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LAW

ON THE JUDICIAL SYSTEM AND THE STATUS OF JUDGES

AND

AMENDMENTS

TO THE LAW ON HIGH COUNCIL OF JUSTICE

OF UKRAINE

Adopted by the *Verkhovna Rada* of Ukraine
on 12 February 2015
as part of the Law on Fair Trial

LAW OF UKRAINE

On the Judicial System and the Status of Judges

This Law defines the legal grounds for organization of the judiciary power and the administration of justice in Ukraine that functions on the grounds of governance of law under European standards and ensures the right of everyone to fair trial.

Section I. PRINCIPLES OF ORGANISATION OF JUDICIAL POWER

Article 1. The judicial power

1. In accordance with the constitutional principles of separation of powers, the judicial power in Ukraine is exercised by independent and impartial courts formed in accordance with the law.
2. The judicial power is exercised by professional judges and, in cases determined by law, people's assessors and jurors, by the administration of justice within the framework of the respective court procedures.
3. Legal proceedings shall be carried out by the Constitutional Court of Ukraine and courts of general jurisdiction.

Article 2. Tasks of Courts

1. A court, in the course of exercise of justice based on the rule of law, shall grant any person the right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine and international treaties ratified by the Verkhovna Rada of Ukraine.

Article 3. The judicial system of Ukraine

1. Courts of general jurisdiction shall create a uniform system. The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction in Ukraine.
2. Creation of extraordinary and special courts shall be prohibited.
3. The procedures for the organization and functioning of the Constitutional Court of Ukraine and the status of a judge 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".
4. As a governmental body, every court shall have a seal with the State Emblem of Ukraine and the court's name.

Article 4. Legislation on the Judicial System and the Status of Judges

1. The judicial system of Ukraine shall be defined by the Constitution of Ukraine, this Law and other laws of Ukraine.

Article 5. Administration of Justice

1. Justice in Ukraine shall be administered exclusively by courts. Any delegation of court functions, as well as usurpation of those functions by other bodies and officials shall not be permitted.

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2. Any persons that usurp functions of a court shall be responsible as stipulated by law.
3. The people shall be involved in the administration of justice through people's assessors and jurors.

Article 6. Independence of Courts

1. In exercising justice, courts shall be independent of any improper influence. Courts shall administer justice proceeding from the Constitution and laws of Ukraine and on the basis of the rule of law.
2. Appeal to court by citizens, organizations or officials who, under the law, are not parties to a trial, regarding consideration of specific cases, shall not be considered by the court, unless otherwise stipulated by law.
3. Interference with the administration of justice, influence on a court or judges in any manner, contempt of court or judges, collection, storage, use and dissemination of information orally, in writing or otherwise in order to influence the impartiality of the court, shall be prohibited and entail liability as stipulated by the law.
4. In order to address issues of internal functioning of courts in accordance with this Act, judges' self-government shall function.

Article 7. The Right to a Fair Trial

1. Every person shall be guaranteed protection of their rights, freedoms and interests within reasonable time frames by an independent, impartial and fair trial, established in compliance with the law.
2. Foreigners, stateless persons and foreign legal entities shall be entitled to legal protection in Ukraine on the equal basis with the citizens and legal entities of Ukraine.
3. The judicial system shall provide access to justice for every person under the Constitution and in the manner envisaged by the laws of Ukraine.

Article 8. Right to a Competent Court

1. No person may be denied the right to consideration of their case in court, to which jurisdiction it has been attributed by the law.
2. A judge shall consider the cases received according to the procedure of distribution of cases established by law. The distribution of cases among judges may not be influenced by the wish of the judge or any other persons.

Article 9. Equality Before the Law and the Court

1. Justice in Ukraine shall be exercised on the principles of equality of all parties in a trial before the law and the court, regardless of race, color, political, religious and other beliefs, gender, ethnic or social origin, property status, residence, language and other characteristics.
2. A court shall establish an environment where each party to a trial is guaranteed equality in the exercise of the granted procedural rights and in the performance of judicial duties, as stipulated by the procedural law.

Article 10. Legal assistance in the implementation of the right to a fair trial

1. Every person shall have the right to legal assistance. In cases envisaged by law such assistance shall be provided free of charge.
2. Every person shall be free in selection of a defender of their rights. The procedures and conditions for provision of legal aid shall be defined by the law.
3. To ensure the right to protection from prosecution and to legal assistance in consideration of cases in courts in Ukraine, the advocacy shall function.
4. Costs for legal aid borne by parties to a trial shall be compensated in the manner and in amounts stipulated by law.

Article 11. Transparency and openness of court proceedings

1. Court decisions, court hearings and information on cases considered by courts shall be open, except in cases stipulated by law. No one may be restricted in their right to receive in court oral or written information about the results of consideration of their lawsuit. Everyone shall be entitled to free access to the judgment in the manner specified by law.
2. Information about a court hearing the case, the parties to the dispute and the essence of the claim, the date of receipt of the statement of claim, or a statement of appeal, cassation complaint, application for review of court decision, the current status of the proceedings, venue, date and time of the court session, transfer of a case from one court to another, shall be open and subject to immediate publication at the official website of the judiciary in Ukraine, except in cases stipulated by law.
3. Consideration of cases in courts shall be open, except in cases stipulated by law. Any person may be present at an open court hearing. In case a person has committed acts demonstrating disrespect to the court or to parties to a case, such person, upon a substantiated decision of the court, may be removed from the courtroom.

Participants of the trial, other persons present in the courtroom, media representatives may take photographs, video and audio recording in the courtroom, using portable video and audio devices, without a specific permission of the court, but subject to the restriction stipulated by law. Broadcasts of court hearing shall be carried out upon permission of the court. Taking photographs, video recording and broadcasts of court hearings in the courtroom shall be made without obstructing the session and exercise by parties to the trial of their procedural rights.

4. Consideration of a case *in camera* shall be permitted upon a substantiated decision of the court exclusively in cases stipulated by law.
5. In the course of consideration of cases, the court proceedings shall be recorded by technical means in the manner stipulated by law.
6. Upon a court decision, parties to a trial shall be granted an opportunity to participate in a court hearing by methods of videoconference, in the manner stipulated by law. The duty to ensure the videoconference shall be assigned to the court that received a judgment on the videoconference, regardless of specialization and jurisdiction of the court that made that decision.

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7. The court proceedings shall be conducted exclusively in a courtroom specifically equipped for that — in a courtroom suitable to accommodate the parties and other trial participants, and enables them to exercise the granted procedural rights and fulfil procedural obligations required by law.

Article 12. Language of the judicial procedure and management of records in courts

1. Judicial procedure and management of records in courts of Ukraine shall be conducted in the official language the country.

2. The courts shall ensure equality of rights of citizens in a trial by language.

3. Courts shall use the official language in the course of the judicial procedure and guarantee citizens' right to use their native language, or the language they speak, in the course proceedings.

Article 13. Binding court decisions

1. A judgment that ends consideration of a case in a court shall be approved in the name of Ukraine.

2. Judgments that have become effective shall be binding on all state authorities, bodies of local self-government and their officials and employees, private individuals and legal entities and associations throughout Ukraine. The binding nature of judgments for other courts (praejudicialis) shall be defined by law.

3. Failure to comply with court decisions shall entail legal liability as stipulated by law.

4. Conclusions regarding application of the law provisions specified in resolutions of the Supreme Court of Ukraine shall be mandatory for all government entities that use in their activity a legal act containing the respective legal provision.

5. Conclusion regarding application of the law provisions specified in resolutions of the Supreme Court of Ukraine shall be taken into account by other courts of general jurisdiction in the application of such legal provisions. A court shall have the right to depart from a legal position set out in the conclusions of the Supreme Court of Ukraine, while providing the respective substantiation.

6. Court decisions of other states, decisions of international tribunals, decisions of international judicial institutions and similar decisions of other international organizations regarding dispute resolution shall be binding on the territory of Ukraine on conditions specified by law and in accordance with international treaties ratified by the Verkhovna Rada of Ukraine.

Article 14. Right of appeal

1. Participants in court proceedings and other persons shall, in the cases and manner stipulated by law, have the right to submit appeals and cassation appeals against a court decision, as well as to reconsideration of the case by the Supreme Court of Ukraine.

Article 15. Personal composition of the court and its definition

1. Cases in courts shall be considered by a judge individually, and in cases prescribed by the procedural law — by a panel of judges, also with the participation of people's assessors and jurors.

2. A judge who considers a case individually shall act as a court.
3. Courts of general jurisdiction shall operate an automated system of the court document management.
4. Assignment of a judge and/or judges to consider a specific case shall be done by the automated system of the court document management in the course of registration of relevant documents, and in other cases of designation of the court composition at any stage of the trial on the principle of randomness and in chronological order in which the cases were received.
5. In case of trial with participation of jury and people's assessors, the personal composition of such jury and people's assessors shall be defined using the automated system.
6. A case shall not be assigned to a specific judge, if such case was received:
 - 1) two months prior to the termination of the judge's powers;
 - 2) fourteen days, unless otherwise envisaged by the meeting of judges of the relevant court, prior to the judge's vacation (if such vacation is at least fourteen calendar days);
 - 3) three business days prior to the vacation, if such vacation is less than fourteen calendar days);
 - 4) during the judge's vacation;
 - 5) one business day prior to business trip (or three business days, if the business trip is longer than seven calendar days) and during the judge's business trip;
 - 6) during temporary incapacity of the judge;
 - 7) while the judge is in a business trip;
 - 8) in other cases governed by law, where the judge cannot administer justice or participate in trials.
7. Upon substantiated instruction of the head of the court's office which shall be attached to the case, pending cases shall be transferred for repeated automated assignment only if the judge(s), in cases governed by law, cannot continue the trial. If the court was considering the case collectively, repeated automated assignment shall take place for designation of the judge(s) who shall replace the judge(s) who left the proceedings.
8. Meeting of judges of the relevant court may reduce a trial burden on the judges who hold administrative positions in the court, but not exceeding sixty percent compared to the workload of other judges.
9. Information on the assignment results shall be stored in the automated system of the court document management and shall be protected against unauthorized access. Results of the automated case assignment and any repeated case assignment(s) (if any) shall be executed in a protocol which shall be signed by authorized representatives of the court office and attached to the case files.

Unauthorized interference with the operation of the automated court case management system and the assignment of cases shall be subject to criminal liability in accordance with the law.
10. The automated system of the court document management is not applied to assignment of a judge (a panel of judges, if the case is considered collectively) for consideration of a case only in circumstances that objectively render impossible its functioning and last for more than five work days. The specifics of distribution of cases in such circumstances shall be determined by the Regulations on the automated system of the court document management.
11. The provisions on the automated system of the court document management shall be approved by the Council of Judges of Ukraine in coordination with the State Judicial Administration of Ukraine.

Article 16. Symbols of the judicial authorities

1. The symbols of the judiciary power shall be the state symbols of Ukraine — the National Emblem of Ukraine and the State Flag of Ukraine.
2. Judges shall exercise justice wearing a mantle and a lapel badge. Specimens of the mantle gown and the lapel badge shall be approved by the Council of Judges of Ukraine.

Section II. COURTS OF GENERAL JURISDICTION**Chapter 1. Organizational foundations of the system of courts of general jurisdiction****Article 17. The system of courts of general jurisdiction**

1. In accordance with the Constitution of Ukraine, the system of courts of general jurisdiction shall be based on the principles of territoriality, specialization and instance hierarchy.
2. The system of courts of general jurisdiction shall include:
 - 1) local courts;
 - 2) courts of appeal;
 - 3) high specialized courts;
 - 4) The Supreme Court of Ukraine.
3. The highest judicial body of general jurisdiction is the Supreme Court of Ukraine. The highest bodies of specialized courts are high specialized courts.
4. The unity of courts of general jurisdiction shall be provided by:
 - the uniform principles of organization and functioning of the courts;
 - the uniform status of judges;
 - rules of justice, established by law, being mandatory for all courts;
 - unity of judicial practice;
 - mandatory nature of judgments on the territory of Ukraine;
 - the uniform procedures for organizational support of the court functioning;
 - financing of courts exclusively from the State Budget of Ukraine;
 - decision of matters of internal functioning of courts by bodies of judicial self-government.

Article 18. Specialization of courts of general jurisdiction

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

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2. Courts of general jurisdiction may introduce specialization of judges for consideration of specific categories of cases.

3. Local general courts and appellate courts apply specialization for criminal proceedings in regard of juveniles.

Judges (judge) authorized to conduct criminal proceedings in regard of juveniles shall be elected by a meeting of judges among judges of that respective court at the proposal of the Chairperson of the court or upon a proposal by any judge of that court, if the proposal by the court Chairperson was not supported, for a period not exceeding three years and may be re-elected again. The number of judges authorized to conduct criminal proceedings in regard of juveniles shall be determined separately for each court by a meetings of judges of that court. A judge authorized to conduct criminal proceedings in regard of juveniles may be elected a judge who has at least ten years' experience as a judge, experience in criminal court proceedings and high moral and professional properties. In the absence of a judge at the court who has the necessary work experience, the judge authorized to conduct criminal proceedings in regard of juveniles shall be elected among the judges who have the longest experience as a judge.

Judges authorized to conduct criminal proceedings in regard of juveniles shall not be relieved from carrying out duties of a judge of the corresponding instance, but the exercise of such authority shall be taken into account in the assignment of cases and have a priority significance.

Article 19. The procedures for establishment and dissolution of courts of general jurisdiction

1. Courts of general jurisdiction shall be created, including by way of reorganization, and dissolved by the President of Ukraine on the basis of a proposal of the State Judicial Administration of Ukraine.

2. Location, territorial jurisdiction and status of a court shall be determined with account to the principle of territoriality, specialization and instance hierarchy.

3. Reasons for establishment or dissolution of a court shall be a change in the court system defined by this Law, a need to improve access to justice, a need to optimize government expenditures or changes in the administrative-territorial structure.

A court may be established through establishment of a new court or reorganization (merger or division) of courts.

4. The number of judges in a court of general jurisdiction shall be determined by the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine, with account to the judicial workloads and within the funding quotas envisaged in the State Budget of Ukraine for maintenance of courts and compensation of judges' labour.

The number of judges in the Supreme Court of Ukraine shall be defined by this Law.

Article 20. Procedure for appointment of judges to administrative positions and dismissal from administrative positions

1. The position of the Chairperson and Deputy Chairpersons shall be regarded as administrative positions in court.

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2. The Chairperson of the local court, their Deputy, Head of the appellate court, their Deputies, Head of the high specialized court and their Deputies shall be elected to their positions by meetings of judges of the relevant court among the judges of that court.

The Chairperson of the local court, their Deputy, Head of the appellate court, their Deputies, Head of the high specialized court and their Deputies shall be elected to their position for two years, but not exceeding the term of office of a judge, by secret ballot by a majority of the judges who work in the respective court.

The Chairperson of the local court, their Deputy, Head of the appellate court, their Deputies, Head of the high specialized court and their Deputies may be dismissed early at the initiative of at least one third of all the judges of the respective court, by secret ballot of at least two-thirds of the judges who work in the respective court.

Dismissal from a position of judge and expiry of term of the judge's administrative office in court shall terminate such judge's powers on such administrative position.

3. The Chairperson of the Supreme Court of Ukraine and their Deputies shall be elected to the position and dismissed by the Plenary Assembly of the Supreme Court of Ukraine following the procedures stipulated by law.

4. A judge elected to an administrative position in the manner specified in this Article may not occupy one administrative position in the respective court for more than two consecutive terms.

5. In courts where the number of judges exceeds ten, a Deputy Chairperson of the court may be elected, and in courts with more than thirty judges - no more than two Deputy Chairpersons.

6. Election of a judge to an administrative position without compliance with the requirements of this law shall not be permitted.

7. A judge's office duties at an administrative position in the court do not relieve them from exercising the powers of a judge of the respective court in accordance with this Law.

Chapter 2. Local courts

Article 21. Types and structure of local courts

1. Local courts are the district, inter-district, district-in-city, city and city-district courts.

2. Local commercial courts are commercial courts of the Autonomous Republic of Crimea, Oblasts, cities of Kyiv and Sevastopol.

3. Local administrative courts are the district administrative courts and other courts envisaged by procedural law.

4. A local court shall consist of local court judges, one of whom is elected Chairperson of the court and, in cases envisaged by law, deputy Chairperson(s).

5. From among the judges of the local general court, the investigating judge(s) shall be elected to exercise the powers of judicial control over observance of rights, freedoms and interests of individuals in criminal proceedings, in the manner envisaged by procedural law. The number of investigating judges shall be determined separately for each court by a meeting of judges of that court. Investigating judge(s) shall be elected by a meeting of judges of that court at the proposal of the Chairperson of the court or at the proposal of any judge of

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the court if the proposal by the court Chairperson was not supported, for a period not exceeding three years, and may be re-elected again. Prior to the election of the investigating judge of the respective court, their powers shall be exercised by the oldest judge of that court. The investigative judge shall not be relieved of their duties of a judge of the court of first instance, however, the exercise of their powers of judicial control over observance of the rights, freedoms and interests of persons in criminal proceedings shall be taken into account in the course of allocation of cases and have a priority significance.

Article 22. Powers of a local court

1. A local court shall be the court of first instance and administer justice in the manner stipulated by the procedural law.
2. Local general courts shall hear civil, criminal and administrative cases and cases of administrative offenses in the cases and following the procedures stipulated by law.
3. Local commercial courts shall hear cases arising from commercial relations as well as other cases ascribed by law to their jurisdiction.
4. Local administrative courts shall hear cases of administrative jurisdiction (administrative cases).
5. Jurisdiction of certain categories of cases to the local courts, as well as the procedures for their consideration, shall be defined by law.

Article 23. A judge of a local court

1. A judge of a local court shall administer justice in the manner stipulated by the law, as well as other powers envisaged by law.

Article 24. The Chairperson of the local court

1. The Chairperson of the local court shall:
 - 1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities;
 - 2) define the administrative responsibilities of deputy Chairperson of the local court;
 - 3) monitor the efficiency of the court staff, make proposals to the Head of the territorial department of the State Judicial Administration of Ukraine regarding appointment of the Head of the court staff, Deputy Head of the court staff and their dismissal from office, as well as regarding the application of incentives or disciplinary measures to the Chairperson of a court or their Deputy, in accordance with law;
 - 4) proceeding from an act of appointment (election) of a judge or dismissal of a judge, issue a respective order;
 - 5) notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the judicial authorities, about any vacant positions of judges in the court within three days upon the date of opening of such vacant positions;
 - 6) ensure the implementation of decisions taken by the meetings of the local court;

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7) organize maintenance of judicial statistics and information and analytical support for judges at the court to improve the quality of justice;

8) promote compliance with the requirements regarding qualification upgrading of local court judges;

9) submit proposals regarding the number and personal composition of investigating judges for consideration of the court meeting;

10) exercise other powers envisaged by law.

2. The Chairperson of the local court shall issue orders and instructions on matters within their administrative powers.

3. In the absence of the Chairperson of the local court, their administrative powers shall be exercised by Deputy Chairperson of the court by decision of the court Chairperson, in the absence of such decision by the Deputy Chairperson who has more experience as a judge, and in the absence of the Deputy Chairperson by a judge of the court that has the longest experience as a judge.

Article 25. Deputy Chairperson of a local court

1. Deputy Chairperson of a local court shall exercise administrative powers defined by the Chairperson of the court.

Chapter 3. Appellate Courts

Article 26. Types and Composition of appellate courts

1. Within the system of courts of general jurisdiction there are appellate courts as courts of appeal for consideration of civil, criminal, commercial, administrative cases and cases of administrative offenses.

2. The appellate courts formed in accordance with the decree of the President of Ukraine in the appellate districts shall be the appellate courts for consideration of civil and criminal cases and cases of administrative offenses.

3. The appellate courts for consideration of commercial cases, and the appellate courts for consideration of administrative cases shall be, respectively, the appellate commercial courts and the appellate administrative courts formed in accordance with the decree of the President of Ukraine in the appellate districts.

4. A judge may be appointed as a judge of an appellate court if the qualification test proved his/her ability to administer justice at a court of appeal and who has at least five years of experience as a judge or has an academic degree obtained prior to his/her appointment to the position of judge, and whose scientific experience in Law or research and teaching experience in Law obtained in a university offering Master's qualification programmes, was at least ten years prior to his/her appointment to the position of judge.

5. An appellate court may establish judicial chambers for consideration of different categories of cases. A judicial chamber shall be headed by the Secretary of the judicial chamber, elected from among the judges of that court for a two-year term. A judge may not be the secretary of the court chamber in the relevant court for more than two years in a row. The decision on establishment of a judicial chamber, its personal composition and on election of the Secretary of the judicial chamber shall be taken by the meeting of judges of the appellate

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court upon the proposal by the court Chairperson. Secretary of the judicial chamber organizes the work of the respective chamber, controls analysis and summarizing of the court practices on matters within the competence of the Chamber, and informs the meetings of judges of the appellate court on the activities of the Chamber.

Article 27. Powers of an appellate court

1. An appellate court shall:

- 1) administer justice in the manner stipulated by the procedural law;
- 2) in cases envisaged by the procedural law, hear cases within the respective jurisdiction as a court of first instance;
- 3) analyze judicial statistics, study and generalize the judicial practice, and notify relevant local courts and high-level courts of the results of court practice generalization;
- 4) provide methodological assistance to local courts in applying the legislation;
- 5) exercise other powers as stipulated by law.

Article 28. A judge of an appellate court

1. A judge of an appellate court shall administer justice in the manner stipulated by the law, as well as other powers under the law.

Article 29. Chairperson of an appellate court

1. The Chairperson of the appellate court shall:

- 1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities;
- 2) define the administrative powers of Deputy Chairpersons of the appellate court;
- 3) monitor the efficiency of the court staff, make proposals to the Chairperson of the State Judicial Administration of Ukraine regarding the appointment of the Head of the court staff, deputy Head of the court staff and their dismissal from office, and application to the Head of the court staff and their deputy either incentives or disciplinary measure in accordance with the legislation;
- 4) proceeding from an Act on the election of a judge or dismissal of judge from office, issue a respective order;
- 5) notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the judicial authorities, about any vacant positions of judges in the appellate court within three days upon the date of opening of any such vacant positions;
- 6) ensure the implementation of decisions taken by meetings of judges of the appellate court;
- 7) organize accounting and analyses of judicial statistics, organize examination and summarizing of judicial practices, information and analytical support for judges to improve the quality of justice;
- 8) facilitate fulfilment of the requirements regarding maintenance of the qualification level of judges of the appellate court and improvement of their professional knowledge;
- 9) exercise the powers of an investigating judge and appoint, from among the judges of the appellate court, judges (judge) to exercise such powers in cases stipulated by the procedural law;
- 10) exercise other powers envisaged by law.

2. The Chairperson of the appellate court shall issue orders and instructions on matters within their administrative authority.

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3. In the absence of the Chairperson of the appellate court, their administrative powers shall be exercised by Deputy Chairperson of the court, by decision of the Court Chairperson, and in the absence of such decision – by the Deputy Chairperson who has more experience as a judge, and in the absence of the Deputy Chairperson — a judge of the court with the longest experience as a judge.

Article 30. Deputy Chairperson of the appellate court

1. Deputy Chairperson of the appellate court shall exercise administrative powers defined by the Chairperson of the court.

Chapter 4. The high specialized courts

Article 31. Types and structure of high specialized courts

1. Within the system of courts of general jurisdiction, high specialized courts shall function as courts of cassation appeal for consideration of civil and criminal, economic and administrative cases.

2. The high specialized courts are as follows: 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 judge may be appointed as a judge of the High Specialized Court if the qualification test proved his/her ability to administer justice at a high specialized court and who has at least ten years of experience as a judge or has an academic degree obtained prior to his/her appointment to the position of judge, and whose scientific experience in Law or research and teaching experience in Law obtained in a university offering Master's qualification programmes, was at least ten years prior to his/her appointment to the position of judge..

4. A high specialized court forms chambers for consideration of different categories of cases. The judicial chamber shall be headed by the Secretary of the Chamber who is elected from among the judges of the court for a two-year term. A judge may not be the secretary of the court chamber in the relevant court for more than two terms in a row. The decision on establishment of the judicial chamber, its composition and on election of the Secretary of the Chamber shall be adopted by the meeting of judges of the high specialized court judges, upon the proposal of Chairperson. Secretary of the judicial chamber shall organize the work of the respective chamber, supervise analysis and summarizing of the court practices on matters within the competence of the Chamber, inform the meeting of judges of the high specialized court on the activities of the Chamber.

5. The high specialized court has a Plenary Assembly of the High Specialized Court to address issues envisaged by this Law. The composition and procedures for activities of the Plenary Assembly of the High Specialized Court shall be envisaged by this Law.

Article 32. Powers of the High Specialized Court

1. High Specialized Court shall:

- 1) administer justice in the manner stipulated by the law;
- 2) in cases envisaged by procedural law, consider cases of the respective judicial specialization as a court of the first or the appellate instance;
- 3) analyze judicial statistics, study and summarize the judicial practice;
- 4) provide technical assistance to courts of lower level to ensure uniform application of the Constitution and laws of Ukraine in the judicial practice based on its generalization and

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analysis of judicial statistics; provide specialized courts of lower level recommendation explanations on application of the law for decisions in cases within the respective judicial specialization;

5) exercise other powers envisaged by the law.

Article 33. A judge of a high specialized court

1. A judge of a high specialized court shall administer justice in the manner stipulated by the law, as well as exercise other powers stipulated by law.

Article 34. The Chairperson of a high specialized court

1. The Chairperson of a high specialized court shall:

1) represent the court and the respective specialized courts as a body of state power in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities, as well as the judicial authorities of other countries and international organizations;

2) define the administrative responsibilities of Deputy Chairpersons of the high specialized court;

3) monitor the efficiency of the court staff, make proposals to the Chairperson of the State Judicial Administration of Ukraine regarding the appointment of the Head of the court staff, Deputy Head of the court staff and their dismissal from office, and the application to the Head of the court staff and their Deputies either incentives or disciplinary measures in accordance with the law;

4) proceeding from the Act on the election of a judge of dismissal of a judge from office, issue a respective order;

5) notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the judicial authorities, about any vacancies for a high specialized court within three days upon the date of opening of any such vacant positions;

6) convene a plenary session of the high specialized court; put forward a proposal, for consideration by the plenary session, regarding appointment of the secretary of the plenary session; introduce the issues for consideration by the plenary session and preside at its meetings;

7) inform the plenary session of the high court on the status of justice in the respective judicial specialization and practice of resolution of certain categories of cases;

8) ensure implementation of resolutions by meetings of judges of the high specialized court;

9) organize accounting and analysis of judicial statistics, examination and summarizing of court practices, information and analytical support for judges to improve the quality of justice;

10) facilitate fulfilment of the requirements regarding the maintenance of the qualification level of judges of the high specialized court and improvement of their professional knowledge;

11) exercise other powers envisaged by the law.

2. On matters within their administrative authority, the Chairperson of a high specialized court shall issue orders and instructions.

3. In the absence of the Chairperson of the high specialized court, their administrative powers shall be exercised by one of the Deputy Chairpersons of the court, by decision of the Court Chairperson, and in the absence of such decision – by the Deputy Chairperson who has more experience as a judge, and in the absence of the Deputy Chairperson — a judge of that court with the longest experience as a judge.

Article 35. Deputy Chairperson of the High Specialized Court

1. Deputy Chairperson of a high specialized court shall exercise administrative powers defined by the Chairperson of the Court.

Article 36. Plenary session of a High Specialized Court

1. Plenary session of a High Specialized Court shall operate as a panel of all judges of a high specialized court in order to address issues attributed to its competence by this Law.

2. Plenary session of a High Specialized Court shall:

1) upon a proposal by the Chairperson of the High Specialized Court, elect from among the judges of the high specialized court and relieve the Secretary of the plenary session of the high specialized court of their duties;

2) in order to ensure uniform application of provisions of the law in resolution of certain categories of cases within the respective judicial specialization, summarize the practice of substantive and procedural laws, systemize and procure the publication of legal positions of the High Specialized Court with reference to the court decisions which contain such positions;

3) hear information about the status of justice in the respective judicial specialization and practice of resolution of certain categories of cases; hear reports from the Chairperson and Deputy Chairpersons of the high specialized court on their activities;

4) take decisions on addressing the Supreme Court of Ukraine with a request regarding submission of a constitutional petition on the constitutionality of laws and other legal acts of the Verkhovna Rada of Ukraine, Acts by the President of Ukraine, Acts by the Cabinet of Ministers of Ukraine, legal acts of the Supreme Council of the Autonomous Republic of Crimea and on the official interpretation of the Constitution and laws of Ukraine;

5) approve the Rules of procedure for a plenary session of the high specialized court;

6) proceeding from the analysis of judicial statistics and summarized judicial practice, provide guidance, of the recommendation nature, regarding the application of law by specialized courts in consideration of cases of the respective judicial specialization;

7) issue conclusions on draft laws concerning the judicial system, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the judicial system of Ukraine;

8) approve regulations on the Scientific Advisory Board of the high specialized court and define its membership;

9) determine the personal composition of the editorial board of the printed publication of the high specialized court;

10) consider and resolve other issues ascribed to its authority by law.

3. A plenary session of the high specialized court shall be convened by the Chairperson of the high specialized court as may be necessary or at the request of at least one fifth of the judges of the high specialized court, but not less than twice a year. The day and time of convening the plenary session shall be communicated to the participants no later than five working days before the meeting. Within the same period, materials on issues submitted for consideration by the plenary session shall be distributed.

4. A plenary session of the high specialized court shall be competent if attended by at least two-thirds of the participants in the plenary session.

5. A plenary session may invite judges of courts of the respective specialization, representatives of bodies of state power, academia, NGOs, mass media and other persons.

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6. Resolutions by the plenary session shall be passed through open or secret ballot by the majority vote of the members of the plenary session, signed by the Chairperson of the plenary meeting and the secretary of the plenary session, and published in the official printed journal of the high specialized court and at the court's website.

7. The Secretary of the plenary session of the high specialized court shall organize work of the plenary session secretariat and preparation for the plenary meetings, ensure record-keeping and control the implementation of resolutions adopted by the plenary session of the high specialized court.

Article 37. Scientific Advisory Board and the official publication of the high specialized court

1. Scientific Advisory Board shall be formed at the high specialized court of professionals in law in order to consider topical issues of application of the law, preliminary consideration of draft resolutions by the high specialized court, the preparation of which requires scientific support.

2. The procedures for organization and activity of the Scientific Advisory Board shall be established by the Regulations to be approved by a plenary session of the high specialized court.

3. High Specialized Court has an official publication that publishes materials on the judicial practice of the high specialized court and other courts of the respective judicial specialization, materials on matters of organization of activities by courts of the respective specialization and other materials.

The official printed journal may be issued in electronic form.

Chapter 5. The Supreme Court of Ukraine

Article 38. The Supreme Court of Ukraine – the highest judicial body of general jurisdiction

1. The Supreme Court of Ukraine is the highest judicial body of general jurisdiction of Ukraine, which ensures unity of judicial practice following the procedures and in the manner specified by the procedural law.

2. The Supreme Court Ukraine shall:

- 1) administer justice in the manner stipulated by the law;
- 2) analyze judicial statistics and summarize judicial practice;
- 3) issue conclusions on draft laws concerning the judicial system, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the judicial system of Ukraine;
- 4) issue an opinion on presence or absence in actions charged against the President of Ukraine of signs of treason or other crimes; upon request of the Verkhovna Rada of Ukraine, present a written motion on inability of the President of Ukraine to exercise their powers for health reasons;
- 5) address the Constitutional Court of Ukraine regarding constitutionality of laws and other legal acts, as well as regarding the official interpretation of the Constitution and laws of Ukraine;
- 6) ensure uniform application of the law provisions by courts of different specializations following the procedure and in the manner stipulated by the procedural law;
- 7) exercise other powers envisaged by the law.

Article 39. The composition of the Supreme Court of Ukraine

1. The Supreme Court of Ukraine shall consist of forty-eight judges, who elect the Chairperson of the Supreme Court of Ukraine and Deputy Chairperson of the Supreme Court of Ukraine.

2. A judge may be appointed as a judge of the Supreme Court of Ukraine if the qualification test proved his/her ability to administer justice at the highest judicial body in the system of courts of general jurisdiction of Ukraine, and who has at least fifteen years of experience as a judge or has an academic degree obtained prior to his/her appointment to the position of judge, and whose scientific experience in Law or research and teaching experience in Law obtained in a university offering Master's qualification programmes, was at least fifteen years prior to his/her appointment to the position of judge.

3. Within the Supreme Court of Ukraine there are:

- 1) The Judicial Chamber for administrative cases;
- 2) The Judicial Chamber for commercial cases;
- 3) The Judicial Chamber for criminal cases;
- 4) The Judicial Chamber for civil cases.

A Judicial Chamber shall include judges of the respective specialization (administrative, commercial, criminal, and civil).

4. The Supreme Court of Ukraine has the Plenary Assembly of the Supreme Court of Ukraine to address issues, stipulated by the Constitution of Ukraine and this Law. The personal composition and procedure of activities of the Plenary Assembly of the Supreme Court of Ukraine are defined by this Law.

Article 40. A Judge of the Supreme Court of Ukraine

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

- 1) administer justice in the manner stipulated by the law;
- 2) participate in the consideration of issues to be considered at meetings of the Plenary Assembly of the Supreme Court of Ukraine;
- 3) analyze judicial practice and take part in its summarizing;
- 4) exercise other powers stipulated by law.

Article 41. The Chairperson of the Supreme Court of Ukraine

1. The Chairperson of the Supreme Court of Ukraine shall:

- 1) represent the court as a body of state power and the system of courts of general jurisdiction in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities, as well as the judicial authorities of other countries and international organizations;
- 2) define the administrative powers of Deputy Chairpersons of the Supreme Court of Ukraine;
- 3) convene the Plenary Assembly of the Supreme Court of Ukraine; make proposals for consideration by the Plenary Assembly regarding appointment of Secretary of the Plenary Assembly and Secretaries of the Chambers; submit matters for consideration by the Plenary Assembly and preside at its meetings;

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- 4) proceeding from the Act on election of a judge to the Supreme Court of Ukraine or dismissal of a judge from office, issues a respective order;
- 5) notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine on any vacancies for the Supreme Court of Ukraine within three days upon the date of opening of any such vacancies;
- 6) monitor the efficiency of the court staff, make proposals to the Chairperson of the State Judicial Administration of Ukraine regarding the appointment of the Head of the court staff, deputy Head of the court staff and their dismissal from office, and application to the Head of the court staff and their deputy either incentives or disciplinary measure in accordance with the legislation;
- 7) inform the Plenary Assembly of the Supreme Court of Ukraine on the activities of the Supreme Court of Ukraine;
- 8) exercise other powers stipulated by law.

2. On matters within their administrative authority, the Chairperson of the Supreme Court of Ukraine shall issue orders and instructions.

3. The Chairperson of the Supreme Court of Ukraine shall ex officio be a member of the Supreme Council of Justice.

4. In the absence of the Chairperson of the Supreme Court of Ukraine their administrative powers shall be exercised by one of the Deputy Chairpersons of the Supreme Court of Ukraine, by their decision. In the absence of Deputies, the administrative powers of the Chairperson of the Supreme Court of Ukraine shall be exercised by a judge who has the longest experience as a judge of the Supreme Court of Ukraine.

Article 42. The procedure for election of the Chairperson of the Supreme Court of Ukraine

1. The Chairperson of the Supreme Court of Ukraine shall be elected for the term of five years and dismissed by the Plenary Assembly of the Supreme Court of Ukraine by a majority vote of the total membership of the Plenary Assembly, by secret ballot.

A judge of the Supreme Court of Ukraine may not be elected Chairperson of the Supreme Court of Ukraine for more than one term.

2. A Plenary Assembly of the Supreme Court of Ukraine on the election of the Chairperson of the Supreme Court of Ukraine shall be convened not later than one month from the date of termination of powers of the previous Chairperson of the Supreme Court of Ukraine.

3. The procedure for election of the Chairperson of the Supreme Court of Ukraine and their dismissal from office shall be established by Rules of Procedure of the Supreme Court of Ukraine, to be approved by the Plenary Assembly. Changing the Rules of Procedure earlier than six months before the expiry of the term of office of the Chairperson of the Supreme Court of Ukraine shall not be permitted.

Article 43. Procedure for early dismissal of the Chairperson of the Supreme Court of Ukraine

1. The Chairperson of the Supreme Court of Ukraine may be dismissed early on grounds, stipulated by law. Powers of the Chairperson of the Supreme Court of Ukraine shall also be terminated as a result of expressing the no-confidence vote by the Plenary Assembly of the Supreme Court of Ukraine.

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2. The procedure for early termination of powers of the Chairperson of the Supreme Court of Ukraine following the no-confidence vote by the Plenary Assembly of the Supreme Court of Ukraine shall be determined exclusively by this Article. Rules of Procedure of the Supreme Court of Ukraine shall not apply to that procedure.

3. The issue of no-confidence to the Chairperson of the Supreme Court of Ukraine shall be considered by the Plenary Assembly of the Supreme Court of Ukraine on the proposal of at least one fifth of the judges of the Supreme Court of Ukraine, confirmed by their signatures. The proposal must be substantiated.

4. In order to hold a Plenary Assembly of the Supreme Court of Ukraine on the issue of no confidence to the Chairperson of the Supreme Court of Ukraine, the judges, specified in part three of this Article, shall establish an organizing committee and appoint its Chairperson and their Deputy, which is registered in a minute record.

5. The organizing committee shall ensure preparation and holding of the Plenary Assembly of the Supreme Court of Ukraine on the issue of no-confidence vote to the Chairperson of the Supreme Court of Ukraine within twenty days from the date of its establishment. The participants in the meeting of the Plenary Assembly of the Supreme Court of Ukraine shall be notified by the organizing committee of the date and time of convening the Plenary Assembly of the Supreme Court of Ukraine and the issues submitted for its consideration, with communication of relevant materials in the manner stipulated by this Law. Adding other issues to the agenda of the Plenary Assembly of the Supreme Court of Ukraine, apart from the no-confidence vote to the Chairperson of the Supreme Court of Ukraine, shall be prohibited.

6. A meetings of the Plenary Assembly of the Supreme Court of Ukraine on the no-confidence vote to the Chairperson of the Supreme Court of Ukraine shall be competent if attended by more than one half of the judges of the Supreme Court of Ukraine. The meeting of the Plenary Assembly of the Supreme Court of Ukraine shall be presided by the Chairperson of the organizing committee, and in their absence — by the Deputy Chairperson of the organizing committee.

7. The Chairperson shall proposals for approval by the Plenary Assembly of the Supreme Court of Ukraine regarding the Secretary of the meeting of the Plenary Assembly of the Supreme Court of Ukraine, the personal composition of the counting commission and the form of the ballot and voting record, approved by an open ballot.

8. The issue of no-confidence vote to the Chairperson of the Supreme Court of Ukraine shall be considered either in presence of the Chairperson of the Supreme Court of Ukraine or in their absence. The Chairperson of the Supreme Court of Ukraine may provide written explanations on the essence of any issues raised, which they or their authorized representatives may present at the meeting of the Plenary Assembly of the Supreme Court of Ukraine.

9. The organizing committee shall determine the procedure of the meeting and the voting procedure, with account to the requirements of this Law, and exercise control over their implementation.

10. The decision on the no-confidence vote to the Chairperson of the Supreme Court of Ukraine shall be taken by a secret ballot by the majority vote of the Supreme Court of Ukraine.

11. The decision on the no-confidence vote to the Chairperson of the Supreme Court of Ukraine shall be registered by a Resolution of the Plenary Assembly of the Supreme Court of

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Ukraine, signed by the Chairperson and Secretary of the meeting, elected by the Plenary Assembly of the Supreme Court of Ukraine upon proposal of the Chairperson.

12. No-confidence to the Chairperson of the Supreme Court of Ukraine shall not deprive them of powers of a judge of the Supreme Court of Ukraine. In the event of early termination of powers of the Chairperson of the Supreme Court of Ukraine, election of the Chairperson of the Supreme Court of Ukraine shall take place in accordance with the procedures stipulated by this Law.

13. The issue of no-confidence vote to the Chairperson of the Supreme Court of Ukraine may not be raised again for one year after its consideration at a meeting of the Plenary Assembly of the Supreme Court of Ukraine.

14. Procedures for dismissal of the Chairperson of the Supreme Court of Ukraine on grounds other than the no-confidence vote by the Plenary Assembly of the Supreme Court of Ukraine shall be determined by law and the Rules of Procedure of the Plenary Assembly of the Supreme Court of Ukraine.

Article 44. Deputy Chairperson of the Supreme Court of Ukraine

1. Deputy Chairperson of the Supreme Court of Ukraine shall be elected for a term of five years and dismissed by the Plenary Assembly of the Supreme Court of Ukraine on the proposal of the Supreme Court of Ukraine. The decision on their election and dismissal shall be taken by a majority vote of the total membership of the Supreme Court of Ukraine by secret ballot.

2. Deputy Chairperson of the Supreme Court of Ukraine may be dismissed early in the manner established by the Rules of Procedure of the Plenary Assembly of the Supreme Court of Ukraine.

3. Deputy Chairperson of the Supreme Court of Ukraine shall exercise administrative powers stipulated by law, as well as by the Chairperson of the Supreme Court of Ukraine, and inform the Plenary Assembly of the Supreme Court of Ukraine on their activities.

Article 45. Judicial Chambers of the Supreme Court of Ukraine

1. Judicial Chambers of the Supreme Court of Ukraine shall:

- 1) administer justice in the manner stipulated by the procedural law;
- 2) analyze judicial statistics and study judicial practice, and carry out summarizing of the judicial practice;
- 3) exercise other powers stipulated by law.

2. Personal composition of judicial chambers shall be defined by the Plenary Assembly of the Supreme Court of Ukraine upon proposal of judges of the Supreme Court of Ukraine.

3. A Judicial Chamber of the Supreme Court of Ukraine shall be headed by the Secretary of the Judicial Chamber who shall:

- 1) organize work of the respective Judicial Chamber and preside over its meetings;
- 2) organize the analysis of judicial statistics, studying and summarizing judicial practices;
- 3) inform the Plenary Assembly of the Supreme Court of Ukraine on the activities of the judicial chamber;
- 4) exercise other powers stipulated by law.

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4. The Secretary of the judicial chamber of the Supreme Court of Ukraine shall be elected for a five-year term on submission of the Chairperson of the Supreme Court of Ukraine and shall be dismissed by the Plenary Assembly of the Supreme Court of Ukraine by majority of votes of the Plenary Assembly by secret voting.

A judge of the Supreme Court of Ukraine may not be elected as a Secretary of judicial chamber of the Supreme Court of Ukraine for more than one term.

5. In the absence of the Secretary of the judicial chamber, their duties shall be performed by the judge of the chamber who has the longest experience as a judge of the Supreme Court of Ukraine.

Article 46. Plenary Assembly of the Supreme Court of Ukraine

1. Plenary Assembly of the Supreme Court of Ukraine is a collective body composed of all the judges of the Supreme Court of Ukraine.

2. Plenary Assembly of the Supreme Court of Ukraine shall:

- 1) elect and dismiss the Chairperson of the Supreme Court of Ukraine and Deputy Chairpersons of the Supreme Court of Ukraine in the manner stipulated by this Law;
- 2) elect, from among the judges of the Supreme Court of Ukraine upon proposal of the Chairperson of the Supreme Court of Ukraine, and dismiss the Secretary of the Supreme Court of Ukraine and Secretaries of judicial chambers;
- 3) hear reports of the Chairperson of the Supreme Court of Ukraine on their activities;

4) issue conclusions on draft laws concerning the judicial system, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the judicial system of Ukraine;

(5) take decisions on addressing the Constitutional Court of Ukraine regarding constitutionality of laws and other legal acts and on the official interpretation of the Constitution and laws of Ukraine;;

6) issue an opinion on presence or absence in actions charged against the President of Ukraine of signs of treason or other crimes; upon request of the Verkhovna Rada of Ukraine, present a written motion on inability of the President of Ukraine to exercise their powers for health reasons;

7) approve the Rules of Procedure of a Plenary Session of the Supreme Court of Ukraine;

8) approves the Provisions of the Scientific Advisory Board under the Supreme Court of Ukraine and its composition;

9) approve the composition of the editorial board of the official publication of the Supreme Court of Ukraine;

10) consider and make decisions on other issues ascribed by law to his authority.

3. Meetings of the Plenary Assembly of the Supreme Court of Ukraine shall be competent if attended by at least two-thirds of members of the Plenary Assembly, except for cases envisaged this Law.

4. A Plenary Session may invite representatives of the bodies of state power, academia, NGOs, mass media and other persons.

5. A Plenary Assembly of the Supreme Court of Ukraine shall be convened by the Chairperson of the Supreme Court of Ukraine as may be necessary or on demand of at least one fourth of the judges of the Supreme Court of Ukraine, but not less than one time every three months. In the absence of the Chairperson of the Supreme Court of Ukraine, a Plenary Assembly shall be convened by one of the Deputy Chairpersons of the Supreme Court of

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Ukraine. The day and time of convening the Plenary Assembly and issues that are brought for its consideration shall be communicated to the participants in the Plenary Assembly no later than five working days before the meeting. Within the same period, materials on issues submitted for consideration by the Plenary Assembly shall be distributed.

6. A Plenary Assembly shall be conducted by the Chairperson of the Supreme Court of Ukraine. In the absence of the Chairperson of the Supreme Court of Ukraine, the Plenary Assembly shall be conducted by the Deputy Chairperson of the Supreme Court of Ukraine.

7. The work procedure of the Plenary Assembly of the Supreme Court of Ukraine shall be established under this Law and adopted according to the Rules of Procedure of the Supreme Court of Ukraine.

8. The Plenary Assembly of the Supreme Court of Ukraine shall pass resolutions on the issues considered. Resolutions of the Plenary Assembly of the Supreme Court of Ukraine shall be signed by the Chairperson of the meeting of the Plenary Assembly and the Secretary of the Plenary Assembly, and published in the official printed journal and at the website of the Supreme Court of Ukraine.

9. The Secretary of the Plenary Assembly of the Supreme Court of Ukraine shall organize work of the Secretariat of the Plenary Assembly, preparation for the Plenary Assembly, ensure record-keeping and control the implementation of resolutions passed by the Plenary Assembly of the Supreme Court of Ukraine.

10. Any specific features of holding of a Plenary Assembly of the Supreme Court of Ukraine on individual issues, including those regarding procedures for convening, competence of a meeting, the order of, procedures for voting procedures, decision making and signing the resolutions passed by the Plenary Assembly of the Supreme Court of Ukraine, shall be established by law.

Article 47. Scientific Advisory Board and the Official Publication of the Supreme Court of Ukraine

1. The Scientific Advisory Board shall be formed by the Supreme Court of Ukraine of highly qualified professionals in the area of law for the purpose of preparation of scientific conclusions on matters of activities by the Supreme Court of Ukraine, the preparation of which requires scientific support.

2. The procedures for the organization and activities of the Scientific Advisory Board shall be determined by the Provisions approved by a Plenary Assembly of the Supreme Court of Ukraine.

3. The Supreme Court of Ukraine shall have an official publication to publish materials on the judicial practice of the Supreme Court of Ukraine and other courts of general jurisdiction, materials on the organization of activities by courts of general jurisdiction and other materials. The official publication may be issued electronically.

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

Chapter 1. General Provisions on Status of Judges

Article 48. Independence of a Judge

1. In their work for the administration of justice, judges shall be independent of any improper influence, pressure or intervention. Judges shall administer justice proceeding from the

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Constitution and laws of Ukraine, being guided by the rule of law principle. Interference in the exercise of justice by a judge shall be prohibited and entail liability under the law.

2. The judge shall not be required to provide any explanations regarding the merits of cases under their consideration, except in cases envisaged by law.

3. The judge shall be obligated to report interference in their work as a judge for the administration of justice to the bodies of judicial self-government and to law enforcement agencies.

4. Independence of judges shall be ensured by:

- 1) special procedure for their appointment, election, prosecution and dismissal;
- 2) inviolability and immunity of judges;
- 3) The irremovability of judges;
- 4) the procedures for administration of justice, defined by the procedural law, and the secret of adjudication;
- 5) prohibition of interference in the administration of justice;
- 6) liability for contempt of court or a judge;
- 7) a separate procedure for funding and organizational support of activities by courts, stipulated by law;
- 8) adequate material and social support of judges;
- 9) functioning of bodies of the judicial self-government;
- 10) law-defined means to ensure personal safety of a judge and members of their family, property, and other means of legal protection;
- 11) the right of judges to retirement.

5. The bodies of state power, bodies of local self-government and their officials and officers, as well as private individuals and legal entities and their associations shall be obligated to respect the independence of judges and not infringe on it.

6. In the course of adoption of new laws or amendment of the effective laws, the content and scope of guarantees of judicial independence, as stipulated by the Constitution of Ukraine, may not be diminished.

Article 49. Inviolability of judges

1. A judge shall be inviolable. Detention of a judge or selection of a restrictive measure against a judge in the form of detention or house arrest prior to a judgment of conviction by a court may not be carried out without the consent of the Verkhovna Rada of Ukraine.

2. A judge detained on suspicion of having committed an act entailing criminal or administrative liability shall be released immediately after their identity has been confirmed. A judge may not be subjected detention or forcible delivery to any institution or body, other than a court.

3. A judge may be notified of suspicion of having committed a criminal offence only by the Prosecutor General of Ukraine or their Deputy.

4. A judge may be removed from office in connection with criminal prosecution following a substantiated request of the Prosecutor General of Ukraine only in the manner stipulated by this law. Such removal shall be carried out by the High Qualifications Commission of Judges of Ukraine for a period of up to two months.

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Extension of the period for removal of a judge from office in connection with the criminal prosecution shall be carried out in the same manner for a period not to exceed one month. A request for extension of the removal of a judge from office shall be submitted not later than fifteen days prior to the expiration of the term for removal of the judge. Requirements to the petition on removal of a judge from office in connection with criminal prosecution shall be established by procedural law.

For the duration of the removal from office, the judge shall lose the right to receive bonuses to the base salary of a judge.

5. Operational and search or investigative actions regarding a judge, which may be carried out only upon permission of a court, may be carried out on the basis of a judgment adopted on petition of the Prosecutor General of Ukraine or their deputies, the Head of the regional prosecutor's office or their deputies.

6. Criminal prosecution proceedings against a judge on charges of a criminal offence, as well as decisions on carrying out search operations or investigative actions, or imposition of restrictive measures, may not be implemented by the court in which the accused person occupies or occupied the position of a judge. If, according to the general rules of arbitrability, criminal proceedings in relation to a judge must be carried out, or the decision on search operations or investigative actions or restrictive measures must be taken by the same court which the accused person occupies or occupied the position of a judge, criminal proceedings or decision to conduct search operations or investigative actions shall be carried out by a court geographically nearest the court in which the accused person occupies or occupied the position of a judge, in another administrative-territorial area (the Autonomous Republic of Crimea, Oblast, cities of Kyiv or Sevastopol).

7. The state shall be responsible for any damage inflicted by the court, on the grounds and in the manner stipulated by law.

Article 50. Responsibility for contempt of court or judge

1. Display of contempt of court or a judge by persons who are parties to proceedings or are present in court session, shall entails liability stipulated by law.

Article 51. The certificate of a judge

1. Judges, Chairpersons of courts and their deputies, retired judges, people's assessors and jurors shall have a certificate, specimens of which shall be approved by the Council of Judges of Ukraine.

2. Certificate of a judge appointed to the position for the first time, of a Chairperson of a court or a Deputy Chairperson of a court, shall be signed by the President of Ukraine. Certificate of a judge elected to the position for an indefinite term or of a retired judge shall be signed by the Chairperson of the Verkhovna Rada of Ukraine.

3. Certificate of the Chairperson of the Supreme Court of Ukraine and of Deputy Chairperson of the Supreme Court of Ukraine shall be signed by the Secretary of a Plenary Assembly of the Supreme Court of Ukraine.

4. Certificate of a people's assessor, juror shall be signed by the Chairperson of the court where the people's assessor, juror administers justice.

5. Certificates shall be served by the person who signed it, or another person on their behalf.

Chapter 2. Judge

Article 52. Status of a judge

1. A judge is a citizen of Ukraine who, according to the Constitution of Ukraine and this Law, has been appointed or elected judge, holds a full-time judicial position in one of the courts of Ukraine and administers justice on the professional basis.
2. Judges in Ukraine shall have the uniform status regardless of the place that the court occupies in the system of courts of general jurisdiction or the administrative position that the judge occupies in the court.

Article 53. The irremovability of judges

1. The judges who hold a position for an indefinite term shall be guaranteed irremovability until they reach the age of sixty-five, except for dismissal or resignation of a judge in accordance with this Law.
2. A judge may not be transferred to another court without their consent, except a transfer:
 - 1) following reorganization, liquidation or termination of the court;
 - 2) as a disciplinary measure or in connection with deprivation of the minimum rank that is required for a court of the respective level.

Article 54. Requirements regarding incompatibility

1. Holding a position of a judge shall be incompatible with holding a position in any other body of state power, body of local self-government and a representative mandate. Occupying a position of a judge is also incompatible with the effective prohibition for such a person to hold office that are subject to the cleansing of power in the manner stipulated by the Law of Ukraine "On Cleansing of Power."
2. A judge has no right to combine their activities with entrepreneurial activities or legal practice, any other paid occupation (except for teaching, research and creative activities), or be a member of the governing body or a supervisory board in a company or organization that is aimed at making profit.
3. A judge may not belong to a political party or a trade union, demonstrate affiliation to them, participate in political campaigns, rallies, strikes. While in office, a judge may not be a candidate for elective positions in bodies of the state power (other than judicial) and bodies of local self-government, as well as participate in the election campaigning.
4. In case of appointment of a judge to membership in the Supreme Council of Justice, the High Qualifications Commission of Judges of Ukraine, they will be assigned for work with those bodies on a permanent basis. Judges who are members of those bodies retain guarantees of material, social and household support that is envisaged as for judges by law.

A judge, upon their application, may be assigned for work at the National School of Judges of Ukraine, with the preservation of the judicial remuneration size at the main job and any bonuses envisaged by law.

5. A judge shall comply with the requirements regarding incompatibility, as stipulated by law for the prevention of corruption. Assignment for work at the Supreme Council of Justice, the High Qualifications Commission of Judges of Ukraine, the National School of Judges of Ukraine shall not be regarded as plurality.

Article 55. Rights and duties of a judge

1. The rights of a judge, associated with the administration of justice, shall be defined by the Constitution of Ukraine, procedural and other laws.

2. A judge shall have the right to participate in judicial self-government.

Judges may form public associations and participate in them for the purposes of protection of their rights and interests, and professional qualification upgrading.

A judge may be a member of national and international associations and other organizations aimed at protecting the interests of judges, strengthening the authority of the judiciary in the society and development of the legal profession and science.

3. A judge shall have the right to improve his/her qualification level and undergo the respective training for that purpose.

4. A judge must observe their oath.

5. A judge shall be obligated to:

1) promptly, fairly and impartially consider and resolve lawsuits according to law, in compliance with the principles and rules of judicial practice;

2) comply with the rules of judicial ethics;

3) demonstrate respect to parties in a case;

4) not to disclose information that constitutes a secret protected by law, including the secret deliberations and hearings *in camera*;

5) comply with and adhere to restrictions established by law for the prevention of corruption;

6) submit a declaration of a person authorized to perform functions of the state or local self-government;

7) systematically develop his/her professional knowledge (skills), maintain his/her qualification at the proper level required for duties in the court where he/she is employed;

8) report interference in their work as a judge related to administration of justice to the bodies of judicial self-government and to law enforcement authorities within five days after they became aware of such intervention.

6. A judge appointed to the position of a judge for the first time shall undergo an annual training at the National School of Judges of Ukraine. A judge holding a lifetime judicial position, shall take a training at the National School of Judges of Ukraine not less than one time every three years.

7. Prior to dismissal, a judge may not be awarded any state awards, as well as any other rewards, honorary signs, diplomas. A judge may be awarded state awards only for personal courage and heroism in life-threatening circumstances.

Article 56. Judicial Oath of Office

1. A person appointed judge for the first time shall assume judicial powers after taking the judicial oath of office as follows:

"I, (full name), occupying this position of a judge, do solemnly swear to Ukrainian people to administer justice objectively, fairly, impartially, independently, justly and in a highly qualified manner in the name of Ukraine, following the principle of the rule of law, subject only to the law, honestly and in good faith exercise powers and perform duties of a judge, observe ethical principles and rules of conduct of a judge, not to perform any actions that discredit the title of a judge or undermine the authority of justice. "

2. The judge shall be sworn in at a ceremony in the presence of the President of Ukraine. The Chairperson of the Supreme Court of Ukraine, Chairperson of the Council of Judges of Ukraine, Chairperson of the High Council of Justice and Chairperson of the High Qualifications Commission of Judges of Ukraine shall be invited to the ceremony. The text of the oath shall be signed by the judge and kept in his/her judge file.

Article 57. Judicial Ethics

1. Matters of judicial ethics shall be defined by the Code of Judicial Ethics, to be approved by the Congress of Judges of Ukraine.

2. In order to verify whether the level of life of the judge corresponds to the property owned and income received by the judge and his/her family, the judge's lifestyle shall be monitored under the applicable laws. Any information obtained in course of such monitoring shall be included into the judge's file.

Chapter 3. People's assessors and jurors**Article 58. The status of a people's assessor and juror**

1. A people's assessor is a citizen of Ukraine who, in cases envisaged by the procedural law and upon their consent, considers cases in court along with a professional judge, ensuring, in accordance with the Constitution of Ukraine, direct participation of the people in the administration of justice.

In the course of consideration and resolution of cases people's assessors shall enjoy the powers of a judge.

2. A juror is a citizen of Ukraine who, in cases envisaged by the procedural law, is engaged in the administration of justice, ensuring, in accordance with the Constitution of Ukraine, direct participation of the people in the administration of justice.

3. People's assessors and jurors shall carry out the duties specified in paragraphs 1 - 5 in part five of Article 55 of this Law.

Article 59. The list of people's assessors

1. The list of people's assessors, in the number specified in the proposal of the Chairperson of the court, shall include citizens who permanently reside in the territory under the jurisdiction of the respective court, meet the requirements of Article 61 of this Law, and gave their consent to be people's assessors.

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2. The list of people's assessors shall be formed, at the request of the Chairperson of the respective local court, by a committee approved by the respective local council.

The list of people's assessors shall be approved by decision of the respective local council (at the location of the court).

For inter-district courts, the personal composition of the committee and the list of people's assessors shall be approved by the Oblast councils.

The list of people's assessors shall be approved and revised as necessary to replace the people who dropped out of the list.

3. Upon approval of the list of people's assessors, that list shall be passed to the respective court, including electronically. The information contained in the said list may not be used for any purposes that are not related to the selection of people's assessors.

Article 60. The list of jurors

1. For approval of the list of jurors, a territorial branch of the State Judicial Administration of Ukraine shall submit a request to the respective local council, which forms and approves, in the number stated in the request, a list of citizens who permanently reside in the territory under the jurisdiction of the respective court, meet the requirements of Article 61 of this Law, and gave their consent to be jurors.

2. In case of failure by the local council to pass the decision on approval of the list of jurors within two months of receipt of the request, the territorial branch of the State Judicial Administration of Ukraine shall submit the request regarding approval of the list of jurors to the respective Oblast Council.

3. A list of jurors shall be approved for two years and revised as necessary to replace the people who dropped out of the list, upon the proposal of the territorial branch of the State Judicial Administration of Ukraine.

4. Upon approval of the list of jurors, that list is passed to the respective court. The information in the above list may not be used for any purposes that are not related to the selection of the jurors.

Article 61. Requirements to the people's assessors, jurors

1. A people's assessor, a juror may be a citizen of Ukraine who has reached the age of thirty and is a resident in the territory under the jurisdiction of the respective court.

2. The following citizens may not be included in the list of people's assessors and jurors:

- 1) those recognized by court to be partially legally capable or incapable;
- 2) those who have chronic mental or other diseases that prevent them from performance of duties of a people's assessor, juror;
- 3) those who have an unexpunged or not annulled conviction;
- 4) People's Deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, judges, public prosecutors, officers of internal affairs bodies and other law enforcement agencies, members of the armed forces, court staff, other public servants, local self-government officials, lawyers, notaries, members of the High Qualifications Commission of Judges of Ukraine, Supreme Council of Justice;

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- 5) persons who, during the past year, have been imposed administrative penalties for corruption offenses;
- 6) citizens over sixty-five years;
- 7) persons who do not speak the national language.

3. A person included in the list of people's assessors or the list of jurors shall be obligated to inform the court of any circumstances that make it impossible for them to administer justice, if any.

4. A person included in the list of people's assessors may not be engaged in consideration of a case as a juror.

A person included in the list of jurors may not be engaged in consideration of a case as a people's assessor.

Article 62. Grounds and procedure for relief of duties of a people's assessor and juror

1. In presence of circumstances referred to in Article 61 of this Law, the Chairperson of the court must relieve the person who was included in the list of people's assessors or the list of jurors from the duties of a people's assessor or juror.

2. The Chairperson of the court shall also relieve from the duties of a people's assessor or juror:

- 1) a person who is on leave for pregnancy and childbirth, on maternity leave, and a person has children of preschool or primary school age, or who has dependent disabled children or elderly family members;
- 2) head or deputy head of a body of local self-government;
- 3) a person who finds it impossible to participate in the administration of justice due to their religious beliefs ;
- 4) any other person, if the Chairperson of the court finds reasons that they cite to be substantial.

3. Any person mentioned in part two of this Article shall be relieved from the duties of a people's assessor or juror in upon their statement submitted prior to performance of those duties.

4. Relief from duties of a people's assessor or a juror due to challenge (disqualification of self) in a particular case shall be carried out as stipulated by the procedural law.

Article 63. Engagement of people's assessors, jurors to performance of their duties in court

1. A court shall engage people's assessors in the administration of justice in order of priority for a period not exceeding one month per year, unless an extension of that period is required by the need to complete the consideration of a case that began with their participation. Selection of people for invitation for participation in a trial as people's assessors or jury shall be carried using the automated system.

2. A written invitation to participate in the administration of justice shall be sent by the court to the people's assessor or juror not later than seven days before the hearing. The invitation shall contain information on the rights and duties of assessor or juror, requirements to them, and grounds for dismissal from duty. The invitation shall be accompanied by a written notice to the employer of the person regarding engagement of the person as a people's assessor or juror.

3. Engagement of jurors to performance of their duties in court and their summoning shall be carried out in the manner stipulated by procedural law.

4. An employer shall be obligated to grant a leave for the people's assessor or juror for the period of performance of their duties in administration of justice. Refusal to grant the leave shall be regarded as contempt of court.

5. Upon summoning, the people's assessor or juror must arrive in time for participation in a court hearing. Failure to arrive in a court hearing without a valid reason shall be regarded as contempt of court.

Article 64. Guarantees of rights of people's assessors and jurors

1. For the performance of duties in court in the manner prescribed by the Cabinet of Ministers of Ukraine, people's assessors and jurors shall be paid compensation. They are reimbursed for travel and accommodation expenses, as well as paid per diem allowance. The said payments shall be made by territorial branches of the State Judicial Administration of Ukraine from the State Budget of Ukraine.

2. For the duration of performance of their duties in court, people's assessors and jurors shall retain all guarantees and privileges at their place of work, stipulated by law. The time of performance of duties of the assessor or juror in court shall be added to records of all types of employment. Dismissal of a people's assessor or juror from work or transfer to another job without their consent during the performance of their duties in court shall not be permitted.

3. The people's assessors and jurors shall be subject to the guarantees of independence and immunity of judges established by law for the duration of performance of duties of administration of justice. Upon a substantiated request of a people's assessor or juror, safety measures may be applied to them after the termination of their duties.

Section IV. PROCEDURES FOR OCCUPATION OF POSITION OF JUDGE OF A COURT OF GENERAL JURISDICTION

Chapter 1. General Provisions

Article 65. Requirements to candidates for a position of judge

1. A citizen of Ukraine who is at least twenty five years old, has a higher education in law and practical experience in law for at least three, residing in Ukraine for at least ten years and speaks the state language, may be nominated to the position of a judge.

2. The following citizens may not be nominated for a position of a judge:

- 1) recognized by court as partially capable or incapable;
- 2) those with chronic mental or other diseases that prevent them from performing the functions of the administration of justice;
- 3) those who have an unexpunged or unspent conviction.

An individual subjected to a prohibition to hold a specific position under applicable law may not be a candidate for this position.

An individual who was earlier dismissed from a position of judge due to a breach of oath, violation of incompatibility requirements or in connection with entry into force of a conviction, unless the decision on dismissal for the said reasons was declared illegal by court or a conviction was cancelled by court, may not be a candidate for a position of judge.

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3. For the purposes of this Article, the following shall be assumed:

- 1) higher legal education is higher legal education to the master's degree (or equivalent higher education by for the training and qualification of the specialist), acquired in Ukraine, as well as higher legal education of the respective degree received in foreign countries and recognized in Ukraine in accordance with the procedures envisaged by law ;
- 2) work experience in law is the person's experience of work in the professional field after obtaining higher legal education.

Chapter 2. Appointment to position of judge

Article 66. Procedure for appointment to position of judge for the first time

1. Appointment of a judge to the position for the first time shall be carried out exclusively in accordance with the procedure stipulated by this Law, and includes the following stages:

- 1) the High Qualifications Commission of Judges of Ukraine taking a decision on announcement of selection of candidates to the position of a judge, with account to the forecast number of vacant judicial positions;
- 2) placement by the High Qualifications Commission of Judges of Ukraine of an announcement on its official website regarding the selection of judicial candidates, and publication of that announcement in a selected printed mass medium.

The announcement shall specify the final term for submission of documents to the High Qualifications Commission of Judges of Ukraine, which may not be less than 30 days from the date of placement of the announcement, as well as the forecast number of judicial vacancies for the following year;

- 3) submission by persons who intend to be a judge of a respective application and documents, specified in Article 67 of this Law, to the High Qualifications Commission of Judges of Ukraine;
- 4) Verification by the High Qualifications Commission of Judges of Ukraine that the persons, who submitted applications to participate in the selection, meet the requirements established in this Law to a candidate for position of judge, on the basis of the documents submitted;
- 5) admission by the High Qualifications Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the eligibility assessment;
- 6) undergoing the eligibility assessment by a person who was qualified to participate in the selection;
- 7) determination of the results of the eligibility assessment by the High Qualifications Commission of Judges of Ukraine and publication of such assessment results at the official website of the High Qualifications Commission of Judges of Ukraine;
- 8) holding a special verification procedure regarding the persons who have successfully passed the eligibility assessment, in accordance with the Anti-Corruption Law, taking into account the provisions contained in Article 70 of this Law;
- 9) completion of special training by the candidates who have passed the eligibility assessment and passed the special verification procedure; receipt of a certificate of special training completion;

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10) undergoing of a qualification assessment by the candidates who have been trained and determining its results;

11) entering the candidates for positions of judges by the High Qualifications Commission of Judges of Ukraine, based upon the results of their qualification assessments, to the reserve for filling the vacancies of judges; determining their ratings; publication of the list of candidates for positions of judges included in the reserve and the rating list at the official website of the High Qualifications Commission of Judges of Ukraine;

12) announcement by the High Qualifications Commission of Judges of Ukraine, in accordance with the number of available vacant positions of a judge in local courts of general jurisdiction, of a contest for filling such positions;

13) holding by the High Qualifications Commission of Judges of Ukraine of a contest for the vacant position of judge on the basis of the rating of the candidates who took part in that contest, and making recommendations to the High Council of Justice regarding appointment of a candidate for a position of a judge;

14) consideration by the High Council of Justice of the matter of compliance with the procedures, specified in this Law, in stages envisaged in paragraphs 1 — 13 of this part, and making proposals to the President of Ukraine regarding appointment of a candidate for a position of a judge;

15) taking a decision on the appointment of a candidate for a position of a judge by the President of Ukraine.

Article 67. Submission of documents to the High Qualifications Commission of Judges of Ukraine by a candidate for position of judge

1. In order to participate in the selection procedure, a candidate for position of judge shall submit:

- 1) written application for participation in the selection of candidates for a position of a judge;
- 2) copy of the passport of a citizen of Ukraine;
- 3) personal data form of a candidate for a position of a judge containing information about them;
- 4) copies of diplomas in Law (with appendices) issued by universities in Ukraine, copies of diplomas in Law issued by foreign universities along with copies of documents confirming recognition of such universities in Ukraine, as well as copies of documents confirming academic degrees (if available);
- 5) copy of the employment record book or service record credentials (if any);
- 6) medical institution certificate on the candidate's health condition with a conclusion regarding their suitability to work on a position related to performance of state functions;
- 7) written consent to the collection, storage, processing and use of information on the candidate for the purposes of evaluation their readiness to work on the position of a judge;
- 8) consent to a special verification procedure in relation to them, in accordance with the law;
- 9) declaration of a person authorized to act as a state or local self-government official, in accordance with the procedures stipulated by the Anti-Corruption Law;
- 10) copy of military card (for military personnel or obligated reservists);
- 11) application on the verification procedure, as stipulated by the Law of Ukraine on Purge of State Public Authorities.

The form and content of the application to participate in the selection of candidates for a position of a judge and of the personal details form of candidates for a position of a judge

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shall be approved by the High Qualifications Commission of Judges of Ukraine and posted at its official website.

Any documents not expressly specified in this Article may not be requested from the candidate.

2. Acceptance of documents is completed on the day specified in the announcement as the final term for submission. Applications received after the final term shall not be considered.

3. Persons who submitted the necessary documents stipulated in part one of this Article and meet the requirements established by this Law to a candidate for position of judge shall be admitted to the selection of candidates for a position of a judge.

Persons who have not submitted all the required documents and/or submitted documents that do not meet the requirements, shall not be admitted to the selection. In case of non-admission of a person to the selection of candidates for a position of a judge, the High Qualifications Commission of Judges of Ukraine shall pass a substantiated decision.

Article 68. Procedure for selection of candidates for position of judge

1. Selection of candidates for a position of a judge consists of passing an eligibility assessment by the persons admitted to the selection, organization of a special verification procedure regarding the persons by the High Qualifications Commission of Judges of Ukraine in accordance with the laws on prevention of corruption, with account to the specifics envisaged in this Article; special training and preparation for the qualification assessment.

2. The High Qualifications Commission of Judges of Ukraine shall be obligated to ensure transparency of the eligibility assessment and qualification assessment. Mass media, NGOs, judges, lawyers, representatives of bodies of judicial self-government, and any candidate for the position of judge who participated in passing the relevant assessment, may be present at each stage and in the course of the review of works.

Article 69. Eligibility assessment

1. An eligibility assessment shall be conducted by the High Qualifications Commission of Judges of Ukraine in the form of anonymous testing to check the general theoretical knowledge of a candidate in law, their command of the official language of the country, personal moral and psychological qualities of the candidate.

2. The High Qualifications Commission of Judges of Ukraine shall, at its official website, inform candidates to judicial positions admitted to the eligibility assessment, and the assessment's date, time and venue not later than ten days prior to the date of the assessment.

3. Immediately upon the eligibility assessment, the High Qualifications Commission of Judges of Ukraine, in the presence of candidates to judicial positions, shall ensure review of the works and identify, with account to the forecast number of vacant positions, the passing score, which may not be less than 75 percent of the maximum possible score of the respective eligibility assessment.

4. The results of the eligibility assessment shall be published at the official website of the High Qualifications Commission of Judges of Ukraine not later than on the next day following the assessment.

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5. Following the eligibility assessment, the High Qualifications Commission of Judges of Ukraine shall make a preliminary decision on the admission of persons who have passed the eligibility assessment to the next stage of selection and publish the decision at the official website of the High Qualifications Commission of Judges of Ukraine.

6. The procedure for passing the eligibility assessment and the methodology of evaluation shall be governed by the regulation approved by the High Qualifications Commission of Judges of Ukraine.

Article 70. Conducting special verification procedures concerning a candidate for the position of judge

1. In order to carry out a special verification procedure, the High Qualifications Commission of Judges of Ukraine shall, not later than on the day following the adoption of a preliminary decision on admission of persons who have successfully passed the eligibility assessment to the next stage of selection, send to the competent authorities its requests for verification of the respective information about those persons. The requests shall be signed by the Chairperson or Deputy Chairperson of the High Qualifications Commission of Judges of Ukraine.

Proceeding from the information received, the High Qualifications Commission of Judges of Ukraine shall prepare a report on the results of the special verification procedure.

2. Private individuals and legal entities may submit information on candidates to the position of judges to the High Qualifications Commission of Judges of Ukraine.

3. Following the special verification procedure, the High Qualifications Commission of Judges of Ukraine shall take a decision on referring the persons who meet the requirements for a candidate for a position of a judge for special training at the National School of Judges of Ukraine.

Upon receipt of any information that may indicate non-conformity of the candidate for a position of a judge to the requirements stipulated by this Law, the High Qualifications Commission of Judges of Ukraine shall consider it at its meeting, in presence of that candidate. A candidate to the judicial position shall have the right to access that information, provide appropriate explanations, refute and deny it. Upon review of the information, the High Qualifications Commission of Judges of Ukraine shall take a substantiated decision on terminating further participation of the candidate in the selection.

Article 71. Special training of a candidate for a position of a judge

1. Special training of a candidate for a position of a judge shall include theoretical and practical training of a judge at the National School of Judges of Ukraine.

2. The program, curriculum and the procedures for special training of candidates for a position of a judge shall be approved by the High Qualifications Commission of Judges of Ukraine upon recommendation of the National School of Judges of Ukraine.

3. Special training shall be conducted for twelve months at the expense of the State Budget of Ukraine. For the training period, the candidates shall retain their main job, be paid a scholarship in the amount of at least one half of the salary of a judge of a local court of general jurisdiction. The term of special training at the National School of Judges of Ukraine shall be added to the length of service in law.

4. Following the special training, the candidates shall receive a certificate of a standard format approved by the High Qualifications Commission of Judges of Ukraine. Successful

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completion of the training program shall be regarded as completion of the special training by the candidate.

5. The National School of Judges of Ukraine shall send materials on the candidates who have completed the special training to the High Qualifications Commission of Judges of Ukraine for undergoing an eligibility assessment.

6. In case a candidate for a position of a judge has deviated from the procedures for the special training that entailed their expulsion, suspension by a candidate of such training on their own initiative, failed completion for the special training by the candidate for a position of a judge, they shall be obligated to reimburse the funds spent on their training. Also, candidates for a position of a judge shall reimburse the funds spent on their special training in case they fail to come, without a valid reason, to undergo an eligibility assessment, or, within three years after the transfer to the reserve, have not submitted an application for participation in a contest to occupy a vacant position of a judge, or if they have been excluded from the reserve upon their request.

Article 72. Qualification assessment

1. The qualification assessment is an evaluation of a person who took training and expressed an intention to be recommended for appointment to a position of a judge.

2. The qualification assessment is aimed at identifying the level of theoretical knowledge and professional skills of a candidate to a position of a judge, including those gained in special training, and a degree of their preparedness to administering justice.

3. The qualification assessment shall be passed by a candidate for a position of a judge taking a written anonymous test and doing an anonymous written practical task to identify the level of knowledge and practical skills in application of law and the conduct of a court session.

4. The qualification assessment shall be conducted by the High Qualifications Commission of Judges of Ukraine in premises specially equipped for that purpose. The course of the qualification assessment shall be recorded by video and audio recording equipment. Mass media and representatives of trade unions and human rights organizations may be present at any stage of the assessment and evaluation of results.

5. The procedure for undergoing the qualification assessment and methods of the evaluation of candidates shall be established by regulation approved by the High Qualifications Commission of Judges of Ukraine.

6. The results of the qualification assessment shall be valid for three years upon the date of the assessment.

7. If a person has scored less than 75 percent of the maximum possible score in the qualification assessment, he/she shall be deemed as having failed the qualification assessment. A person who has failed the qualification assessment may be admitted to the repeated qualification assessment not earlier than one year thereafter. A person who has not passed the qualification assessment again may be admitted to the next assessment not earlier than two years thereafter.

8. The High Qualifications Commission of Judges of Ukraine shall rank the candidates for a position of a judge according to the points scored by the candidates in the qualification assessment. The ranking shall separately display points scored on the tasks that test the candidate's ability to be a judge by respective specializations. The High Qualifications

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Commission of Judges of Ukraine shall add to the reserve for filling the vacant judge positions those candidates who have scored at least 75 percent of the maximum possible score in the qualification assessment.

9. Information on the results of the qualification assessment and a candidate's place in the ranking for a position of a judge shall be publicly available and published at the official website of the High Qualifications Commission of Judges of Ukraine.

10. Violation of the procedure for the qualification assessment of a candidate for a position of a judge may be contested in the manner stipulated by the Code of Administrative Justice of Ukraine.

Article 73. Holding a contest to occupy a vacant position of a judge

1. In order to hold a contest to occupy a vacant position of a judge, the High Qualifications Commission of Judges of Ukraine shall take a decision on its announcement, placement of relevant information on its website and publishing it in selected print media, not later than one month before the day of the contest. The general procedure for applying for the contest and its terms and conditions shall be determined by the High Qualifications Commission of Judges of Ukraine. Information about applying for participation in the contest by each applicant for a specific vacant position of a judge shall be published on the official website of the High Qualifications Commission of Judges of Ukraine.

2. The contest announcement shall indicate the name of the court where positions of judges are open, the number of such positions, terms and conditions of contest, its date, time and venue.

3. Candidates to a position of a judge who wish to participate in a contest for vacant positions, within the specified time period shall submit their written applications to the High Qualifications Commission of Judges of Ukraine.

4. The High Qualifications Commission of Judges of Ukraine shall hold a contest to fill the vacant positions of judges proceeding from the ranking of candidates based on the results of the qualification assessment conducted under the procedure of judge selection (for local courts) or qualification evaluation (for other courts). The contest is aimed at the selection to fill a position of a judge by a candidate who has the highest position among the participants. In case of identical ranking positions, preference shall be given to the candidate who scored more points for doing the practical task during the relevant assessment, which tested his/her ability to be a judge of the respective specialization or a judge in a court of the respective instance, and in case of an equal score — to the candidate who has a longer experience in Law.

5. Following the contest selection, the High Qualifications Commission of Judges of Ukraine shall send to the High Council of Justice, in accordance with the number of vacant positions of a judge, its recommendations on the appointment of candidates to judge positions.

6. In accordance with the recommendations given by the High Qualifications Commission of Judges of Ukraine, the High Judicial Council shall consider at its meeting the appointment of a candidate to a position of a judge and, in case of the positive decision, make a proposal to the President of Ukraine on the appointment of a candidate.

The High Council of Justice may refuse to submit a proposal to the President of Ukraine regarding appointment to a judge position solely on the grounds of violation of the statutory procedure for appointment to a position of a judge.

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In case of refusal to make the proposal to the President of Ukraine regarding appointment of a candidate to a judge position, the High Council of Justice shall take a substantiated decision that may be appealed to the High Administrative Court of Ukraine in the manner stipulated by the law.

Candidates for a position of a judge, whose applications for appointment to a position of a judge for the first time were declined by the High Council of Justice, may not be re-entered to the reserve without a new selection procedure.

Article 74. Appointment to a position of a judge

1. Appointment to a position of a judge shall be done by the President of Ukraine on the grounds and within the proposal of the High Council of Justice, without verification of the requirements for candidates for a position of a judge, established by this Law , and procedure for the selection of candidates for the position of a judge.

Any enquiries regarding a candidate for a position of a judge shall not prevent their appointment to a position of a judge. Facts stated in those enquiries may serve as grounds for the President of Ukraine to raise an issue with the competent authorities of conducting an inquiry into those facts following a procedure envisaged by law.

2. The President of Ukraine shall issue a decree on the appointment of a judge within thirty days of receipt of the proposal of the High Council of Justice.

Article 75. Transfer of a judge to another court within the period of five years

1. Within a five-year period a judge may be transferred to a position of a judge in another court by the President of Ukraine in the manner stipulated by this Law.

2. A transfer of a judge to a position of a judge in another court shall be carried out based upon the results of a contest for vacant positions of a judge conducted following the procedure stipulated by Article 73 of this Law.

In case of participation in a contest for the vacant position of a judge in another court of the same level, at the request of a judge the results of their previous qualification assessment or assessment under the procedure of qualification evaluation may be taken into account. The judge may undergo a relevant assessment in accordance with this Law (but not earlier than three years after the previous assessment).

In case of equal contest results, preference shall be given to the candidate who has a longer experience as a judge.

3. A transfer of a judge to a position of a judge to another court of the same level may be made without contest only in cases of reorganization, liquidation or termination of the court where that judge holds the position of a judge.

A transfer to a position of a judge of a lower level may be carried out if following the qualification evaluation the judge's capacity to administer justice of in court of the relevant level was not proven.

A transfer of a judge within a five-year period to another court as a disciplinary measure shall be done by the President upon request of proposal of a body that took the decision on bringing the judge to disciplinary liability.

Chapter 3. Consideration of the matter of election to the position of a judge for an indefinite period

Article 76. The procedure of election to the position of a judge for an indefinite period

1. A judge whose term of office is expiring, upon their request must be recommended by the High Qualifications Commission of Judges of Ukraine for their election by the Verkhovna Rada of Ukraine to a lifetime position of a judge, in the absence of any law-defined circumstances preventing that.

2. Election to the position of a judge for an indefinite period shall be done in accordance with the following procedure:

1) A candidate shall submit a written application to the High Qualifications Commission of Judges of Ukraine requesting to be recommended for election to a position of a judge for an indefinite period;

2) The High Qualifications Commission of Judges of Ukraine shall announce preparation of materials on a candidate for a position of a judge for an indefinite period on its official website and in the official mass media;

3) The High Qualifications Commission of Judges of Ukraine shall review the information on the candidate, examine their judicial dossier, take into account indicators of the candidate's consideration during their work as a judge and, in cases envisaged by this Law, the results of their qualification evaluation;

4) The High Qualifications Commission of Judges of Ukraine shall take a substantiated decision to recommend or refuse to recommend them for election as a judge for an indefinite time and, in case of recommendation, send the respective proposal to the Verkhovna Rada of Ukraine;

5) the Verkhovna Rada of Ukraine shall decide on the election of a candidate to a position of a judge for an indefinite period.

Article 77. An address of a candidate for a position of a judge for an indefinite period to the High Qualifications Commission of Judges of Ukraine

1. A candidate for a lifetime position of a judge shall, not later than six months before the expiration of the term of office of a judge, address the High Qualifications Commission of Judges of Ukraine with an application to recommend them to be elected to a position of a judge for an indefinite period.

2. An application to the High Qualifications Commission of Judges of Ukraine regarding recommendation for election to a lifetime position of a judge may also be submitted by a candidate who was dismissed from a position of a judge due to the end of the term for which they were appointed, and who did not previously address the High Qualifications Commission of Judges of Ukraine with an application for their election to the position of judge for an indefinite period, a candidate dismissed from the position of a judge upon submission of their voluntary resignation, or a candidate who was previously elected a judge for an indefinite period and dismissed at their own choice, within three years from the date of dismissal. The High Qualifications Commission of Judges of Ukraine may recommend such candidates for lifetime judge positions upon passing a relevant qualification evaluation.

The High Qualifications Commission of Judges of Ukraine may recommend a retired judge of the Constitutional Court of Ukraine for a lifetime position of a judge in the Supreme Court of Ukraine without undergoing any assessment based on the interview and the judge's dossier.

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3. A candidate whose period from the time of dismissal from the position of a judge exceeds the period specified in part two of this Article may be recommended by the High Qualifications Commission of Judges of Ukraine for election to a position of a judge for an indefinite period after undergoing the qualification assessment in accordance with this Law.

4. To participate in the selection, a candidate for election as judge for an indefinite period shall submit:

- 1) written application on the recommendation of the candidate for election as a judge for an indefinite period;
- 2) copy of the passport of a citizen of Ukraine;
- 3) personal data form of a candidate for a position of a judge for an indefinite period containing information about them;
- 4) copies of diplomas in Law (with appendices) issued by universities in Ukraine, copies of diplomas in Law issued by foreign universities, along with copies of documents confirming recognition of such universities in Ukraine, as well as copies of documents confirming academic degree (if available);
- 5) copy of the decision on results of the qualification evaluation;
- 6) extract from the employment record book attesting the work experience as a judge;
- 7) medical institution certificate on the candidate's health status with a conclusion regarding their suitability to work on a position related to execution of governmental functions;
- 8) declaration of a person authorized to perform functions of governmental or local self-government official, in accordance with the procedures stipulated by the Anti-Corruption Law;
- 9) written consent to the collection, storage, processing and use of information on the candidate for the purposes of evaluation their readiness to work on the position of a judge for an indefinite period;
- 10) application for the verification envisaged by the Law of Ukraine on Purge of State Public Authorities.

The form and content of the application to participate in the selection of candidates for a position of a judge for an indefinite period and of the personal details form of candidates for a position of a judge for an indefinite period shall be approved by the High Qualifications Commission of Judges of Ukraine and posted at its official website.

5. Any documents not expressly specified in this Article may not be requested from the candidate.

Article 78. Procedure for consideration of election of a candidate to a position of judge for a lifetime by the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall announce preparation of materials regarding a candidate for a position of a judge for an indefinite period at the official website of the judicial authorities not later than on the next business day upon the delivery of the candidate's application.

2. The High Qualifications Commission of Judges of Ukraine shall consider the matter of election of a candidate to a position of judge for an indefinite period not later than two months before the expiry of their term of office as a judge.

3. The High Qualifications Commission of Judges of Ukraine shall verify compliance by the candidate for a position of a judge for an indefinite period with the requirements of Article 127 of the Constitution of Ukraine, and Articles 54, 65 of this Law.

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4. A candidate whose election to a position of a judge for an indefinite period is being considered, shall be entitled to access information about their activities, enquiries of the High Qualifications Commission of Judges of Ukraine and the responses to them.

Article 79. The decision to recommend or refuse to recommend a candidate for election to a position of a judge for an indefinite period

1. The decision to recommend or refuse to recommend a candidate for election to a position of a judge for an indefinite period shall be taken at an open meeting of the High Qualifications Commission of Judges of Ukraine in presence of the candidate, in a manner stipulated by the Rules of Procedure of the High Qualifications Commission of Judges of Ukraine, and announced immediately after it has been taken. The meeting of the High Qualifications Commission of Judges of Ukraine may be attended by any interested persons and mass media.

2. The decision of the High Qualifications Commission of Judges of Ukraine to refuse to recommend a candidate for election to a position of a judge for an indefinite period in the event of failure by the High Qualifications Commission of Judges of Ukraine to adhere to the procedure for election to a position of a judge for an indefinite period may be appealed in court in a manner stipulated by law.

3. Proceeding from the decision not to recommend a candidate for election to a position of a judge for an indefinite period, taken by the High Qualifications Commission of Judges of Ukraine (if not challenged or if upheld by a court), the High Council of Justice shall submit a proposal to the President of Ukraine regarding dismissal of that candidate from the position of a judge.

Article 80. Proposal for election of a candidate for a position of a judge for an indefinite period

1. The proposal of the High Qualifications Commission of Judges of Ukraine and its decision on the recommendation for election of a candidate to a position of a judge for an indefinite period shall be sent to the Verkhovna Rada of Ukraine not later than one month before the expiry of the candidate's term in office as a judge.

2. The proposal shall indicate the family name, personal name and patronymic of the candidate and the title of the court to which the candidate is proposed to be elected.

Article 81. Consideration and passing of the decision by the Verkhovna Rada of Ukraine on election of a candidate to a position of a judge for an indefinite period

1. The procedures of consideration and passing of the decision by the Verkhovna Rada of Ukraine on election of a candidate to a position of a judge for an indefinite period shall be stipulated by this Law and the Rules of Procedure of the Verkhovna Rada of Ukraine.

2. In case a candidate to the position of a judge for an indefinite period has not been elected, the High Council of Justice shall motion for the removal of the candidate from the position of a judge due to expiry of the term for which they were appointed.

Article 82. Transfer of a judge elected for an indefinite period to another court

1. The transfer of a judge elected for an indefinite period to another court of the same level and specialization shall be done by the President of Ukraine proceeding from the results of the contest for the vacant position of a judge as envisaged by Article 73 of this Law, and

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based on the decision of the High Qualifications Commission of Judges of Ukraine, except for cases envisaged in parts two and three of this Article.

The Verkhovna Rada of Ukraine shall transfer a judge elected for a lifetime position to a court of a different level with the same or any other judicial specialization following the competition for filling a vacant position of judge envisaged in Article 73 of this Law and based upon the decision of the High Qualifications Commission of Judges of Ukraine, unless otherwise contemplated by parts two and three of this Article.

2. The transfer of a judge elected for an indefinite period to another court of the same level may be done by the President of Ukraine without contest only in case of reorganization, liquidation or termination of the court, where a judge holds the position of judge.

3. The transfer of a judge elected for an indefinite period to another court of the same level as a disciplinary measure shall be done by the Verkhovna Rada of Ukraine upon a proposal or motion by a body that decided to bring the judge to disciplinary liability.

Section V. QUALIFICATION LEVEL OF A JUDGE

Chapter 1. Qualification evaluation of judges

Article 83. Objectives of, and grounds for the qualification evaluation

1. Qualification evaluation shall be conducted by the High Qualifications Commission of Judges of Ukraine and shall be aimed at the definition of the professional level of a judge. Qualification evaluation is aimed at:

- 1) verification of ability of the judge to administer justice in a court of the relevant level;
- 2) confirmation of the judge's professional level that makes him/her eligible for a lifetime appointment as a judge.

Qualification evaluation shall be based on objective criteria, and shall be carried out in a transparent manner and with account to the merits, qualifications and integrity of a judge, his/her abilities and work performance, including qualitative and quantitative indicators of performance.

2. The criteria for the qualification evaluation shall be as follows: professional competence (knowledge of law, ability to conduct a court session and pass decisions), personal competence (ability to cope with the given volume of work, self-organization), social competence (equability of mind, stress resistance, communication skills) and the ability to improve their professional level and to administer justice in a court of the respective level.

3. Grounds for qualification evaluation of a judge shall be as follows:

- 1) An application by a judge requesting a verification of his/her ability to administer justice in a court of the respective level;
- 2) application for qualification evaluation of the candidate for a lifetime appointment to a position of judge;
- 3) decision by the High Qualifications Commission of Judges of Ukraine on the appointment of a qualification evaluation of a judge in connection with a disciplinary sanction as envisaged by this Law.

4. The procedure and methodology for qualification evaluation of the judge shall be defined by the High Qualifications Commission of Judges of Ukraine in consultation with the Council of Judges of Ukraine.

Article 84. Qualification evaluation procedure

1. Qualification evaluation of a judge shall be conducted by the High Qualifications Commission of Judges of Ukraine within two months upon receipt of the respective written application of the judge, unless the qualification evaluation is initiated by the decision of the High Qualifications Commission of Judges of Ukraine in connection with a disciplinary sanction.

2. Based on the results of the qualification evaluation, the High Qualifications Commission of Judges of Ukraine shall issue a substantiated conclusion which shall be used as the basis for one of the decisions envisaged in this Law.

Regardless of the decision taken, a judge may address the High Qualifications Commission of Judges of Ukraine with the respective application to conduct his/her qualification evaluation not earlier than one year upon the decision by the Commission, based on the results of his/her most recent evaluation.

3. Qualification evaluation shall be conducted publicly, in presence of a judge who is being evaluated, and any interested persons. Representatives of the respective bodies of judicial self-government may be present during the consideration of matters related to the judge's qualification evaluation.

Article 85. Stages of qualification evaluation

1. Qualification evaluation shall comprise of the following stages:

- 1) undergoing of an assessment by the judge;
- 2) review of the judge's dossier and interview.

2. The assessment shall be conducted by way of a written anonymous test and performance of a practical task to identify the level of knowledge and practical skills law application, and ability to administer justice in court of the relevant instance and specialization.

The assessment procedure and evaluation methodology shall be defined by regulation approved by the High Qualifications Commission of Judges of Ukraine in consultation with the Council of Judges of Ukraine.

Test questions and practical tasks for the assessment of judges shall be prepared with account to the principles of instance hierarchy and specialization.

The High Qualifications Commission of Judges of Ukraine shall ensure the transparency of the assessment. Any interested persons may be present at any stage of the examination and in the course of evaluation of the results.

3. A dossier of a judge must contain the following information:

- 1) copies of all statements of the judge related to his/her carrier and any documents attached thereto;
- 2) copies of all decisions made in connection with the judge by the High Qualifications Commission of Judges, High Council of Judges, President of Ukraine, and Verkhovna Rada of Ukraine;
- 3) information about the judge's participation in competitions for filling any vacant judge's positions;

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- 4) information about the results of taking by the judge of any special courses for candidate judges or judge training courses at the National School of Judges of Ukraine while holding the office;
- 5) information about the results of qualification evaluation of the judge and regular evaluation of the judge during his/her term in the office;
- 6) information about any lecturing activity at the National School of Judges of Ukraine;
- 7) information about any administrative positions held by the judge, including copies of decisions on appointment to and dismissal from these positions;
- 8) information about the judge's election to bodies of judicial self-governance, High Qualifications Commission of Judges, and High Council of Justice;
- 9) information about the efficiency of the justice administration by the judge, namely:
 - a) total number of cases considered;
 - b) number of cancelled court decisions and the reasons for their cancellation;
 - c) existence and number of decisions that gave grounds to issuance of resolutions by international judicial institutions and other organizations that established violation by Ukraine of its international legal obligations;
 - d) number of modified court decisions and reasons for their modification;
 - e) observance of time limits for consideration of cases;
 - f) average duration of a preparation of a substantiated decision text;
 - g) judicial workload compared with other judges in the respective court and region, with account to the instance hierarchy, specialization of the court and the judge;
- 10) information about the disciplinary responsibility of the judge, including:
 - a) number of complaints against any actions of the judge;
 - b) number of disciplinary measures and results of such measures;
- 11) information about the judge's compliance with ethical and anti-corruption criteria, namely:
 - a) correspondence between the expenditures and property of the judge and members of their family, as well as any affiliated persons, and the declared incomes, including copies of relevant declarations submitted by the judge under the anti-corruption laws;
 - b) other information related to compliance with the requirements of anti-corruption laws;
 - c) information related to the judge's observance of the judicial ethics rules;

The High Qualifications Commission of Judges of Ukraine shall procure keeping of the judge's dossier on the basis of the relevant regulation approved by the Council of Judges of Ukraine. Such regulation may envisage electronic form of the judge's dossier.

4. The interview shall be in form of discussion of the results of the review of the judge's dossier.

Article 86. Decision of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine, proceeding from a substantiated conclusion, shall pass a decision on the following:

- 1) confirmation or non-confirmation of the judge's ability to administer justice;
- 2) recommendation or a refusal to recommend the judge for a lifetime judge position.

2. A judge who disagrees with the decision of the High Qualifications Commission of Judges of Ukraine about his/her qualification evaluation may contest the decision in the manner stipulated by the Code of Administrative Justice of Ukraine.

Chapter 2. Training and regular evaluation of judges

Article 87. On-site training of judges

1. Judges shall take on-site training at the National School of Judges of Ukraine.
2. A judge appointed to the position of judge for the first time shall take onsite training on annual basis. Such training shall be at least 30 academic hours per year.
3. A judge appointed to the position for a lifetime shall take an onsite training at least once every three years. Such training shall be at least 40 academic hours in every three years of holding the position of judge.
4. The National School of Judges of Ukraine shall provide onsite training for judges as required to improve their knowledge, skills and abilities depending on the experience, level and specialization of their courts, taking into account their individual needs. With this purpose, the National School of Judges shall organize trainings that are mandatory as part of the training course, and trainings that a judge may choose as an option depending on his/her needs.

Article 88. Objectives and procedure for regulatory assessment of judge

1. Regulatory evaluation of the judge during his/her term in the office is aimed at identification of the judge's individual needs in improvement and incentives for maintaining his/her qualification at the proper level and for professional growth.
2. The regulatory evaluation of judge shall be conducted by:
 - 1) lecturers (trainers) of the National School of Judges of Ukraine based on the results of training and completion of a questionnaire;
 - 2) other judges of the relevant court by offering to fill in a questionnaire;
 - 3) the judge himself/herself by filling in a self-estimation questionnaire;
 - 4) public associations by independent evaluation of the judge's work in court sessions.
3. Upon completion of every training course, the lecturer (trainer) shall fill in the judge evaluation questionnaire including:
 - 1) grade of:
 - a) the judge's knowledge, skills and abilities gained in the training course;
 - b) accuracy and timeliness of performance of tasks;
 - c) analytical abilities and ability to assess information;
 - d) team playing (negotiating skills, team working, working under pressure etc);
 - e) communication skills (document execution skills, oral skills);
 - f) strong points of the judge;
 - 2) recommendations of the judge on areas for self-improvement or need in additional training.
4. The National School of Judges of Ukraine shall provide the questionnaire to the judge for review not later than five days upon completion of the relevant training course. The judge may provide his/her objections to the evaluation results within ten days upon receiving the questionnaire. Having reviewed the objections, the lecturer (trainer) may complete a new evaluation questionnaire within five days. The judge's evaluation questionnaire upon completion of each training course, judge's objections to the evaluation results and revised evaluation questionnaire shall be included into the judge's dossier.

7. Public associations may organize independent evaluation of the judge's work in open court sessions. Results of independent evaluation of the judge's work in a court session shall be recorded in the questionnaire that includes such information as duration of the trial, observance of the judicial rules and respect to rights of the trial participants by the judge, communication culture, level of the judge's impartiality, level of satisfaction of the trial's participants with the judge's conduct, objections to the trial conduct and other information. The completed questionnaire of independent evaluation of the judge's work in court session shall be attached to the judge's dossier.

8. Procedure and methodology of the judge's evaluation and self-estimation shall be approved by the High Qualifications Commission of Judges in consultations with the Council of Judges of Ukraine.

Article 89. Importance of regular evaluation

1. Results of regular evaluations shall be taken into consideration for making a decision in connection with the judge's appointment for a lifetime and for competition for vacancy filling in the relevant court.

Chapter 3. National School of Judges of Ukraine

Article 90. Status and structure of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine is a state institution with a special status, engaged in training of qualified staffs for the judicial system and carrying out research. The National School of Judges of Ukraine shall not be subject to legislation on higher education.

2. The National School of Judges of Ukraine formed by the High Qualifications Commission of Judges of Ukraine and operates in accordance with this law and statute, approved by the High Qualifications Commission of Judges of Ukraine.

3. The National School of Judges of Ukraine shall be headed by the president, appointed and dismissed by the High Qualifications Commission of Judges of Ukraine. Vice-presidents of the National School of Judges of Ukraine shall be appointed and dismissed by the High Qualifications Commission of Judges of Ukraine upon proposal of the President of the National School of Judges of Ukraine. President of the National School of Judges of Ukraine shall submit proposals to the High Qualifications Commission of Judges of Ukraine regarding candidates to the vacant positions of the respective Vice Presidents.

4. Salary, social and pension allowance of the staff of the National School of Judges of Ukraine may not be less than in relevant categories of governmental officials employed with central executive bodies.

5. The National School of Judges of Ukraine shall be a legal entity, have a seal with the State Emblem of Ukraine and its designation, maintain its own balance sheet and have accounts with the State Treasury Office of Ukraine and may have regional offices.

Article 91. Objectives of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine shall:

1) provide special training for candidates to a position of a judge;

- 2) provide training for judges:
 - a) appointed judge for the first time;
 - b) elected to a position of a judge for a lifetime;
 - c) appointed to administrative positions in courts;
 - 3) provide regular judicial training aimed at qualification upgrade;
 - 4) conduct training courses defined by a disciplinary body for recurrent training for judges suspended from the administration of justice;
 - 5) provide training and recurrent training of court staff;
 - 6) conduct research on matters of judicial practice improvement;
 - 7) study international experience of the organization of judiciary practice;
- 8) provide scientific and methodology support for activities by courts of general jurisdiction, the High Qualifications Commission of Judges of Ukraine and the High Council of Justice.

Section VI. DISCIPLINARY RESPONSIBILITY OF JUDGES

Chapter 1. Grounds and procedure for application of disciplinary measures to a judge

Article 92. Grounds for disciplinary responsibility of a judge

1. A judge may be brought to disciplinary responsibility in disciplinary proceedings for the following reasons:

- 1) intentional or caused by negligence:
 - a) illegitimate denial of access to justice (including illegitimate refusal to accept a claim on the merits, an appeal, cassation claim, etc.) or other substantial procedural violations in the administration of justice that made it impossible for participants of a trial to exercise their procedural rights granted to them and perform procedural obligations, or caused violations of the rules of jurisdiction or admissibility of a case;
 - b) failure to specify in the judgment of grounds for sustaining or rejection of parties' arguments on the merits;
 - c) violation of principles of transparency and openness of the trial;
 - d) violation of the principles of equality of all participants in a trial before the law and the court, contention principles of parties and freedom in provision to the court of their evidence and in proving their strength to the court;
 - e) failure to protect the accused party's right to defence, obstructing rights of other participants in a trial;
 - f) violation of the rules for challenge (self-disqualification);
- 2) unreasonable delay or failure to take action by a judge to consider an application, complaint or case within the time limits stipulated by law; delays in provision of a substantiated judgment; failure by the judge to provide a copy of the judgment for its entry in the Unified State Register of judgments;
- 3) systematic or gross single violation of judicial ethics rules that undermine the authority of justice, including the display of disrespect in the process of administration of justice towards other judges, lawyers, experts, witnesses and other participants in a trial;
- 4) intentional, or caused by obvious negligence, violation of human rights and fundamental freedoms permitted by the judge who participated in making the judgment;
- 5) disclosure by a judge of secrets protected by law, including secrecy of deliberations or information that became known to the judge during the hearing in camera;
- 6) the judge's failure to notify bodies of judicial self-government or law-enforcement agencies of any cases of interference in the work of the judge related to the administration of justice, including being addressed by trial participants or other persons, such as persons authorized

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to perform state functions, regarding specific cases under consideration by the judge, if such address occurred in a manner different from those envisaged by procedural laws, within five days after they became aware of such a case;

7) failure to notify, or late notification of the Council of Judges of Ukraine of real or potential conflict of interest of the judge (except where a conflict of interest is regulated in the manner stipulated by the procedural law);

8) interference with the administration of justice by other judges;

9) failure to submit, or late submission for publication of the declaration of a person authorized to perform functions of the state or local self-government, in a manner stipulated by laws on prevention of corruption;

10) provision in the declaration of a person authorized to perform functions of the state or local self-government, of false information or intentional failure to provide information contemplated by law;

11) use of the status of a judge with the aim of gaining, by them or by any third party, of material or other benefits, if such offence does not contain elements of a crime or a criminal offence;

12) malpractice by a judge, including expenditures by the judge or members of his/her family in excess of incomes of the judge and his/her family; detection of a discrepancy between the judge's lifestyle and the declared profits;

13) failure to provide information, or deliberate provision of false information to a legitimate request by a member of the High Qualifications Commission of Judges of Ukraine and/ or member of the High Council of Justice;

14) declaring the judge guilty of a corruption offense or an offense related to corruption, in cases specified by law.

2. Cancellation or modification of a judgment shall not entail disciplinary responsibility of judges who were involved in its passing, except in cases when such was caused by wilful violation of law or improper execution of duties.

Article 93. Disciplinary proceedings against a judge

1. Disciplinary proceedings are a procedure for consideration of a request to establish circumstances that may serve as grounds for disciplinary responsibility of a judge.

2. Any person has the right to file a complaint (petition) regarding conduct of a judge that may result in disciplinary responsibility of a judge. Citizens exercise the said right personally or through a counsel, legal entities through an attorney, governmental bodies and local self-governance bodies — through their representatives.

An attorney or a prosecutor shall be obligated to verify facts that can entail disciplinary responsibility of a judge, before filing the respective complaint (petition). An attorney or a prosecutor shall be obligated to refuse to file a complaint (petition) regarding conduct of a judge in existence of a conflict of interest, and in case when a lawyer or a prosecutor are a party to the trial involving a judge whose conduct is the subject matter of the respective petition.

3. The complaint (petition) regarding conduct of a judge that may entail disciplinary responsibility of the judge shall be submitted in writing and must contain the following information:

1) family name, given name and patronymic (designation) of the claimant, his/her place of residence (stay) or location, postal code, contact details;

2) family name, given name and patronymic and the title of the judge(s) whose actions are the subject matter of the complaint;

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3) specific information about existence in the conduct of the judge of any signs of disciplinary offences that, in accordance with the first part of Article 92 of this Law, may be grounds for disciplinary responsibility of the judge; 4) references to the factual data (witness testimony, evidence) that prove the claimant's information. The complaint (petition) shall be signed by the claimant with the indication of the date of its signature. The High Qualifications Commission of Judges of Ukraine and the High Council of Justice shall approve and post at the official website of the judicial authorities an example of the complaint (petition) regarding conduct of a judge.

4. Abuse of the right to appeal to a body authorized to conduct disciplinary proceedings, including raising the issue of responsibility of a judge without sufficient grounds, and use of that right as a means of pressure on the judge in connection with the administration of justice, shall not be permitted. Filing obviously groundless complaints regarding bringing a judge to discipline liability by a lawyer may entail bringing that lawyer to disciplinary responsibility, as stipulated by law.

5. Disciplinary proceedings against a judge may not be initialized at the request or a report that do not contain information about signs of an offence by a judge, as well as upon anonymous statements and reports.

6. Secretariat of the relevant body which conducts the disciplinary proceedings shall register the complaint (petition) on the day of its delivery and shall conduct an automated assignment of such complaint to members of this body. Verification of the appeal for eligibility shall be carried out by a member of the relevant body who is in charge of the disciplinary proceedings or, upon instruction of such member, by an inspector of the body that conducts the disciplinary proceedings.

An appeal shall be returned without consideration if:

- 1) the appeal does not meet the requirements stipulated by this Law;
- 2) the appeal contains expressions in an indecent form that humiliate honor and dignity of any persons;
- 3) information contained in the appeal relates only to the conduct of the parties in the process, court staff or other persons;
- 4) the appeal raises the issue of bringing to disciplinary responsibility the persons released from the post of a judge(s) and if such proceedings are not in the scope of jurisdiction of the relevant body in charge of the disciplinary proceedings, and judges whose term in office has been terminated due to their death;
- 5) the appeal concerns an appeal against a court decision based on arguments that can be verified only by a court of a higher instance in the manner stipulated by the procedural law;
- 6) evidence of improper conduct of a judge that was reported has been previously investigated and a decision on disciplinary proceedings has been taken.

Article 94. Bodies conducting disciplinary proceedings against a judge

1. Disciplinary proceedings shall be carried out by:

- 1) the High Qualifications Commission of Judges of Ukraine — in relation to judges of local and appellate courts;
- 2) the High Council of Justice — in relation to judges of the high specialized courts and the Supreme Court of Ukraine.

Article 95. Procedure for disciplinary proceedings against a judge

1. Disciplinary proceedings in relation to a judge shall involve examination of any data on existence of grounds for bringing a judge to disciplinary responsibility, decision on the issue of opening a disciplinary case or refusal to open it, consideration of a disciplinary case and passing a decision.

2. Following an appeal that meets the requirements of this Law and is not subject to return by a member of the body that conducts disciplinary proceedings, verification of data there are grounds for disciplinary proceeding shall be carried out.

That verification shall be conducted in the manner stipulated by this Law.

3. In the course of the verification procedure, the member of the body that conducts disciplinary proceedings shall have the right to review materials of court cases, make copies of those, interview judges and other persons who are aware of any circumstances of the action that shows properties of a disciplinary offence; upon a written request, receive any information necessary for the verification from the governmental authorities and local self-governance authorities and officials, from business executives and officials of institutions and organizations, regardless of their form of ownership and subordination, citizens and their associations.

4. Governmental bodies local self-governance authorities and officials, business executives, and officials of institutions and organizations, regardless of their form of ownership and subordination, public associations, individuals who were sent a request by the member of the body that conducts disciplinary proceedings shall be obligated to provide the respective information within ten days after its receipt. If necessary, the said time period may be extended to thirty days, of which the member of the body that conducts disciplinary proceedings notifies directly in the request.

5. Failure to provide information to the member of the body that conducts disciplinary proceedings, or deliberate provision of false information, shall entail bringing those responsible to responsibility as stipulated by law.

6. Proceeding from the verification procedure results, the member of the body that conducts disciplinary proceedings in connection with judges shall issue a conclusion regarding the facts and circumstances identified in the course of the verification procedure, and a proposal either to open or to refuse to open disciplinary proceedings. The conclusion by the member of the body that conducts disciplinary proceedings in connection with judges and materials gathered in the course of the verification procedure shall be submitted to the body that conducts disciplinary proceedings.

7. The issue of opening a disciplinary case or refusing to open it shall be decided by the body that conducts disciplinary proceedings in connection with judges. The member of the body that conducts disciplinary proceedings in connection with judges who carried out the verification procedure shall not be involved in the decision-making about opening or refusal to open a disciplinary case.

The decision on opening or refusal to open a disciplinary case may not be appealed.

8. A copy of the decision of the body that conducts disciplinary proceedings in connection with judges on the opening of a disciplinary case shall, within three days from the date after it has been taken, be sent to the judge against whom a disciplinary case was opened. The

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decision shall be accompanied by a copy of the conclusion drawn by the member of the body that conducts disciplinary proceedings in connection with judges.

9. In absence of grounds for bringing a judge to disciplinary responsibility, expiry of the limitation time for bringing to responsibility or detection of circumstances envisaged in part five of Article 93 of this Law, the body that conducts disciplinary proceedings in connection with judges shall decide to refuse to open disciplinary proceedings against a judge.

10. Consideration of a disciplinary case shall be carried out in a public session, to which the person by whose complaint (petition) the case was opened, or his/her representative, and the judge against whom the case is opened, are invited. The session may be attended by any interested persons.

11. In case of inability, for a valid reason, to attend the meeting of the body that conducts disciplinary proceedings in connection with judges the judge whose case is being considered the may provide a written explanation on the issues raised, to be attached to the materials in the case. Written explanations of the judge shall be announced at the meeting in a mandatory manner. Repeated absence of that judge to a meeting shall give grounds for consideration of the disciplinary case in his/her absence.

Failure of the individual, upon whose request the disciplinary case was opened, to appear at the meeting shall not preclude its consideration.

12. Consideration of a disciplinary case against a judge shall be contention-based. The meeting of the body that conducts disciplinary proceedings in connection with judges shall hear reports by the member of the the body that conducts disciplinary proceedings in connection with judges of Ukraine who carried out the inspection, the verification procedure results, explanations by the judge whose case is being considered and/ or by his/her representative, witnesses and other interested persons.

13. A judge in respect of whom the issue of disciplinary responsibility is considered and/ or his/her representative shall have the right to provide explanations, make motions to call witnesses, ask questions to participants in the proceedings, express objections, make motions and challenges.

14. The process of consideration of disciplinary case against a judge and the results of its consideration shall be recorded by technical means.

Article 96. Decision in a disciplinary case against a judge

1. The body that conducts disciplinary proceedings in connection with judges shall discuss the outcome of disciplinary proceedings in the absence of a judge, in respect of whom the case was considered, and any invitees. Proceeding from the results of consideration, the body that conducts disciplinary proceedings in connection with judges shall take a decision to impose a disciplinary measure or refuse to impose a disciplinary measure. The decision in a disciplinary case shall be taken by a majority of its total membership. A member of the body that conducts disciplinary proceedings in connection with judges who carried out the verification procedure may not participate in the voting in the course of the decision making.

2. Choosing the type of disciplinary measures against the judge, the nature of the offence and its consequences shall be taken into account, as well as the personality of the judge, the degree of guilt, the circumstances affecting the possibility of bringing the judge to disciplinary responsibility.

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3. If the body that conducts disciplinary proceedings in connection with judges decides on absence of grounds for bringing a judge to disciplinary responsibility, disciplinary proceedings shall be terminated, with the simultaneous notification of the interested persons about the fact.

The decision to terminate the disciplinary proceedings may not be appealed.

4. Disciplinary measures against a judge may be applied no later than three years from the date of commission of the offense, without regard to the time of temporary disability or the time on leave.

If a decision of the European Court of Human Rights establishes facts that may serve as grounds for disciplinary measures against a judge, the said period shall begin on the day when such decision of the European Court of Human Rights has become final.

5. Following the disciplinary proceedings, the High Qualifications Commission of Judges of Ukraine may decide to send recommendations to the High Council of Justice for decision on submitting a proposal for dismissal of the judge in existence of grounds for that.

Based upon the results of disciplinary proceedings related to the judges of high specialized courts or courts of the Supreme Court of Ukraine, the High Council of Justice may adopt such decision as its own initiative.

6. The decision of the body that conducts disciplinary proceedings in connection with judges shall be made in writing, signed by the Chairperson and members of this body who participated in the decision making process, and shall be declared at the session. The decision in a disciplinary case must contain the following:

- 1) surname, given name, patronymic and position of the judge brought to disciplinary responsibility;
- 2) the circumstances of the case citing evidence;
- 3) the grounds on which the decision was taken;
- 4) the essence of the decision with specification of the disciplinary measure if it is imposed;
- 5) the procedure and time limits for of appeal against the decision.

7. In case of a dissenting opinion of a member of the body that conducts disciplinary proceedings in connection with judges such opinion shall be executed in writing and attached to the case, which fact is announced by the Chairperson of the session. The essence of the dissenting opinion shall not be disclosed at the session.

8. Within seven days, a copy of the decision of the body that conducts disciplinary proceedings in connection with judges shall be served or sent to the judge against whom the disciplinary case was considered, or to their representative.

9. In the decision on imposition of disciplinary penalty, the body that conducts disciplinary proceedings in connection with judges may specify the procedure for its execution.

Article 97. Disciplinary penalties against judges

1. The judges may be subject to disciplinary penalties in the form of:

- 1) admonishment;
- 2) reprimand — with deprivation of the right to receive bonuses to salary of a judge for one month;
- 3) strict reprimand — with deprivation of the right to receive bonuses to salary of a judge for three months;

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- 4) temporary (one to six months) suspension from the administration of justice — with deprivation of the right to receive bonuses to salary of a judge and mandatory taking a recurrent training course at the National School of Judges of Ukraine as defined by the body that conducts disciplinary proceedings in connection with judges, and subsequent qualification evaluation for confirmation of the judge's ability to administer justice in the relevant court;
- 5) transfer of the judge to a lower-level court;
- 6) conclusion on submitting a recommendation to the High Council of Justice to consider the issue on making a proposal on dismissal of the judge on grounds of violation of his/her oath.

In the course of selecting a type of disciplinary penalty against a judge, the nature of the offence and its consequences shall be taken into account, as well as the personality of the judge, the degree of guilt, and existence of effective disciplinary measures, and other circumstances relating to the disciplinary offence committed by the judge. Disciplinary penalties shall be applied with account to the principle of proportionality. Disciplinary measures envisaged in paragraphs 1 to 3 of part one of this Article shall not be applicable in case of commission by a judge of offences envisaged in paragraphs 10, 11, 12, 14 of part one of Article 92 of this Law. If a decision is taken to apply to the judge a disciplinary action in the form of lowering his/her qualification class, which prevents the judge to administer justice in a court of the respective level, the judge shall be removed from administration of justice in that court beginning when the decision on the imposition of the disciplinary penalty has been taken.

In existence of effective disciplinary measures against the judge, a stricter disciplinary measure must be imposed on the judge.

A judge who has an effective disciplinary penalty may not take part in the contest for filling a position in another court.

2. Conclusions on sending recommendations to the High Council of Justice for decision on submitting a proposal on dismissal of the judge on grounds of violation of his/her oath may be issued if:

- 1) the judge has taken any actions which discredit the judiciary or undermine the authority of justice;
- 2) the judge committed a disciplinary offence, having an effective disciplinary penalty (except for an admonishment and reprimand) or has two effective disciplinary penalties;
- 3) a fact of misconduct by a judge has been established, including the expenditures by the judge or members of his/her family in excess of incomes of the judge and his/her family; establishment of discrepancy between the life style of the judge and members of his/her family, and assets and income he/she declared; use of the status of a judge with the aim of gaining by his/her or by a third party of any material advantages and other benefits;
- 4) declaring the judge guilty of corruption offences or offences related to corruption by a court.

3. Information on bringing a judge to disciplinary responsibility shall be published at the official website of the body that conducts disciplinary proceedings in connection with judges and at the website of the court in which the judge serves. That information must contain data on the judge who was brought to disciplinary responsibility, on the disciplinary measure imposed and a copy of the decision by the body that conducts disciplinary proceedings in connection with judges on the imposition of such a penalty.

Article 98. Expungement of a disciplinary penalty

1. A judge shall be deemed as having no disciplinary penalties if:

- 1) within six months from the date of the decision to impose a disciplinary penalty in the form of an admonishment they has not been subjected to another disciplinary penalty;
- 2) within one year from the date of the decision to impose a disciplinary sanction in the form of reprimand they has not been subjected to another disciplinary penalty;
- 3) within eighteen months from the date of the decision to impose a disciplinary penalty in the form of a strict reprimand they has not been subjected to another disciplinary penalty;
- 4) within two years from the date of the decision to impose a disciplinary penalty in the form of temporary suspension from administration of justice they has not been subjected to another disciplinary penalty, and on condition of successful taking a recurrent training course defined by the body that conducts disciplinary proceedings in connection with judges, and subsequent confirmation of the judge's ability to administer justice in the relevant court based on the results of the qualification evaluation;
- 5) within three years upon the date of the decision to impose a disciplinary penalty in the form of transfer of the judge to a lower-level court, the judge has not been subjected to another disciplinary penalty, however, the judge may not be returned to his/her position in the previous court only in connection with such expungement.

2. Disposal of a disciplinary penalties under paragraphs 5 and 6 of part one of this Article shall not entail, respectively, the return to the position of judge of the court in which the judge administered justice prior to imposition of disciplinary penalties, reinstatement in the qualification class, which was previously removed from the judge.

Article 99. Appeal against a decision in a disciplinary case against a judge

1. A judge of a local of appellate court may appeal the decision of the High Qualifications Commission of Judges of Ukraine to impose a disciplinary penalty to the High Council of Justice or in court, in the manner stipulated by the Code of Administrative Justice of Ukraine, within one month from the date of a copy of the decision being served or mailed to them.

2. An appeal to the High Council of Justice shall be filed by the judge through the High Qualifications Commission of Judges of Ukraine.

3. The High Qualifications Commission of Judges of Ukraine, no later than three days after the receipt of the complaint, shall send it, along with any materials in the disciplinary case, to the High Council of Justice.

4. Consideration of complaints by the High Council of Justice shall be done in accordance with the procedures stipulated by the Law of Ukraine "On the High Council of Justice."

5. Consideration of an administrative claim on appeal against the decision by the High Qualifications Commission of Judges of Ukraine on bringing a judge to disciplinary responsibility shall be carried out in the manner stipulated by procedural law.

6. Submitting a complaint to the High Council of Justice or an administrative claim to a court against the decision by the High Qualifications Commission of Judges of Ukraine on bringing a judge to disciplinary responsibility shall stops the application of the disciplinary penalty.

Chapter 2. High Qualifications Commission of Judges of Ukraine

Article 100. Status of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine is a permanent body in the judicial system of Ukraine.
2. High Qualifications Commission of Judges of Ukraine is a legal entity having a seal with the State Emblem of Ukraine and its designation, maintains its own balance and accounts with the State Treasury Office of Ukraine.
3. The procedures of functioning by the High Qualifications Commission of Judges of Ukraine shall be determined by this Law. The High Qualifications Commission of Judges of Ukraine, by a majority vote of its members, as stipulated by law, shall adopt Rules of Procedure defining the procedures of the Commission functioning within the scope established by this Law.
4. The High Qualifications Commission of Judges of Ukraine shall have an official website and an official printed journal, which are the official sources of information about the work of the Commission.

The official printed journal may be issued electronically.

Article 101. The powers of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall:
 - 1) maintain records on the number of judicial positions in courts of general jurisdiction, including vacant ones;
 - 2) select candidates for appointment to a position of a judge for the first time, organizing, *inter alia*, special verification in relation to the candidates in accordance with the law, and conducts the qualification assessment;
 - 3) submit to the High Council of Justice its recommendations on the appointment of a candidate for further submission of the respective proposal to the President of Ukraine;
 - 4) provide recommendations on election to a position of a judge for a lifetime or refuse to provide such recommendations;
 - 5) submit proposals on transferring a judge in accordance with this Law;
 - 6) identify the need in the state order on training of candidates to a position of a judge in the National School of Judges of Ukraine;
 - 7) approve the special training procedures for the candidates to a position of a judge;
 - 8) conduct qualification evaluation of judges;
 - 9) based on a substantiated petition of the Prosecutor General of Ukraine, take a decision on removal a judge from office in connection with his/her bringing to criminal responsibility;
 - 10) consider, in the course of disciplinary proceedings, petitions regarding judges of local and appellate courts on grounds, stipulated in Article 92 of this Law
 - 11) take decisions based on the results of disciplinary proceedings and, in presence of grounds, impose disciplinary penalties to judges of local and appellate courts;
 - 12) ensure maintenance of judges' dossiers;
 - 13) within the scope of its competence, take part in international cooperation, including establishment of ties with foreign institutions, agencies and organizations, and projects of international technical assistance, is a beneficiary of international technical aid, principal administrator of international aid received from foreign countries, banks and international financial organizations;
 - 14) exercise other powers envisaged by law.

2. In order to exercise its powers, the High Qualifications Commission of Judges of Ukraine shall have the right to request and obtain the necessary information from judges, the State Judicial Administration of Ukraine, bodies of judicial self-government and other judicial bodies, governmental bodies and bodies of local self-governance authorities and officials; enterprises, institutions, organizations regardless of their form of ownership and subordination, public associations and individuals, and failure to provide which shall entail liability stipulated by law.

Article 102. Composition of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall consist of fourteen elected (appointed) members who are citizens of Ukraine, have a full university degree and at least fifteen years practical experience in Law.

2. The High Qualifications Commission of Judges of Ukraine shall function in two chambers, the qualifications chamber and the disciplinary chamber. The Commission shall be elected (appointed):

1) by the Congress of Judges of Ukraine — four members to the Disciplinary and the Qualifications Chambers, from the judges elected to a lifetime position of a judge or retired judges;

2) by the Congress of Representatives of law schools and research institutions — one member of the Disciplinary and the Qualification Chambers;

3) by the Congress of Lawyers of Ukraine — one member of the Disciplinary and the Qualification Chambers;

4) by the Commissioner of the Verkhovna Rada of Ukraine for Human Rights — one member of the Disciplinary Chamber from among persons who are not judges;

5) by the Head of State Judicial Administration of Ukraine — one member of the Qualification Chamber from among persons who are not judges.

The High Qualifications Commission of Judges of Ukraine shall perform the functions and exercise the following powers:

1) on matters of appointment of judges and qualification evaluation of judges — by the Qualification Chamber;

2) on matters of disciplinary responsibility of judges — by the Disciplinary Chamber;

3) on matters of organization of activities by the Commission and other matters related to the activities of both Chambers of the Commission — jointly by both Chambers.

If necessary, the High Qualifications Commission of Judges of Ukraine in both Chambers may take a decision on engagement of members of one Chamber to work of the other Chamber.

Decisions of the High Qualifications Commission of Judges of Ukraine shall be adopted by each of the Chambers of the High Qualifications Commission of Judges of Ukraine within the scope of their powers and by both Chambers jointly on matters of organization of activities of the Commission and other matters related to the activities of both Chambers.

3. The term of office of a member of the High Qualifications Commission of Judges of Ukraine shall be four years from the date of appointment (election). One and the same person may not exercise the powers for two consecutive terms.

4. A member of the High Qualifications Commission of Judges of Ukraine who is a judge or a public servant shall retain his/her position, status and place of employment for the period of the exercise of powers.

5. For the duration of exercise of their powers, members of the High Qualifications Commission of Judges of Ukraine shall be assigned to the Commission and may not be engaged in any other gainful occupation except teaching, research and creative work.

Members of the High Qualifications Commission of Judges of Ukraine, elected by the Congress of Judges of Ukraine, may not administer justice. At the same time, they retain the right to be engaged in matters considered by bodies of judicial self-government, and the judges of the Supreme Court of Ukraine and high specialized courts — also in matters considered by plenary sessions of such courts.

Members of the High Qualifications Commission of Judges of Ukraine who are lawyers shall be obligated to suspend law practice for the duration of the exercise of powers of a member of the Commission.

Members of the High Qualification Commission of Judges of Ukraine shall be subject to the requirements and restrictions established by law for the prevention of corruption.

In their activities and beyond, members of the High Qualifications Commission of Judges of Ukraine must adhere to the highest standards of ethical conduct, including ethical principles and rules that applicable to judges.

Members of the High Qualifications Commissions of Judges of Ukraine may not combine their office with any positions in bodies of the state power and local self-government, with the status of a People's Deputy of Ukraine, Deputy to the Supreme Council of the Autonomous Republic of Crimea, Oblast, District, City, District in a city, village or town councils, entrepreneurial activities, any other gainful occupation, or receive remuneration (except teaching, research and creative activities during off-duty hours and receiving compensation for it), and be a member of the governing body or a supervisory board of a legal entity aimed at profit-making. Persons who own shares or other corporate rights, or have other property interest in the activities of any legal entity aimed at profit-making, shall transfer such shares (corporate rights) to management of an independent third party for the duration of his/her office as a member of the High Qualifications Commission of Judges of Ukraine. Members of the High Qualifications Commission of Judges of Ukraine may receive interest, dividends and other passive income from their property.

Influencing members of the High Qualifications Commission of Judges of Ukraine in any manner shall be prohibited.

6. The following may not be members of the High Qualifications Commission of Judges of Ukraine:

- 1) persons declared by a court to be legally incapable or partially capable;
- 2) persons who have been convicted that was not cancelled or removed in the manner stipulated by law;
- 3) persons who were subjected to administrative penalties for corruption offences over the past year;
- 4) persons who were members of the High Qualifications Commission of Judges of Ukraine or the High Council of Justice before the Law of Ukraine "On restoration of trust in the judiciary in Ukraine" entered into force;
- 5) persons on administrative positions in courts;
- 6) persons who do not meet the requirements of this Law regarding incompatibility with other activities and did not eliminate that discrepancy within a reasonable period of time, not to exceed thirty days from the date of emergence of circumstances that caused inconsistency with the incompatibility requirements.

Holding the position of a member of the High Qualifications Commission of Judges of Ukraine shall also be incompatible with the existence of a prohibition for that person to hold positions that are subject to the cleansing of power in the manner stipulated by the Law of Ukraine on Purge of State Public Authorities.

Article 103. The procedures for formation of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall be based on principles of governance of law, transparency and openness, and political neutrality in the manner set forth in this Law.

2. In case of necessity to elect of a new member of the High Qualifications Commission of Judges of Ukraine by the Congress of Judges of Ukraine, or the Congress of Advocates of Ukraine or the Congress of law schools and research institutions, the body that convenes the Congress shall, not later than in forty-five days, notify the secretariat of the Commission of the date and venue of the Congress.

Not later than on the following business day after receipt of the notice of the date and venue of the Congress, the secretariat of the Commission shall publish an announcement on its website stating the following:

- 1) the date and venue of the congress;
- 2) information about the opening of registration of candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine.

3. A person who meets the requirements stipulated by this Law for members of the High Qualifications Commission of Judges of Ukraine, and intends to be elected member of the High Qualifications Commission of Judges of Ukraine Congress of Judges of Ukraine, or the Congress of Advocates of Ukraine or the Congress of law schools and research institutions, shall address the secretariat of the High Qualifications Commission of Judges of Ukraine, not later than thirty days before the date of the respective Congress, with an application to be registered as a candidate for election as a member of the Commission by the respective Congress. The application form shall be approved by the High Qualifications Commission of Judges of Ukraine.

Along with the application on intention to be elected as a member of the High Qualifications Commission of Judges of Ukraine, the relevant person shall submit:

- 1) curriculum vitae;
- 2) a cover letter outlining motives for election as a member of the High Qualifications Commission of Judges of Ukraine;
- 3) a copy of a personal identity document and proof of citizenship of Ukraine;
- 4) a copy of the work record book;
- 5) a declaration of the person authorized to perform functions of the state or local self-government;
- 6) copies of documents on education, academic titles and degrees;
- 7) certificate of a medical institution on the applicant's health condition with a conclusion as to his/her suitability to occupy a position related to performance of governmental functions;
- 8) a copy of military card (for military personnel or obligated reservists);
- 9) a written consent to the processing of personal data and disclosure of document copies specified in this Article, except for copies of the documents listed in paragraphs 3, 7 and 8 of this Article;

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10) a written statement on absence of restrictions regarding membership in the High Qualifications Commission of Judges of Ukraine, as well as on compliance with the incompatibility requirements, or obligation to comply with the incompatibility requirements, in case of election as a member of the Commission;

11) an application for carrying out an inspection envisaged by the Law of Ukraine on Purge of State Public Authorities;

12) a consent to the special verification procedure in accordance with the law.

4. If the person has expressed a wish to be elected as a member of the High Qualifications Commission of Judges of Ukraine by the Congress of Judges of Ukraine, for the registration of such person the Secretariat of the High Qualifications Commission of Judges of Ukraine shall also establish the presence of the status of a judge.

5. The Secretariat of the High Qualifications Commission of Judges of Ukraine shall accept documents in chronological order of receipt of applications and, not later than on the following work day, disclose the received information along with copies of the documents submitted, except the documents listed in paragraphs 3, 7 and 8 of this Article, on its website.

6. The acceptance of documents shall end at midnight on the last day of the period specified in part three of this Article.

The Secretariat of the High Qualifications Commission of Judges may not refuse to accept documents for grounds other than the end of the established timeline.

7. Not later than on the day following the completion of document acceptance, the Secretariat of the High Qualifications Commission of Judges of Ukraine shall form:

1) a list of candidates who are judges and retired judges;

2) a list of candidates who are not judges or retired judges.

These lists shall be immediately published on the official website of the High Qualifications Commission of Judges of Ukraine and in the *Holos Ukrainy* ("Voice of Ukraine") newspaper, and promptly sent to the body that convenes the respective Congress.

The Secretariat of the High Qualifications Commission of Judges of Ukraine shall ensure carrying out a special verification procedure regarding the candidates.

8. Voting at the respective Congress shall be held exclusively in relation to the candidates for the election as members of the High Qualifications Commission of Judges of Ukraine who submitted documents in the manner stipulated by this Law and were elected by delegates of such Congress.

Voting shall also be conducted in relation to the candidates for the election as members of the High Qualifications Commission of Judges of Ukraine who submitted documents in the manner stipulated by this Law and were nominated directly at the Congress by at least 20 percent of the elected delegates of the Congress.

Each of the candidates for election as a member of the High Qualifications Commission of Judges of Ukraine shall have the right to address the respective Congress delegates with a speech before the vote. The decision of the respective Congress may set a reasonable time limit for the speech, equal for all candidates. A candidate shall provide the respective Congress delegates, at their request, any information about themselves, except information related to his/her private life or where there are no reasonable grounds to believe that it may be essential for identification of the candidate's ability to duly act as a member of the High Qualifications Commission of Judges, and information which contains a state secret.

After the candidates' speeches and discussion of the candidates, voting shall be held. A candidate who received a majority of votes by the elected delegates of the respective Congress by the secret ballot results shall be regarded as elected to the position of the High Qualifications Commission of Judges of Ukraine.

Based on the voting results, the Chairperson and the Secretary of the respective Congress shall sign a resolution on the election of members of the High Qualifications Commission of Judges of Ukraine.

9. The procedures for convocation of the Congress of Judges of Ukraine shall be determined by this Law. The procedures for holding the Congress of Judges of Ukraine shall be determined by the Council of Judges of Ukraine and by resolutions of the Congress.

The procedures for convocation of the Congress Lawyers of Ukraine shall be determined by the Law of Ukraine "On the Bar and the Practice of Law". The procedures for holding the Congress of Advocates of Ukraine shall be determined by the Council of Advocates of Ukraine and by resolutions of the Congress.

10. The Congress of law schools and research institutions shall engage representatives of higher education institutions that have training units, which, as of the date of the Congress, have been engaged in training specialists to the higher education degree of a master for at least ten years, as well as research institutions, which, as of the date of the Congress, have been engaged in scientific research in the field of law as a main activity, for at least ten years. The Congress shall be attended by three representatives from each of the said educational and research institutions.

The time and venue of the congress of representatives of law schools and research institutions shall be determined by the High Qualifications Commission of Judges of Ukraine, and if the Commission is unable to pass a decision due to insufficient number of elected members of the Commission, by the central body of executive power in the sphere of education and science. A notice of the time and venue of the Congress shall be published in the *Holos Ukrainy* ("Voice of Ukraine") newspaper, not later than forty-five days of its holding, and published on the website of the Commission or the central body of executive power in the sphere of education and science, if it has determined the time and venue of the Congress, and shall be immediately sent to educational and research institutions that delegate their representatives to the Congress. A Congress must be held in the premises of an educational or research institution. The procedures for the holding of a Congress shall be defined by a decision of the Congress. For decision on organizational and technical matters of preparation for a Congress of representatives of law schools and research institutions, an organization committee may be established by their representatives, of up to ten persons. Invitations to participate in the organization committee shall be sent by the body that convenes the Congress. Officials employed with the central executive body in the field of education and science may not be members of the organizing committee.

11. The Commissioner of the Verkhovna Rada of Ukraine for Human Rights, Chairperson of the State Judicial Administration of Ukraine shall appoint a member of the High Qualifications Commission of Judges of Ukraine from among retired judges or other persons, proceeding from the results of a public contest.

12. People's Deputies of Ukraine of the current convocation of the Verkhovna Rada of Ukraine, members of the Cabinet of Ministers of Ukraine, Chairpersons of courts and their Deputies, Secretaries of judicial chambers, their deputies, members of the Council of Judges of Ukraine, the High Council of Justice, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, persons who were brought to responsibility for committing acts of

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corruption, as well as those who were members of the High Qualifications Commission of Judges of Ukraine or the High Council of Justice to the Law of Ukraine prior to enactment of the Law "On restoration of trust in the judiciary in Ukraine" may not be elected (appointed) to the High Qualifications Commissions of Judges of Ukraine.

13. The High Qualifications Commission of Judges of Ukraine shall be deemed competent if composed of at least eight members. In that respect, the Qualifications and Disciplinary Chambers shall be competent if composed of at least four members of the High Qualifications Commission of Judges of Ukraine.

Article 104. Termination of powers of a member of the High Qualifications Commission of Judges of Ukraine

1. Powers of a member of the High Qualifications Commission of Judges of Ukraine shall be terminated in case of:

- 1) expiry of the term for which they were appointed;
- 2) submission of a letter of resignation;
- 3) inability to exercise his/her powers due to health reasons;
- 4) entry into force of a judgment of conviction against them;
- 5) termination of citizenship of Ukraine;
- 6) recognition them as missing or dead;
- 7) his/her death;
- 8) If the law envisages such termination;
- 9) identification of circumstances of his/her failure to meet the requirements set out in part one of Article 102 of this Law, which were not known at the time the decision was taken on appointment of a member of the High Qualifications Commission of Judges of Ukraine;
- 10) violation of requirements set by legislation on prevention of corruption;
- 11) dismissal of a judge on grounds envisaged by this Law (other than retirement).
- 12) non-participation in work of the relevant chamber for one calendar month in a row without valid reasons, including refusal to vote on the issues proposed for voting.

2. The decision on termination of powers of a member of the High Qualifications Commission of Judges of Ukraine shall be passed by the High Qualifications Commission of Judges of Ukraine or the authority that elected the respective member of the High Qualifications Commission of Judges of Ukraine.

The procedure of consideration and decision-making by the High Qualifications Commission of Judges in connection of termination of powers of the Commission's member shall be initiated by the Chairperson and Deputy Chairperson of the High Qualifications Commission of Judges according to the rules of procedure.

Article 105. Organization of work and meetings of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine, at the joint meeting of chambers and in the presence of a quorum, shall elect by a secret voting by a majority vote of the total composition, the Chairman of the High Qualifications Commission of Judges of Ukraine and the Deputy Chairman chairing the qualification and disciplinary chambers, and the Secretaries of chambers of the High Qualifications Commission of Judges of Ukraine. The meeting shall be presided by a member of the High Qualifications Commission of Judges of Ukraine with the longest length of service in law.

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Following two years of powers of at least one of the chamber chairmen they shall be rotated among each other on positions of the Chairman and Deputy Chairman of the High Qualifications Commission of Judges of Ukraine.

2. The Chairman of the High Qualifications Commission of Judges of Ukraine shall organize the work of the Commission, determine the duties of the Deputy Chairman, preside at the meetings of the Commission, prepare the meetings of the High Qualifications Commission of Judges of Ukraine and organize the record keeping. The duties of the Chairman of the High Qualifications Commission of Judges of Ukraine in his absence shall be performed by the Deputy Chairman of the Commission, and in the absence of the Deputy Chairman – by the Commission member elected under the quota of the Congress of Judges of Ukraine with a longer length of service as a judge.

The Chairman of the High Qualifications Commission of Ukraine shall issue binding orders and instructions.

3. The Secretaries of chambers of the High Qualifications Commission of Judges of Ukraine shall prepare the meetings of chambers and bear responsibility for the organization of record keeping in the chambers.

4. In order to provide for the distribution of cases in the High Qualifications Commission of Judges of Ukraine there is an automated system for determining a member of the High Qualifications Commission of Judges of Ukraine to prepare for the review and report of the case. The regulation on the automated system for determining the members of the High Qualifications Commission of Judges of Ukraine to prepare for the review and report of cases shall be approved by the Council of Judges of Ukraine.

5. The chairmen of the chambers of the High Qualifications Commission of Judges of Ukraine shall organize the work of chambers and preside at meetings. The duties of the chairmen of chambers, in their absence, shall be performed by the members appointed under the quota of the Congress of Judges of Ukraine with a longer length of service as a judge.

6. The High Qualifications Commission of Judges of Ukraine shall approve the Rules, which regulate, under this Law, the procedural issues of activity of the Commission.

7. The meetings of the High Qualifications Commission of Judges of Ukraine and its chambers shall be held in public except in cases stipulated by law.

The meetings of the Commission, its chambers shall be considered duly constituted if attended by the majority of the established by law composition of the Commission or chamber, respectively.

8. The Chairman of the High Qualifications Commission of Judges of Ukraine shall determine the date, time, place and agenda of the meeting of the Commission, and not later than in ten days prior to the meeting notify the person in respect of which the issue is to be reviewed, as well as publish this information on the official web site of the High Qualifications Commission of Judges of Ukraine (except for the meetings on organizational issues). The chairmen of chambers of the Commission shall determine the date, time, place and agenda of meetings of the respective chambers, and not later than in ten days prior to the meeting notify the persons in respect of which the issues are to be reviewed, as well as publish this information on the official web site of the High Qualifications Commission of Judges of Ukraine.

Article 106. Rights of members 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) review the materials submitted for the consideration to the Commission or the respective chamber, of which he/she is the member, to participate in their study and verification;
- 2) present his/her motives and considerations, and submit additional documents on issues considered;
- 3) make suggestions on the draft decisions of the High Qualifications Commission of Judges of Ukraine or the respective chamber, of which he is the member, with respect to any issues, and vote 'for' or 'against' any resolutions;
- 4) express written dissenting opinion on the resolutions of the High Qualifications Commission of Judges of Ukraine or the chamber, of which he is the member;
- 5) exercise other powers prescribed by law.

Article 107. A challenge of the member of the High Qualifications Commission of Judges of Ukraine

1. A member of the High Qualifications Commission of Judges of Ukraine shall have no right to verify the presence of grounds for bringing the local judges, the judges of the court of appeal to disciplinary liability, participate in the review of issues and adoption of resolutions, and shall be subject to the challenge (self-disqualification) if there are data on the conflict of interest or the circumstances that call his impartiality into question. In the presence of such circumstances, the member of the High Qualifications Commission of Judges of Ukraine shall announce his self-disqualification. For the same grounds, the challenge of a member of the Commission may be announced by persons in respect of which or following whose submission the issues are reviewed.

2. The challenge must be motivated and submitted prior to the review of issues in the form of a written application to the Chairman of the High Qualifications Commission of Judges of Ukraine. The presiding at the meeting shall inform of a challenge of the member of the Commission, which was challenged.

3. The decision on the challenge (self-disqualification) shall be adopted by a majority vote of the members of the High Qualifications Commission of Judges of Ukraine participating in the meeting. The voting shall be conducted in the absence of the member of the Commission in respect of which the issue related to the challenge (self-disqualification) is considered.

Article 108. Resolution of the High Qualifications Commission of Judges of Ukraine

1. Resolutions of the High Qualifications Commission of Judges of Ukraine shall be adopted by a majority of the composition of the Commission established by this Law. Voting shall be conducted in the absence of the person in respect of which the issue is considered, as well as other persons who are not members of the Board.

Resolutions of the chamber of the High Qualifications Commission of Judges of Ukraine shall be adopted by a majority of the composition of the chamber established by this Law, taking into account members of any other chamber, if involved.

The chambers of the High Qualifications Commission of Judges of Ukraine shall submit their resolutions on behalf of the High Qualifications Commission of Judges of Ukraine, noting the composition of the chamber that considered the particular case.

2. The resolution of the High Qualifications Commission of Judges of Ukraine and the chambers of the Commission shall be issued in writing. The resolution shall state the date and place of adoption, the composition of the Commission (chamber), the issues under consideration and the motives of the adopted resolution. The resolution shall be signed by the Chairman and the members of the Commission (chamber) that participated in the adoption of the resolution.
3. In case there is a dissenting opinion of a member of the High Qualifications Commission of Judges of Ukraine, it shall be issued in writing and attached to the case, as reported by the presiding at the meeting.
4. The resolution of the High Qualifications Commission of Judges of Ukraine may be appealed to the court in the manner prescribed by law. In cases envisaged by this Law, the resolution of the High Qualifications Commission of Judges of Ukraine may be appealed to the High Council of Justice.
5. In case of a dissenting opinion of two or more members of the disciplinary or qualifications chamber of the High Qualifications Commission of Judges of Ukraine who participated in consideration of the issue and decision-making by the relevant chamber, the Chairman of the High Qualifications Commission of Judges of Ukraine may propose this issue for discussion by joint meeting of chambers of the High Qualifications Commission of Judges of Ukraine which shall make a final decision in the manner established by the rules of procedure.

Article 109. Maintenance of activity of the High Qualifications Commission of Judges of Ukraine

1. The organizational support for the activity of the High Qualifications Commission of Judges of Ukraine shall be ensured by the Secretariat the staff of which are public servants. The regulation of the Secretariat of the High Qualifications Commission of Judges of Ukraine shall be approved by the High Qualifications Commission of Judges of Ukraine.
 2. To ensure the exercise of powers by the members of the High Qualifications Commission of Judges of Ukraine a service of forty-two inspectors shall operate.
 3. The staff of the Secretariat of the High Qualifications Commission of Judges of Ukraine shall be appointed and dismissed by the Chairman of the High Qualifications Commission of Judges of Ukraine in the manner prescribed by the Law of Ukraine On State Service .
- The inspectors of the High Qualifications Commission of Judges of Ukraine shall be appointed and dismissed by the Chairman of the High Qualifications Commission of Judges of Ukraine following the proposal of the respective member of the High Qualifications Commission of Judges of Ukraine.
4. The salary rate of the Secretariat staff and inspectors of the High Qualifications Commission of Judges of Ukraine, their welfare support and social security shall be governed by the Law of Ukraine on State Service, other regulations and cannot be lower than of the corresponding categories of public servants of the central executive authorities.
 5. The official salary of the member of the Commission shall be fixed at the level of remuneration of the judge of the Supreme Court of Ukraine.
 6. The payment of salaries shall be performed at the cost of funds of the State Budget of Ukraine.

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Article 110. Service of inspectors of the High Qualifications Commission of Judges of Ukraine

1. The service of inspectors of the High Qualifications Commission of Judges of Ukraine shall be formed of individuals with a complete law degree and more than five years of experience in law.
2. The inspectors of the High Qualifications Commission of Judges of Ukraine shall act exclusively on behalf of the member of the High Qualifications Commission of Judges of Ukraine.

On behalf of the member of the Commission the inspectors shall:

- 1) preliminarily analyze the applications (complaints) on bringing the judges to disciplinary responsibility, prepare draft conclusions on the presence of grounds for bringing the judges of local and appellate courts to disciplinary responsibility;
- 2) preliminarily analyze the case files concerning the qualification evaluation of judges and disciplinary practices in respect to the judges;
- 3) perform other instructions of the member of the Commission during the qualification evaluation or disciplinary proceedings under this Law.

Chapter VII. DISMISSAL OF JUDGES OF THE COURT OF GENERAL JURISDICTION

Section 1. General provisions

Article 111. General terms of dismissal of judges

1. A judge of the court of general jurisdiction shall be dismissed by the body that elected or appointed him solely on the grounds stipulated in part five of Article 126 of the Constitution of Ukraine, on the proposal of the High Council of Justice.

Article 112. Dismissal of judges in case of termination of the term of appointment

1. The High Council of Justice shall submit a proposal to the President of Ukraine on dismissal of the judge in case of termination of the term of appointment if:
 - 1) the judge, according to the High Qualifications Commission of Judges of Ukraine, did not submit, without good cause, an application for his election to the permanent position of the judge;
 - 2) the High Qualifications Commission of Judges of Ukraine, in respect to the judge, resolved to refuse to recommend him for election to the permanent position of the judge;
 - 3) the candidate for the permanent position of the judge was not elected by the Verkhovna Rada of Ukraine.
2. The High Council of Justice shall submit a proposal for dismissal of a judge due to the end of the term of appointment, indicating the date on which the judge should be dismissed.
3. The judge shall be dismissed by the President of Ukraine.
4. If a judge has not been dismissed, for any reason, he shall not be able to exercise his powers of administration of justice as of the day following the expiration of the term of appointment.

Article 113. Dismissal of judges for age

1. The judge shall be dismissed for age as of the day following the reaching of the age of sixty five.
2. The High Qualifications Commission of Judges of Ukraine shall, not later than one month prior to the date specified in part one of this Article, notify the High Council of Justice of the presence of grounds for the dismissal of the judge.
3. The High Council of Justice shall submit a proposal on the dismissal of a judge for reaching the age of sixty-five to the body which elected or appointed the judge not later than within fifteen days prior to the date specified in part one of this Article.
4. If a judge has not been not dismissed, for any reason, he shall not be able to exercise his powers of administration of justice as of the day following the reaching the age of sixty-five.

Article 114. Dismissal of judges for health reasons

1. The judge shall be dismissed in case of failure to exercise powers for health reasons upon availability of a medical opinion provided by the medical board established by a specially authorized central executive health authority, or under the court decision on recognizing the judge partially or fully incapacitated, which came into force.

The court which adopted a resolution on the recognition of the person that is a judge as partially or fully incapacitated shall immediately notify the High Council of Justice.

2. Having recognized that the health status does not allow a judge to permanently or for a long time exercise his powers, the High Council of Justice shall submit a proposal on the dismissal of the judge to the body which elected or appointed him.

Article 115. Dismissal of judges in case of violation of the requirements for the incompatibility

1. The judge shall be dismissed in case of violation of the requirements for the incompatibility under the proposal of the High Council of Justice submitted to the body that elected or appointed the judge in the manner prescribed by the Law of Ukraine On the High Council of Justice.

Article 116. Dismissal of judges in case of violation of oath

1. In accordance with paragraph 5 of part five of Article 126 of the Constitution of Ukraine the judge shall be dismissed due to violation of the oath.
2. The facts that prove the violation of oath by the judge should be established by the High Qualifications Commission of Judges of Ukraine or the High Council of Justice.
3. The dismissal of judges based on the violation of oath shall be conducted by the proposal of the High Council of Justice after consideration of the matter at its meeting in accordance with the Law of Ukraine On the High Council of Justice.
4. Based on the proposal of the High Council of Justice, the President of Ukraine shall issue a decree on dismissal of the judge.

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5. Based on the proposal of the High Council of Justice of Ukraine, the Verkhovna Rada of Ukraine shall adopt a resolution on dismissal of the judge.

Article 117. Dismissal of judges in case of entry into force of a verdict of guilty for the judge

1. The court that adopted the verdict of guilty for the person that is a judge shall immediately notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine.

2. In the case of entry into force of a verdict of guilty for a person that is a judge, the High Qualifications Commission of Judges of Ukraine shall notify the High Council of Justice, which shall submit a proposal on the dismissal of a judge.

3. The judge for which a court verdict of guilty came into force, shall not be able to continue to exercise his powers and shall cease to have the guarantees of independence and immunity of judges provided by law as well as the right to financial and other support.

Article 118. Dismissal of judges in the case of termination of citizenship

1. The judge shall be dismissed under the proposal of the High Council of Justice in case of termination of his citizenship under the Law of Ukraine On the Citizenship of Ukraine.

2. As of the termination of citizenship the judge shall not be able to exercise his powers.

Article 119. Dismissal of judges in case of recognizing as missing or declared as presumed dead

1. The court which adopted a decision on the recognition of a person that is a judge as missing or declared as presumed dead shall immediately notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine. In the case of entry of this decision into force, the High Qualifications Commission of Judges of Ukraine shall notify the High Council of Justice, which shall submit a proposal on the dismissal of a judge.

Article 120. Dismissal of judges for resignation or voluntary termination of service

1. The judge, the length of service of which is at least twenty years, as determined in accordance with Article 135 of this Law, shall have the right to submit a resignation.

2. The judge shall have the right, at any period in office, regardless of the motives, to apply for voluntary termination of service.

3. The application for resignation, voluntary termination of service shall be submitted by the judge directly to the High Council of Justice, which within one month as of the date of receipt of the relevant application shall submit it to the body that elected or appointed the judge.

4. The judge shall exercise his/her powers until the adoption of resolution on his dismissal.

5. The judge dismissed under his/her resignation letter shall retain the justiceship and guarantees of immunity provided for such judges before the resignation.

Article 121. Requirements for proposal on the dismissal of judges

1. The proposal of the High Council of Justice on the dismissal of the judge shall include:

- 1) date of submission of the proposal;
- 2) surname, name and patronymic of the judge;
- 3) year of birth of the judge;
- 4) information on the justiceship;
- 5) name of the court;
- 6) grounds for submission of the proposal on dismissal envisaged in part five of Article 126 of the Constitution of Ukraine;
- 7) factual circumstances (in case of submission of the proposal on the dismissal of the judge under the special circumstances defined by the Law of Ukraine On the High Council of Justice);
- 8) other information specified by law.

Article 122. Consideration and adoption by the Verkhovna Rada of Ukraine of the resolution on the dismissal of the permanently elected judges

1. The procedure for consideration and adoption by the Verkhovna Rada of Ukraine of the resolution on the dismissal of the permanently elected judges shall be determined by this Law and the Rules of the Verkhovna Rada of Ukraine.
2. The issue related to the dismissal of the permanently elected judges shall be considered at the plenary session of the Verkhovna Rada of Ukraine without the conclusion of the committees of the Verkhovna Rada of Ukraine and any inspections.
3. The powers of the judge shall terminate as of the date of adoption by the Verkhovna Rada of Ukraine of the resolution on dismissal of the judge.

Article 123. Termination of powers of judges

1. The powers of the judge shall terminate in the event of his death.
2. The presence of grounds for termination of powers of the judge shall be reported by the head of the court in which the judge held the position to the High Qualifications Board of Judges of Ukraine and the State Judicial Administration of Ukraine. The report shall be annexed with documents on confirmation of death.

CHAPTER VIII. Judicial Self-Governance

Section 1. General principles of judicial self-governance

Article 124. Objectives of the judicial self-governance

1. In order to address the issues related to domestic activity of the courts in Ukraine the judicial self-governance – independent collective resolution of the indicated issues by the judges shall be established.
2. The judicial self-governance is one of the guarantees of ensuring the independence of courts and judges. The activity of self-governance bodies should promote the establishment of appropriate organizational and other conditions for the adequate operation of courts and judges, maintain the independence of the judiciary, protect the judges from interference in their activity and raise the level of work with staff within the court system.
3. The issues of domestic activity of the courts shall include organizational support for the courts and activity of judges, 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 the judicial self-governance shall include the resolution of issues regarding:

- 1) ensuring of the organizational unity of operation of the judiciary;
- 2) strengthening of the independence of courts, judges, the protection against interference in their activity;
- 3) participation in identifying the needs of personnel, financial, logistical and other support of the courts and monitoring of compliance with the established standards of such support;
- 4) election of judges to administrative positions in courts in the manner prescribed by this Law;
- 5) appointment of judges of the Constitutional Court of Ukraine;
- 6) appointment of judges to the High Council of Justice and the High Qualifications Commission of Judges of Ukraine in the manner prescribed by law.

Article 125. Organizational forms of judicial self-governance

1. The organizational forms of judicial self-governance shall be the meetings of judges, the conferences of judges, the Council of Judges of Ukraine, the Congress of Judges of Ukraine.

2. The judicial self-governance in Ukraine shall be ensured through:

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

3. The procedure for implementation of the judicial self-governance shall be determined, in accordance with the Constitution of Ukraine, by this Law, other laws as well as rules and provisions adopted by the bodies of judicial self-governance under the Constitution of Ukraine and this Law.

Section 2. Meetings of judges

Article 126. Meetings of judges

1. The meeting of judges is the meeting of judges of a respective court, at which they shall discuss issues related to the internal operation of the court and adopt collective decisions on the issues discussed.

2. The meeting of the judges shall be convened by the chairman of the respective court on his/her own initiative or at the request of at least one-third of the total number of judges working in the given court.

3. The meeting of judges shall be convened as necessary but at least once every three months.

4. The meeting of judges shall be considered duly constituted if attended by at least two thirds of the number of judges working in the given court. To the meetings of judges the court staff, retired judges, public representatives and other persons shall be invited. Only the judges of the given court shall be eligible to vote.

5. The meeting of judges shall:

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- 1) discuss the issues concerning the internal operation of the court or the work of individual judges or court staff, and adopt decisions on these issues that are binding on judges and staff of the given court;
- 2) determine the specialization of judges on consideration of specific categories of cases;
- 3) adopt decisions on the election of judges to administrative positions and dismissal of judges;
- 4) determine the burden on judges of the relevant court considering the performance of administrative and other duties;
- 5) hear the reports of judges holding administrative positions in the given court, and the head of staff of the court;
- 6) exercise other powers prescribed by this Law.

6. Meeting of judges of every court of general jurisdiction (except local general courts) shall elect, by secret voting, delegates for Congress of Judges of Ukraine.

Meeting of judges of every local general court shall elect, by secret voting, delegates for joint meeting of judges of local general courts in the Autonomous Republic of Crimea, every region, and cities of Kyiv and Sevastopol under the principle 'one delegate from ten judges'. If the court has less than ten judges, one delegate shall be delegated from such court.

Joint meeting of judges of local general courts in the Autonomous Republic of Crimea, every region, and cities of Kyiv and Sevastopol shall be held to elect delegates for the Congress of Judges of Ukraine by secret voting.

The procedure of convocation and holding the joint meetings of judges of local general courts shall be defined by the Council of Judges of Ukraine.

A judge holding an administrative position in court may not be elected as a delegate for joint meeting of judges of local general courts.

Meeting of judges of the Supreme Court of Ukraine, the high specialized court shall approve the regulations on the staff, structure and staffing chart of the respective court under the proposal of the head of the respective court.

7. Meeting of judges shall submit proposals on issues related to the activity of the court to state authorities and local governments that are required to consider these proposals and provide substantive response.

8. The meeting of judges shall discuss the issues related to the practices of application of law, develop respective proposals for improving such practices and the legislation. The meeting of judges of the local or appellate court shall submit respective proposals for the review to the High Specialized Court and the Supreme Court of Ukraine.

9. The meeting of judges of the local general courts shall elect the investigating judges in the manner prescribed by this Law.

10. The meeting of judges shall adopt the decisions by a majority of the judges present at the meeting through an open voting, unless there is a decision to conduct secret voting. The decisions on the election to the administrative positions or dismissal from such positions, as well as on the election of delegates to the joint meeting of judges of local general courts shall be adopted by secret voting.

11. The implementation of decisions of the meeting of judges, under the commission of the meeting, shall be vested in the head or deputy head of the respective court.

Section 3. Supreme bodies of judicial self-governance

Article 127. The Congress of Judges of Ukraine

1. The supreme body of the judicial self-governance shall be the Congress of Judges of Ukraine.

2. The Congress of Judges Ukraine shall:

- 1) hear reports of the Council of Judges of Ukraine on the implementation of objectives of judicial self-governance on ensuring the independence of courts and judges, the organizational and financial support of the courts;
- 2) hear reports of the High Qualifications Commission of Judges of Ukraine on its activity, including the disciplinary practices in respect to judges;
- 3) hear reports from the Chairman of the State Judicial Administration of Ukraine on its activity, including the organizational, financial and technical maintenance of judicial bodies;
- 4) appoint and dismiss the judges of the Constitutional Court of Ukraine in accordance with the Constitution and laws of Ukraine;
- 5) appoint the members of the High Council of Justice and decide on the termination of their powers in accordance with the Constitution and laws of Ukraine;
- 6) appoint the members of the High Qualifications Commission of Judges of Ukraine and make decision to terminate their powers under this Law;
- 7) submit proposals on the operation of courts to state authorities and respective officials;
- 8) elect the Council of Judges of Ukraine;
- 9) consider other issues related to judicial self-governance under the law.

3. The Congress of Judges Ukraine shall adopt decisions that are binding on all bodies of judicial self-governance and all the judges.

Article 128. The procedure for convocation of the Congress of Judges of Ukraine

1. The regular Congress of Judges of Ukraine shall be convened by the Council of Judges of Ukraine once every two years. An extraordinary Congress of Judges of Ukraine may be convened under the resolution of the Council of Judges of Ukraine.

2. If necessary, the meetings of judges shall apply to the Council of Judges of Ukraine with a proposal to convene an extraordinary Congress of Judges of Ukraine. The Council of Judges of Ukraine shall be obliged to convene an extraordinary Congress of Judges of Ukraine at the request of the meetings of judges of not less than one-fifth of all courts or at the request of the Conference of Judges.

3. The Council of Judges of Ukraine, which convenes the Congress of Judges of Ukraine in the manner envisaged in part one of this Article, shall approve the preliminary list of issues submitted for consideration of the Congress, and determine the date and venue of the Congress. In case the Congress of Judges of Ukraine is convened at the request of the meeting or conference of judges, the preliminary list of issues shall include all the issues that constitute a subject of the given request.

4. To the Congress of Judges of Ukraine other persons, besides the delegates, shall be invited. The invited persons shall not participate in the voting in the course of adoption of decisions of the Congress of Judges of Ukraine.

5. In case if the Council of Judges of Ukraine does not convene the Congress of Judges of Ukraine within the term envisaged by parts one and two of this Article, such Congress shall

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be convened at the request of the meeting of judges of not less than one-fifth of all courts without the participation of the Council of Judges of Ukraine.

In this case, the initiators of the convocation of the Congress of Judges of Ukraine shall establish an organizing committee to convene the Congress of Judges of Ukraine, which shall have the powers of the Council of Judges of Ukraine in respect to the convocation of the Congress. The organizing committee shall immediately publish the information on its establishment in the newspapers 'Holos of Ukraine' and 'Uryadovyi Courier', and determine the date of the Congress of Judges not later than in two months as of the date of establishment of the organizing committee.

6. An announcement of convocation of the Congress of Judges of Ukraine and agenda of the Congress shall be published in the 'Golos of Ukraine' and 'Uryadovyi Courier' Newspapers not later than thirty days prior to the Congress, and in cases of convocation, under part two of this Article, of an extraordinary Congress at the request of the meeting or conference of judges –fifteen days prior to the Congress. If the Congress of Judges is convened for election of members of the High Council of Justice or High Qualifications Commission of Judges of Ukraine, the announcement shall be published not later than forty-five days prior to the Congress.

Article 129. Election of delegates to the Congress of Judges of Ukraine

1. The meetings of judges of every court of general jurisdiction (except local general court and the Supreme Court of Ukraine) shall elect to the Congress of Judges of Ukraine one candidate from twenty judges employed in each court. If the court has less than twenty judges, the court shall delegate one delegate.

Delegates to the Congress of Judges of Ukraine from judges of local general courts shall be elected by joint meetings of judges in every region, Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol following the principle 'one delegate from twenty judges' of the total number of judges of local general courts in every region, Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol.

2. The meeting of judges of the Constitutional Court of Ukraine and the Supreme Court of Ukraine shall elect three delegates to the Congress of Judges of Ukraine each, from among the judges of relevant courts or retired judges irrespective of their place of employment prior to retirement.

3. The delegates to the Congress of Judges of Ukraine shall be elected by a secret voting on an alternative basis with free nomination of candidates for election.

4. The delegates to the Congress of Judges of Ukraine shall not be elected from among the judges holding administrative positions in courts, the judges that are members of the High Council of Justice or the High Qualifications Council of Judges of Ukraine.

Article 130. Procedure for holding the Congress of Judges of Ukraine

1. The Congress of Judges Ukraine shall be considered duly constituted if attended by at least two-thirds of the total number of the elected delegates.

2. The Congress of Judges Ukraine shall be opened by the Chairman of the Council of Judges of Ukraine, and in his absence – by the eldest member of the Council of Judges of Ukraine.

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3. The Congress of Judges Ukraine shall elect, by an open voting, the Congress Presidium with quantitative composition determined by the decision of the Congress. The Presidium shall organize the work of the Congress of Judges of Ukraine.

4. The Congress of Judges Ukraine shall discuss and approve the agenda and rules of the Congress, elect a counting commission, Secretariat and other working bodies of the Congress.

5. The work of the Congress of Judges of Ukraine shall be recorded.

6. The decision of the Congress of Judges of Ukraine shall be adopted by the majority vote of the elected delegates in the open or secret voting. The decisions on issues referred to in paragraphs 4 to 6, 8 of part two of Article 127 of this Law shall be adopted by secret voting.

7. The other issues included in the agenda of the Congress of Judges of Ukraine shall be governed by the rules of the Congress of Judges of Ukraine adopted by the Congress.

Article 131. The Council of Judges Ukraine

1. In between the Congresses of Judges of Ukraine, the supreme body of judicial self-governance shall be the Council of Judges of Ukraine.

2. The Council of Judges of Ukraine shall elect the Congress of Judges of Ukraine. The Council of Judges of Ukraine shall include:

- 1) eleven judges of local general courts;
- 2) five judges of local administrative courts;
- 3) five judges of local commercial courts;
- 4) four judges of the courts of appeal for civil, criminal cases and cases on administrative offences;
- 5) two judges of administrative courts of appeal;
- 6) two judges of the commercial courts of appeal;
- 7) one judge of the high specialized courts;
- 8) one judge of the Supreme Court of Ukraine.

The proposals for nominations to the Council of Judges of Ukraine shall be submitted by judges participating in the Congress of Judges of Ukraine. The judges who hold administrative positions in courts or are members of the High Council of Justice or the High Qualifications Commission of Judges of Ukraine shall not be elected to the Council of Judges of Ukraine. In the event of election of a member of the Council of Judges of Ukraine to the administrative position in court, his powers in the Council of Judges of Ukraine shall be terminated.

3. The members of the Council of Judges of Ukraine, at the meeting of the Council, shall elect, by a secret voting, from among its members the Chairman of the Council of Judges of Ukraine, his deputy and secretary.

4. The Council of Judges of Ukraine, in between the Congresses of Judges of Ukraine, shall ensure the implementation of decisions of the Congress and implementation monitoring, as well as decide on the convocation of the Congress of Judges of Ukraine. The powers and order of work of the Council of Judges of Ukraine shall be defined by this Law and the regulation on the Council of Judges of Ukraine approved by the Congress of Judges of Ukraine.

5. The Council of Judges of Ukraine shall:

- 1) develop and provide for the implementation of measures to ensure the independence of courts and judges, improvement of the organizational support of the activity of courts;
- 2) consider the issues related to the legal protection of judges, social security of judges and their families, adopt respective decisions on these matters;
- 3) appoint a person authorized to present budgetary inquiries for financing of courts of general jurisdiction, other bodies and institutions of the court system during consideration of the draft Law on State Budget of Ukraine for a relevant year or any amendments thereto;
- 4) elect and dismiss the Chairman of the State Judicial Administration of Ukraine and his/her deputies;
- 5) determine by the proposal of the Chairman of the State Judicial Administration of Ukraine the maximum number of employees of the State Judicial Administration of Ukraine, including its regional departments within the funding for the State Judicial Administration of Ukraine;
- 6) oversee the organization of activity of the courts, hear the reports on these issues of the Chairman of the State Judicial Administration of Ukraine, his deputies, heads of departments and territorial departments of the State Judicial Administration of Ukraine;
- 7) submit proposals on issues related to the activity of courts to state authorities and local governments;
- 8) approve the sample certificates of judges, retired judges, people's assessors, jurors;
- 9) exercise control over the compliance with legislation on the settlement of the conflict of interests in the activity of the judges of courts of general jurisdiction, the Chairman and members of the High Qualifications Commission of Judges of Ukraine, Chairman of the State Judicial Administration of Ukraine and his deputies; adopt decisions on the settlement of an actual or potential conflict of interest in the activity of the above persons (if such a conflict can not be settled in the manner prescribed by procedural law);
- 10) exercise other powers envisaged by this Law.

6. Decisions of the Council of Judges of Ukraine adopted within the scope of powers defined by this Law shall be published at the official website of the judicial authorities on the next day upon adoption.

Decisions of the Council of Judges of Ukraine adopted within the scope of powers defined by this Law shall be binding for all bodies of judicial self-governance. The decision of the Council of Judges of Ukraine may be cancelled by the Congress of Judges of Ukraine or by court.

7. If a judge of the Constitutional Court of Ukraine or judge of court of general jurisdiction (except when the conflict of interest is governed by procedural law) or the Chairman or Deputy Chairman of the State Court Administration of Ukraine has any real or potential conflict of interest, such person shall notify the Council of Judges of Ukraine of the same in writing not later than on the next business day upon the emergence of such conflict of interest.

8. A governmental body, local self-governance body, including officials employed in such bodies and heads of companies, institutions and organizations and public associations that received a letter of the Council of Judges of Ukraine related to the safety of judges, shall consider such letter within ten days upon receipt and take measures to eliminate any threats to the judges' safety.

Article 132. Maintenance of activity of the bodies of judicial self-governance

1. The ensuring of the work of the Congress of Judges of Ukraine and joint meetings of judges of local general courts, the activity of the Council of Judges of Ukraine shall be carried out by the State Judicial Administration of Ukraine and its regional departments at the cost of the State Budget of Ukraine according to the requirements set forth in Section XI of this Law.

Chapter IX. SUPPORT OF JUDGES

Article 133. Remuneration of judges

1. The remuneration of judges shall be governed by this Law, the Law of Ukraine On the Constitutional Court of Ukraine and cannot be determined by other regulations.

2. The remuneration of judges shall consist of the official salary and surcharges for:

- 1) years of service;
- 2) holding of an administrative position in court;
- 3) degree;
- 4) work that envisages the access to state secrets.

3. The official salary of the judge of the local court judge shall be determined at a rate of 15 minimum wages.

4. The official salaries of other judges shall be determined in proportion to the official salary of the judge of the local court judge with the following coefficient:

- 1) the judge of the court of appeal – 1,1;
- 2) the judge of the high specialized court – 1,2;
- 3) the judge of the Supreme Court of Ukraine, the judges of the Constitutional Court of Ukraine – 1,3.

5. The judges shall receive a monthly surcharge for the years of service as follows: for work experience of more than 3 years - 15 percent, 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 official salary.

The judges of the Constitutional Court of Ukraine that were first appointed as judges shall receive a monthly surcharge for the years of service at a rate of 5.5 percent for each year of service.

6. The judges that hold positions of deputy head of the court, Secretary of the judicial chamber, secretary of the plenum of the high specialized court, the Secretary of the Plenum of the Supreme Court of Ukraine shall receive a monthly surcharge of 5 percent of the official salary of a judge of the respective court, the head of the court - 10 percent of the official salary of the judge of the respective court.

7. The judges shall receive a monthly surcharge for the degree of Ph.D. or Doctor of the respective major in the amount of 15 and 20 percent of the official salary of the judge of the respective court.

8. The judges shall receive a monthly surcharge for work that envisages the access to state secrets depending on the degree of secrecy of the information: the data and media having a degree of secrecy 'Top Secret' - 10 percent of the official salary of the judge of the respective court; the data and media having a degree of secrecy 'Secret' - 5 percent of the official salary of the judge of the respective court.

9. The expenditures on the payment of remuneration to judges shall be allocated under a separate code of economic classification of expenditure.

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10. A judge that does not administer justice (except for the reasons of temporary incapacitation, annual paid leave) shall not be entitled to receive the surcharges to the official salary.

Article 134. Leave

1. The judges shall be granted an annual paid leave of 30 working days with remuneration, other than remuneration of judges, allowance for recreation in the amount of the official salary. The judges that have the length of service of more than 10 years shall be provided with an additional paid leave of 15 days.

Article 135. The length of service of judges

1. The length of service as a judge shall include the service in the position of:

- 1) judge of the courts of Ukraine, the arbitrator (judge) of the arbitration courts of Ukraine, the state arbitrator of the former State Arbitration of Ukraine, the arbitrator of departmental arbitrations of Ukraine;
- 2) member of the High Council of Justice, the High Qualifications Commission of Judges of Ukraine;
- 3) judge in courts and the arbitrators in the state and departmental arbitrations of the former USSR and its republics.

2. The length of service ensuring the right of the judges of the Constitutional Court of Ukraine for resignation and severance pay shall include the length of service related to other practical, scientific, educational and professional work and the length of public service.

Article 136. Provision of housing for judges

1. After the appointment to the position, a judge of the Constitutional Court of Ukraine, the Supreme Court of Ukraine, the high specialized court, the court of appeal, the local court, in needs of improvement of the housing conditions shall be provided with the service housing at the location of the court by the local authorities in the manner specified by the Cabinet of Ministers of Ukraine.

Article 137. Addressing the needs of judges related to their activity

1. The judge, at the cost of the State Budget of Ukraine, shall be provided with the judicial gown and lapel badge.

2. The judge shall be provided with a separate room, work space and necessary facilities.

Article 138. State protection of judges and their families

1. The judges, their families and property shall be under special protection of the state. The law enforcement agencies shall be required to take the necessary measures to ensure the safety of judges, members of their families, their property, in case if the judge submits a relevant application.

2. The infringement, in connection with official duties of the judge, on the life and health, the destruction or damage to property, threats of murder, violence or destruction of property of the judge, insult or slander against him, as well as the infringement on the lives and health of close relatives of the judge (parents, spouse, children), threat of their murder, destruction of property shall entail a liability under the law.

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3. The judge shall have the right to be provided with means of protection by the law enforcement agencies.

Article 139. Social insurance of judges

1. The life and health of judges shall be subject to mandatory state insurance at the expense of the Fund of social insurance against accidents at work and occupational diseases of Ukraine according to the Law of Ukraine On mandatory state social insurance against accidents at work and occupational diseases that caused incapacitation.

Section X. THE STATUS OF RETIRED JUDGES

Article 140. Medical care and resort treatment for judges and their families

1. The judges and their family members shall be entitled to free medical care at public healthcare facilities. The family members of judges can be rendered services in the same healthcare facilities as judges.

Article 141. Pension or monthly permanent allowance for retired judges

1. The judges that retired after reaching the age of 62 years for men, and for women – the retirement age established by Article 26 of the Law of Ukraine On mandatory state pension insurance, shall receive a pension under the conditions envisaged in Article 37 of the Law of Ukraine On State Service or at the judge's choice, a monthly permanent allowance. Prior to reaching the indicated age, the right to age pension or monthly permanent allowance shall be granted to men born in 1955 and older, upon reaching the following age:

60 years and 6 months - born on January 1, 1953 to December 31, 1953;

61 years - born on January 1, 1954 to December 31, 1954;

61 years and 6 months - born on January 1, 1955 to December 31, 1955.

2. A retired judge that has not reached the age specified in part one of this Article shall receive a monthly permanent allowance. Upon reaching by the judge of the age specified in part one of this Article, he shall retain the right to receive the monthly permanent allowance or, at his choice, a pension under the conditions envisaged in Article 37 of the Law of Ukraine On State Service.

3. Monthly permanent allowance shall be paid to the judge in the amount of 80 percent of the remuneration of judges holding the respective position. For each full year of service as a judge for over 20 years, the amount of the monthly permanent allowance shall be increased by two percent of the salary, but cannot exceed the 90 percent of the salary of a judge, without limitation of the maximum amount of monthly permanent allowance.

In case of change of remuneration of judges holding the respective position, the amount of the previously designated monthly permanent allowance shall be recalculated.

4. In case of change of remuneration of the judges of the Constitutional Court of Ukraine the previously designated monthly permanent allowance shall be recalculated. The recalculation of the monthly permanent allowance shall be made based on the full amount of salary of judges of the Constitutional Court of Ukraine as of the date of emergence of the right to respective recalculation.

5. The pension or monthly permanent allowance of the judge shall be paid regardless of the income (profit) received by the judge after the resignation. The permanent allowance shall be paid to the judges by the bodies of the Pension Fund of Ukraine at the cost of the State Budget of Ukraine.

Article 142. Termination of resignation of judges

1. The resignation of a judge shall be terminated in case of:

- 1) repeated election to the position of the judge;
- 2) entry into force of a verdict of guilty for committing an intentional crime;
- 3) termination of citizenship;
- 4) recognition of the judge missing or presumed dead.

2. The termination of resignation of the judge shall constitute the grounds for termination of payment of a monthly permanent allowance that was assigned due to resignation. In the event of termination of resignation of the judge on the grounds envisaged in paragraph 2 of part one of this Article, the pension of the judge shall be assigned based on general grounds.

3. The decision on the termination resignation of the judge shall be adopted by the High Qualifications Board of Judges of Ukraine.

Chapter XI. ORGANIZATIONAL SUPPORT OF COURTS**Section 1. General issues of support of courts****Article 143. Special aspects of ensuring the functioning of the judiciary**

1. The state shall provide the funding and proper conditions for the functioning of courts and activity of the judges in accordance with the Constitution of Ukraine.

2. The support of functioning of the judiciary shall envisage:

- 1) a separate determination in the State Budget of Ukraine of expenses for the funding of courts not below the level that ensures full and independent administration of justice according to law;
- 2) legal guaranteeing of the full and timely funding of courts;
- 3) ensuring a sufficient level of social security of judges.

Article 144. System for ensuring the functioning of the judiciary

1. In Ukraine there is a unified system of ensuring the functioning of the judiciary – the courts of general jurisdiction and the Constitutional Court of Ukraine.

2. The judicial authorities, other public bodies shall be involved in the organizational support of the courts in cases and manner prescribed by this and other laws.

3. The order of organizational support 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 145. The principles of funding of courts

1. The funding of all the courts in Ukraine shall be ensured at the expense of the State Budget of Ukraine.

The expenditures of the general fund of the State Budget of Ukraine for the maintenance of courts shall be included in the protected items of expenditure of the State Budget of Ukraine.

2. The functions of the key spending unit of the State Budget of Ukraine concerning the financial support of the courts shall be exercised by:

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the Constitutional Court of Ukraine, the Supreme Court of Ukraine, the high specialized courts - providing the funding for their activity;

the State Judicial Administration of Ukraine – with regard to financial support of the activity of all other courts of general jurisdiction, the activity of the High Qualifications Board of Judges of Ukraine, bodies of judicial self-governance, the National School of Judges of Ukraine and the State Judicial Administration of Ukraine.

3. The expenditures on the maintenance of courts shall be allocated in the State Budget of Ukraine by a separate line item with regard to the Constitutional Court of Ukraine, the Supreme Court of Ukraine, the high specialized courts, and in general for each type and specialization of local and appellate courts.

The expenditures of each local and appellate court of all types and specification shall be defined in the State Budget of Ukraine in a separate annex.

4. The expenditures on maintenance of the courts in the State Budget of Ukraine shall not be reduced during the current fiscal year.

5. The monitoring of compliance with the provisions of this Law concerning the funding of courts shall be carried out in the manner prescribed by law.

6. The special aspects of preparation and review of the draft law on the State Budget of Ukraine with regard to the funding of courts and other bodies and institutions of the judiciary shall be determined by law.

Article 146. Procedure of courts funding

1. The courts of general jurisdiction shall be funded under the estimates and monthly allocations of expenditures approved in accordance with this Law, within the amount of annual expenditures envisaged in the State Budget of Ukraine for the current fiscal year in the order established by the Budget Code of Ukraine.

Article 147. Financial, welfare support and social security of staff of the judiciary

1. The amount of salary of the staff of courts, the State Judicial Administration of Ukraine, the High Qualifications Commission of Judges of Ukraine, the National School of Judges of Ukraine, their welfare support and level of social protection shall be defined by law and may not be less than for the corresponding categories of public servants of the bodies of legislative and executive power.

The rate of official salary of the court staff member the position of which is included in the sixth category of positions of the public servants shall be established in the amount of 30 percent of the official salary of a judge of the local court. The official salaries of court staff the positions of which are included in each of the following categories of positions of public servants shall be established by a coefficient of 1.3 in proportion to the official salaries of the court staff the positions of which are included in the previous category of positions of the public servants.

2. Principal administrators of expenditures of the State Budget of Ukraine concerning the financial support of courts shall bear the costs of burial and commemoration of judges, including the retired judges.

3. The budgets of courts of general jurisdiction and the Constitutional Court of Ukraine envisage the funds for representation expenses.

Section 2. The State Judicial Administration of Ukraine

Article 148. The status of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine is the body of the judiciary, which shall provide organizational and financial support of the judiciary within the authority prescribed by law.
2. The State Judicial Administration of Ukraine shall be accountable to the Congress of Judges of Ukraine, and between the Congresses of Judges – to the Council of Judges of Ukraine within the limits established by this Law.
3. The regional departments of the State Judicial Administration of Ukraine shall be established in the Autonomous Republic of Crimea, the regions, Kyiv and Sevastopol.
4. The officials of the State Judicial Administration of Ukraine, its regional departments shall be the public servants.
5. The State Judicial Administration of Ukraine shall be a legal entity, have a seal with the State Emblem of Ukraine and its name, its own balance sheet and accounts in the State Treasury of Ukraine.
6. The Regulation on the State Judicial Administration of Ukraine shall be approved by the Council of Judges of Ukraine.

Article 149. Powers of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall:
 - 1) represent the courts in the relations with the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine during the preparation of the draft law on the State Budget of Ukraine for the respective year, within the powers prescribed by this Law;
 - 2) ensure proper conditions of the activity of courts of general jurisdiction, the High Qualifications Commission of Judges of Ukraine, the National School of Judges of Ukraine and the bodies of judicial self-governance within the powers prescribed by this Law;
 - 3) study the practices related to the organization of the activity of courts, develop and submit in the prescribed manner the proposals for improvements;
 - 4) examine the court staff issues, estimate the need for specialists, submit requests for the respective specialists;
 - 5) provide the necessary conditions for training of the court staff, establish a system for professional development;
 - 6) organize the keeping of court statistics, record keeping and archiving; monitor the status of record keeping in the courts of general jurisdiction;
 - 7) prepare the materials for the development of proposals for court budgets;
 - 8) provide for the computerization of courts for court proceedings, record keeping, information and regulatory support of judicial activity and operation of the automated system of document flow in courts; provide the courts with necessary equipment for recording of trials within the funds allocated by the State Budget of Ukraine for the funding of respective courts;
 - 9) ensure the implementation of the e-court; take measures for the exchange of electronic documents between the courts and other state bodies and institutions;
 - 10) ensure the operation of the automated system for determining the members of the High Qualifications Board of Judges of Ukraine;

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- 11) ensure the maintenance of the Unified State Register of court decisions and the Register of email addresses of state bodies, their officials and staff, maintain a system of video-communication for participation in the hearings through the videoconference;
- 12) interact with the relevant authorities and agencies, including of other states in order to improve the organizational support of the courts;
- 13) develop and approve, in consultation with the Council of Judges of Ukraine, the Model Regulations on the court staff;
- 14) organize the activity of the Court Bailiffs Service;
- 15) approve regulations on the court library;
- 16) administer state property in the scope of governance of the State Court Administration of Ukraine;
- 17) exercise other powers prescribed by law.

Article 150. The Chairman of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall be chaired by the Chairman of the State Judicial Administration of Ukraine.
2. The Chairman of the State Judicial Administration of Ukraine shall be elected and dismissed by the Council of Judges of Ukraine.
3. The Chairman of the State Judicial Administration of Ukraine shall have the right to concurrently perform other work, other than teaching, research and creative activity in the off time, be a member of the governing body or a supervisory board of a business entity working for profit.
4. The Chairman of the State Judicial Administration of Ukraine shall:
 - 1) supervise the activity of State Judicial Administration of Ukraine, be responsible for the performance of its tasks;
 - 2) organize the work of the State Judicial Administration of Ukraine;
 - 3) submit for the review to the Council of Judges of Ukraine the proposals on determining the maximum number of staff of the State Judicial Administration of Ukraine, including its regional departments;
 - 4) appoint and dismiss the staff of the State Judicial Administration of Ukraine; appoint, based on the proposals of the heads of the respective courts, the heads of staff of the courts of appeal, high specialized courts, the Supreme Court of Ukraine and their deputies, and dismiss them from office as prescribed by law on the public service;
 - 5) apply incentives for the heads of staff of the courts of appeal, the high specialized court, the Supreme Court of Ukraine, their deputies, or impose disciplinary penalties based on the proposal of the respective court;
 - 6) assign to the heads of staff of the courts of appeal, the high specialized court, the Supreme Court of Ukraine, their deputies the ranks of public servants in accordance with legislation on the public service;
 - 7) approve the model Regulation on the regional departments of the State Judicial Administration of Ukraine and regulations on the structural divisions of the State Judicial Administration of Ukraine;
 - 8) establish official salaries of staff of the State Judicial Administration of Ukraine, assign the ranks of public servants, apply incentives and impose disciplinary penalties as prescribed by law;
 - 9) report on the activity of the State Judicial Administration of Ukraine to the Congress of Judges of Ukraine, the activity of the State Judicial Administration of Ukraine to the Council of Judges of Ukraine on issues related to organizational and financial support of courts of respective judicial specialization;

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- 10) participate in the preparation of proposals to the draft law on the State Budget of Ukraine concerning the funding of the judiciary;
- 11) approve the structure, staff chart of the State Judicial Administration of Ukraine and its regional departments;
- 12) exercise other powers prescribed by law.

5. The Chairman of the State Judicial Administration of Ukraine shall issue orders on matters within his authority.

6. The Chairman of the State Judicial Administration of Ukraine shall have the deputies to be elected and dismissed by the Council of Judges of Ukraine based on the proposal of the Chairman of the State Judicial Administration of Ukraine. The deputies of the Chairman of the State Judicial Administration of Ukraine shall perform the functions defined by the Chairman of the State Judicial Administration of Ukraine. The Chairman of the State Judicial Administration of Ukraine shall distribute the powers between the First Deputy and deputies of the Chairman of the State Judicial Administration of Ukraine.

7. The Chairman of the State Judicial Administration of Ukraine shall submit for the review to the Council of Judges of Ukraine the proposals to determine the maximum number of staff of the State Judicial Administration of Ukraine, including its regional departments.

Article 151. Regional departments of the State Judicial Administration of Ukraine

1. The area branches of the State Judicial Administration of Ukraine shall be area departments of the State Judicial Administration of Ukraine.

2. The area department of the State Judicial Administration of Ukraine shall be chaired by a head appointed and dismissed by the Chairman of the State Judicial Administration of Ukraine. The head of the area department of the State Judicial Administration of Ukraine shall have a deputy to be appointed and dismissed by the Chairman of the State Judicial Administration of Ukraine.

3. The head of the area department of the State Judicial Administration of Ukraine, based on the proposal of the head of the local court, shall appoint the chief of staff of the local court, the deputy chief of staff of the local court and dismiss them; based on the proposal of the head of the local court, shall apply incentives or impose disciplinary penalties in accordance with law; assign to the chief of staff of a local court, his deputy the ranks of the public servants in accordance with legislation on the public service.

4. The structure and staff chart of the area departments of the State Judicial Administration of Ukraine shall be approved by the Chairman of the State Judicial Administration of Ukraine based on the proposal of the head of the regional department of the State Judicial Administration of Ukraine.

5. The area department of the State Judicial Administration of Ukraine shall be a legal entity with a seal with the State Emblem of Ukraine and its name, its own balance sheet and accounts in the State Treasury of Ukraine.

6. The area departments of the State Judicial Administration of Ukraine shall operate in accordance with the relevant regulations approved by the Chairman of the State Judicial Administration of Ukraine.

Article 152. The court office

1. The organizational support of the court shall be ensured by its office headed by the Chief of Staff.
2. The regulations on the court office shall be developed based on the standard regulation on the court office and approved by the meeting of judges of a respective court. The standard regulation on the court office shall be approved by the State Judicial Administration of Ukraine in agreement with the Council of Judges of Ukraine.
3. The chief of court staff shall be responsible for the proper organizational support of the court, judges and the judicial process, the operation of an automated system of document flow, shall inform the meeting of judges on his/her activity. Meetings of judges may express no distrust to the chief of court staff, which shall result into his/her dismissal.
4. The chief of staff of the local court, his/her deputy shall be appointed and dismissed by the head of the respective regional department of the State Judicial Administration of Ukraine based on the proposal of the head of the local court, and the chiefs of staff of the courts of appeal, the high specialized court, the Supreme Court of Ukraine, their deputies – by the Chairman of the State Judicial Administration of Ukraine based on the proposal of the head of the respective court.
5. The chief of the court staff shall appoint and dismiss the court office staff, and apply incentives and disciplinary penalties. The selection of the court office staff shall be performed on a competitive basis.
6. The legal status of the court office staff shall be determined by the Law of Ukraine On Public Service. The remuneration, material, medical, sanatorium and transport support for the court office staff shall be determined on the basis defined for the relevant category of staff of the central and local executive authorities.
7. The structure and staffing level of staff of the local courts, in consultation with the head of the court, shall be approved by the relevant regional department of the State Judicial Administration of Ukraine, the staff of appellate courts – the State Judicial Administration of Ukraine in consultation with the head of the court, within the funding allocated for the respective court.
8. Within the office staff of courts of general jurisdiction the departments, divisions performing their functions under the provisions approved by the chief of staff of the respective court shall be established.
9. The court staff shall provide for the keeping of personal records of judges in the manner specified by the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine.
10. Within the staff of the court of general jurisdiction, the administrative office shall be established for daily registration documents submitted to the respective court. The administrative office shall also perform other tasks determined by the provisions approved by the chief of staff of the respective court.
11. The staff of the court of general jurisdiction shall also include the secretaries of the trial, scientific advisors and registrars. The scientific advisors should have the Ph.D. or doctoral degree in law.

Article 153. Special aspects related to the staff of the Supreme Court of Ukraine and high specialized courts

1. The organizational support of the Supreme Court of Ukraine, the high specialized court shall be carried out by the staff of the respective court.
2. The Regulations on the staff, structure and staff chart of the Supreme Court of Ukraine, the high specialized court shall be approved by the meeting of judges of a respective court based on the proposal of the head of the respective court.
3. The staff of the Supreme Court of Ukraine shall be headed by the chief of staff. The chief of staff of the Supreme Court of Ukraine shall represent the Supreme Court of Ukraine as a legal entity, approve the regulations on structural divisions of the staff of the Supreme Court of Ukraine.
4. The materials related to the activity of the Supreme Court of Ukraine, the high specialized court shall be filed in the archive of the respective court.

Article 154. Assistants of judges of courts of general jurisdiction

1. Every judge of the court of general jurisdiction shall have an assistant, whose status and conditions of work shall be determined by this Law, the Law of Ukraine On State Service and the Regulation on the assistants of judges approved by the Council of Judges of Ukraine.
2. The assistant of judge shall be a citizen of Ukraine having a degree in Law and fluent in the official language. Assistants of judges of the Supreme Court of Ukraine should also have at least three years of experience in Law.
3. Judges shall independently conduct the selection of assistants. The assistant of judge shall be appointed and dismissed by the chief of staff of the respective court based on the proposal of the judge.
4. The assistants of judges involved in preparation of cases for the review shall be accountable to the respective judge only.

Article 155. Library of the court

1. In order to provide the courts with regulations, specialized literature, judicial records, in each court a court library shall be established. The library stock shall be formed by the publications and computer databases.
2. The regulation on the library of the court shall be approved by the State Judicial Administration of Ukraine.

Article 156. Court Bailiffs Service

1. Each court shall have the service of court bailiffs. The court bailiffs shall ensure the observance by persons present in court of the rules, the compliance with orders of the presiding in the hearing.
2. The court bailiffs shall be appointed and dismissed by the chief of staff of the respective court.

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3. The court bailiffs shall be provided with uniforms, the samples of which are approved by the Chairman of the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine.

4. The court bailiffs in their work shall be guided by this Law, the requirements of the procedural law, the relevant rules and regulations, orders of court heads and judges.

5. The establishment and operation of the service of court bailiffs shall be established by the regulation approved by the Chairman of the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine.

Article 157. Ensuring the protection and maintenance of public order in court

1. The maintenance of public order in court, the termination of displays of contempt and the protection of court facilities, bodies of the judicial system, state protection of judges, court staff and security of trial participants shall be provided by the specialized units of the Ministry of Internal Affairs of Ukraine.

II. Final and transitional provisions

1. This Law shall enter into force thirty days upon its publication, except paragraphs 6 and 8 of Section I of this Law, this paragraph and paragraphs 3 and 4 of this Section which shall enter into force on the day following the day of its publication.

2. It shall be resolved as follows:

1) the application for the review by the Supreme Court of Ukraine of the court decisions received by the courts of cassation for the resolution of the issue related to the admission of the case to the proceedings in the Supreme Court of Ukraine and the decisions on which have not been adopted on the day of enactment of this Law shall be considered in the order in force before the entry into force of this Law;

2) the applications received by the Supreme Court of Ukraine and the decisions on which have not been adopted on the day of enactment of this Law shall be reviewed in the order in effect on the day of their receipt.

3. With the entry into force of paragraph 6 of Section I of this Law, the powers of the members of the High Council of Justice appointed by the Verkhovna Rada of Ukraine, the President of Ukraine, the Congress of Advocates of Ukraine, the Congress of law schools and research institutions, the all-Ukrainian conference of prosecutors shall terminate.

4. The Congress of Judges of Ukraine shall appoint members of the High Council of Justice in the manner prescribed by the Law of Ukraine On the High Council of Justice, subject to changes introduced by this Law and not later than the expiration of the fourth year of powers of members of the High Council of Justice appointed by the Congress of Judges of Ukraine prior to entry into force of this Law. Powers of members of the High Council of Justice appointed by the congress of judges of Ukraine prior to the effective date of this Law shall terminate as of the date of appointment of members of the High Council of Justice according to the procedure envisaged by the Law of Ukraine on the High Council of Justice, as amended by this Law.

Other authorized entities shall appoint the members of the High Council of Justice in the manner prescribed by the Law of Ukraine On the High Council of Justice, subject to changes introduced by this Law and not later than sixty days upon the effective date of paragraph 6 of Section I hereof.

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5. Upon the effective date of this Law:

- 1) members of the High Qualifications Commission of Judges of Ukraine appointed by the Congress of Judges of Ukraine prior to the entry into force of this Law shall exercise their powers for four years as of the date of entry into force of this Law;
- 2) Congress of Judges of Ukraine shall additionally elect two members of the High Qualifications Commission of Judges of Ukraine in the manner prescribed by this Law;
- 3) congress of representatives of the high law schools and research institutions shall elect the members of the High Qualifications Commission of Judges of Ukraine in the manner prescribed by this Law, after the termination of powers of the members of the High Qualifications Commission of Judges of Ukraine elected prior to the enactment of this Law;
- 4) Congress of Advocates shall elect one member of the High Qualifications Commission of Judges of Ukraine in the manner prescribed by this Law, and after the termination of powers of the member of the High Qualifications Commission of Judges of Ukraine appointed prior to the enactment of this Law by the Minister of Justice of Ukraine - one additional member of the High Qualifications Commission of Judges of Ukraine;
- 5) members of the High Qualifications Commission of Judges of Ukraine appointed by the Minister of Justice of Ukraine, the Ombudsman, the Chairman of the State Judicial Administration of Ukraine prior to the enactment of this Law shall exercise their powers for four years upon the date of appointment;
- 6) the High Qualifications Commission of Judges of Ukraine, at the first meeting to be held after the enactment of this Law, in the presence of a quorum of eight members, shall approve the personal composition of the Qualification and Disciplinary Chambers composed of at least four members of each chamber.

6. The High Qualifications Commission of Judges of Ukraine shall procure the initial qualification evaluation of judges in order to define whether they are capable of administering justice in relevant courts:

- 1) judges of the Supreme Court of Ukraine and the high specialized courts - within six months as of the date of enactment of this Law;
- 2) judges of appellate courts- within two years as of the date of enactment of this Law;
- 3) judges that submitted, at the time of entry into force of this Law, an application for permanent judicial position - primarily according to the schedule set by the High Qualifications Commission of Judges of Ukraine.

Initial qualification evaluation of judges of local courts who took the oath of judge before the enactment of this Law and administer justice shall be carried out within the term defined by the High Qualifications Commission of Judges.

If the results of the initial qualification evaluation have not confirmed the judge's capability to administer justice in the relevant court, the judge shall be dismissed from the administration of justice and sent for training to the National School of Judges of Ukraine followed by a repeated qualification evaluation. If the ability to administer justice in the relevant court was not confirmed by the repeated qualification evaluation, this shall be the basis for the conclusion of the High Qualifications Commission of Judges of Ukraine on sending the recommendation to the High Council of Justice for a proposal to dismiss the judge on the grounds of violation of oath.

7. The initial qualification evaluation of judges of the Supreme Court of Ukraine, high specialized courts, appellate courts shall be conducted by the qualification and disciplinary chambers of the High Qualifications Commission of Judges of Ukraine jointly, by forming the panels of three members on the basis of a mixed representation of each chamber of the High Qualifications Commission of Judges of Ukraine.

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8. Applications and complaints submitted prior to the effective date of this Law, and any disciplinary proceedings related to judges that were commenced prior to the effective date of this Law, shall be governed by the Law of Ukraine on the Judiciary and Status of Judges in the version effective as of the time the relevant application (complaint) was submitted or the relevant disciplinary proceeding was opened.

9. Prior to establishment of appellate districts of the general courts in the manner prescribed by this Law, the appellate districts of general courts shall be the Kyiv city, Sevastopol city, the Autonomous Republic of Crimea, the regions, and the appellate courts in the respective appellate districts shall be, respectively, the Kyiv City Court of Appeals, the Court of Appeal of Sevastopol, the Court of Appeal of the Autonomous Republic of Crimea, regional courts of appeal.

10. If the court terminates its operation due to natural disasters, acts of war, anti-terrorist operations or other extraordinary circumstances, the judge holding a position in such court shall, by the decision of the High Qualification Commission of Judges of Ukraine, for not more than six months, be attached to another court of the same level in another area while retaining his official salary, but without the surcharges.

11. Prior to equipment of the required number of courtrooms in a local court the hearings shall be held in other rooms of the court suitable for court hearings, but not later than within the twenty-four months as of the date of enactment of this Law.

12. The provisions of Article 110 of the Law of Ukraine On the Judiciary and the Status of Judges with regard to experience in the legal field for more than five years for the inspectors of the High Qualifications Commission of Judges of Ukraine shall apply only to persons applying for vacant positions after the enactment of this Law.

13. The Cabinet of Ministers of Ukraine shall:

1) within one month as of the date of enactment of this Law bring the Rules of Maintenance of the Unified State Register of Court Decisions in accordance with this Law;
2) within three months as of the date of enactment of this Law:
bring its regulations into conformity with this Law;
provide within its authority for the review and cancellation of regulations that contradict this Law;
ensure that the ministries and other central bodies of executive power bring their regulations in conformity with this Law.

14. The State Judicial Administration of Ukraine shall:

1) ensure the establishment and transfer to the High Qualifications Commission of Judges of Ukraine of the judicial dossier for the period as of January 1, 2012:
a) on the judges of the Supreme Court of Ukraine and judges of high specialized courts - within three months as of the date of entry into force of this Law;
b) on the judges of appellate courts - within six months as of the date of entry into force of this Law;
b) on the judges of local courts - within twelve months as of the date of entry into force of this Law;
2) within two months as of the date of enactment of this Law, provide for appropriate organizational and technical support of the operation of the Unified State Register of Court Decisions to ensure the access to court decisions under this Law;
3) within six months as of the date of enactment of this Law to ensure the entry to the Unified State Register of Court Decisions of court decisions that have not been entered into the Unified State Register of Court Decisions since January 1, 2010;

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4) implement within the twenty-four months as of the date of entry into force of this Law the organizational and technical measures aimed to ensure the implementation by courts of the general jurisdiction of provisions of part seven of Article 11 of the Law on the Judiciary and Status of Judges in respect to court hearings exclusively in the specially equipped courtroom.

15. For candidates to the position of judge who were registered in the reserve pool and within three years upon such registration have not applied for participation in the competition for filling a vacant position of judge, provided that such three-year period was between April 11, 2014 and December 31, 2014 inclusive, results of their qualification assessments shall be valid for 90 days upon entry of this Law into force.

AMENDMENTS TO THE LAW ON HIGH COUNCIL OF JUSTICE**1) in Article 1:**

a) to exclude part one;

b) in part two:

after the words 'collective' add the words 'permanent';

after the words 'for the formation of' add the words 'independent';

c) part three shall read as follows:

'Members of the High Council of Justice, other than those being the Council members ex officio, shall be appointed for a term of four years and may be appointed for one term only';

2) in Article 2:

a) in part one to replace the words 'by this Law and the Rules of the High Council of Justice approved at its meeting' with the words 'and this Law';

b) to add part two as follows:

'The High Council of Justice shall approve the Rules of the High Council of Justice, which shall govern the Council's powers stipulated in the Constitution of Ukraine and in this Law';

3) in Article 3:

paragraph 4 of part one, after the words 'on bringing to' shall be supplemented with words '(and on refusal to bring to)';

part two shall be excluded;

4) Article 6 shall read as follows:

'Article 6. Requirements for the members of the High Council of Justice and the guarantees of their work

A citizen of Ukraine, not younger than thirty five years of age, that has been residing in Ukraine for at least the recent ten years, speaks the official language of the country, has a degree in Law and has been practicing Law for at least fifteen years, is a recognized expert in Law and has an excellent professional reputation, can be recommended for the position of a member of the High Council of Justice.

In case if under this Law a judge is to be appointed for the position of the member of the High Council of Justice, this judge shall be appointed from among the permanent who have at least fifteen years of experience as a judge, or retired judges.

The requirements set forth in parts one and two of this Article shall not apply to persons who are members of the High Council of Justice ex officio.

The members of the High Council of Justice, other than those who are members ex officio, shall exercise their authority on a permanent basis. For the term of exercise of the authority the members of the High Council of Justice from among the judges and prosecutors shall be assigned to the High Council of Justice, and their positions which they held as of the time of appointment as members of the High Council of Justice shall be reserved for such members. The members of the High Council of Justice shall be subject to the requirements and restrictions imposed by law on prevention of corruption.

The members of the High Council of Justice should maintain in their activities and beyond the ethical standards established for judges.

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Members of the High Council of Justice shall have no right to concurrently hold any positions in the government and local self-governing bodies (except for persons who are members of the High Council of Justice ex officio), they cannot concurrently have the status of people's deputy of Ukraine, the deputy of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city, urban district, village, settlement councils, they cannot engage in entrepreneurial activity, any other paid work or receive compensation (except for teaching, research and creative activity in off time and being awarded for it), as well as they cannot be the member of the governing body or supervisory board of a legal entity for profit. The individuals that possess shares or other corporate rights, or have other property interest in the activity of any legal entity for profit shall be obliged to transfer such shares (corporate rights) to the management of an independent third party for the period of membership in the High Council of Justice. Members of the High Council of Justice may receive interest, dividends and other passive income from the property they own.

The influence on members of the High Council of Justice in any manner shall be prohibited';

5) to add Articles 6¹ to 6⁴ to the Law as follows:

'Article 6¹. Principles of selection of candidates for appointment as members of the High Council of Justice

The selection of candidates for appointment as members of the High Council of Justice shall be carried out as set forth herein, based on the principles of transparency, publicity and political neutrality.

Article 6². Selection of candidates for appointment as members of the High Council of Justice

In case if the appointment of a new member of the High Council of Justice should be carried out by the Congress of Judges of Ukraine, the Congress of Advocates of Ukraine, the Congress of representatives of the law schools and research institutions, or the National Conference of Prosecutors, the body that convenes the congress or conference respectively, shall not later than within forty-five days notify the secretariat of the High Council of Justice of the date and place of the meeting.

Not later than on the next working day after the receipt of notification of the date and venue of the congress or conference the secretariat of the High Council of Justice shall publish an announcement on its official website, stating the following:

- 1) date and venue of the congress or conference, respectively;
- 2) information about the commencement of collection of documents from candidates for the position of members of the High Council of Justice.

A person which meets the requirements prescribed by this Law with regard to the members of the High Council of Justice, and which intends to be appointed as the member of the High Council of Justice by the Congress of Judges of Ukraine, the Congress of Advocates of Ukraine, the Congress of representatives of the law schools and research institutions, or the National Conference of Prosecutors, shall apply to the secretariat of the High Council of Justice not later than within the thirty days prior to the date of congress or conference with the application for filing documents for appointment as a member of the High Council of Justice by the congress or conference, respectively.

The application for filing documents for appointment as a member of the High Council of Justice shall be supplemented by the following documents:

- 1) curriculum vitae;

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- 2) a cover letter with an outline of reasons to be appointed as a member of the High Council of Justice;
- 3) a copy of ID and proof of citizenship of Ukraine;
- 4) a copy of the labor book;
- 5) a declaration of the person authorized to perform the functions of the state or local government;
- 6) a copy of diploma in Law (with attachments) issued by Ukrainian universities and/or copies of diplomas in Law issued by foreign universities supplemented with copies of documents which prove the recognition of such university diplomas in Ukraine, including documents attesting the academic degree and academic title (if available);
- 7) medical certificate on health condition of the candidate with a conclusion as to the suitability to work in a position related to implementation of governmental functions;
- 8) copy of the military card (for the military servicemen or reservists);
- 9) written consent to the processing of personal data and publicising of copies of documents specified in this Article, except for copies of documents indicated in paragraphs 3, 7 and 8 of this part;
- 10) written statement on the absence of restrictions on membership in the High Council of Justice in accordance with Article 7 of this Law, as well as on the compliance with the requirements regarding the incompatibility or the commitment to comply with requirements with regard to incompatibility in case of appointment as a member of the High Council of Justice;
- 11) application for inspection envisaged by the Law of Ukraine on Purge of State Public Authorities;
- 12) consent to a special inspection in accordance with the law;
- 13) document that confirms the relevant status (for judges, attorneys and prosecutors).

If the person expressed an intention to be appointed as a member of the High Council of Justice by the Congress of Judges of Ukraine, the secretariat of the High Council of Justice shall also establish this person's status which shall be at least fifteen years of experience as a judge, or a retired judge.

The secretariat of the High Council of Justice shall accept the documents of the candidates in the chronological order of receipt of applications and not later than on the next working day shall publish on its official website the information about a candidate along with copies of the documents submitted, except for the documents specified in paragraphs 3, 7, 8 of part four of herein.

The acceptance of documents of candidates shall end at 24 p.m. of the last day of the period referred to in paragraph three of this Article.

The Secretariat of the High Council of Justice may not refuse to accept the documents on any grounds other than a failure to meet the established deadline.

Not later than on the next day upon the completion of acceptance of documents, the High Council of Justice shall develop:

- 1) list of candidates - judges and retired judges;
- 2) list of candidates that are not judges or retired judges.

These lists shall be immediately published on the official website of the High Council of Justice and in the newspaper 'Holos of Ukraine' as well as immediately sent to a body that convenes the relevant congress or conference.

The secretariat of the High Council of Justice shall ensure the carrying out of a special inspection regarding the candidates.

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Article 6³. Selection of candidates for appointment as members of the High Council of Justice by the President of Ukraine

The President of Ukraine shall appoint the members of the High Council of Justice on the basis of an open competition, the rules for which are approved by the President of Ukraine. The information about the commencement of the competition and documents to be submitted by candidates for participation in the competition shall be published at the official website of the President of Ukraine not later than forty-five days prior to the date of the competition.

The candidate for the competition shall not later than within thirty days prior to the competition submit the documents referred to in part four of Article 6² of this Law.

The information about the persons that applied for the competition, along with the copies of documents submitted, except for the documents indicated in paragraphs 3, 7, 8 of part four of Article 6² of this Law, shall be published at the official website of the President of Ukraine not later than on the next business day following the day on which the documents were delivered.

Article 6⁴. Selection of candidates for the appointment as members of the High Council of Justice by the Verkhovna Rada of Ukraine

The Verkhovna Rada of Ukraine shall carry out the selection for the appointment of members of the High Council of Justice according to the procedure prescribed by the Rules of the Verkhovna Rada of Ukraine’;

6) Article 7 shall read as follows:

‘Article 7. Restrictions on membership in the High Council of Justice

The members of the High Council of Justice shall not include:

- 1) persons declared by court as incapable or of limited legal capacity;
- 2) persons who have an unexpunged or unspent conviction under the law;
- 3) persons who over the past year have been imposed the administrative penalties for corruption offences;
- 4) persons who have been the members of the High Qualification Commission of Judges of Ukraine or the High Council of Justice prior to the entry into force of the Law of Ukraine On restoring trust in the judiciary of Ukraine, except for the members of the High Council of Justice who are members of the High Council of Justice ex officio;
- 5) persons holding administrative positions in courts (except for the President of the Supreme Court of Ukraine);
- 6) persons who do not meet the requirements set forth in this Law with regard to the incompatibility with other activities and did not eliminate such incompatibility within a reasonable time, but not more than within 30 days as of the date of occurrence of circumstances that led to the violation of the requirements on the incompatibility.

7) Articles 8 to 13 shall read as follows:

‘Article 8. The procedure for appointment of the members of the High Council of Justice by the Verkhovna Rada of Ukraine

The two of the three members of the High Council of Justice appointed by the Verkhovna Rada of Ukraine shall be the judges or retired judges, and have at least fifteen years of experiences as judges.

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The Verkhovna Rada of Ukraine shall appoint the members of the High Council of Justice in the manner prescribed by the Rules of the Verkhovna Rada of Ukraine.

Article 9. Procedure for appointment of the members of the High Council of Justice by the President of Ukraine

The President of Ukraine, based on the results of the competition, shall issue a Decree on the appointment of members of the High Council of Justice.

The two of the three members of the High Council of Justice appointed by the President of Ukraine should be the judges or retired judges, and have at least fifteen years of experience as judges.

Article 10. Procedure for appointment of the members of the High Council of Justice by the Congress of Judges of Ukraine

The Congress of Judges of Ukraine shall appoint, by secret voting, three members of the High Council of Justice each of whom should be a judge or a retired judge and should have at least fifteen years of experience as a judge.

Voting shall be conducted exclusively on candidates for appointment as members of the High Council of Justice who submitted the relevant documents in the manner prescribed by this Law, and were selected by delegations of this session. Voting shall also be conducted on candidates for positions of members of the High Council of Justice who submitted their documents in accordance with this Law and were nominated directly at the session by at least twenty percent of the election delegates of this session.

Each of the candidates for the appointment as member of the High Council of Justice shall have the right to speak before the delegates of the Congress prior to the voting. The decision of the Congress may establish a reasonable time limit for the presentation, the same for all the candidates. The candidate shall provide to the congress delegates any information at their request, except the information which relates to the candidate's private life and which may not be reasonably deemed essential for identification of the candidate's ability to duly act as a member of the High Council of Justice, and the information which is a state secret.

After the presentation of candidates and discussion, the voting shall be carried out. The appointed member of the High Council of Justice shall be the candidate that based on the results of secret voting received a majority of votes of the elected delegates of the Congress of Judges of Ukraine.

Following the results of the voting, the Chairman and Secretary of the Congress of Judges of Ukraine shall sign the decision on the appointment of members of the High Council of Justice.

The procedure of convocation of the Congress of Judges of Ukraine shall be determined by the Law of Ukraine On the Judicial System and the Status of Judges. The procedure of the Congress of Judges of Ukraine shall be determined by the Board of Judges of Ukraine and the decisions of the Congress.

Article 11. Procedure for appointment of the members of the High Council of Justice by the Congress of Advocates of Ukraine

The Congress of Advocates of Ukraine shall appoint, by secret voting, three members of the High Council of Justice one of which should be a judge or a retired judge and should have at least fifteen years of experience as a judge.

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Voting shall be conducted exclusively on candidates for appointment as members of the High Council of Justice who submitted the relevant documents in the manner prescribed by this Law and were elected by the delegates of this session. Voting shall also be conducted on candidates for positions of members of the High Council of Justice who submitted their documents in accordance with this Law and were nominated directly at the session by at least twenty percent of the elected delegates of this session.

Each of the candidates for the appointment as member of the High Council of Justice shall have the right to speak before the delegates of the Congress prior to the voting. The decision of the Congress of Advocates of Ukraine may establish a reasonable time limit for the presentation, the same for all the candidates. The candidate shall provide to the delegates of the Congress of Advocates of Ukraine any information at their request, except the information which relates to the candidate's private life and which may not be reasonably deemed essential for identification of the candidate's ability to duly act as a member of the High Council of Justice, and the information which is a state secret.

After the presentation of candidates and discussion, the voting shall be carried out.

The appointed member of the High Council of Justice shall be the candidate that based on the results of secret voting received a majority of votes of the elected delegates of the Congress of Advocates of Ukraine.

Following the results of the voting, the Chairman and Secretary of the Congress of Advocates of Ukraine shall sign the decision on the appointment of members of the High Council of Justice.

The procedure of convocation of the Congress of Advocates of Ukraine shall be determined by the Law of Ukraine On the Bar and Practice of Law. The procedure of the Congress of Advocates of Ukraine shall be determined by the Council of Advocates of Ukraine and the decisions of the Congress.

For the period of exercise of the powers of the member of the High Council of Justice the advocate should stop the advocacy in the manner prescribed by the Law of Ukraine On the Bar and the Practice of Law.

Article 12. Procedure for appointment of the members of the High Council of Justice by the Congress of representatives of law schools and research institutions

The Congress of the representatives of law schools and research institutions shall appoint, by secret voting, three members of the High Council of Justice, one of which should be a judge or a retired judge.

Voting shall be conducted exclusively on candidates for appointment as members of the High Council of Justice who submitted the relevant documents in the manner established in this Law and were elected by the delegates of this session. Voting shall also be conducted on candidates for positions of members of the High Council of Justice who submitted their documents in accordance with this Law and were nominated directly at the session by at least twenty percent of the elected delegates of this session.

Each of the candidates for the appointment as member of the High Council of Justice shall have the right to speak before the delegates of the Congress of representatives of law schools and research institutions prior to the voting. The decision may establish a reasonable time limit for the presentation, the same for all the candidates. The candidate shall provide to the delegates any information at their request, except the information which relates to the candidate's private life and which may not be reasonably deemed essential for identification

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of the candidate's ability to duly exercise the powers of a member of the High Council of Justice, and the information which is a state secret.

After the presentation of candidates and discussion, the voting shall be carried out.

The appointed member of the High Council of Justice shall be the candidate that based on the results of secret voting received a majority of votes of the elected delegates of the Congress of representatives of law schools and research institutions.

Following the results of the voting, the Chairman and Secretary of the Congress of representatives of law schools and research institutions shall sign the decision on the appointment of members of the High Council of Justice.

The Congress of representatives of law schools and research institutions shall be participated by representatives of higher educational institutions that include the departments that as of the date of the Congress have trained the specialists with higher education degree 'Master' for at least ten years, and research institutions that as of the date of the Congress have been engaged in the main research work in the field of law at least for ten years. The Congress shall involve the three representatives from each of the specified educational and research institutions.

The time and venue of the Congress of representatives of law schools and research institutions shall be determined by the High Council of Justice, and in case of failure by the High Council of Justice to make such a decision due to the lack of appointed members – by the central executive authority in the field of education. The notification of the time and venue of the Congress shall be published in the newspaper 'Holos of Ukraine' and on the website of the High Council of Justice or central executive authority in the field of education not later than within forty-five days prior to the Congress, and immediately sent to the educational and research institutions that delegate their representatives to the Congress. The Congress shall be held in the premises of the educational or research institution. The procedure of the Congress shall be determined by the decision of the Congress. In order to resolve the organizational and technical issues related to the preparation of the Congress of representatives of law schools and research institutions, an organizing committee of up to ten people may be established consisting of representatives of the above institutions. Invitations to participate in the organizing committee shall be distributed by the body that convenes the Congress. Officials employed with the central executive authority in the areas of education and science may not be members of the organizing committee.

Article 13. The procedure for appointment of the members of the High Council of Justice by the All-Ukrainian Conference of Prosecutors

The All-Ukrainian Conference of Prosecutors shall, by secret voting, appoint two members of the High Council of Justice, one of which should be a judge or a retired judge and have at least fifteen years of experience as a judge.

Voting shall be conducted exclusively on candidates for appointment as members of the High Council of Justice who submitted the relevant documents in the manner established in this Law and were elected by candidates to the All-Ukrainian Conference of Prosecutors. Voting shall also be conducted on candidates for positions of members of the High Council of Justice who submitted their documents in accordance with this Law and were nominated directly at the All-Ukrainian Conference of Prosecutors by at least twenty percent of the elected delegates of the Conference.

Each of the candidates for the appointment as member of the High Council of Justice shall have the right to speak before the delegates of the All-Ukrainian Conference of Prosecutors

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prior to the voting. The decision of the All-Ukrainian Conference of Prosecutors may establish a reasonable time limit for the presentation, the same for all the candidates. The candidate shall provide to the delegates of the All-Ukrainian Conference of Prosecutors any information at their request, except for the information which relates to the candidate's private life and which may not be reasonably deemed essential for identification of the candidate's ability to duly execute the powers of a member of the High Council of Justice, and the information which is a state secret.

After the presentation of candidates and discussion, the voting shall be carried out. The appointed member of the High Council of Justice shall be the candidate that based on the results of secret voting received a majority of votes of the elected delegates of the All-Ukrainian Conference of Prosecutors.

The procedure of convocation and holding of the All-Ukrainian Conference of Prosecutors shall be determined by the Law of Ukraine On the Public Prosecutor's Office;
8) Article 15 shall read as follows:

'Article 15. Procedure of voting at the congress and conference

Voting at the Congress of Judges of Ukraine shall be held based on a ballot.

Voting at the Congress of Advocates of Ukraine, the representatives of law schools and research institutions, the All-Ukrainian Conference of Prosecutors shall be conducted based on two separate ballots, where one ballot shall be for voting for candidates who are judges or retired judges, and the other ballot shall be for voting for other candidates. In case of appointment of only members who have to be judges or retired judges or of only other members of the High Council of Justice, only one relevant ballot shall be used.

Each ballot shall contain the names of all the candidates for appointment as members of the High Council of Justice.

The voting shall be carried out by putting a mark opposite the names of the candidates the appointment of which is voted for by the delegate.

The ballot with the marks put opposite the names of more candidates than those to be elected by the relevant Congress or conference as well as incorrect ballots shall be considered as invalid.

The form of the ballots as well as other organizational and technical issues related to the procedure of voting and counting of votes shall be established by the Congresses of Judges of Ukraine, the Advocates of Ukraine, the representatives of law schools and research institutions and the All-Ukrainian Conference of Prosecutors';

9) in Article 16:

a) in part one to replace the words 'three quarters of its constitutional composition' by the words 'fourteen members';

b) part two shall read as follows:

'The first meeting of the High Council of Justice shall be convened not later than within one week after the gaining of powers by the High Council of Justice';

10) part one of Article 17 shall read as follows:

'The member of the High Council of Justice, immediately after the appointment to the position, shall take oath to the body that appointed him as follows:

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'I swear to faithfully, honestly and impartially exercise the powers of the member of the High Council of Justice with the aim to ensure the formation of an honest, professional, independent judiciary for the purpose of compliance with the law and ethics in the activity of judges and prosecutors';

11) in Article 18:

- a) in part one:
paragraph 3 shall read as follows:
'3) termination of the citizenship of Ukraine';

in paragraph 8, to exclude the words 'or committing an immoral act';
paragraph 11 shall read as follows:

'11) identification of circumstances regarding to the non-compliance with requirements referred to in Article 6 hereof, which were not known at the time of adoption of the decision on the appointment of the member of the High Council of Justice';
to add paragraphs 12 and 13 reading as follows:

'12) violation of requirements set forth in the legislation on prevention of corruption;

13) dismissal of a judge on the grounds envisaged in the Law of Ukraine On the Judicial System and the Status of Judges (except for the resignation of a judge)';

- b) parts two and three shall read as follows:

'Powers of the member of the High Council of Justice in the cases envisaged in paragraphs 1 to 4, 9, 10, 13 of part one of this Article shall be terminated with the onset of the respective event.

The decision to terminate the powers of the member of the High Council of Justice in the cases envisaged in paragraphs 6, 7 of part one of this Article shall be adopted by the High Council of Justice. The issue related to the termination of powers of the members of the High Council of Justice and dismissal from the position following such grounds shall be considered by the High Council of Justice at the next meeting upon the receipt of the application or the court decision';

- c) add three new parts reading as follows:

'The decision to terminate the powers of the member of the High Council of Justice in cases envisaged in paragraphs 5, 8, 11 and 12 of part one of this Article shall be adopted by the body that appointed a member of the High Council of Justice.

In case of determination of grounds for termination of powers of the member of the High Council of Justice envisaged in paragraphs 5, 8, 11 and 12 of part one of this Article, the High Council of Justice may submit to the body that appointed the member a request to terminate the powers of the member of the High Council of Justice. As of the date of submission such a request, the relevant member of the High Council of Justice shall be dismissed from office, and his powers shall be terminated until the adoption of the decision by the relevant body.

The member of the High Council of Justice in respect of whom the High Council of Justice adopted a decision on the termination of powers or on submission of request to terminate the powers, shall not participate in the voting on this decision.

The list of grounds for termination of powers of member of the High Council of Justice contained in this Article shall be exhaustive';

12) in Article 19:

a) after part one to add a new part as follows:

'At the High Council of Justice the temporary collegiate bodies (commission) may be established, the competence, composition and activity of which shall be determined by law. The High Council of Justice may involve in its activities the judicial authorities, judges, retired judges, lawyers and prosecutors, upon their consent, in order to perform support and advisory functions on a voluntary basis without delegating any powers of the High Council of Justice or any powers of its members'.

In this regard, parts two to five shall be considered as parts three to six, respectively;

b) to exclude parts four to six;

13) to add Article 19¹ as follows:

'Article 19¹. Member of the High Council of Justice

Member of the High Council of Justice shall:

- 1) comply with the oath;
- 2) not disclose classified information;
- 3) comply with requirements and observe the restrictions set forth by the law for the prevention of corruption, including submitting a declaration of the person authorized to perform the functions of the state or local government in the manner prescribed by law.

The member of the High Council of Justice, in the course of performing the powers prescribed herein:

1) shall:

- a) maintain personal reception of citizens;
- b) participate in the meetings of the High Council of Justice and the division of the High Council of Justice of which he is a member;

2) may:

- a) make suggestions for the improving of the work of the High Council of Justice and its secretariat;
- b) involve in compliance with the rules of procedure of the High Council of Justice the staff of the structural units of the Secretariat to prepare the issues submitted to the review of the High Council of Justice, division of the High Council of Justice, of which he is a member;
- c) review all the materials related to the agenda of meetings of the High Council of Justice or division of the High Council of Justice, wherein he/she is a member;
- d) present his/her motives and considerations, and submit additional documents on issues considered;
- e) introduce proposals regarding the draft decisions of the High Council of Justice on any issues, participate in decision-making, express written dissenting opinion with regard to decisions of the High Council of Justice;
- f) initiate the meetings of the High Council of Justice.

Member of the High Council of Justice shall be obliged to refuse to carry out the verification of information contained in the requests or decisions of the High Qualifications Commission of Judges of Ukraine in the following cases:

- 1) he/she is on friendly terms or has other personal relationship with the judge or the prosecutor subjected to the inspection;
- 2) he/she is involved in the cases that were considered or are under consideration of such judge;
- 3) due to a conflict of interest;

4) in any other circumstances that cast doubt on his impartiality’;

14) in Article 20:

a) in part two to replace the words ‘for three years’ with the words ‘for two years’, to add to the words ‘without the right of re-election’ the wording ‘for the second consecutive term’, to exclude the words ‘first’;

b) in part four to replace the wording ‘the Minister of Justice of Ukraine’ with the wording ‘the eldest member of the High Council of Justice’;

15) Article 21 shall read as follows:

‘Article 21. The powers of the Chairman of the High Council of Justice

The powers of the Chairman of the High Council of Justice shall include:

the organization of the work of the High Council of Justice, initiation and chairing of meetings;
coordination of the work of divisions of the High Council of Justice;

referral to the President of Ukraine of the request of the High Council of Justice for the appointment and dismissal of judges;

signing the Acts adopted, the minutes of meetings of the High Council of Justice;

general supervision of the secretariat of the High Council of Justice;

appointment and dismissal of Secretariat staff; application of measures of promotion, disciplinary action, resolution or bringing up, in the prescribed manner, of issues related to assigning the ranks of the civil servants to the staff of the Secretariat of the High Council of Justice under the Law of Ukraine On State Service;

management of budget allocations for the maintenance and support of the High Council of Justice;

representation of the High Council of Justice in the relations with public authorities and local self-governance bodies, enterprises, institutions and organizations, authorities of other countries and international organizations.

The Chairman of the High Council of Justice shall also exercise other powers envisaged by the Rules of the High Council of Justice.

The Chairman of the High Council of Justice shall issue orders and instructions on matters within his administrative authority.

If the High Council of Justice does not become duly authorized or if the Chairman or Deputy Chairman of the High Council of Justice is not elected, the powers stipulated in paragraphs six, seven and eight of part one of this Article shall be delegated to the head of the secretariat of the High Council of Justice’;

16) in part one of Article 22 to replace the wording ‘and the Rules of the High Council of Justice’ with the wording ‘and also the Rules of the High Council of Justice’;

17) in part two of Article 23 to replace the wording ‘by this Law and the Rules of the High Council of Justice’ with the wording ‘by the High Council of Justice’;

18) in Article 24:

a) in the second sentence of the part two to replace the wording 'by the decision of the majority of its constitutional composition' with the wording 'in exceptional cases, in the presence of the grounds envisaged by the law for holding closed hearings. The decision to hold a closed hearing shall be adopted by the majority of the constitutional composition of the High Council of Justice';

b) in part four:

in the second sentence after the wording 'in the premises' to add the wording '(consultation room)';

to add the following sentence: 'The decision of the High Council of Justice shall be made public immediately after its issuance and shall be published on the official website of the High Council of Justice';

19) in Article 25:

a) in part three to exclude the wording 'to familiarize with the cases the review of which has not been finished';

b) in part four to add the wording 'or to request familiarization with such cases';

c) in part six to add with the wording 'or regards his actions';

d) in part eight to exclude the wording 'denial of familiarization with the court case the review of which had not been finished';

20) in Article 26:

a) part two shall read as follows:

'The challenge should be motivated and presented in writing prior to consideration of the relevant issue. The challenge may be announced after the commencement of consideration of the relevant issue only if the person claiming the challenge shall prove that the circumstances which serve as a ground for the challenge could not have come to knowledge prior to consideration of the relevant issue';

b) in part three to replace the wording 'secretly' with the wording 'by secret voting';

21) in part one of Article 27:

a) in part one:

in paragraph 6 to replace the wording 'dismissal' with the wording 'termination of powers';
to exclude paragraphs 6¹ and 6²;

b) to exclude the words 'exclusively to the High Administrative Court of Ukraine' in part three;

22) Article 29 shall read as follows:

R request for the first appointment as a judge

The first appointment of judges shall be carried out by the President of Ukraine based on the request submitted by the High Council of Justice.

The High Council of Justice shall adopt a decision on submission of the request for the first appointment as a judge based on consideration of recommendation of the High Qualifications Commission of Judges of Ukraine, which should be annexed with personal record of the candidate for the first appointment as a judge and any other materials allowing to verify the compliance with the prescribed by the Law of Ukraine On the Judiciary and Status of Judges order of first appointment as a judge. If necessary, the High Council of Justice shall have the right to obtain such materials from the High Qualifications Commission

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of Judges of Ukraine, to submit requests to any enterprises, institutions and organizations in order to verify the relevant information.

The candidate for a judge shall be considered after the presentation of the report of the member of the High Council of Justice, acting on behalf of the relevant division which conducted the preliminary verification of compliance with the procedure of first appointment as a judge prescribed by the Law of Ukraine on the Judiciary and Status of Judges.

In case of identification of violations of the procedure that resulted or could have resulted in incorrect results of selection, the High Council of Justice shall adopt a reasoned decision to reject a submission of request for the appointment of candidate(s) for a judge, and determine the action of the High Qualifications Commission of Judges of Ukraine needed to eliminate these violations.

The decision on the candidate for the position of a judge shall be adopted at the meeting of the High Council of Justice in an open voting.

A proposal on submission of request to the President of Ukraine for the appointment of the judge shall be considered adopted if voted in favour by at least 14 members of the High Council of Justice. In other cases, the decision to reject a submission of request for the appointment of a candidate to the position of a judge shall be adopted’;

23) to exclude Article 29²;

24) to add Article 29³ reading as follows:

‘Article 29³. Submission by the High Council of Justice of the proposal to transfer the judge to a lower-level court as a disciplinary penalty

In case of a disciplinary penalty imposed on the judge in the form of transfer to a lower-level court, the High Council of Justice shall submit a proposal on the transfer of the judge to a lower-level court to the body that appointed or elected the judge in the manner prescribed by the Law of Ukraine On the Judiciary and the Status of Judges;

25) in Article 30:

a) in paragraph 3 of part one to replace the wording ‘by law’ with the wording ‘by the Law of Ukraine On the Judiciary and the Status of Judges’;

b) to add part two as follows:

‘The member of the High Council of Justice, which raised the issue before the High Council of Justice on the dismissal of the judge shall not participate in the voting on the decision’;

26) in Article 31:

a) in part one to replace the wording ‘qualification board of judges’ with the wording ‘the High Qualifications Commission of Judges of Ukraine’;

b) in part two to exclude the wording ‘which participated in the meeting’;

27) in Article 32:

a) part two shall read as follows:

“The proceedings for the dismissal of the judge for the violation of the oath shall be carried out under the rules and terms stipulated for disciplinary proceedings’;

b) to exclude part three;

c) in part four, after the wording ‘eligible’ to add ‘familiarize with the materials of inspection’, and after the wording ‘provide’ - add ‘the evidence and’;

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d) fourth sentence of part five shall read as follows: 'The repeated failure of the judge to come without valid reasons shall constitute the grounds for hearing the case in his absence';
e) in part six after the wording 'adopted' to add 'by secret voting';

28) in part two of Article 33:

paragraphs 1 and 2 shall read as follows:

'1) on finding of a violation by the judge of requirements concerning the incompatibility with other activities and submission of request to the relevant bodies on dismissal from the position;

2) on recognition by the Prosecutor of a violation of the requirements concerning the incompatibility with other activities and submission under the prescribed manner of request on dismissal from the position';

to add paragraph 3 reading as follows:

'3) on declaration of absence of violations of requirements prohibiting to combine the work of judge or prosecutor with other activities';

29) Articles 34 and 35 shall read as follows:

'Article 34. Subjects of appeal regarding violation of requirements of the law on incompatibility

The High Council of Justice may be approached by any person aware of the relevant facts with a request to consider the issue of the violation by judges, prosecutors of the incompatibility requirements.

Article 35. Decision on the violation by the judge of requirements concerning the incompatibility with other activities

The High Council of Justice upon request of the High Qualifications Commission of Judges of Ukraine or on its own initiative shall consider the violation by the judge of requirements concerning the incompatibility with other activities.

The judge, with regard to whom the violation of requirements concerning the incompatibility with other activities is considered, and/or his representative shall have the right to provide explanations to participants of the meeting, ask questions, object, submit petitions and challenges.

An invitation to the meeting of the High Council of Justice of the judge with regard to which the violation of requirements concerning the incompatibility with other activities is considered, shall be mandatory. In case of inability to participate in the meeting for valid reasons, such judge may provide a written explanation to be attached to the materials of inspection. The written explanation of the judge shall be mandatorily announced at the meeting of the High Council of Justice. The repeated failure of the judge to come to the meeting shall constitute the grounds for the consideration of violation of the requirements of incompatibility with other activities in his absence.

The decision on the violation of the requirements of incompatibility shall be adopted at a meeting by the majority vote of the constitutional composition of the High Council of Justice in case of finding a violation of the requirements of incompatibility and shall constitute the grounds for dismissal of the judge';

30) in Article 36:

a) the title and part one shall read as follows:

‘Article 36. The decision on the violation by the prosecutor of requirements of incompatibility with other activities

The High Council of Justice upon request of the Qualifications and Disciplinary Commission of Prosecutors or on its own initiative shall consider the violation by the prosecutor of requirements concerning the incompatibility with other activities’;

b) part four to read as follows:

‘The decision on the violation by the prosecutor of the requirements of incompatibility with other activities shall be adopted at a meeting of the High Council of Justice by the majority vote of its constitutional composition and in case of finding such a violation shall constitute the grounds for dismissal of the prosecutor’;

31) Article 37 shall read as follows:

‘Article 37. Procedure for bringing judges of the Supreme Court of Ukraine and judges of high specialized courts to disciplinary liability

The grounds bringing to disciplinary liability of judges of the Supreme Court of Ukraine and judges of high specialized courts, procedure of disciplinary proceedings, types of disciplinary sanctions, including duration and extinguishing of such sanctions, shall be regulated by the Law of Ukraine on the Judiciary and the Status of Judges’.

32) Articles 38 to 44 shall be excluded;

33) in Article 45, after the words ‘claims against the decision’ to add the words ‘the High Qualifications Commission of Judges of Ukraine’;

38) in Article 46:

a) in the title, after the wording ‘the decision’ to add the wording ‘the High Qualifications Commission of Judges of Ukraine’;

b) the fourth sentence of part six shall read as follows: ‘The repeated failure of the judge to come to the meeting without valid reasons shall constitute the grounds for the consideration of the case in his absence’;

35) in the last sentence of part four of Article 47 after the words ‘of such prosecutor’ add with words ‘without valid reasons’;

36) part one of Article 49 shall read as follows:

‘The official materials of the High Council of Justice shall be published in the newspaper ‘Holos of Ukraine’ and ‘Uryadovyi Courier’, and on the official website of the High Council of Justice’.

37) the words ‘office of the High Council of Justice’ in the text of the Law in all grammatical forms shall be substituted with words ‘secretariat of the High Council of Justice’ in relevant grammatical forms.

**Chairman of the Verkhovna Rada of Ukraine
V.GROYSMAN
City of Kyiv
February 12, 2015
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