall administer justice on the basis of the Constitution of Ukraine and laws of Ukraine and in doing so shall be guided by the rule of law principle. Interfering with a judge's administering justice shall be prohibited and punishable in accordance with the law.

2. A judge shall not be obliged to provide any explanations regarding the merits of cases under his/her consideration, except when required by the law.

3. A judge shall be entitled to report the existence of a threat to his/her independence to the Council of Judges of Ukraine, which shall be obliged to urgently verify and examine such a report and take necessary actions to eliminate the threat.

4. Independence of a judge shall be ensured by:

1) special procedures for his/her appointment, election, disciplining, and removal;

2) judicial immunity;

3) irremovability of a judge;

4) court proceedings prescribed by the procedural law, confidentiality of judicial decision-making;

5) prohibition of interference with the administration of justice;

6) liability under the law for contempt of court or of a judge;

7) special procedure under the law for funding and providing organizational support for the operation of courts;

8) adequate material and social support for judges;

9) functioning of bodies of judicial self-government;

10) means available under the law for ensuring personal safety of a judge and members of his/her family and preservation of their properties, as well as other means of legal protection;

11) the right of a judge to retire.

5. Bodies of state power, bodies of local self-government, their officials and employees, as well as natural persons and legal entities and associations thereof shall be obliged to respect judicial independence and not to infringe upon it.

6. When adopting new laws or amendments to current laws, the meaning and scope of guarantees of judicial independence already established by the Constitution of Ukraine may not be narrowed.

Article 48. Judicial Immunity

1. Judges shall be immune. Without the consent of the Verkhovna Rada of Ukraine, no judge may be detained or arrested prior to guilty verdict by court.

2. A judge detained on suspicion of committing an offense entailing criminal or administrative liability must be released immediately after establishing his/her identity. No judge may be forcefully taken to police or any institution or body except for to court.

3. Criminal case of a judge may be opened only by the Prosecutor General of Ukraine or his/her deputy.

4. A judge held criminally liable shall be removed from office by High Qualifications Commission of Judges of Ukraine based on reasoned Resolution of the General Prosecutor of Ukraine.

5. Intrusion into the home or other estate or office of a judge, into his/her personal or official vehicle, conduct of examination, search, or seizure therein, interception of his/her telephone conversations, personal search of a judge, as well as search and seizure of his/her correspondence, belongings, or documents shall only take place on the basis of a court decision.

6. The territorial jurisdiction of a case in which a judge is accused of committing a crime shall be determined by a Chief Justice of the Supreme Court of Ukraine. The case may not be heard by the court in which the accused holds or held a judicial position.

7. Liability for court-induced damages shall be borne by the state on the basis and following the procedure established by law.

Article 49. Liability for Contempt of a Judge or of Court

1. Display of contempt of a judge or of court by individuals taking part in the proceedings or attending the hearing shall entail legal liability under the law.

Article 50. Certificate of a Judge

1. Judges, chief judges and their deputies, retired judges, people's assessors as well as jurors shall have a certificate of an established form, approved by the Council of Judges of Ukraine.

2. Certificate of judge, chief judge, deputy chief judge and a retired judge shall be signed by the head of the body that appointed or elected him/her to the judicial position.

3. Certificate of the Chief Justice of the Supreme Court, his Deputy shall be signed by Secretary of the Plenary Session of the Supreme Court of Ukraine.

4. Certificates of people's assessors, jurors shall be signed by the chief judge of the court in which the people's assessor, juror administers justice.

5. The certificates shall be handed in by the signatory or by another person designated by him/her.

Chapter 2. The Judge

Article 51. Status of a Judge

1. A professional judge shall be a citizen of Ukraine who, pursuant to the Constitution of Ukraine and this Law, has been appointed or elected to a judicial position, holds a permanent judicial position in one of the courts, and administers justice on a professional basis.

2. Judges in Ukraine shall have the same status irrespective of the place of the court in the system of courts of general jurisdiction or of the administrative position being held by the judge in the court.

Article 52. Judicial Irremovability

1. A judge holding a lifetime position shall be guaranteed to remain a judge until he/she reaches the age of sixty five with the exception of cases of removal from the office or retirement of a judge according to this law.

2. No judge may be transferred to a different court without his/her consent.

Article 53. Incompatibility Requirements

1. Holding a judicial position shall be incompatible with holding a position in any other body of state power, body of local self-government or with a representative mandate.

2. No judge shall have the right to engage, in parallel with his/her work, in entrepreneurship or practice of law, or do any other paid work (except for teaching, scholarly, or creative activities during off-court hours), or be a member of a governing body or supervisory board of a for-profit enterprise or organization.

3. No judge may be a member of a political party or trade union, openly sympathize with them, or take part in political actions, rallies, or strikes.

4. Pursuant to a judge's application, he/she may be seconded to serve, retaining his/her primary employment salary, on the High Council of Justice, High Qualifications Commission of Judges, National School of Judges of Ukraine.

Article 54. Rights and Responsibilities of a Judge

1. A judge's rights related to administration of justice shall be determined by the Constitution of Ukraine, procedural and other laws of Ukraine.

2. A judge shall have the right to take part in judicial self-government to address matters of internal operation of courts in the manner pursuant to the law. Judges may form associations and participate therein so as to protect their rights and interests and to improve their professional skills.

3. A judge shall have the right to improve his/her professional skills and, for that purpose, take appropriate training.

4. A judge shall be obliged to:

1) hear and adjudicate cases in a timely, fair, and impartial manner in accordance with the law, observing the principles and rules of legal proceedings;

2) comply with the rules of judicial ethics;

3) show respect for participants in the legal proceedings;

4) comply with/keep the judge's oath;

5) abstain from disclosing information which constitutes a law-protected secret, in particular secrecy of judges' deliberations or in-camera sessions;

6) comply with the incompatibility requirements;

7) submit annually to the State Judicial Administration of Ukraine, not later than April 1, a property status declaration (financial disclosure statement), to be made public by posting on the official web portal of the judiciary.

5. The property status declaration must contain information on the income, securities, immovable and valuable movable property, bank deposits, financial obligations of the judge, members of his/her family and close persons who share the house/flat or have common household with the judge and expenses (in the event of one-time expenses exceeding the amount of the monthly salary) of the judge. The form of the declaration and the procedure for completing it shall be adopted by the Ministry of Finance of Ukraine.

6. A judge first appointed to a judicial position shall be required to take two-week training annually in the National School of Judges. A judge holding a lifetime judicial position shall be required to take two-week training not less than once every three years.

7. Until his/her retirement a judge may be rewarded with state awards as well as other awards, decorations and letters of commendation by state power and local self-government bodies except for state or any other awards, decorations, letters of commendation in connection with his/her administration of justice.

Article 55. Judicial Oath of Office

1. A person first appointed to a judicial position shall assume office after taking the following oath of office:

"In assuming my duties as a judge, I, (name and last name), do solemnly swear to administer justice in an objective, fair, and unbiased manner abiding only by law, guided by the principle of rule of law, to discharge my judicial duties honestly and conscientiously, to comply with moral-ethical principles of judicial conduct and not to commit any actions disgracing the title of a judge and diminishing the authority of the judiciary."

2. A judge shall be sworn in at a solemn ceremony in the presence of the President of Ukraine. The text of the oath of office shall be signed by the judge and be kept in his/her personal file.

Article 56. Judicial Ethics

1. The issues of judicial ethics shall be outlined in the Code of Judicial Ethics, to be adopted by the Congress of Judges of Ukraine.

Chapter 3. People's Assessors

Article 57. Status of a People's Assessor

1. A people's assessor shall be a citizen of Ukraine who in situations prescribed by the procedural law shall adjudicate cases, as a member of a court panel, together with a judge, providing direct participation of the people in the administration of justice as required by the Constitution of Ukraine.

2. When hearing and adjudicating cases, people's assessors shall exercise powers of a judge. People's assessors shall have the responsibilities set forth in items 1–5, part four, Article 54 of this Law.

Article 58. List of People's Assessors

1. The list of people's assessors shall include citizens (the number of them to be specified by the chief judge) who permanently reside in the territory covered by the jurisdiction of the respective court, meet the requirements specified in Article 59 of this Law, and have given consent to be people's assessors.

2. The list of people's assessors shall be approved by a decision of the respective local council for a four-year term and be updated as necessary, but not less than once every two years.

3. The list of people's assessors shall be published in the periodical media of the respective local council.

Article 59. Requirements for a People's Assessor

1. A people's assessor must be a citizen of Ukraine who has reached the age of 30 and permanently resides in the territory under the jurisdiction of the respective court.

2. Citizens shall not be included in a list of people's assessors if they:

1) were found by court to have limited legal capacity or legal incapacity;

2) are suffering from chronic mental or other diseases which prevent them from performing the duties of a people's assessor;

3) have an outstanding or unquashed conviction;

4) are people's deputies of Ukraine (MPs), members of the Cabinet of Ministers of Ukraine, judges, prosecutors, employees of bodies of internal affairs or other law-enforcement agencies, military servicepersons, court staff, other public servants, lawyers, or notaries;

5) have reached the age of 65;

6) have no command of the state language.

3. A person included in the list of people's assessors shall be obliged to inform the court of circumstances precluding his/her participation in administration of justice if any.

Article 60. Grounds and Procedure for Relieving of the Duty to Act as a People's Assessor

1. A person who, pursuant to this Law, may not be included in the list of people's assessors but was included therein shall be relieved of the duty to act as a people's assessor by the chief judge of the respective court.

2. Relieved by the chief judge of the respective court of the duty to act as a people's assessor shall be the following:

1) persons who are on a pregnancy and maternity or child-care leave, or have children of pre-school or junior school age, or provide care to disabled children, other sick persons or elderly family members;

- 2) heads and deputy heads of bodies of local self-government;
 - 3) persons refusing to administer justice on grounds of religious convictions;
 - 4) other persons, provided that the chief judge finds their reasons justifiable/valid.
3. Persons mentioned in part two of this Article shall be relieved of the duty to act as a people's assessor upon their application, to be submitted before they begin to discharge that duty.
 4. A people's assessor shall be relieved of the duty to act as a people's assessor as a result of recusal (self-recusal) for a specific case in the manner prescribed by the procedural law.

Article 61. Engagement of People's Assessors in the Discharge of Duties in a Court

1. A court shall engage people's assessors in the administration of justice on a rotational basis, for a period not exceeding one month per year, except that this deadline must be extended to complete the hearing of a case which started with their participation.
2. A court shall send a written invitation to take part in the administration of justice to a people's assessor not later than seven days before the start of the trial. The invitation shall indicate the rights and responsibilities of a people's assessor and include a list of requirements for people's assessors as well as the grounds for relieving them of their duties. Along with the invitation, a written notification shall be sent to inform the employer that the person in question has been engaged as a people's assessor.
3. The employer shall be obliged to relieve the people's assessor of work responsibilities for the time he/she administers justice in court. Refusal to grant such relief shall be regarded as contempt of court.
4. Upon receiving an invitation from court, a people's assessor shall be obliged to appear in court on time to take part in the hearing. Failure to attend the hearing without good cause shall be regarded as contempt of court.

Article 62. Guarantees of the Rights of People's Assessors

1. People's assessors shall be paid compensation for the period of their service in the court in the amount of their average monthly salary or pension, but not below the subsistence minimum for an able-bodied person. They shall get compensation for travel expenses and apartment rental as well as to per diem expenses. The said payments shall be made by the territorial offices of the State Judicial Administration at the expense of the State Budget of Ukraine.
2. People's assessors and jurors, while serving in court, shall retain all the guaranties and benefits with the place of their main employment as envisaged by law. Term of people's assessor or juror service in court shall be accounted for all the types of employee tenure. While performing duties in court, a people's assessor may not be dismissed from his/her regular position or transferred to a different position without his/her consent.
3. Guaranties of judicial independence and immunity established by the law shall apply to people's assessors for as long as they perform duties related to administration of justice. Based on a justified request from a people's assessor or juror, measures providing for his/her security may continue when the performance of those duties is already over.

Article 63. Jurors

1. Jurors shall be citizens of Ukraine who in situations prescribed by the procedural law shall be engaged in administration of justice, providing direct participation of the people in the administration of justice as required by the Constitution of Ukraine.

SECTION IV. PROCEDURE FOR ASSUMING THE OFFICE OF A PROFESSIONAL JUDGE OF A COURT OF GENERAL JURISDICTION

Chapter 1. General Provisions

Article 64. Requirements for Judicial Candidates

1. To be eligible for recommendation for a judicial position, the candidate must be a citizen of Ukraine at least twenty five years of age who has higher legal education and a record of at least three years of service in the legal profession, has resided in Ukraine for at least ten years, and has command of the state language.

2. Citizens shall not be eligible for recommendation for a position of a professional judge if they:

1) were found by court to have limited legal capacity or legal incapacity;

2) are suffering from chronic mental or other diseases which prevent them from performing judicial duties;

3) have an outstanding or unquashed conviction.

3. Additional requirements for candidates for a judicial position in a higher-level court shall be specified by this Law.

4. For the purpose of this Article, it shall be deemed as follows:

1) higher legal education shall be taken to mean higher legal education of Specialist or Master degree received in Ukraine, as well as higher legal education of relevant educational and qualification level received in foreign countries and recognized in Ukraine as prescribed by the legislation;

2) [length of] record of service in the legal profession shall be taken to mean a person's overall record of service in the legal profession – after receiving complete higher legal education – in positions requiring higher legal education of at least specialist level.

Article 65. Selection of Judicial Candidates

1. Selection of candidates for a judicial position shall be made from among persons meeting the requirements set forth by the Constitution of Ukraine and Article 64 of this Law based on selection results, upon special training and qualification exam as required by this Law.

2. During the process of selection of candidates, they shall be equal in rights without distinction of race, color, political, religious or other convictions, sex, ethnic or social origin, property status, domicile, linguistic or other characteristics.

3. Anyone who meets the requirements established for a judicial candidate shall have the right to apply to the High Qualifications Commission of Judges of Ukraine for participation in the selection to position of a judge.

Chapter 2. Appointment to a Judicial Position

Article 66. Procedure for Appointing to a Judicial Position

1. First appointment to a judicial position shall take place exclusively following the procedure defined by this Law and include the following stages:

1) taking into account the estimated number of open judicial vacancies, the High Qualifications Commission of Judges of Ukraine shall post on its web portal an announcement about competition of candidates for judicial positions and publish an announcement in the newspapers Holos Ukrainy and Uriadovyi Kurier;

2) persons wishing to become a judge shall submit to the High Qualifications Commission of Judges of Ukraine a respective application and documents specified by this Law;

3) on the basis of submitted documents the High Qualifications Commission of Judges of Ukraine shall review the eligibility of the person whether he/she meets the requirements for a candidate for a judicial position and conduct a background check in the manner prescribed by the Law;

4) persons who meet the requirements established for a judicial candidate shall take an examination on general theoretical knowledge in the field of law before by the High Qualifications Commission of Judges of Ukraine;

5) candidates who passed an examination and required inspections/checks successfully shall be sent to take special training at a specialized higher law school of fourth level of accreditation;

6) after successful training at a specialized higher law school of fourth level of accreditation the High Qualifications Commission of Judges of Ukraine shall send the candidates to take special training at the National School of Judges of Ukraine;

7) candidates who successfully passed the special training shall be admitted to take a qualification examination by the High Qualifications Commission of Judges of Ukraine;

8) taking into account the results of qualification examination the High Qualifications Commission of Judges of Ukraine shall rate candidates and put them on reserve list to fill vacancies;

9) in case the vacancies to be filled are available, the High Qualifications Commission of Judges of Ukraine shall announce the competition among candidates from reserve list;

10) taking into account the place of candidate in the rating list the High Qualifications Commission of Judges of Ukraine according to the number of vacant judicial positions shall conduct the selection among the candidates who have taken part in the competition and forward to the High Council of Justice recommendation to appoint the candidate to the judicial position;

11) according to recommendation of the High Qualifications Commission of Judges of Ukraine, the High Council of Justice at its meeting shall consider the issue of appointing the candidate to the judicial position and in case of a positive decision consider the issue of submitting a motion to the President of Ukraine for appointment of the candidate to a judicial position;

12) the President of Ukraine shall take a decision on the candidate's appointment to the judicial position.

Article 67. Submission of Documents to the High Qualifications Commission of Judges of Ukraine by the Applicant

1. In order to take part in the competition, the applicant shall be required to submit:

- 1) an application on participation in the competition;
- 2) a copy of his/her passport of a citizen of Ukraine;
- 3) a personal data sheet and curriculum vitae;
- 4) a copy of his/her certificate of higher legal education/diploma, of academic degree or academic rank;
- 5) extract from the work record book certifying record of service in the legal profession;
- 6) certificate of the applicant's health, issued by a medical institution (medical institutions authorized to issue such certificate and its form are defined by the High Qualifications Commission of Judges of Ukraine with the concurrence of authorized government body in charge of health care issues);
- 7) [the applicant's] written consent to the collection, storage, and use of information about him/her for the purpose of evaluating his/her fitness for judicial work and to be subjected to a background check.

The form and content of the application about taking part in the competition by a judicial candidate, a judicial candidate personal information form shall be approved by the High Qualifications Commission of Judges of Ukraine and published on its official website.

It shall be prohibited to demand from candidate to submit other documents not mentioned in part one of this article.

2. Acceptance of documents shall be terminated two days before the competition. Applications coming in after the said deadline shall not be considered.

3. Admitted to the selection shall be persons who provided all the necessary documents. Refusal to admit an applicant shall be given in a well-grounded decision taken by the High Qualifications Commission of Judges of Ukraine.

Article 68. Procedure of Selection for a Judicial Position

1. Selection of candidates to a judicial position shall consist in the applicant's taking of anonymous test to find his/her level of general theoretical knowledge and conducting special inspection/verification whether the applicant meets the established requirements for a judicial position. Special inspections shall be conducted as well regarding the data and information submitted by applicant personally in the manner prescribed by the Law.

2. For the purposes of special inspection (background check), the High Qualifications Commission of Judges of Ukraine shall have the right to collect information about the candidate, make inquiries to enterprises, institutions and organizations of all form of ownership in order to receive the information about candidate. Upon the result of consideration of such inquiries the information shall be provided to the High Qualifications

Commission of Judges of Ukraine within 10 days. Not providing or providing such information with violation of defined terms leads to amenability prescribed by the Law.

3. Organizations and citizens shall have the right to present to the High Qualifications Commission of Judges of Ukraine information they may have about the candidate.

4. Applicants who meet the established requirements for candidate for a judicial position are permitted to take an examination.

Article 69. Special Training of Candidates for a Judicial Position

1. Special training of candidates for a judicial position shall consist of theoretical training delivered by a specialized higher law school of fourth level of accreditation and practical training delivered by the National School of Judges of Ukraine.

2. The curriculum and procedure of special training of candidates for a judicial position shall be approved by the High Qualifications Commission of Judges of Ukraine with the concurrence of specialized higher law schools of fourth level of accreditation and the National School of Judges of Ukraine.

3. Special training shall be conducted during 6 (six) months at the expense of the State Budget of Ukraine. For the period of training the candidate for a judicial position shall retain his/her principal position and receive grant of at least two thirds of official salary of a judge of a local court of general jurisdiction.

4. Based on the results of the special training the candidates shall get the appropriate document of the established form. Materials on candidates who passed special training successfully shall be sent to the High Qualifications Commission of Judges of Ukraine in order to take qualification examination.

5. In case of violation by the candidate of the procedure for special training which resulted in his/her expulsion or if the candidate stops such training of his/her free will, the candidate shall be obliged to reimburse the expenses spent on his/her training.

Article 70. Qualification Examination

1. The qualification examination shall be an attestation [appraisal] of a person who has received special training and expressed his/her willingness to be recommended for appointment (election) for a judicial position.

2. The qualification examination shall involve evaluation of the theoretical knowledge and level of professional training of the judicial candidate, the degree of his/her readiness to administer justice in matters within the jurisdiction of the respective court, and the candidate's personal and moral qualities.

3. The qualification examination shall include taking by the candidate a written anonymous test and case study to be resolved by the candidate in order to evaluate the level of practical skills and abilities to apply the law.

4. Written anonymous testing shall be conducted by the High Qualifications Commission of Judges of Ukraine in a special room intended for this purpose; the process of the testing shall be recorded with means of audio and video record.

5. The procedure for taking the qualification examination and evaluation methodology shall be determined by the regulation to be approved by the High Qualifications Commission of Judges of Ukraine.
6. The results of the qualification examination shall be valid for the next three years.
7. Any person failing to pass the qualification examination may be admitted to take exam for a judicial position not sooner than in one year. Any person failing to pass the qualification examination for the second time may be admitted to the next exam not sooner than in two years.
8. Based on the score of the candidate as a result of the qualification examination the High Qualifications Commission of Judges of Ukraine rates the candidates and enters them into a reserve list of candidates for a judicial position.
9. Information about results of qualification examination and position of candidate in the rating list shall be public and shall be posted at official web portal of the High Qualifications Commission of Judges of Ukraine.
10. The results of qualification examination may be appealed against to the High Council of Justice, which has the right to reverse the decision of the High Qualifications Commission of Judges of Ukraine and oblige it to give the candidate who complained a second (one more) qualification examination.

Article 71. Holding of Competition for a Judicial Position

1. In order to conduct competition for judicial vacancies, the High Qualifications Commission of Judges of Ukraine shall post respective information on its official web portal and publish an announcement in the newspapers Holos Ukrainy and Uriadovyi Kurier not later than one month before the competition.
2. The competition announcement shall specify the names of courts where judicial vacancies are available, the number of such vacancies, terms and conditions of the competition, the date, place and time of the competition.
3. Candidates for a judicial position being in the reserve list and willing to take part in the competition shall submit a written application to the High Qualifications Commission of Judges of Ukraine within the established term.
4. The High Qualifications Commission of Judges of Ukraine shall conduct a competition and select candidates for a judicial position taking into account the results of qualification examination and score they received. The score is a primary criterion in conducting competition by the High Qualifications Commission of Judges of Ukraine among candidates to fill judicial vacancies. If candidates have identical score the advantage shall have the candidate who has a longer record of service in the field of law.
5. Based on the results of the competition the High Qualifications Commission of Judges of Ukraine shall send to the High Council of Justice recommendations for appointment to judicial positions according to the number of open vacancies.
6. According to the recommendation submitted by the High Qualifications Commission of Judges of Ukraine the High Council of Justice at its meeting shall review the issue of appointing the candidate to judicial position and if the decision is positive it shall submit a motion to the President of Ukraine for appointment of the candidate to a judicial position.

Article 72. Appointment to a Judicial Position

1. Appointment to a position of a professional judge shall be made by the President of Ukraine on the basis of a motion by the High Council of Justice of Ukraine within 30 days from the day the motion was received.

Article 73. Transfer of a Judge to Another Court within the Five-year Term of Appointment

1. A judge within the five-year term of appointment may be transferred to judicial position in another local court on his/her written application to the High Qualifications Commission of Judges of Ukraine for recommending him/her for a judicial position in correspondent court.

2. Transfer of a Judge to judicial position in another court shall be made based on the results of the competition established to fill the vacancy.

3. In case of judge's participating in the competition established to fill the vacancy in another court of the same level and jurisdiction his/her results of previous qualification examination may be taken into consideration upon his/her wish.

4. In case of identical scores the advantage will get those candidates who have longer record of service at the position of a judge.

5. Transfer of a judge within the five-year term of appointment to judicial position in the court of other jurisdiction shall be made on the basis of the results of qualification examination to be taken by a judge pursuant to this law.

6. Transfer of a judge within the five-year term of appointment shall be made by the President of Ukraine.

Chapter 3. Lifetime Election to a Judicial Position

Article 74. Procedure for Lifetime Election to a Judicial Position.

1. The procedure for lifetime election to a judicial position shall be determined by this Law and the Procedural Rules of the Verkhovna Rada of Ukraine.

2. A judge whose tenure of judicial office has expired, upon his/her application has to be recommended by the High Qualifications Commission of Judges of Ukraine to be elected to a lifetime judicial position by the Verkhovna Rada of Ukraine provided there are no circumstances preventing this.

3. The procedure for lifetime election to a judicial position shall be as follows:

1) the candidate shall apply in written to the High Qualifications Commission of Judges of Ukraine for a recommendation to be elected to a lifetime judicial position;

2) the High Qualifications Commission of Judges of Ukraine shall publish information on the preparation of materials for the lifetime election of the candidate to a judicial position in the official printed media and on the official web portal of the High Qualifications Commission of Judges of Ukraine;

3) the High Qualifications Commission of Judges of Ukraine shall verify the information about candidate, taking into account case consideration rates of the candidate;

4) the High Qualifications Commission of Judges of Ukraine shall decide to recommend or to refuse to recommend the judicial candidate to be elected to a lifetime judicial position and shall forward the respective motion to the Verkhovna Rada of Ukraine;

5) the Verkhovna Rada of Ukraine according to the motion by the High Qualifications Commission of Judges of Ukraine shall take a decision to elect the candidate in the manner prescribed by the Law.

Article 75. Application of the Candidate to the High Qualifications Commission of Ukraine to be Elected for Lifetime

1. The candidate for a lifetime judicial position shall apply to the High Qualifications Commission of Judges of Ukraine for a recommendation to be elected to a lifetime judicial position not later than six months before the expiry of his/her tenure of judicial office.

2. Also a candidate, who was removed from the office due to the expiration of his/her her tenure of judicial office and who didn't apply to the High Qualifications Commission of Judges of Ukraine for a recommendation to be elected to a lifetime judicial position before, may apply to the High Qualifications Commission of Judges of Ukraine for a recommendation to be elected to a lifetime judicial position – within three years from the time of dismissal.

3. A candidate with time of removal from the office due to the expiration of his/her her tenure of judicial office more than specified in part two of this Article may be recommended to be elected to a lifetime judicial position by the High Qualifications Commission of Judges of Ukraine after passing qualification examination according to requirements of this Law.

4. In order to take part in selection to lifetime judicial position the candidate shall submit:

1) a written application about recommendation of the candidate to be selected to the judicial office for life;

2) a copy of his/her passport of a citizen of Ukraine;

3) the candidate's personal data sheet and curriculum vitae;

4) a copy of his/her certificate/diploma confirming education, academic degree or academic rank;

5) extract from the work record book certifying record of service as a judge;

6) certificate of the applicant's health, issued by a medical institution (medical institutions authorized to issue such certificate and its form are defined by the High Qualifications Commission of Judges of Ukraine with the concurrence of authorized government body on health care issues);

7) property declaration (financial disclosure statement);

8) [the applicant's] written consent to the collection, storage, and use of information about him/her for the purpose of evaluating his/her fitness work as lifetime judge.

The form and content of the application about recommendation of a judicial candidate for a lifelong appointment, a judicial candidate for lifelong appointment personal information form shall be approved by the High Qualifications Commission of Judges of Ukraine and published on its official website.

5. To demand from candidate documents not prescribed by this Article shall be prohibited except cases when clarifications and explanations related to the information on his/her activities as a judge are needed.

Article 76. Procedure of the Consideration of Application of the Candidate for a Lifetime Judicial Position by the High Qualifications Commission of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall publish information on the preparation of materials for the election of the candidate to a lifetime judicial position on its official web portal and in mass media.

2. The High Qualifications Commission of Judges of Ukraine shall consider issues related to the election of a candidate for a lifetime judicial position not later than two months before the expiry of his/her tenure of judicial office.

3. The High Qualifications Commission of Judges of Ukraine shall verify the compliance of the candidate for a lifetime judicial position with requirements of Article 127 of the Constitution of Ukraine , Articles 53, 64 of the present Law and considers the petitions received from citizens, public organizations, enterprises, institutions, central and local government bodies regarding his/her judicial performance.

4. Candidate whose application for a recommendation for a lifetime judicial position is considered shall have the right to get acquainted with the information on his performance, inquiries made by the High Qualifications Commission of Judges of Ukraine and responses thereto.

Article 77. Decision on Recommendation or Refusal to Recommend for the Election of a Candidate to a Lifetime Judicial Position

1. A decision concerning recommendation for the election of a candidate to a lifetime judicial position shall be made after interviewing the candidate pursuant to the procedure envisaged by the rules of the High Qualifications Commission of Judges of Ukraine at the meeting of the High Qualifications Commission of Judges of Ukraine in his/her presence, and shall be announced immediately after it was taken.

2. A decision of the High Qualifications Commission of Ukraine to refuse to recommend a candidate for a lifetime judicial position may be appealed to the High Council of Justice in the manner prescribed by the Law of Ukraine "On the High Council of Justice."

3. If the High Council of Justice confirms the decision by the High Qualifications Commission of Ukraine on refusal in recommendation for a lifetime judicial position, the High Council of Justice shall submit to the President of Ukraine a motion for the removal of this candidate from the judicial position.

Article 78. Motion for the Election of a Candidate to a Lifetime Judicial Position

1. A motion by the High Qualifications Commission of Judges of Ukraine its decision regarding the election of a candidate for a lifetime judicial position shall be sent to the Verkhovna Rada of Ukraine not later than one month before the expiry of his/her tenure of judicial office.

2. The motion shall include the last name, name, and patronymic of the candidate and the name and location of the court to which the candidate is proposed to be elected.

Article 79. Consideration and Decision on Electing a Candidate to a Lifetime Judicial Position by the Verkhovna Rada of Ukraine

1. The procedure of considering issue and making a decision by the Verkhovna Rada of Ukraine on electing a candidate to a lifetime judicial position shall be determined by this Law and Procedural Rules of the Verkhovna Rada of Ukraine.
2. The issue concerning the election of a candidate to a lifetime judicial position shall be considered at a plenary meeting of the Verkhovna Rada without conclusions/opinion of committees of the Verkhovna Rada of Ukraine and any verification.
3. The consideration of the election of a candidate to a lifetime judicial position at a plenary meeting of the Verkhovna Rada of Ukraine shall begin with a report by the Head of the High Qualifications Commission of Judges of Ukraine or a member of the High Qualifications Commission of Judges of Ukraine who acts upon the instruction from the Head of the High Qualifications Commission of Judges.
4. The decision on electing a candidate for a lifetime judicial position shall be taken by a majority of the constitutional composition of the Verkhovna Rada of Ukraine and shall be recorded in the Resolution of Verkhovna Rada of Ukraine.
5. A person elected to a lifetime judicial position shall acquire the status of a judge from the moment the correspondent Resolution of the Verkhovna Rada of Ukraine comes into force.
6. In case a candidate to a lifetime judicial position doesn't receive the amount of votes stipulated in part 4 of this article, re-voting shall be conducted.

Article 80. Transfer of a Judge Elected for a Lifetime Position to Another Court

1. The transfer of a judge elected to a lifetime position to another court within the same specialization shall be performed by the President of Ukraine based on the judge's written application thereof. The application shall be supplemented by a certificate issued by the High Qualifications Commission of Judges of Ukraine attesting to availability of judicial vacancies in the court which such judge chose for his transfer.
2. Transfer of a judge elected to a lifetime position to a different level court within the same specialization shall be performed by the Verkhovna Rada according to the procedure set forth by this Law and the Verkhovna Rada of Ukraine Standing Rules for judicial selection.
3. Transfer of a judge elected to a lifetime position to a court of other specialization shall be performed by the Verkhovna Rada of Ukraine on a motion of the High Qualifications Commission of Judges of Ukraine based on the results of qualification examination taken by the judge according to this Law.

SECTION V. ENSURING THE APPROPRIATE QUALIFICATION LEVEL OF A JUDGE

Chapter 1. The National School of Judges of Ukraine

Article 81. Status and Structure of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine shall be a state institution with a special status; it shall ensure training of highly skilled personnel for the judicial system and conduct scientific-research activity. The legislation on higher education shall not be applied to the National School of Judges of Ukraine.

2. The National School of Judges of Ukraine shall be established under the High Qualifications Commission of Judges of Ukraine and shall operate according to this Law and the Charter to be approved by the High Qualifications Commission of Judges of Ukraine.

3. The National School of Judges of Ukraine shall be headed by Rector appointed by the High Qualifications Commission of Judges of Ukraine. Vice-rectors of the National School of Judges of Ukraine shall be appointed by the High Qualifications Commission of Judges of Ukraine based on the motion of the Rector of the National School of Judges of Ukraine.

4. The employees of the National School of Judges of Ukraine in terms of payment shall be given the same status as public servants.

5. The National School of Judges of Ukraine shall be the legal entity, have the seal with imprint of the State Emblem of Ukraine and its name on it, an independent balance sheet and accounts in the bodies of State Treasury of Ukraine and may have regional branches.

Article 82. Objectives of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine shall conduct:

1) practical training of candidates for a judicial position;

2) training of judges:

appointed to the judicial position for the first time;

elected to a lifetime judicial position;

appointed to administrative positions in courts;

3) periodical on-going training of judges to improve their professional level;

4) training of court staff;

5) scientific research in issues concerning judiciary improvement;

6) study of international experience of organizing court operation;

7) scientific-methodological support of the operation of court of general jurisdiction, the High Qualifications Commission of judges of Ukraine and the High Council of Justice.

SECTION VI. DISCIPLINARY LIABILITY OF A JUDGE

Chapter 1. Grounds and Procedure for Disciplinary Action

Article 83. Grounds for Disciplinary Action against a Judge

1. Disciplinary proceedings against a judge may be initiated on the following grounds:

1) essential violation of norms of procedural law while administering justice related in particular to denying a person's access to justice on the grounds not stipulated by law, violation of requirements for case assignment and registration of cases in court, rules of jurisdiction, ungrounded application of measures to secure the claim, etc.;

- 2) not taking any action regarding consideration of an application, complaint, or case within the term established by law;
 - 3) violation of requirements regarding unbiased consideration of case, specifically violation of recusal (self-recusal) rules;
 - 4) systematic or gross one-time violation of rules of judicial ethics, which undermines the authority of justice;
 - 5) disclosure of secret information protected by law, including confidential information of deliberation room, or secrets which the judge learned during an in-camera session;
 - 6) non-submission or untimely submission of a property status declaration (financial disclosure statement) required to be made public, inclusion of intentionally false information in the declaration.
2. Reversal or alteration of a court decision shall not be a ground for disciplinary action against the judge who took part in passing it, unless the decision involved intentional violation of legal norms or careless execution of one's duties.

Article 84. Disciplinary Proceedings against a Judge

1. Disciplinary proceedings are a procedure for consideration, by a body specified by the law, of an application containing information on violation by a judge of requirements regarding his/her status or official responsibilities, or on violation of the judicial oath of office.
2. Anyone who is aware of such facts shall have the right to file a complaint (petition) regarding the conduct of a judge which may be a ground for disciplinary action against the judge. High Qualifications Commission of Judges of Ukraine shall approve and post on its web portal a sample complaint form which can be used to inform High Qualifications Commission of Judges of Ukraine of violation by the judge of requirements regarding his/her status, official duties or judge's oath.
3. Abuse of the right to apply to the body authorized to conduct disciplinary proceedings, in particular initiation of the issue of disciplinary action against a judge without sufficient grounds and use of this right as a means to pressure a judge in connection with his/her administering of justice shall not be permitted.
4. A disciplinary case against a judge may not be initiated on the basis of an application or report containing no evidence of elements of a disciplinary offence or on the basis of anonymous applications or reports.

Article 85. Bodies Conducting Disciplinary Proceedings

1. Disciplinary proceedings shall be conducted by:
 - 1) the High Qualifications Commission of Judges of Ukraine, in relation to judges of local and appellate court;
 - 2) the High Council of Justice, in relation to justices of high specialized courts and of the Supreme Court of Ukraine.

Article 86. Procedure for Disciplinary Proceedings in Respect of a Judge

1. Disciplinary proceedings regarding a judge shall involve verification of information on the presence of grounds for taking disciplinary action against a judge, opening of a disciplinary case, its consideration and passing of a decision by a body conducting disciplinary proceedings.
2. Verification of information on the presence of grounds for taking disciplinary action against a judge of a local or appellate court shall be performed by a member of the High Qualifications Commission of Judges of Ukraine acting on the basis established by this Law.
3. At the stage of verification, a member of the High Qualifications Commission of Judges of Ukraine shall have the right to study materials of court cases, make copies thereof, talk to judges and other persons who are aware of the circumstances of the action containing elements of a disciplinary offence, and demand necessary information on inquiry from the State and local government bodies, its officers, managers of enterprises, institutions and organizations of all forms of ownership and jurisdiction, citizens and their associations.
4. State and local government bodies, their officers, managers of enterprises, institutions organizations and associations of citizens and jurisdiction, citizens to whom the inquiries have been sent by a member of the High Qualifications Commission of Judges of Ukraine shall be obliged to provide necessary information within ten days from the time they received an inquiry. If necessary the defined term may be extended to thirty days; about this a member of the High Qualifications Commission of Judges of Ukraine shall inform directly in his inquiry.
5. Not providing the information or providing deliberately false information to the member of High Qualifications Commission of Judges of Ukraine shall result in making the guilty persons answerable according to the Law.
6. Based on the results of the verification, a member of the High Qualifications Commission of Judges of Ukraine shall write opinion presenting facts and circumstances found during the verification and includes proposal to open or dismiss a disciplinary case. The opinion of the member of the High Qualifications Commission of Judges of Ukraine and the materials collected during verification shall be forwarded for consideration to the High Qualifications Commission of Judges of Ukraine.
7. The question of whether a disciplinary case should be opened shall be decided by the High Qualifications Commission of Judges of Ukraine.
8. A copy of decision on opening a disciplinary case by the High Qualifications Commission of Judges of Ukraine shall be sent to the judge against whom the case was initiated and to the person whose application was the basis for initiating the case not later than three days after the decision had been made. The conclusion made by the member High Qualifications Commission of Judges of Ukraine on the basis of the verification results is attached to the decision of the High Qualifications Commission of Judges of Ukraine sent to the judge.
9. A disciplinary case shall be considered at a meeting of the High Qualifications Commission of Judges of Ukraine, to which shall be invited the person whose application was the basis for initiating the case, the judge against whom the case was initiated, and other interested persons if necessary.
10. In case the judge against whom the case was initiated shall have no opportunity to attend the meeting High Qualifications Commission of Judges of Ukraine for a valid reason he/she may give written explanations on the matter/merit of the raised issues which shall be adjoined to the case file. Written explanations of the judge are mandatory announced at the meeting of the High Qualifications Commission of Judges of Ukraine. The second failure of

the judge to attend the meeting of the High Qualifications Commission of Judges of Ukraine shall serve as grounds to consider disciplinary case in his absence.

11. The consideration of a disciplinary case regarding a judge shall be adversary. At its meeting the High Qualifications Commission of Judges of Ukraine shall hear a report by the member of High Qualifications Commission of Judges of Ukraine who conducted the verification about the verification results, an explanation from the judge who is the subject of the case and/or from his/her representative, as well as reports by other interested persons.

12. A judge subjected to disciplinary action or his representative shall be entitled to give explanations, put questions to participants in the proceeding, express objections, file motions, and seek disqualification.

13. The process of consideration of the case and the announcement of the results shall be recorded by technical means.

14. The High Council of Justice shall conduct disciplinary proceedings in respect of justices of the Supreme Court of Ukraine and judges of the high specialized courts in the manner specified by the Law of Ukraine "On the High Council of Justice."

Article 87. Decision in a Disciplinary Case against a Judge

1. The High Qualifications Commission of Judges of Ukraine shall deliberate on the results of its consideration of a disciplinary case against a judge in the absence of the judge who is the subject of the case. The decision in a disciplinary case shall be taken by a majority of votes of the total amount of members of the High Qualifications Commission of Judges of Ukraine.

2. When deciding on a disciplinary sanction against a judge, taken into account shall be the nature of the offence, its consequences, the personality of the judge, the extent of his/her guilt, and the circumstances impacting the possibility to discipline the judge.

3. Once the High Qualifications Commission of Judges of Ukraine rules that there are no grounds for disciplining a judge, the Commission shall terminate the disciplinary proceedings and notify the interested persons thereof.

4. A disciplinary sanction may be applied upon a judge not later than six months after the High Qualifications Commission of Judges of Ukraine opened a the disciplinary proceedings but not later than a year after the offence, not counting the time of the judge's temporary incapacity to work or vacation.

5. Based on the results of a disciplinary proceeding, the High Qualifications Commission of Judges of Ukraine may decide to send a recommendation to the High Council of Justice to submit a motion for the removal of the judge if there are grounds for doing so.

6. A decision of the High Qualifications Commission of Judges of Ukraine shall be stated in writing. The decision shall be signed by the chair of the meeting and by the commission's members present thereat and be announced at the meeting. The decision in a disciplinary case must specify:

1) the last name, name, patronymic, and position of the judge subjected to disciplinary action;

2) the circumstances of the case established by the body, with reference to evidence;

- 3) the reasons for the decision taken by the body;
 - 4) the essence of the decision based on the results of consideration, with indication of the type of disciplinary sanction, if one is imposed;
 - 5) the procedure and deadline for appealing the decision.
7. When there is a dissenting opinion, the latter shall be presented in writing by the respective member of the High Qualifications Commission of Judges of Ukraine and appended to the case file, about which the chair shall announce at the meeting. The contents of the dissenting opinion shall not be disclosed at the meeting.
8. A copy of the decision of the High Qualifications Commission of Judges of Ukraine shall be issued to the judge subjected to the disciplinary action; and if he is not present at the announcement of the decision, it shall be sent to him within seven days by mail.

Article 88. Disciplinary Sanction Regarding a Judge and the Procedure for Removing It

1. The disciplinary sanction in way of censure/reprimand may be imposed on a judge.
2. Information on the imposition of a disciplinary sanction on a judge shall be published on the official web portal of the High Qualifications Commission of Judges of Ukraine. This information should include the data about the disciplined judge, the sanction applied, and a copy of Decision of High Qualifications commission of Judges of Ukraine about disciplining the judge.
3. If within a year from the day the disciplinary sanction was applied the judge is not subjected to a new disciplinary sanction he/she shall be regarded as the one that has no disciplinary sanction.
4. Disciplinary penalty imposed on a judge may be withdrawn pre-term by the High Qualification Commission of Judges of Ukraine based on recommendations issued by corresponding council of judges.

Article 89. Appealing a Decision in a Disciplinary Case against a Judge

1. A judge of a local or appellate court may appeal a decision of the High Qualifications Commission of Judges of Ukraine on disciplining him/her to the High Council of Justice or the High Administrative Court of Ukraine not later than one month from the day a copy of the decision was handed out to him/her or received by him/her by mail.
2. The complaint to the High Council of Justice shall be filed through the High Qualifications Commission of Judges of Ukraine.
3. Upon receiving the complaint, the High Qualifications Commission of Judges of Ukraine shall send it, along with the case file materials, not later than within three days after the complaint was received to the High Council of Justice.
4. The complaints shall be reviewed by the High Council of Justice pursuant to the Law of Ukraine "On the High Council of Justice."
5. The administrative complaint against the decision of the High Qualifications Commission of Judges of Ukraine on disciplining judge shall be considered in the manner prescribed by the procedural legislation.

6. Filing a complaint about the decision of High Qualifications Commission of Judges of Ukraine regarding disciplining a judge to the High Council of Justice or filing administrative claim to the High Administrative Court of Ukraine shall stay the imposition of the sanction (shall halt the application of discipline punishment).

Chapter 2. The High Qualifications Commission of Judges of Ukraine

Article 90. Status of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall be a standing body (operating on a permanent basis) in the judiciary system of Ukraine.

2. The High Qualifications Commission of Judges of Ukraine shall be the legal entity, have the seal with imprint of the State Emblem of Ukraine and its name on it, an independent balance sheet and accounts in the bodies of State Treasury of Ukraine.

3. The procedure of operation of the High Qualifications Commission of Judges of Ukraine shall be established by its procedural rules approved by a majority of all members of the High Qualifications Commission of Judges of Ukraine.

Article 91. Powers of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall:

1) maintain data about the number of judicial positions in courts of general jurisdiction, including the vacant ones;

2) register data about the number of administrative positions in courts of general jurisdiction and immediately inform the correspondent council of judges, the High Council of Justice on opening of vacant positions of chief judge, deputy chief judge;

3) conduct a selection of the candidates for first appointment to judicial position, including organization of special background check according to the law and conduction of a qualification examination;

4) forward to the High Council of Justice recommendation to appoint a candidate to judicial position in order to further submit a respective motion to the President of Ukraine;

5) provide or refuse to provide recommendation to appoint/elect candidate to a lifetime position;

6) determine the need for state order for professional training of candidates for a judicial position at the National School of Judges of Ukraine;

7) take decision on removing a judge from his office due to initiated criminal proceedings against the judge based on reasoned resolution of the Prosecutor General;

8) review petitions and information on disciplinary responsibility of judges of local courts and courts of appeal and if there are grounds open disciplinary cases as well as execute disciplinary proceedings;

9) make decisions based on the results of disciplinary proceedings and provided there are grounds impose disciplinary sanctions on judges of local courts and courts of appeal;

10) take a decision on early (ahead of time) removing disciplinary sanctions imposed on a judge;

11) exercise other powers specified by law.

2. In order to exercise its powers the High Qualifications Commission of Judges of Ukraine shall have the right to demand and receive necessary information from judges, State Judicial Administration of Ukraine, judicial self-government bodies and other judicial institutions, state and local government bodies, their public officers, enterprises, institutions or organizations irrespective of forms of ownership and subordination, as well as from citizens and associations thereof; not submitting the necessary information shall result in liability specified by law.

Article 92. Composition of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall be composed of eleven members who are citizens of Ukraine, have higher legal education and a record of service in the legal profession of at least twenty years. The Commission shall consist of:

1) six judges to be appointed by the Congress of Judges of Ukraine;

2) two persons appointed by congress of representatives of higher law schools and scientific institutions;

3) one person to be appointed by the Minister of Justice of Ukraine;

4) one person to be appointed by the Ombudsman of the Verkhovna Rada of Ukraine;

5) one person to be appointed by the Head of State Judicial Administration.

2. The term of appointment of a member of a qualifications commission of judges shall be three years from the day of appointment. One and the same person may not serve as a member of a qualifications commission of judges for two terms in a row.

3. The members of the High Qualifications Commission of Judges of Ukraine shall, for the term of their appointment, be seconded to the High Qualifications Commission and may not discharge any professional duties associated with their primary employment.

4. The members of the High Qualifications Commission of Judges of Ukraine during the term of their appointment shall keep their status and place of work.

Article 93. Procedure for the Formation of the High Qualifications Commission of Judges of Ukraine

1. The members of the High Qualifications Commission of Judges of Ukraine who are judges shall be appointed in an open or secret ballot by the Congress of Judges of Ukraine. The Congress of Judges of Ukraine may elect more than six judges and determine their order of priority in case a judicial member or judicial members of the High Qualifications Commission of Judges of Ukraine appointed under the quota of the Congress of Judges of Ukraine drop out. These persons automatically shall get the powers of the member of the High Qualifications Commission of Judges of Ukraine, when one or several members of the Commission appointed under the quota of the Congress of Judges of Ukraine drop out. Persons appointed by the Congress of Judges of Ukraine to be members of the High Qualifications Commission of Judges of Ukraine in case one or more members drop out shall continue to perform their duties as judges until the moment they fill the position of the

member of the High Qualifications Commission of Judges of Ukraine according to the set order of priority.

2. The members of the High Qualifications Commission of Judges of Ukraine shall be appointed by the congress of representatives of higher education law schools and scientific institutions in an open or secret ballot.

3. The Minister of Justice of Ukraine shall appoint a member of the High Qualifications Commission of Judges of Ukraine by his/her order.

4. The Ombudsman of the Verkhovna Rada of Ukraine shall appoint a member of the High Qualifications Commission of Judges of Ukraine by an ordinance.

5. The Head of the State Judicial Administration of Ukraine shall appoint a member of the High Qualifications Commission of Judges of Ukraine by his/her order.

6. People's deputies of Ukraine (MPs), members of the Cabinet of Ministers, chief judges of courts, their deputies, secretaries of judicial chambers, members of Council of Judges of Ukraine, members of the High Council of Justice, Ombudsman of the Verkhovna Rada of Ukraine and officials on whom the disciplinary sanction is imposed may not be appointed to the High Qualifications Commission of Judges of Ukraine.

7. The High Qualifications Commission of Judges of Ukraine shall be deemed competent if at least eight members of the Commission have been appointed.

Article 94. Organization of Work of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall elect from among its members, in an open or secret ballot, the head of the Commission, one deputy head, and secretary of the Commission. The candidate receiving a majority of the votes of all the members of the Commission shall be deemed to have been elected.

2. The head of the Commission shall organize the work of the Commission, determine responsibilities of his/her deputy and run meetings of the Commission. In the absence of the head of the High Qualifications Commission of Judges of Ukraine, his/her duties shall be performed by deputy head of the Commission; and in the absence of the deputy head, by the member of the Commission who has the largest record of service in the position of a judge.

3. To conduct verification of information on the presence of grounds for disciplinary action against a judge there shall be an automated/computerized system for designating a member of the High Qualifications Commission of Judges of Ukraine to conduct the verification. Regulation on automated (computer aided) system of determining the Commission member shall be approved by Council of Judges of Ukraine upon agreeing it with State Judicial Administration of Ukraine.

4. The secretary of the Commission shall prepare the meetings of the Commission and shall be responsible for organization of workflow/case management of the Commission.

5. The operating procedure of the Commission shall be determined by its procedural rules approved by a majority of votes of all members of the Commission.

6. A meeting of the High Qualifications Commission of Judges of Ukraine shall be open and public, except for cases stipulated by the law. The Commission's meeting shall be deemed competent if attended by at least two thirds of the total number of the Commission members.

7. The head of the High Qualifications Commission of Judges of Ukraine shall determine the date, time and place of the Commission's meeting, the list of items to be put on the agenda of the meeting, and send a relevant notification to the persons whose issue shall be considered not later than ten days before the meeting.

Article 95. Rights of a Member of the High Qualifications Commission of Judges of Ukraine

1. A member of the High Qualifications Commission of Judges of Ukraine shall have the right to:

- 1) get acquainted with materials submitted for the Commission's consideration, take part in their examination and verification;
- 2) present his/her reasons and arguments, as well as submit additional documents concerning the issues under consideration;
- 3) submit proposals regarding a draft resolution of the Commission on any issues whatsoever and vote for or against any particular decision;
- 4) express in written form his/her dissenting opinion on any decision of the High Qualifications Commission of Judges of Ukraine;
- 5) exercise other powers established by law.

Article 96. Disqualification of a Member of the High Qualifications Commission of Judges of Ukraine

1. A member of the High Qualifications Commission of Judges of Ukraine may not conduct verification of the grounds to discipline a judge of local or appellate court, take part in the consideration of an issue and decision making and shall be subject to recusal (self-recusal) if circumstances are established which might call into question his/her impartiality. In the presence of such circumstances, the Commission's member must recuse himself/herself. For the same reasons, disqualification of a Commission's member may be requested by persons who are subjects of the issue under consideration or by the persons who presented/initiated the issue for consideration.

2. A request for disqualification must be well-grounded and submitted prior to the beginning of the consideration of the issue in the form of a written application addressed to the Commission Head. The chair of the meeting shall be obliged to acquaint with the application the Commission's member whose disqualification is sought.

3. A decision on the disqualification (recusal) of a member of the Commission shall be taken by a majority of the votes of the Commission's members present at the meeting, in the absence of the Commission's member whose disqualification (self-recusal) is to be voted upon.

Article 97. Decision the High Qualifications Commission of Judges of Ukraine

1. A decision of High Qualifications Commission of Judges of Ukraine shall be taken by a majority of the Commission's members. The voting shall be held in the absence of the person concerned as well as of the invited persons.

2. A decision of High Qualifications Commission of Judges of Ukraine shall be stated in writing. The decision shall indicate the date and place of the decision, the Commission's

members present, the issues under consideration, and the reasons for the decision taken. The decision shall be signed by the chair of the meeting and by the Commission's members present thereat.

3. When there is a dissenting opinion, the latter shall be presented in writing by the respective member of the Commission and appended to the case file. This fact shall be announced at the meeting by its chair; yet the contents of the opinion shall not be disclosed at the meeting.

4. A decision of the High Qualifications Commission of Judges of Ukraine may be appealed in court in the manner prescribed by the procedural law.

5. In cases prescribed by this Law, a decision of the High Qualifications Commission of Judges of Ukraine may be appealed to the High Council of Justice.

Article 98. Support for the Operation of the High Qualifications Commission of Judges of Ukraine

1. The Secretariat shall be established in order to provide organizational support for the operation of the High Qualifications Commission of Judges of Ukraine.

2. In order for the members of the High Qualifications Commission of Judges of Ukraine to conduct a proper verification of the grounds for disciplinary action against judges of local courts and courts of appeal there shall be acting a service of disciplinary inspectors which consists of thirty three disciplinary inspectors. Three disciplinary inspectors are assigned to each member of the High Qualifications Commission of Judges of Ukraine.

3. The staff of the Secretariat shall be appointed and dismissed by the Head of the High Qualifications Commission of Judges of Ukraine. Disciplinary inspectors shall be appointed and dismissed by the Head of the High Qualifications Commission of Judges of Ukraine based on the motion of the correspondent member of the High Qualifications Commission of Judges of Ukraine.

4. Salary scale of the staff of the Secretariat and disciplinary inspectors, their provision and the level of social security shall be determined by the Law of Ukraine on Public Service, other legal acts and may not be less than corresponding categories of public servants of the staff of central executive power bodies have.

5. The members of the Commission shall keep the guarantees for material, social and everyday provision, prescribed by law for judges, employees of the Ministry of Justice, the State Judicial Administration and representative of the Ombudsman of the Verkhovna Rada of Ukraine. In such a case, the compensation shall be paid on the basis of the pay rates to which these persons are entitled as employees of the bodies from which they were seconded. The members of the Commission appointed by congress of representatives of higher law schools and scientific institutions shall be paid remunerations in the amount of the average salary of other members of the Commission.

6. The remunerations shall be paid from the State Budget of Ukraine.

Article 99. Service of Disciplinary Inspectors

1. Disciplinary inspectors on the instruction of a member of the High Qualifications Commission of Judges of Ukraine shall preliminarily analyze motions and petitions on judicial misconduct in order to find the grounds to initiate the disciplinary case and to conduct verification, prepare draft conclusions on existence of the grounds for disciplinary action

against judges of local courts and courts of appeal; execute other assignments of the member of the Commission during disciplinary proceedings according to this Law.

SECTION VII. REMOVAL FROM OFFICE OF A JUDGE OF A COURT OF GENERAL JURISDICTION

Chapter 1. General Provisions

Article 100. General Conditions for Removal of a Judge

1. A judge of a court of general jurisdiction shall be removed from office by the body which appointed or elected him/her exclusively on the grounds set forth in part five, Article 126 of the Constitution of Ukraine, upon a motion by the High Council of Justice.

Article 101. Removal from office of a Judge due to Expiry of Term of Appointment

1. The High Council of Justice shall submit a motion to the President of Ukraine for the removal of a judge from office in case the term of his/her appointment expired if:

1) according to a report by the High Qualifications Commission of Judges of Ukraine, the judge has failed, for no good reason, to file in a timely manner an application for election to a lifetime position;

2) the High Qualifications Commission of Judges of Ukraine adopted a decision not to recommend the judge to be elected to a lifetime position.

2. The High Council of Justice shall submit a motion for the removal of a judge from office due to expiry of the term of his/her appointment indicating the date on which the removal of the judge should take effect.

3. A judge shall be removed from office by the President of Ukraine.

4. If a judge for any reason has not been removed from office, he/she shall not be entitled to exercise his/her powers in administering justice from the next day after the expiry of the term of his/her appointment.

Article 102. Removal of a Judge on Grounds of Age

1. A judge shall be removed from office on grounds of age on the next day after reaching the age of sixty-five.

2. The High Qualifications Commission of Judges of Ukraine shall, not later than one month before the day specified in part one of this Article, notify the High Council of Justice of the presence of a ground for the removal of the judge concerned.

3. The High Council of Justice shall, not later than fifteen days before the day specified in part one of this Article, submit a motion for the removal of a judge upon his/her reaching the age of sixty-five to the body which elected or appointed the judge.

4. If for any reason whatsoever a judge has not been removed from office, he/she shall not be entitled to exercise his/her powers of administration of justice from the next day after reaching the age of sixty-five.

Article 103. Removal of a Judge for Health Reasons

1. A judge shall be removed from office in case he/she is unable to discharge his/her duties for health reasons, provided that this fact is certified by a medical opinion issued by a medical commission formed by a specially authorized central body of executive power in charge of public health issues or upon a court decision finding the judge to be partially capable or legally incapable which has entered into legal force.

2. Having acknowledged that the state of health shall prevent a judge from performing his/her duties for a long time or permanently, the High Council of Justice shall submit a motion for the removal of the judge to the body which elected or appointed him/her.

Article 104. Removal of a Judge for Violating Incompatibility Requirements

1. A judge shall be removed from office for violating the incompatibility requirements upon a motion to be submitted by the High Council of Justice to the body which elected or appointed the judge in the manner prescribed by the Law of Ukraine "On the High Council of Justice."

Article 105. Removal of a Judge for Violating the Oath of Office

1. According to clause 5 part five article 126 of the Constitution of Ukraine; a judge may be removed from office in connection with violating the oath of office.

2. Facts suggestive of violation of the oath of office by a judge should be established by the High Qualifications Commission of Judges of Ukraine or by the High Council of Justice of Ukraine.

3. A judge shall be removed from office for violating the oath of office upon a motion by the High Council of Justice after it has reviewed the matter at its meeting as required by the Law of Ukraine "On the High Council of Justice."

4. Upon a motion by the High Council of Justice the President of Ukraine shall issue a decree on removal of a judge from office.

5. Upon a motion by the High Council of Justice the Verkhovna Rada of Ukraine shall pass a resolution on removal of a judge from office.

Article 106. Removal of a Judge due to Entry into Legal Force of a Judgment of Conviction against the Judge

1. A court which has handed down a judgment of conviction against a judge shall immediately report this fact to the High Qualifications Commission of Judges of Ukraine.

2. Once a judgment of conviction against a judge has entered into legal force, the High Qualifications Commission of Judges of Ukraine shall report this fact to the High Council of Justice, which shall submit a motion for the removal of the judge.

3. A judge against whom a judgment of conviction has entered into legal force may no longer perform his/her duties, and shall lose the guaranties of judicial independence and immunity provided by the law as well as the right to financial and other support.

Article 107. Removal of a Judge from Office in Case of Termination of the Judge's Citizenship

1. A judge shall be removed from office upon a motion by the High Council of Justice in case of termination of his/her citizenship pursuant to the Law of Ukraine "On the Citizenship of Ukraine."

2. A judge may no longer perform his/her duties from the moment of termination of his/her citizenship.

Article 108. Removal from Office of a Judge Who Was Found Missing or Dead

1. A court which pronounced a judge missing or dead shall immediately report this fact to the High Qualifications Commission of Judges of Ukraine. In case such a decision enters into legal force, the High Qualifications Commission of Judges of Ukraine shall report this fact to the High Council of Justice, which shall submit a motion for the removal of the judge from office.

Article 109. Removal of a Judge from Office upon his/her resignation application or due to his/her voluntary termination of service

1. A judge whose record of judicial service is not less than twenty years, as determined pursuant to Article 131 of this Law, shall have the right to request retirement.

2. A judge shall have the right at any time of his/her tenure of office to submit a request for voluntary termination of service, regardless of the reason.

3. A request for retirement, request for voluntary termination of service shall be submitted by a judge directly to the High Council of Justice that in the course of one month starting from the day the request is received shall submit a motion for removal to the body which elected or appointed the judge. In case of removal of a judge in the result of submitting such a motion, the High Council of Justice shall inform the High Qualifications Commission of Judges of Ukraine.

4. A judge shall continue to perform his/her duties until a decision is passed to remove him/her.

5. A judge removed due to his request for retirement shall preserve the title of a judge as well as guarantees of immunity, established for the judge before his retirement.

Article 110. Requirements regarding a Motion for Removal of a Judge from Office

1. A motion by the High Council of Justice for the removal of a judge shall indicate:

1) the date of submission of the motion;

2) the surname, name and patronymic of the judge;

3) date of birth of the judge;

4) information on the judge's tenure of office;

5) the name of the court;

6) the ground for submitting the motion for the removal, established by part five, Article 126 of the Constitution of Ukraine;

7) the factual circumstances (in case the motion for removal of a judge because of special circumstances is submitted, as established by the Law of Ukraine "On High Council of Justice");

8) other data and information set forth by the Law.

Article 111. Consideration and Decision by the Verkhovna Rada of Ukraine on Removal of a Judge Elected for a Lifetime Position

1. The procedure for considering the issues of and making a decision on removal a judge elected for a lifetime position shall be set forth by this Law and Procedural Rules of the Verkhovna Rada of Ukraine.
2. The issue of the removal of a judge elected for a lifetime position shall be considered at a plenary meeting of the Verkhovna Rada without conclusions of committees of the Verkhovna Rada of Ukraine and any verification.
3. The discussion of the issue of the removal of a judge elected for a lifetime position at a plenary meeting of the Verkhovna Rada of Ukraine shall begin with a report by the Head of the High Council of Justice or a member of High Council of Justice who acts by his order.
4. The decision to remove a judge elected for a lifetime position shall be taken by a majority of the constitutional composition of the Verkhovna Rada of Ukraine. The decision shall be formalized by a resolution of the Verkhovna Rada of Ukraine.
5. In case the number of votes stipulated in part 4 of this Article needed to remove a judge from a lifetime position is not received, re-voting shall be conducted.
6. The powers of a judge shall be terminated the moment the correspondent resolution of the Verkhovna Rada of Ukraine comes into force.

Article 112. Termination of the Powers of a Judge

1. The powers of judge shall be terminated in the event of his/her death.
2. The chief judge of the court in which the judge in question served shall report the existence of grounds for terminating the powers of a judge to the High Qualifications Commission of Judges of Ukraine. The report shall be appended with documents certifying the existence of a ground for terminating the powers of the judge.

SECTION VIII. JUDICIAL SELF-GOVERNMENT

Chapter 1. General Principles of Judicial Self-government

Article 113. Objectives of Judicial Self-government

1. To resolve issues of internal operations of the courts in Ukraine, there shall exist judicial self-government, that is, independent collective resolution of the said issues by judges.
2. Judicial self-government shall be one of the most important guarantees of the autonomy of courts and independence of judges. The activities of the bodies of judicial self-government shall serve to facilitate the creation of adequate organizational and other conditions essential for normal operation of courts and judges, to assert the independence of the court, to ensure the protection of judges against interference in judicial activities, as well as to raise the level of quality of staff management within the court system.
3. Issues of internal court operations shall include those of organizational support for courts and for judges' activities, social protection of judges and their families, as well as other issues which are not directly related to the administration of justice.

4. The objectives of judicial self-government shall include the resolution of issues related to:

- 1) ensuring the organizational unity of the operation of judicial bodies;
- 2) strengthening the independence of courts and judges, protecting them against interference in their operation and work;
- 3) participation in determining the requirements associated with staffing, financial, logistical and other support for courts and supervision of compliance with the established standards of such support;
- 4) resolving issues regarding appointment of judges to administrative positions in courts in accordance with the procedure set forth by this Law;
- 5) appointment of justices of the Constitutional Court of Ukraine;
- 6) appointment of judges to the High Council of Justice, appointment of judges to the High Qualifications Commission of judges of Ukraine in the manner prescribed by the Law.

Article 114. Organizational Forms of Judicial Self-government

1. The organizational forms of judicial self-government shall include meetings of judges, councils of judges, conferences of judges, the Congress of Judges of Ukraine.

2. Judicial self-government in Ukraine shall be realized through:

- 1) meetings of judges of a local court, a court of appeal, a high specialized court, the Supreme Court of Ukraine;
- 2) councils of judges of respective courts;
- 3) conferences of judges of respective courts;
- 4) the Council of Judges of Ukraine;
- 5) the Congress of Judges of Ukraine.

3. Pursuant to the Constitution of Ukraine, the procedure for realization of judicial self-government shall be determined by this Law, other laws, as well as by regulations and statutes approved by bodies of judicial self-government in accordance with this Law.

Chapter 2. Meetings of Judges and Conferences of Judges

Article 115. Meetings of Judges

1. Meetings of judges are gatherings of judges of a particular court at which issues of internal operation of the courts are discussed and a collective decision on the issues under discussion is taken.

2. Meetings of judges shall be convened by the chief judge of the respective court on his/her initiative as well as at the request of at least one-third of all the judges of this court.

3. Meetings of judges of local and appellate courts shall be convened as necessary, but not less than once every three months.

4. A meeting of judges shall be competent if attended by more than half of all the judges of the court. Invitations to a meeting of judges may be extended to the court's staff and other persons. Only the judges of that specific court shall be eligible to vote.

5. A meeting of judges of local and appellate court shall:

1) discuss issues related to internal operation of the court or performance of specific courts, or court staff and take decisions on these issues binding for judges and court staff of the given court;

2) determine the specialization of judges in considering specific categories of cases in respective judicial jurisdiction upon suggestion of the chief judge;

3) hear reports from judges holding administrative positions in the given court and the manager of the court staff;

4) submit to a respective council of judges the recommendations on delegates to participate in the Conference of Judges;

5) carry out other functions in accordance with this Law.

6. Meetings of judges may submit proposals regarding resolution of court operation issues to bodies of state power and bodies of local self-government, which must review these proposals and respond to them on the merits of proposals.

7. Meetings of judges may discuss issues related to the practice of application of legislation, develop relevant proposals on ways to improve that practice and legislation, and submit these proposals for consideration of high specialized courts and the Supreme Court of Ukraine.

Article 116. Meetings of Justices of the Supreme Court and Meetings of Judges of a High Specialized Court

1. Meetings of justices of the Supreme Court and meetings of judges of a high specialized court shall be convened upon the proposal of chief judge of the respective court or at the request of at least one-third of all the judges of the court.

2. Meetings of justices of the Supreme Court of Ukraine, meetings of judges of a high specialized court shall be convened as needed, but at least once every three months.

3. Meetings of justices of the Supreme Court of Ukraine and meetings of judges of a high specialized court shall be competent if attended by more than half of all the judges of the court. Invitations to a meeting of judges may be extended to the court's staff and other persons. Only the judges of that court shall be eligible to vote.

4. Meetings of justices of the Supreme Court and meetings of judges of high specialized courts shall:

1) discuss issues related to internal operation of the court or to the performance of individual judges or court staff members and shall take decisions which shall be binding on the judges of the court;

2) hear reports from judges holding administrative positions in the court and the chief of court staff;

3) perform other functions as established by the law.

5. Meetings of judges of a high specialized court shall determine specialization of judges in considering specific categories of cases under respective jurisdiction upon proposals from chief justice of the high specialized court, take decisions on the establishment and composition of the chambers of the high specialized court and appoint the secretaries of court chambers.

6. Meetings of justices of the Supreme Court of Ukraine and meetings of judges of a high specialized court may submit proposals on resolving issues related to court operation to bodies of state power and bodies of local self-government which must review these proposals and respond on merits of the proposals.

7. Meetings of justices of the Supreme Court of Ukraine in the manner prescribed by this Law shall submit proposals to the respective council of judges regarding delegates to conferences of judges and shall elect delegates to the Congress of Judges of Ukraine.

8. Meetings of justices of high specialized court shall submit proposals to the respective council of judges in the manner prescribed by this Law regarding delegates to conference of judges.

Article 117. Implementation of Decisions of Meetings of Judges

1. Implementation of the decisions of a meeting of judges/justices shall be entrusted by the meeting to the chief judge/justice of the respective court or his/her deputy.

Article 118. Conferences of Judges

1. A conference of judges is a gathering of representatives of respective courts (delegates) at which they discuss the issues of operation of these courts and take a collective decision on the issues under consideration.

2. A conference of judges of respective courts shall:

1) discuss and resolve issues related to the funding of and organizational support for the operation of the respective courts, hear information on those issues from SJA representatives;

2) hear reports from the respective councils of judges and information from the Head of the State Judicial Administration of Ukraine;

3) form respective council of judges;

4) approve regulations on council of judges;

5) work out proposals to be submitted to the Congress of Judges of Ukraine for consideration;

6) submit proposals regarding resolution of issues related to the operation of the respective courts to bodies of state power and bodies of local self-government;

7) elect delegates to the Congress of Judges of Ukraine;

8) initiate the convocation of an extraordinary special Congress of Judges of Ukraine in the manner set forth by this Law;

9) discuss other issues assigned to the competence of bodies of judicial self-government according to this Law.

3. Decisions taken by a conference of judges shall be binding on the respective council of judges and on judges of the respective courts.

4. A conference of judges shall elect from among its delegates, in an open or secret ballot, a council of judges which shall be the executive body of the conference of judges.

Article 119. Types of Conferences of Judges and Procedure for Their Formation

1. According to the court system of the judiciary there shall be conference of judges of general courts, conference of judges of commercial courts and conference of judges of administrative courts.

2. The Conference of judges of general courts shall be composed of:

1) two judges from each region (oblast), the Autonomous Republic of Crimea, the city of Kiev and the city of Sevastopol – one judge representing local general courts, and the other judge representing the appellate court of the respective administrative-territorial unit;

2) six judges of a high specialized court in considering civil and criminal cases;

3) a judge of the Supreme Court of Ukraine.

3. The Conference of judges of commercial courts and the Conference of judges of administrative courts shall be composed of:

1) one judge from each local and appellate courts of the respective judicial jurisdiction;

2) six judges of respective high specialized court;

3) a judge of the Supreme Court of Ukraine.

Article 120. Procedure for Convening Conferences of Judges

1. A conference of judges shall be convened at least once a year upon the initiative of the respective council of judges. A conference of judges may be also convened at the request of at least one-third of the delegates who attended the previous conference of judges. Should the council of judges fail to approve the said request, the initiators of the convocation of the conference (at least one-third of the delegates of the previous conference) shall set up an organizing bureau for the convocation of the conference of judges which shall have the powers of a council of judges regarding the convocation of the conference.

2. The judges of the respective courts shall be notified of the date and time of the conference and of the issues on its agenda not later than fifteen days before the beginning of the conference.

Article 121. Procedure for Holding a Conference of Judges

1. A conference of judges shall be competent if attended by no less than two-thirds of all the delegates of the respective courts. A conference may also be attended by judges who are not delegates to the conference but were invited by the conference organizers.
2. A conference of judges shall be inaugurated by the head of the respective council of judges; in the event of the conference being convened on a basis other than a decision of the council of judges, it shall be inaugurated by the authorized representative of the organizing bureau for the convocation of the conference of judges.
3. A conference of judges shall elect from among its delegates, in an open ballot, a presidium, whose number of members shall be determined by a decision of the conference, and other working bodies of the conference. The presidium shall direct the work of the conference of judges.
4. A conference of judges shall approve the agenda of the conference and determine the procedural rules for its work.
5. The decisions of a conference of judges shall be taken by a majority of votes of the conference delegates in an open or secret ballot.
6. Other issues related to the procedure for holding a conference of judges shall be governed by the procedural rules of the respective conference of judges.

Article 122. Councils of Judges

1. During the period between conferences of judges, the functions of judicial self-government shall be performed by the respective council of judges.
2. According to the court system in the judiciary there shall be formed and shall function council of judges of general courts, council of judges of commercial courts and council of judges of administrative courts.
3. Councils of judges shall be composed of eleven judges elected by the respective conferences of judges.
4. A council of judges shall elect from among its members the head, the deputy head and the secretary of the council of judges. Judges holding administrative positions in courts and secretaries of court chambers may not be members of a council of judges.
5. During the period between conferences of judges, the council of judges shall provide for the implementation of the decisions taken by the conference, control their implementation, as well as decide on the convocation of the conference of judges. The powers and operating procedures of the council of judges shall be determined by this Law as well as by the Regulation on the council of judges, to be approved by the conference of judges.
6. A council of judges shall:
 - 1) exercise control over organizing the operation of the respective courts and hear reports by chief judges of these courts on the performance of courts as well as the report by Head of State Judicial Administration of Ukraine on issues related to financial and logistical support of respective courts;
 - 2) consider issues related to legal protection of judges, social protection and welfare support for judges and their families, hear reports on those issues by representatives of SJA, and take decisions to this effect;

- 3) submit to the High Council of Justice motions/recommendations regarding appointment of judges to administrative positions in courts and their removal from these positions;
 - 4) determine the delegates to participate in conference of judges as well as composition of the respective conferences of judges on the basis of proposals submitted by the meetings of judges taking into account whom among candidates has longer record of service on the position of a judge and their reputation/authority;
 - 5) submit proposals on ways to resolve issues related to the operation of the respective courts to bodies of state power and bodies of local self-government;
 - 6) take other decisions on issues assigned to its competence.
7. Council of judges shall report about its activity to the respective conference of judges.
8. Decisions taken by a council of judges shall be binding on the judges holding administrative positions in courts of the respective jurisdiction. A decision of a council of judges may be cancelled by the conference of judges.

Chapter 3. The Highest Bodies of Judicial Self-Government

Article 123. The Congress of Judges of Ukraine

1. The highest body of judicial self-government shall be the Congress of Judges of Ukraine.
 2. The Congress of Judges of Ukraine shall:
 - 1) hear a report by the Council of Judges of Ukraine on fulfilment of tasks by bodies of judicial self-government regarding judicial independence and on the state of funding and organizational support of the operation of courts;
 - 2) hear reports from the High Qualifications Commission of Judges of Ukraine and the Head of the State Judicial Administration of Ukraine about their operation;
 - 3) appoint and dismiss justices of the Constitutional Court of Ukraine in accordance with the Constitution of Ukraine and laws of Ukraine;
 - 4) appoint members of the High Council of Justice and decide on termination of their powers in accordance with the Constitution of Ukraine and laws of Ukraine;
 - 5) appoint members of the High Qualifications Commission of Judges of Ukraine;
 - 6) submit proposals regarding resolution of court operation issues to bodies of state power and officials thereof;
 - 7) elect the Council of Judges of Ukraine;
 - 8) consider other issues of judicial self-government according to law.
3. Decisions taken by the Congress of Judges of Ukraine shall be binding on all bodies of judicial self-government and all judges.

Article 124. Procedure for Convening the Congress of Judges of Ukraine

1. A Regular Congress of Judges of Ukraine shall be convened by the Council of Judges of Ukraine once in every two years. An Extraordinary Congress of Judges of Ukraine may also be convened by the decision of the Council of Judges of Ukraine or the conference of judges of respective courts.
2. The respective conference of judges, which convenes conference of judges according to procedure established by part one of this article, shall approve a preliminary list of issues to be considered by the Congress, and determine the date and place of holding the Congress and total number of delegates of the Congress. Each conference of judges has the same number of delegates. Three delegates of the Constitutional Court of Ukraine and three delegates of the Supreme Court of Ukraine shall take part in the Congress of Judges.
3. Present at the Congress of Judges of Ukraine may be the President of Ukraine, the Parliament Speaker, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, members of the High Council of Justice and the High Qualifications Commission of Judges of Ukraine, the Minister of Justice.
4. Should the Council of Judges of Ukraine fail to convene the Congress of Judges at the request of the respective conference of judges as required by part one of this Article, the initiators of the convocation of an Extraordinary Congress shall set up an organizing committee for the convocation of the Congress of Judges of Ukraine which shall have the powers of the Council of Judges of Ukraine regarding the convocation of the Congress. In such a case the organizing committee shall immediately publish information on its creation in official printed media Holos Ukrainy and Uryadovyj Kurier and fix a date for the Extraordinary Congress of Judges, which shall be not earlier than two months from the day of the creation of the organizing committee.
5. Delegates from respective councils of judges and the invited persons shall be notified of the date of the Congress of Judges of Ukraine and of the issues on its agenda not later than 30 days before the beginning of the Congress.

Article 125. Election of Delegates to the Congress of Judges of Ukraine

1. Delegates to the Congress of Judges of Ukraine shall be elected by the conference of judges of general courts, the conference of judges of commercial courts and the conference of judges of administrative courts following the principal of equal representation of each judicial jurisdiction – one judge from each region (oblast), the Autonomous Republic of Crimea, city of Kiev and city of Sevastopol. Each high specialised court shall be represented by three delegates from among judges of those courts.
2. Meetings of justices of the Constitutional Court of Ukraine and the Supreme Court of Ukraine shall elect three delegates each from among judges of these courts.
3. Delegates to the Congress of Judges of Ukraine shall be elected in an open ballot, on a competitive basis, with free nomination of candidates for election.

Article 126. Procedure for Holding the Congress of Judges of Ukraine

1. A Congress of Judges of Ukraine shall be competent if attended by at least two-thirds of all the elected delegates.
2. A Congress of Judges of Ukraine shall be inaugurated by the head of the respective council of judges, which took decision to convene the Congress; and in his/her absence, by the deputy head of that council of judges.

3. The Congress shall elect, in an open ballot, a presidium, whose number of members shall be determined by a decision of the Congress. The presidium shall direct the work of the Congress of Judges of Ukraine.
4. The Congress of Judges of Ukraine shall discuss and approve its agenda and procedural rules of the Congress, elect a credentials commission/counting board, a secretariat and other working bodies of the Congress.
5. There shall be kept minutes of the Congress of Judges of Ukraine.
6. The decisions of the Congress of Judges of Ukraine shall be taken by a majority of votes of the delegates present at the Congress in an open or secret ballot. The decisions on issues specified in Items 3 – 5, 7 of part two, Article 123 of this Law shall be taken by secret ballot.
7. Other issues relating to the procedure of holding the Congress of Judges of Ukraine shall be governed by procedural rules of the Congress of Judges of Ukraine approved by Congress.

Article 127. The Council of Judges of Ukraine

1. During the period between the Congresses of Judges of Ukraine, the highest body of judicial self-government shall be the Council of Judges of Ukraine.
2. The Council of Judges of Ukraine to be composed of eleven members shall be elected by the Congress of Judges of Ukraine. The Council of Judges of Ukraine shall be composed of three representatives from each conference of judges, a representative of the Constitutional Court of Ukraine and a representative of the Supreme Court of Ukraine. Proposals on nomination of candidates to the Council of Judges of Ukraine may be submitted by the conferences of judges as well as by individual delegates to the Congress. Judges holding administrative positions and secretaries of judicial chambers can not be members of the Council of Judges of Ukraine.
3. Members of the Council of Judges of Ukraine, at their meeting shall elect from among themselves the head of the Council of Judges of Ukraine, the deputy head, and the secretary.
4. During the period between the congresses, the Council of Judges of Ukraine shall provide for supervision of and control over the implementation of the decisions taken by the Congress as well as decide on the convocation of a Congress. The powers and operating procedures of the Council of Judges of Ukraine shall be determined by this Law and by Regulation on the Council of Judges of Ukraine, to be approved by Congress of Judges of Ukraine.
5. The Council of Judges of Ukraine shall:
 - 1) Develop and provide for the implementation of measures to ensure judicial independence and improvement of organizational support for the operation of courts;
 - 2) Consider issues related to legal protection of judges, social protection and welfare support for judges and members of their families, and take decisions to this effect;
 - 3) appoint and terminate the Head and the deputy heads of the State Judicial Administration of Ukraine;

- 4) supervise organization of the operation of courts;
- 5) submit proposals regarding resolution of court operation issues to bodies of state power and bodies of local self-government;
- 6) approve the form of certificates of judges, retired judges, people's assessors, and jurors;
- 7) exercise other authority according to this Law.

6. Decisions taken by the Council of Judges of Ukraine within the competence stipulated by this Law shall be binding on all bodies of judicial self-government. A decision of the Council of Judges of Ukraine may be cancelled by the Congress of Judges of Ukraine.

7. The Minister of Justice of Ukraine shall be invited to meetings of the Council of Judges of Ukraine.

8. While considering issues related to funding of courts the Minister of Finance of Ukraine shall be invited to the meeting of the Council of Judges of Ukraine.

Article 128. Support of the Operation of Bodies of Judicial Self-government

1. Support for the work of the Congress of Judges of Ukraine and for the operation of the Council of Judges of Ukraine, conferences of judges, and councils of judges shall be provided by the State Judicial Administration and its territorial offices at the expense of the State Budget of Ukraine as required by Section XI of this Law.

SECTION IX. SUPPORT FOR A JUDGE

Article 129. Judicial Remuneration

1. Judicial remuneration shall be regulated by this Law and the Law of Ukraine "On the Constitutional Court of Ukraine" and may not be determined by any other normative legal acts.

2. Judicial remuneration shall consist of the fixed official salary and bonus payments for:

- 1) length of service record;
- 2) holding an administrative position in a court.
- 3) scientific degree
- 4) work involving access to state secrets.

3. The official salary of a judge of a local court shall be fixed at 15 times the minimum salary established by the law, which shall be introduced by stages:

From January 1, 2011 – 6 minimal salaries

From January 1, 2012 – 8 minimal salaries

From January 1, 2013 – 10 minimal salaries

From January 1, 2014 – 12 minimal salaries

From January 1, 2015 – 15 minimal salaries;

4. The official salaries of other judges shall be fixed proportionally to the fixed official salary with the following coefficients:

1) judge of an appellate court - 1.1;

2) judge of a high specialized court - 1.2;

3) justice of the Supreme Court of Ukraine and the justice of the Constitutional Court of Ukraine - 1.3.

5. Judges shall be paid a monthly bonus for length of service at the following rates: for a service length of up to five years – 15%, for a service length of more than 5 years, 20 percent; more than 10 years, 30 percent; more than 15 years, 40 percent; more than 20 years, 50 percent; more than 25 years, 60 percent; more than 30 years, 70 percent; more than 35 years, 80 percent of the fixed official salary.

First appointed Constitutional Court Justices shall get additional payment for years of service in the amount of 5.5 % for each year of work.

6. Judges holding positions of deputy chief judge/justice of a court, secretary of a judicial chamber, secretary of the Plenary Session of a high specialized court, secretary of the Plenary Session of the Supreme Court of Ukraine shall be granted a monthly bonus payment of 5 percent of the fixed official salary of a judge of the respective court; for chief judge/justice - 10 percent of the fixed official salary of a judge of the respective court.

7. Judges shall be paid additional monthly bonuses for scientific degree of candidate or doctor of sciences in the respective specialization in the amount of 15 and 20 per cent of the fixed official salary of a judge of the respective court respectively.

8. Judges shall be given additional monthly payments for work involving access to state secrets in the amount depending on the degree of confidentiality of the information: data and its carriers marked as “top secret” - 10 % of the fixed official salary of a judge of the respective court, data and its carriers marked as “secret” – 5% of the fixed official salary of a judge of the respective court.

Article 130. Vacation

1. Judges shall be granted an annual paid vacation of thirty calendar days; in such a case, they shall be paid, in addition to the judicial remuneration/reward, a healthcare allowance amounting to one fixed official salary. Judges whose length of service record is more than 10 years shall be granted an additional paid vacation of fifteen calendar days.

Article 131. Judge's Length of Service

1. The length of a judge's term of service shall include work in positions of:

1) a judge in courts of Ukraine, arbitrator (judge) of arbitration courts of Ukraine, state arbitrator of the former State Arbitration Court of Ukraine, arbitrators of departmental arbitration courts of Ukraine;

2) a member of the High Council of Justice, the High Qualifications Commission of Judges of Ukraine;

3) judges in courts and arbitrators in the state and departmental arbitration courts of the former USSR and the republics which were previously part of the USSR.

2. The length of record service to give a justice of the Constitutional Court of Ukraine the right to retire and retirement benefit (severance payment) shall be included in the length of other practical, scientific work and teaching experience ex professo and the length of public service.

Article 132. Provision of a Judge with Housing

1. Not later than in six months from the appointment a judge of the Constitutional Court of Ukraine, the Supreme Court of Ukraine, a high specialized court, an appellate court and a local court who needs to improve his/her housing conditions shall be provided with official accommodation in the area where court is located.

Article 133. Provision for a Judge's Needs Relating to Professional Activity

1. A judge shall be provided with a judicial robe and a judge's breast badge at the expense of the State Budget of Ukraine.

2. A judge shall be provided with a separate office, work station and office items needed for his/her work.

Article 134. State protection of judges and members of their families

1. Judges, members of their families and their property are subject to special protection of the state. Offices of internal affairs are obligated to take necessary actions to ensure security/safety of a judge, members of his/her family and protection of their property if those offices receive the respective application from the judge.

2. Infringements of judges life and health related to judges performance of his official duties as well as destruction or damage of his/her property, threats of homicide, violence or damages to property of a judge, insults or perjury, as well as infringements of life and health of judge's close relatives (parents, wife, husband, children) threats of homicide or damage to their property shall entail responsibility/liability established by law.

3. A judge has right to be provided with security equipment ensured by the bodies of interior affairs.

Article 135. Social Insurance of Judges

1. The life and health of judges shall be subject to obligatory state insurance to be covered by the Fund for Social Insurance Against Industrial Accidents and Disease of Ukraine pursuant to "Law on Compulsory Social Insurance Against Industrial Accidents and Disease".

SECTION X. STATUS OF A RETIRED JUDGE

Article 136. Severance Payment Due to Judge's Resignation/Retirement

1. Upon resignation, a judge shall be paid a non-taxable retirement benefit in the amount of 10 monthly salaries in his/her latest position.

2. In case a judge, whose resignation was suspended due to reappointment to a judicial position, applies again for resignation, the retirement benefit shall not be granted.

Article 137. Medical Care and Treatment in Resorts for Judges and Members of their Families

1. A judge and members of his/her family have the right to free of charge medical care in state medical institutions. Members of a judge's family may be treated/served at the medical institution where the judge is served/treated.

Article 138. Pension or Lifetime Allowance of a Retired Judge

1. A retired judge who reached retirement age shall be paid, at his/her choice, either a pension on terms provided by Article 37 of the Law of Ukraine "On Public Service" or a monthly lifetime allowance.

2. A retired judge who didn't reach retirement age shall be paid a non-taxable monthly lifetime allowance. Once the judge reaches the retirement age he shall have the right to be paid, at his/her choice, either a monthly lifetime allowance, or a pension on terms provided by Article 37 of the Law of Ukraine "On Public Service".

3. A monthly lifetime allowance shall be paid to a judge in the amount of 80 percent of the remuneration of an active judge holding a comparable position. For each full year of work in excess of 20 years in a judicial position, the rate of the monthly lifetime allowance shall be increased by two percent of the salary, provided that it does not exceed 90 percent of a judge's salary, there being no upper limit to the amount of the monthly lifetime allowance.

4. In case a monetary remuneration of sitting judges of the Constitutional Court changes, the monthly lifetime allowance granted earlier shall be recalculated. Recalculation of the monthly life time allowance shall be done for the entire sum of salary of sitting judges of the Constitutional Court of Ukraine from the day the right to the respective recalculation emerged.

5. Pension or monthly lifetime allowance of a judge shall be paid irrespective of the salary (income) received by the judge after retirement. Lifetime allowance shall be paid at the last place of work.

Article 139. Termination of a Judge's Retirement

1. A judge's retirement shall be terminated as a result of:

- 1) re-election to a judicial position;
- 2) entry into legal force of a judgment of conviction against the judge;
- 3) termination of his/her citizenship;
- 4) finding a retired judge missing or dead;
- 5) death of a retired judge.

2. Termination of retirement shall be a ground for stopping payment to the judge of the lifetime allowance which was granted due to retirement. In case of termination of a judge's retirement on the grounds specified in item 2 part one of this article, a pension shall be granted on the same basis as to anyone else.

3. A decision to terminate a judge's retirement shall be made by the High Qualifications Commission of Judges of Ukraine.

SECTION XI. ORGANIZATIONAL SUPPORT FOR THE OPERATION OF COURTS

Chapter 1. General Issues of Support for the Operation of Courts

Article 140. Specific features of Support for the Functioning of the Judiciary

1. Pursuant to the Constitution of Ukraine, the funding and adequate conditions for the functioning of courts and activities of judges shall be provided by the state.

2. Support for the functioning of the judiciary shall include the following:

1) determining in the State Budget of Ukraine the expenditures to fund courts not lower than a level high enough to ensure full and independent administration of justice in accordance with the law;

2) legislative guarantees for full and timely funding of courts;

3) guarantees for a sufficient level of social protection of judges.

Article 141. System of Providing for the Functioning of the Judiciary

1. In Ukraine, there shall be a unified system of providing for the functioning of the judiciary - courts of general jurisdiction and the Constitutional Court of Ukraine.

2. Judicial bodies, other bodies of state power shall take part in organizational support for the operation of courts in cases and pursuant to the requirements of this Law.

3. The procedure for organizational support of the operation of the Constitutional Court of Ukraine shall be established by this Law, the Law of Ukraine "On the Constitutional Court of Ukraine," and other laws.

Article 142. Principles of Funding of Courts

1. All courts in Ukraine shall be funded from the State Budget of Ukraine.

Budget allocations for maintenance of courts shall be protected items of expenditures in the State Budget of Ukraine.

2. The functions of the main distributor of the funds of the State Budget of Ukraine appropriated for the financing of courts shall be performed by:

1) courts of general jurisdiction;

2) the Constitutional Court of Ukraine;

3) the State Judicial Administration of Ukraine – as regards the funding of the operation of the High Qualifications Commission of Judges of Ukraine, bodies of judicial self-government, the National School of Judges.

3. There shall be separate items in the State Budget of Ukraine for expenses related to the maintenance of:

- 1) each court of general jurisdiction;
 - 2) the Constitutional Court of Ukraine.
4. Allocations from the State Budget of Ukraine for the maintenance of courts may not be reduced in the current fiscal year.
5. Supervision of compliance with the requirements of this Law in terms of the funding of courts shall be exercised in the manner specified by the law.
6. The particularities of preparation and consideration of the parts of a draft law on the State Budget of Ukraine relating to the funding of courts and other bodies and institutions of the judicial system shall be established by law.

Article 143. Procedure for the Funding of Courts

1. Courts of general jurisdiction shall be funded on the basis of cost estimates and monthly lists of expenditures approved in accordance with the requirements of this Law within the limits of the annual amount of expenditures provided for by the State Budget of Ukraine for a current fiscal year in the manner prescribed by the Budget Code of Ukraine.

Article 144. Material and Welfare Support and Social Protection of Judicial System Employees

1. The rates of salaries of court staff and employees of the State Judicial Administration of Ukraine, the High Qualifications Commission of Judges of Ukraine and the National School of Judges of Ukraine and their welfare support and social protection level shall be determined by the law and may not be lower than the levels enjoyed by the respective categories of public servants of the legislative and executive branches.
2. The main distributors of the funds of the State Budget of Ukraine regarding funding of operation of the courts shall bear the cost of burial and perpetuation of the memory of judges, including retired judges.
3. The cost estimates of the courts of general jurisdiction and the Constitutional Court of Ukraine shall provide costs for hospitality expenses.

Chapter 2. The State Judicial Administration of Ukraine

Article 145. Status of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall provide organizational support for the operation of judicial power bodies within the authority stipulated by Law.
2. The State Judicial Administration of Ukraine shall be subordinated (shall report) to the Congress of Judges of Ukraine.
3. The territorial offices of the State Judicial Administration of Ukraine shall be set up in the Autonomous Republic of Crimea, the regions (oblasts), and the cities of Kiev and Sevastopol.
4. The officials of the State Judicial Administration of Ukraine and its territorial offices shall be public servants.

5. The State Judicial Administration of Ukraine shall be a legal entity, have a seal bearing the State Emblem of Ukraine and its name, and maintain an independent balance sheet and accounts in the institutions of the State Treasury of Ukraine.

6. The Regulations on the State Judicial Administration of Ukraine shall be approved by the Council of Judges of Ukraine.

Article 146. Powers of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall:

1) represent courts in relations with the Cabinet of Ministers and the Verkhovna Rada of Ukraine during preparation of draft law on the State budget of Ukraine for the respective year within its authority specified by this law;

2) ensure adequate conditions for the operation of courts of general jurisdiction, the High Qualifications Commission of Judges of Ukraine, the National School of Judges and bodies of judicial self-government within its authority specified by this law;

3) study the practical aspects of the operation of courts, develop and submit, in the manner prescribed by the law, proposals on ways to improve that practice;

4) study court staff related issues, make forecasts of the need for specialists, and request the training of relevant specialists;

5) ensure necessary conditions for raising the professional level (continuous training) of judges and court staff; create a system of professional development (continuous training);

6) organize the keeping of court statistics, case management, and archiving; supervise the state of case management in courts of general jurisdiction;

7) prepare materials for forming proposals for court budgets;

8) organize computerization of courts for purposes of administration of justice, case management, and informational and normative support for the operation of courts; and provide for the functioning of automated case management/document flow system in courts; provide courts with necessary technical means for recording court proceedings within funding envisaged in the State Budget of Ukraine to finance respective courts;

9) provide for the operation of automated system which determines the member of High Qualifications Commission of Judges of Ukraine;

10) ensure the keeping of a Unified State Register of Court Decisions and Register of E-mail Addresses of government bodies, their public officers and officials;

11) interact with relevant bodies and institutions, including those of other countries, with the aim of improving organizational support for courts;

12) organize the operation of the service of court officers/bailiffs;

13) approve Regulations on court library;

14) exercise other powers specified by the law.

Article 147. Head of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall be chaired by the Head of the State Judicial Administration of Ukraine.
2. The Head of the State Judicial Administration of Ukraine shall be appointed and removed from office by the Council of Judges of Ukraine.
3. The Head of the State Judicial Administration of Ukraine shall have no right to combine his/her official service with other work except for teaching, scholarly, or creative activities during off-office hour, be a member of a governing body or supervisory council of a profit-seeking commercial organization.
4. The Head of the State Judicial Administration of Ukraine shall:
 - 1) direct the operation of the State Judicial Administration of Ukraine, be personally responsible for the performance of the tasks assigned thereto;
 - 2) organize the operation of the State Judicial Administration of Ukraine;
 - 3) appoint, on the basis of a competition to be conducted in accordance with the legislation on public service, and dismiss employees of the State Judicial Administration of Ukraine, appoint and terminate managers of court staff of appellate, high specialized court and the Supreme Court of Ukraine, their deputies on a motion by the chief judge/justice of the respective court;
 - 4) appoint a member of the High Qualifications Commission of Judges of Ukraine;
 - 5) upon suggestions from chief judges of the respective court apply incentives or impose disciplinary penalties to staff managers of appellate courts, high specialized court, the Supreme Court of Ukraine, their deputies and court staff of those courts according to law;
 - 6) assign ranks of public servants to staff managers of appellate courts, high specialized court, the Supreme Court of Ukraine, their deputies and court staff of those courts according to legislation on public service;
 - 7) approve regulations on territorial offices of the State Judicial Administration of Ukraine and determine job descriptions for the employees of the State Judicial Administration of Ukraine;
 - 8) establish official salary rates for employees of the State Judicial Administration of Ukraine and its territorial offices, confer on them state employee ranks in the manner prescribed by the law, reward and discipline them in accordance with the legislation;
 - 9) report to the congress of judges of Ukraine on the activity of the State Judicial Administration of Ukraine; inform the Council of Judges of Ukraine and conferences of judges about the activities of the State Judicial Administration regarding the issues of organizational-material provision of operation of courts of respective jurisdiction;
 - 10) take part in the preparation of proposals for the draft State Budget of Ukraine regarding the funding of the judiciary;
 - 11) exercise other powers prescribed by the law.
5. The Head of the State Judicial Administration of Ukraine shall issue orders regarding matters within his/her authority.

6. The Head of the State Judicial Administration of Ukraine shall have deputies which shall be appointed and removed from office by the Council of Judges of Ukraine upon a motion submitted by the Head of the State Judicial Administration of Ukraine. The responsibilities of the Deputy Heads of the State Judicial Administration of Ukraine shall be determined by the Head of the State Judicial Administration of Ukraine.

Article 148. Territorial Offices of the State Judicial Administration of Ukraine

1. The territorial offices of the State Judicial Administration of Ukraine shall be the territorial bodies of the State Judicial Administration of Ukraine.

2. A territorial office of the State Judicial Administration of Ukraine shall be chaired by a chief, to be appointed and removed by the Head of the State Judicial Administration of Ukraine.

3. Following the results of the competition conducted by State judicial Administration according to the legislation on public service Chief of the territorial office of the State Judicial Administration of Ukraine upon suggestion from chief judge of the local court shall appoint and terminate manager of local court staff, his/her deputy; upon suggestions from chief judge of local court apply to them incentives or impose disciplinary penalties according to legislation; shall confer the ranks of public servants to local court chief of staff, his/her deputies and the employees of local court according to legislation on public service.

4. The structure and manning table of a territorial office of the State Judicial Administration of Ukraine shall be approved by the Head of the State Judicial Administration of Ukraine upon a motion by the chief of the territorial office of the State Judicial Administration of Ukraine.

5. A territorial office of the State Judicial Administration of Ukraine shall be a legal entity, have a seal bearing the State Emblem of Ukraine and its name, and maintain an independent balance sheet and accounts in institutions of the State Treasury of Ukraine.

6. The territorial offices of the State Judicial Administration of Ukraine shall operate on the basis of the Regulations on the territorial offices of the State Judicial Administration of Ukraine approved by the Head of the State Judicial Administration.

Article 149. Court Staff

1. Organizational support for the operation of a court shall be provided by its staff, to be run by the manager of the staff.

2. The manager of the court staff shall be personally responsible for providing adequate organizational support for the court, the judges, and the court proceedings, functioning of automated case management system, inform the meeting of judges about his/her activity. Meetings of judges may impeach credibility to the court chief of staff what shall result in his/her removal from office.

3. The manager of the staff of a local court and his/her deputy shall be appointed and dismissed by the chief of the respective territorial office of the State Judicial Administration upon a motion of the chief judge of a local court; and the managers of the staff of a court of appeals, a high specialized court and the Supreme Court of Ukraine and their deputies shall be appointed and dismissed by the Head of the State Judicial Administration upon a motion of chief judge/justice of respective court.

4. The court chief of staff shall appoint and dismiss court employees, apply incentives and disciplining sanctions to them. Court staff employees shall be selected on a competitive basis.

5. The legal status of employees working on the staff of a court shall be determined by the Law of Ukraine "On Public Service." The payment terms (salaries), material welfare, medical, health resort, and transportation support for court staff members shall be determined on the basis established for the respective categories of staff of central or local executive bodies.

6. The structure and size of the staff of local courts upon agreeing it with the chief judge shall be approved by the respective territorial office of the State Judicial Administration of Ukraine and the structure and size of the staff of appellate courts and higher courts shall be approved by the State Judicial Administration of Ukraine after consultation with the chief judge, within the limits of expenditures allocated for the maintenance of the respective court.

7. Within the staff of the courts of general jurisdiction, there may be created structural units which shall perform their functions on the basis of the regulations on the respective unit, to be approved by the manager of the staff of the respective court.

8. Within the staff of courts of general jurisdiction a chancellery (intake office) shall be created, which on a daily basis during the office hours of court shall ensure that the submitted documents are accepted and registered. Chancellery will also perform other tasks established by regulations approved by manager of court staff of the respective court.

9. The staff of courts of general jurisdiction shall also include secretaries of court hearings, scientific consultants, and court officers. Scientific consultants shall have scientific degree of candidate sciences or Doctor of Legal Sciences.

Article 150. Peculiarities of Court Staff of the Supreme Court of Ukraine and High Specialized Courts

1. Organizational support for the operation of the Supreme Court of Ukraine and high specialized courts shall be provided by the staff of the respective court.

2. Regulations on court staff, structure and staff list of the staff of the Supreme Court of Ukraine and the staff of a high specialized court shall be approved by the meeting of judges/justices of the respective court upon a motion of the chief judge/justice of the respective court.

3. The staff of the Supreme Court of Ukraine shall be headed by the court chief of staff. The manager of the staff of the Supreme Court of Ukraine shall represent the Supreme Court of Ukraine as a legal entity; approve regulations on structural units of the staff of the Supreme Court of Ukraine.

4. Materials related to operation of the Supreme Court of Ukraine and a high specialized court shall be kept in the archive of the respective court.

Article 151. Judges' assistants in courts of general jurisdiction

1. Every judge of court of general jurisdiction may have an assistant, the legal status and terms of activity of which are determined by this Law and regulation on judge's assistant to be approved by Council of Judges of Ukraine.

2. Judge's assistant may be a citizen of Ukraine who has higher education in law and a good command of the state language. Assistants to justices of the Supreme Court of Ukraine should additionally have at least three years of experience in the field of law.

3. Judges' assistances shall be included into court staff of the respective court for HR management and funding purposes. The Law of Ukraine "On Public Service" shall be applied to them.

4. Judges on their own shall select assistants. A judge's assistant shall be appointed to the position and terminated by manager of court staff of the respective court upon suggestion from the judge.

5. Judges' assistances on issues of preparation of cases for hearing shall report only to the respective judge.

6. The time of serving as judge's assistant shall be included into the years of service in the area of expertise of such assistant.

Article 152. Court Libraries

1. In order to provide judges with normative legal acts, specialized scientific literature, and case law materials, court libraries shall be created in each court. The stock of a library shall consist of printed editions and a computer database.

2. The regulations on court libraries shall be approved by the State Judicial Administration of Ukraine.

Article 153. Service of Court Officers

1. Each court shall have a service of court officers. The court officers shall ensure that the people inside the court comply with the established rules and obey the instructions of the chair of the hearing.

2. Court officers shall be appointed and removed by the manager of the staff of the respective court.

3. Court officers shall be provided with uniforms the samples of which shall be approved by Head of the State Judicial Administration of Ukraine after consultation with the Council of Judges of Ukraine.

4. Court officers shall be guided in their activities by this Law, the requirements of the procedural law, applicable rules and instructions, and orders of the chief judge and the judge.

5. The procedure for the creation and operation of the service of court officers shall be established by the regulations to be approved by Head of the State Judicial Administration of Ukraine after consultation with the Council of Judges of Ukraine.

Article 154. Ensuring Security and Maintaining Public Order in Courts

1. The responsibilities for maintaining order, stopping manifestations of contempt of court, as well as ensuring the security of court premises, bodies of court system, performing functions related to state protection of judges and court employees and providing for the security of participants in the proceedings shall lie with the specialized units of the Ministry of Internal Affairs of Ukraine.