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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

**EXTRACT FROM THE CONSTITUTION
RELATING TO THE CONSTITUTIONAL COURT (AS AMENDED)**

DRAFT LAW ON THE CONSTITUTIONAL COURT

**ARTICLES OF THE PROCEDURAL CODES TO BE AMENDED BY THE
DRAFT LAW ON THE CONSTITUTIONAL COURT**

Unofficial translation

Extract from the Constitution of Ukraine

Article 55

Human and citizen's rights and freedoms are protected by the court.

Everyone is guaranteed the right to challenge in court the decisions, actions or omission of bodies of state power, bodies of local self-government, officials and officers.

Everyone has the right to appeal for the protection of his or her rights to the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine.

Everyone shall be guaranteed the right to apply with a constitutional complaint to the Constitutional Court of Ukraine on grounds defined in this Constitution and under the procedure prescribed by law.

After exhausting all domestic legal remedies, everyone has the right to appeal for the protection of his or her rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone has the right to protect his or her rights and freedoms from violations and illegal encroachments by any means not prohibited by law.

Chapter XII Constitutional Court of Ukraine

Article 147

The Constitutional Court of Ukraine decides on compliance of laws of Ukraine with the Constitution of Ukraine and, in cases prescribed by this Constitution, on compliance of other acts with the Constitution of Ukraine, provides official interpretation of the Constitution of Ukraine as well as exercises other powers in accordance with this Constitution.

The Constitutional Court of Ukraine shall act on the basis of the principles of the rule of law, independence, collegiality, transparency, reasonableness and binding nature of its decisions and opinions.

Article 148

The Constitutional Court of Ukraine shall be composed of eighteen judges of the Constitutional Court of Ukraine.

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

Selection of candidates for the office of judge of the Constitutional Court of Ukraine shall be conducted on competitive basis under the procedure prescribed by the law.

A citizen of Ukraine who has command of the state language, attained the age of forty on the day of appointment, has a higher legal education and professional experience in the sphere

of law not less than fifteen years, has high moral values and is a lawyer of recognised competence may be a judge of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine shall not belong to political parties, trade unions, take part in any political activity, hold a representative mandate, occupy any other paid offices, perform other remunerated work, except academic, teaching or creative activities.

A judge of the Constitutional Court of Ukraine shall be appointed for nine years without the right of reappointment.

A judge of the Constitutional Court of Ukraine shall step in his or her office as of the date of taking the oath at the special plenary sitting of the Court.

The Constitutional Court of Ukraine shall elect the Chairman among the judges of the Court at a special plenary sitting of the Court by secret ballot for one three-year term only.

Article 148¹

The State shall ensure funding and proper conditions for operation of the Constitutional Court of Ukraine. Expenditures for operation of the Court shall be allocated separately in the State budget of Ukraine, with account of the proposals of its Chairman.

Remuneration of judges of the Constitutional Court of Ukraine shall be defined by the law on the Constitutional Court of Ukraine

Article 149

Independence and inviolability of a judge of the Constitutional Court of Ukraine are guaranteed by the Constitution and laws of Ukraine.

Any influence on a judge of the Constitutional Court of Ukraine is prohibited.

Judge of the Constitutional Court of Ukraine shall not be detained or kept under custody or under arrest without the consent of the Constitutional Court of Ukraine until a guilty verdict is rendered by a court, except for detention of a judge caught committing serious or grave crime or immediately after it.

Judge of the Constitutional Court of Ukraine shall not be held legally liable for voting on decisions or opinions of the Court, except the cases of committing a crime or a disciplinary offence.

The State shall ensure the personal security of a judge of the Constitutional Court of Ukraine and members of his or her family.

Article 149¹

The powers of a judge of the Constitutional Court of Ukraine shall be terminated in case of:

- 1) termination of the term of his or her office;
- 2) his or her attainment of the age of seventy;

- 3) termination of Ukraine's citizenship or acquiring by him or her the citizenship of another state;
- 4) taking effect of a court's decision on recognition him or her missing or declaration him or her dead, or on recognition to be legally incapable or partially legally incapable;
- 5) taking effect of a guilty verdict against him or her for committing a crime;
- 6) death of a judge of the Constitutional Court of Ukraine.

The grounds for dismissal of a judge of the Constitutional Court of Ukraine are the following:

- 1) inability to exercise his or her powers for health reasons;
- 2) violation by him or her of incompatibility requirements;
- 3) commission by him or her of a serious disciplinary offence, flagrant or permanent disregard of his or her duties which are incompatible with the status of judge of the Court or has proved non-conformity with being in the office;
- 4) submission by a judge of statement of resignation or of voluntary dismissal from office.

Dismissal of a judge of the Constitutional Court of Ukraine from his or her office shall be decided by not less than two-thirds of its constitutional composition";

Article 150

The authority of the Constitutional Court of Ukraine includes:

- 1) deciding on issues of conformity to the Constitution of Ukraine (constitutionality) of:
laws and other legal acts of the Verkhovna Rada of Ukraine;
acts of the President of Ukraine;
acts of the Cabinet of Ministers of Ukraine;
legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea.
- 2) official interpretation of the Constitution of Ukraine;
- 3) exercising other powers defined by the Constitution of Ukraine.

Matters under sub-paragraphs 1, 2 of paragraph one of this Article shall be considered upon the constitutional petitions of: the President of Ukraine; not less than forty-five People's Deputies of Ukraine; the Supreme Court; Authorised Human Rights Representative of the Verkhovna Rada of Ukraine; the Verkhovna Rada of the Autonomous Republic of Crimea.

Article 151

The Constitutional Court of Ukraine, upon submission of the President of Ukraine or not less than forty-five People's Deputies of Ukraine, or the Cabinet of Ministers of Ukraine, shall provide opinions on compliance with the Constitution of Ukraine of international treaties of Ukraine that are in effect, or the international treaties submitted to the Verkhovna Rada of Ukraine for granting agreement on their binding nature.

The Constitutional Court of Ukraine upon submission of the President of Ukraine or not less than forty-five People's Deputies of Ukraine shall provide opinions on compliance with the Constitution of Ukraine (constitutionality) of questions that are proposed to be put for the all-Ukrainian referendum upon people's initiative.

The Constitutional Court of Ukraine upon the submission of the Verkhovna Rada of Ukraine shall provide an opinion on the observance of the constitutional procedure of investigation and consideration of the case on removing the President of Ukraine from office by the impeachment procedure.

Article 151¹

The Constitutional Court of Ukraine shall decide on compliance with the Constitution of Ukraine (constitutionality) of a law of Ukraine upon constitutional complaint of a person alleging that the law of Ukraine applied to render a final court decision in his or her case contravenes the Constitution of Ukraine. A constitutional complaint may be lodged after exhaustion of all other domestic legal remedies.

Article 151²

Decisions and opinions adopted by the Constitutional Court of Ukraine shall be binding, final and may not be challenged.

Article 152

Laws and other acts are declared unconstitutional in whole or in part by the decision of the Constitutional Court of Ukraine, in the event that they do not conform to the Constitution of Ukraine, or if there was a violation of the procedure for their consideration, adoption or their entry into force established by the Constitution of Ukraine.

Laws, other legal acts, or their separate provisions, declared unconstitutional, lose legal force from the day the Constitutional Court of Ukraine adopts the decision on their unconstitutionality unless otherwise established by the decision itself but not earlier than the day of its adoption.

Material or moral damages, inflicted on natural or legal persons by the acts and actions declared unconstitutional, are compensated by the State under the procedure established by law.

Article 153

Organisation and operation of the Constitutional Court of Ukraine, status of judges of the Court, grounds to apply to the Court and application procedure, procedure of case consideration and enforcement of decisions of the Court shall be defined by the Constitution of Ukraine and law.

[Draft] Law of Ukraine On the Constitutional Court of Ukraine

This Law governs the procedure for the foundation and operation of the Constitutional Court of Ukraine, the status of the judges of the Constitutional Court of Ukraine, the grounds and procedure for submitting applications to the Constitutional Court of Ukraine, and the procedure for consideration of cases and execution of its judgments.

Section I CONSTITUTIONAL COURT OF UKRAINE

Chapter 1. GENERAL

Article 1. Status of the Constitutional Court of Ukraine

1. The Constitutional Court of Ukraine (the 'Constitutional Court' or the 'Court') is the body of constitutional jurisdiction, which decides on conformity with the Constitution of Ukraine of the laws of Ukraine or other acts in the instances provided for by the Constitution of Ukraine, offers official interpretation of the Constitution of Ukraine, as well as exercises other powers under the Constitution of Ukraine.

2. The Court ensures the supremacy of the Constitution of Ukraine and protection of human rights and freedoms throughout Ukraine.

Article 2. Basic Principles of the Operation of the Court

1. The Constitutional Court shall operate on the principles of the rule of law, independence, collegiality, transparency, openness, complete and comprehensive consideration of cases, reasonableness and binding effect of its judgments and opinions.

Article 3. Regulatory Framework for the Activities of the Court

1. The Court shall operate under the powers defined by the Constitution of Ukraine.

The procedures for the foundation and operation of the Constitutional Court of Ukraine, constitutional proceedings, consideration of cases and execution of its judgments and opinions shall be established by this Law.

2. The management of the internal operations of the Constitutional Court and the relevant rules of procedure shall be established under this Law by the Court Regulations (the 'Regulations').

3. The Court adopts other acts that govern the management of its operations under this Law and the Regulations.

Article 4. The Seat of the Court

1. The permanent seat of the Court shall be the city of Kyiv.

Article 5. Attributes of the Court Session Hall

1. The State Coat of Arms of Ukraine and the State Flag of Ukraine shall be the inalienable attributes of the Court Session Hall.

Article 6. Openness of the Constitutional Court's Activities

1. Cases shall be heard in public at the plenary sessions of the Grand Chamber of the Court or of the Senate of the Court, unless a judgment is to be delivered, an opinion is to be issued, or the Court's ruling is to be adopted during the *in camera* portion of such sessions.

An *in camera* plenary session shall be allowed where a hearing in a public plenary session may result in the disclosure of a state or other secret protected by law.

2. Persons wishing to attend the public portion of the plenary session held by the Grand Chamber of the Court or by the Senate of the Court shall be allowed in the Court premises and in the Court Session Hall in the manner set forth by the Regulations.

3. Representatives of mass media accredited by the Court shall be entitled to conduct video and still photography or audio recording of the public portion of plenary sessions of the Grand Chamber or the Senate of the Court in the manner prescribed by the Regulations.

Chapter 2. POWERS OF THE CONSTITUTIONAL COURT

Article 7. Powers of the Court

1. Powers of the Court, as provided by the Constitution of Ukraine, shall include:

1) resolving the issues of conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine or other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea;

2) official interpretation of the Constitution of Ukraine;

3) provision, on the application by the President of Ukraine or at least forty-five People's Deputies of Ukraine or the Cabinet of Ministers of Ukraine, of its opinion on the conformity with the Constitution of Ukraine of applicable international treaties of Ukraine or those international treaties that may be submitted to the Verkhovna Rada of Ukraine for its consent to their binding nature;

4) provision, on the application by the President of Ukraine or at least forty-five People's Deputies of Ukraine or the Cabinet of Ministers of Ukraine, of its opinion on the conformity with the Constitution of Ukraine (constitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum;

5) provision, on the application by the Verkhovna Rada of Ukraine, of its opinion on the observance, within the limits established by Articles 111 and 151 of the Constitution of Ukraine, of the constitutional procedure for investigating and considering a case on removal of the President of Ukraine from office through impeachment;

6) provision, on the application by the Verkhovna Rada of Ukraine, of its opinion on the conformity with Articles 157 and 158 of the Constitution of Ukraine of a draft law on the amendments to the Constitution of Ukraine;

7) provision, on the application by the Verkhovna Rada of Ukraine, of its opinion on the violation by the Verkhovna Rada of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;

8) review, on the application by the President of Ukraine, under Part 2 Article 137 of the Constitution of Ukraine, of the conformity of regulations adopted by the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine;

9) resolving the issues of conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine (or individual provisions thereof), as applied by a court, upon a constitutional complaint, in its final judicial judgment in the case.

Article 8. Limits to the Powers of the Court

1. The Court shall consider the issue of conformity with the Constitution of Ukraine (constitutionality) of applicable acts (or individual provisions thereof).

2. For the purpose of protecting or restoring the rights of a person, the Court may consider the issue of the conformity with the Constitution of Ukraine (constitutionality) of an ineffective act (or individual provisions thereof) that still applies to the legal relations that have arisen during the operation thereof.

3. The Court shall not consider:

1) the issues of conformity with the laws of Ukraine of acts by the Verkhovna Rada of Ukraine, President of Ukraine, Cabinet of Ministers of Ukraine, Verkhovna Rada of the Autonomous Republic of Crimea, acts by other government authorities, government authorities of the Autonomous Republic of Crimea or local government authorities, unless as provided by paragraph 28 Part 1 Article 85 and Part 2 Article 137 of the Constitution of Ukraine;

2) the issues referred to the competence of courts.

4. Where non-conformity with the Constitution of Ukraine of other provisions of the contested act or other acts (individual provisions thereof) has been identified in a pending case, except those against which proceedings have been initiated and which are related to the delivery of a judgment in the case, the Court shall declare such acts (individual provisions thereof) unconstitutional.

Article 9. Competence of the Court

1. The Court shall be competent to carry out constitutional proceedings if composed of at least twelve Judges empowered under Article 17 of this Law.

Article 10. Composition of the Court

1. The Court shall be composed of eighteen judges.

2. The President of Ukraine, the Verkhovna Rada of Ukraine and the Congress of Judges of Ukraine each shall appoint six judges.

Chapter 3. JUDGE OF THE CONSTITUTIONAL COURT

Article 11. Requirements for a Constitutional Court Judge

1. A citizen of Ukraine who has command of the State language, has reached the age of forty as of the day of the appointment, has higher legal education and least fifteen years of professional experience in the field of law, high moral character, and is a lawyer with a recognised level of competence, shall be eligible to become a Constitutional Court Judge.

2. A Constitutional Court Judge (the 'Constitutional Court Judge' or the 'Judge') shall comply, both in and beyond his/her activities, with the established standards of judicial ethics.

3. A Judge of the Constitutional Court of Ukraine shall comply with the criterion of political neutrality. A Judge may not be affiliated with any political party or trade union, or display his/her disposition towards them, or participate in any political activities.

In particular, a person may not be appointed who, on the date of his/her appointment or within three years before such date:

1) was a member or held a position in a political party or other organisation that pursues political objectives or participates in political activities;

2) was a candidate or was elected to an elective office in a government or local government authority, held representative powers;

3) participated in managing or financing a political campaign or other political activities.

A Judge shall not be entitled to combine his/her office with any position in a government authority or local authority, a self-governed professional association, with the status of a People's Deputy of Ukraine, Deputy of the Verkhovna Rada of the Autonomous Republic of Crimea or of an oblast, district, city, city-district, village, or settlement council, with the practice of law, business activities, any other office of profit, any other gainful occupation or to receive any other remuneration, except for teaching, research or creative activities and to be

remunerated for it, as well as to be on a management or supervisory board of a profit-making legal entity.

4. A person holding shares or other corporate rights, or other property rights, or other property interest in the activities of any profit-making legal entity shall transfer such shares (corporate rights) or any other relevant rights into an independent third-party management (without being entitled to issue instructions to such party in respect of the disposal of such shares, corporate or other rights, or to issue instructions in respect of the exercise of any rights attached thereto) for the duration of his/her tenure as a Constitutional Court Judge. A Judge may receive interest, dividends or other passive income from the property in his/her possession.

5. Special screening of the persons applying for the position of a Constitutional Court Judge shall be conducted upon their written consent in the order prescribed by the Law of Ukraine 'On Prevention of Corruption'.

The relevant requirements and restrictions set forth by anti-corruption laws shall apply to a Constitutional Court Judge.

Article 12. Competitive Basis for Selection of Candidates for the Position of a Constitutional Court Judge

1. The selection of candidates for the position of a Constitutional Court Judge on a competitive basis shall be carried out by screening committees established by the President of Ukraine, Verkhovna Rada of Ukraine, and the Congress of Judges of Ukraine in the manner set forth by this Law.

2. A competition to select candidates for the position of a Constitutional Court Judge shall be announced on the official website of the President of Ukraine, Verkhovna Rada of Ukraine, or the Congress of Judges of Ukraine, respectively, at least three months before the expiry of the term of office or attainment of the age limit for holding office by a Constitutional Court Judge, or within one month from the occurrence of vacancy in the position of a Constitutional Court Judge, in the event of termination of powers or dismissal of such Judge for other reasons.

3. At least half of the screening committee shall include lawyers with a recognised level of competence, such as doctors of sciences or professors in the field of law who do not participate in the competitive selection for the position of a Constitutional Court Judge. Furthermore, the screening committee established by the Verkhovna Rada of Ukraine shall include at least one representative from a parliamentary faction.

4. The screening committee, within one month from the announcement of the competitive selection, shall accept applications and motivation letters from the persons who express their intention to take up the position of a Constitutional Court Judge and who comply with the requirements established by the Constitution of Ukraine, and shall publish biographical data of such candidates.

5. Following the review of the information about candidates and interviews with them, the screening committee shall compile a list of candidates, indicating the recommended ones.

The number of candidates in the list shall be at least three times as many as the number of vacancies.

6. The overall term for holding competitive selection for the position of a Constitutional Court Judge shall be two months.

Article 13. Procedure for Appointment of a Constitutional Court Judge by the President of Ukraine

1. Following the competitive selection, the President of Ukraine shall issue a decree on the appointment of a Constitutional Court Judge.

2. The President of Ukraine shall appoint a person to the position of a Constitutional Court Judge within two months from the termination of powers or dismissal of a Constitutional Court Judge appointed by the President of Ukraine.

Article 14. Procedure for Appointment of a Constitutional Court Judge by the Verkhovna Rada of Ukraine

1. Following the competitive selection, the Verkhovna Rada of Ukraine shall appoint a Constitutional Court Judge by secret ballot using ballot papers. The procedure for the preparation and approval of ballot papers shall be established by the Regulations of the Verkhovna Rada of Ukraine.

2. The Verkhovna Rada of Ukraine shall appoint a Constitutional Court Judge by the majority of the votes cast by the People's Deputies comprising the constitutional composition of the Verkhovna Rada. In the event of failure to elect a Constitutional Court Judge on the ballot, another ballot shall be taken for those two candidates who have won the highest number of votes compared to other candidates.

3. The Verkhovna Rada of Ukraine shall appoint a person to the position of a Constitutional Court Judge within two months from the termination of powers or dismissal of a Constitutional Court Judge appointed by the Verkhovna Rada of Ukraine.

5. Following the ballot, the Chairperson of the Verkhovna Rada of Ukraine shall sign a resolution by the Verkhovna Rada of Ukraine appointing a Constitutional Court Judge.

Article 15. Procedure for Appointment of Constitutional Court Judges by the Congress of Judges of Ukraine

1. Following the competitive selection, the Congress of Judges of Ukraine (the 'Congress'), by the majority of votes cast in open ballot by the delegates attending the Congress, shall include the candidates for the positions of the Constitutional Court Judges into ballot papers for secret ballot.

2. A candidate who, following the secret ballot, has received a majority of the votes cast by the delegates elected to the Congress shall be deemed as appointed to the position of a Constitutional Court Judge.

3. The Congress shall appoint a person to the position of a Constitutional Court Judge within two months from the termination of powers or dismissal of a Constitutional Court Judge appointed by the Congress.

4. The resolution of the Congress to appoint a Constitutional Court Judge shall be signed by the Chairperson of the Congress and the Secretary.

Article 16. Appointment and Tenure of a Constitutional Court Judge

1. A Judge shall be appointed for the term of nine years, without the right to reappointment.

2. Where the quantitative composition of the Court, as a result of the expiry of the term of office or attainment of the age limit for holding office by a Constitutional Court Judge, becomes less than the composition that ensures its competence, such Judge shall remain in office until the appointment of a new Judge, but not more than three months.

Article 17. Empowerment of a Constitutional Court Judge

1. A Judge shall become empowered upon taking the following oath at a special plenary session of the Court:

'I, (name and surname), in assuming the office of a Judge of the Constitutional Court of Ukraine, hereby solemnly swear my allegiance to Ukraine, to be independent, honest and conscientious while discharging the lofty duties of a Judge of the Constitutional Court of Ukraine, to ensure the supremacy of the Constitution of Ukraine, to protect the constitutional order of the State by affirming human rights and freedoms.'

2. A special plenary session of the Court shall be convened, within five working days from the appointment of a Constitutional Court Judge, by the President of the Court or a Judge acting as the President.

3. The solemn ceremony of swearing-in of a Judge shall take place in the Court Session Hall. The procedure for the solemn ceremony shall be established by the Regulations.

Article 18. Status of a Constitutional Court Judge

1. The status of a Judge shall be established by the Constitution of Ukraine and this Law.

2. A person shall acquire the status of a Judge on the day following the date of the appointment to such position.

3. Powers of a Judge and safeguards of his/her activities may not be restricted due to the introduction of martial law or a state of emergency in Ukraine or in its separate localities.

4. A Constitutional Court Judge shall perform preliminary elaboration of issues to be considered by the Grand Chamber of the Court (the 'Grand Chamber'), the Senate of the Court (the 'Senate'), the Board of Judges (the 'Board'), and shall participate in the hearings. A Judge who has been appointed a judge rapporteur in the case shall be entitled to demand and obtain from the Chairperson of the Verkhovna Rada of Ukraine, President of Ukraine, Prime Minister of Ukraine, Prosecutor General, judges, government authorities, authorities of the Autonomous Republic of Crimea, local government authorities, officials from enterprises, institutions, organisations of any patterns of ownership, public associations, political parties or other associations of citizens, as well as from individual citizens, any materials or other information as may be required in the case prepared for consideration.

5. A Judge may express in public his/her view solely on the merits of those cases in which the Court of Ukraine has delivered a judgment or issued an opinion.

6. A Judge may not be awarded state awards of Ukraine, decorations, special titles of Ukraine, as well as any other awards, decorations, or certificates of merit during his/her tenure. A Judge may be awarded state awards only for his/her personal courage and heroism displayed in the conditions associated with risk to life.

7. The description of and sample identity card of active and retired Constitutional Court Judges shall be set forth in the Regulations.

8. The identity card of the President of the Court shall be signed by the President of Ukraine. Identity cards of a Constitutional Court Judge or a retired Constitutional Court Judge shall be signed by the President of the Court.

Article 19. Robe and Badge of a Constitutional Court Judge

1. A Constitutional Court Judge shall exercise his/her powers in a public portion of the plenary session of the Court wearing a robe and a badge.

2. A Judge shall be provided with a robe and a badge out of the funds of the State Budget of Ukraine.

3. The description of the robe and badge of a Constitutional Court Judge shall be set forth in the Regulations.

Article 20. Termination of Powers of a Constitutional Court Judge

1. Powers of a Judge shall terminate:
- 1) upon expiry of his/her term of office;
 - 2) upon attainment of seventy years of age;
 - 3) upon termination of citizenship of Ukraine or acquisition of citizenship in another State;
 - 4) upon coming into force of a court judgment that declares him/her missing or deceased, incapable or partially capable;
 - 5) upon coming into force of a guilty verdict against him/her;

6) death.

Article 21. Dismissal of a Constitutional Court Judge

1. Grounds for dismissal of a Judge shall include:

1) the inability to exercise his/her powers for reasons of health, which shall be evidenced by a medical report from a medical board established by a duly authorised central executive healthcare authority upon the application of the President of the Court, or, in his/her absence, – by the Deputy President of the Court, or, in the absence of both, – by a Judge acting as the President of the Court;

2) his/her violation of restrictions on holding more than one office, as set forth in paragraphs 3 and 4 Article 11 of this Law. A matter of the violation of restrictions on holding more than one office shall be considered at a special plenary session of the Court, subject to the availability of an opinion by the Standing Committee of the Court for Matters of Regulations and Ethics. Should the circumstances that evidence the violation by a Judge of restrictions on holding more than one office be confirmed, such Judge shall be warned of the need to remedy such circumstances within the term determined by the Court. Where the Judge has failed to remedy, within the term determined by the Court, the circumstances that evidence the violation of restrictions on holding more than one office, the Court shall adopt a decision on his/her dismissal;

3) substantial disciplinary offence, gross or systematic neglect of his/her duties, which is incompatible with the status of a Constitutional Court Judge or reveals his/her unfitness for the position occupied. A matter of dismissal of a Judge on these grounds shall be considered at a special plenary session of the Court, subject to the availability of an opinion by the Standing Committee of the Court for Issues of Regulations and Ethics, and shall be approved by at least two thirds of its members.

4) a letter of resignation or of his/her voluntary severance handed in by a Judge.

2. A Judge shall be entitled to hand in his/her letter of resignation, subject to at least (four) (five) years of service in the position of a Constitutional Court Judge, or a letter of resignation for health reasons, irrespective of his/her years of service, or a letter of voluntary severance irrespective of motives.

3. In the event that a Judge has handed in his/her letter of resignation or of voluntary severance, he/she shall continue to exercise his/her powers until a relevant decision on his/her dismissal has been adopted at a special plenary session of the Court.

Article 22. The Assembly of Constitutional Court Judges

1. The Assembly of Court Judges represents an organisational form of judicial self-government.

2. The Assembly of Judges shall decide on matters that are not directly related to the course of constitutional proceedings and are not referred to the matters decided on at the sessions of the Court.

The Assembly of Judges shall adopt its decisions by a majority vote of Judges attending the Assembly, by open ballot, unless a decision to hold a secret ballot has been approved.

Article 23. Extrajudicial Activities of a Constitutional Court Judge

1. A Judge shall be entitled to take part in research and practice conferences, symposia, professional national, international or other events. Where attendance at such events coincides with the time of the Court sessions, such attendance shall only be allowed under an official assignment order issued by the President of the Court, or, in his/her absence, – by the Deputy President of the Court, or, in the absence of both, – by a Judge acting as the President of the Court.

2. A Judge may engage in teaching, research or creative activities, subject to the restrictions established by this Law.

Chapter 4. SAFEGUARDS FOR THE ACTIVITIES OF A CONSTITUTIONAL COURT JUDGE

Article 24. Independence and Inviolability of a Constitutional Court Judge

1. A Judge shall exercise his/her powers guided by the Constitution of Ukraine and this Law, on the basis of the rule of law.

A Judge in the exercise of his/her powers shall be free from any influence.

2. A Judge shall not provide any clarifications on the merits of cases pending before the Court.

3. A Judge may not be brought to responsibility for voting in connection with the judgments approved or opinions issued by the Court.

4. A Judge may not be apprehended or kept in detention or under arrest without the consent of the Court until convicted by a court, unless apprehended during or immediately after committing a grave or especially grave crime.

5. A petition for consent to the apprehension, detention or arrest of a Judge shall be submitted to the Court by the Prosecutor General or a person performing his/her duties.

6. A decision to grant consent to the apprehension, detention or arrest of a Judge shall be approved by the Court at its special plenary session in the form of a resolution.

7. A Judge apprehended for an administrative offence or on suspicion of committing an act for which criminal liability is imposed shall be released promptly upon establishing his/her identity, unless:

1) the Court has given its consent to the apprehension of the Judge in connection with such act;

2) apprehended during or immediately after committing a grave or especially grave crime.

The Court shall be notified promptly of any detention of a Judge.

8. A Judge may not be brought to or subjected to reconduction to any body or institution but a court, except as set forth in paragraph seven of this article.

9. A Judge shall be notified of suspicion of committing a criminal offence by the Prosecutor General or a person performing his/her duties.

Article 25. Security Safeguards for a Constitutional Court Judge and Members of His/Her Family

1. The safety of a Judge and members of his/her family (parents, husband/wife, children) shall be given special protection by the State. Upon a relevant application by a Judge, law enforcement agencies shall take measures to ensure safety of such Judge or a member of his/her family.

2. Any attempts on the life or health of a Judge committed in connection with his/her official duties, threats of murder, violence, or said acts committed against members of his/her family shall entail liability established by law.

3. The security safeguards provided by this article for a Judge and members of his/her family shall apply to a retired Judge of the Constitutional Court and members of his/her family.

Article 26. Remuneration of a Constitutional Court Judge

1. The remuneration of a Judge shall be established by this Law.

2. The remuneration of a Judge shall consist of official salary and premiums for:

1) years of service as a Constitutional Court Judge;

2) holding an administrative position in the Constitutional Court;

3) academic degree;

4) academic rank.

The remuneration shall be calculated as of the day following the date of the appointment of a Judge to his/her position.

3. The official salary of a Judge of the Constitutional Court of Ukraine shall be established at 75 minimum wages.

4. A Judge, for years of service in the position of a Constitutional Court Judge, shall be paid a monthly premium in the following amount: 20 per cent – after 2 years of service; 30 per cent – after 4 years of service; and 40 per cent of the official salary of a Constitutional Court Judge – after more than 7 years of service.

5. Judges holding the position of the Secretary of the Board shall be paid a monthly premium of 5 per cent of the official salary of a Judge; those holding the position of the Deputy President of the Court – 10 per cent of the official salary of a Judge; and those holding the position of the President of the Court – 15 per cent of the official salary of a Judge.

6. A Judge shall be paid a monthly premium for holding an academic degree of a Doctor of Philosophy (Candidate of Sciences) or a Doctor of Science in the amount of 15 and 20 per cent, respectively, of the official salary of a Constitutional Court Judge.

Article 27. Monthly Lifetime Allowance of a Retired Constitutional Court Judge

1. A retired Constitutional Court Judge shall receive a monthly lifetime allowance payable at 80 per cent of the remuneration of an active Constitutional Court Judge.

2. In the event of an increase in the remuneration of a Judge, the amount of the previously established monthly lifetime allowance of a retired Judge of the Constitutional Court shall be recalculated respectively. The amount of the monthly lifetime allowance shall be recalculated on the basis of the entire amount of the remuneration of a Judge as of the date of the entitlement to the respective recalculation.

3. The monthly lifetime allowance of a retired Constitutional Court Judge shall be paid irrespective of the wages (profit) earned by such Judge after retirement. The monthly lifetime allowance of a retired Constitutional Court Judge shall be paid from the State Budget of Ukraine by the bodies of the Pension Fund of Ukraine.

4. A Judge not entitled to retirement shall be granted, upon reaching the retirement age prescribed by law, a pension on general terms or on the terms stipulated by the laws of Ukraine for public servants.

Article 28. Vacation of a Judge

1. A Constitutional Court Judge shall be granted an annual paid leave of 30 working days, along with the payment of a Judge's remuneration and allowance for health improvement in the amount of the official salary.

2. A Constitutional Court Judge shall be granted an additional paid leave of 15 calendar days.

Article 29. Support for Official Needs of a Judge

1. A Judge shall be provided with a separate office, working space, official car and the funds necessary for his/her work.

2. A Judge shall have two academic advisers and an assistant provided by the advisory service.

The academic advisers and the assistant shall act under the Judge's instructions in the cases of constitutional proceedings and shall report to him/her directly.

3. A person shall be appointed to the position of academic adviser or assistant to a Judge by the Head of the Court's Secretariat upon submission from such Judge.

At the suggestion of such Judge, a probational period may be established for the above persons in compliance with the law.

4. The position of academic adviser may be filled a person who is a citizen of Ukraine, has higher legal education, work experience in the field of law and knowledge of the state language at a level that meets the requirements for discharge of his/her duties.

5. An academic adviser or an assistant to a Judge shall work under a fixed-term employment contract during the tenure of such Judge.

An academic adviser or an assistant to a Judge shall be dismissed from their positions in compliance with the guarantees provided by the labour laws and subject to the provisions of public service laws.

An academic adviser or an assistant to a Judge may be dismissed from their positions early upon submission from such Judge.

6. An academic adviser and assistant shall be subject to the same restrictions on the disclosure of information pertaining to constitutional proceedings, which became known to them during the discharge of their duties, as a Judge.

7. Upon the Court's decision, a Judge shall be paid compensation from the Court's budget for the rental of properly furnished accommodation at the location of the Court, for the costs associated with the move, and use of personal vehicle for official purposes.

Article 30. Retention of the Rank of a Constitutional Court Judge and Safeguards of Inviolability of a Retired Constitutional Court Judge

1. A Constitutional Court Judge, upon his/her retirement, shall retain the rank of a Constitutional Court Judge and safeguards of inviolability.

2. The rank of a Constitutional Court Judge and safeguards of inviolability shall be retained by the Judge whose powers have been terminated on the grounds set forth in paragraphs 1 and 2 Part 1 Article 149-1 of the Constitution of Ukraine, or who has been dismissed on the grounds set forth in paragraphs 1 and 4 Part 2 Article 149-1 of the Constitution of Ukraine and Article 21 of this Law, if, by the time of dismissal, he/she has become entitled to resignation, and upon submission of a relevant letter.

Chapter 5. MANAGEMENT OF THE OPERATION OF THE CONSTITUTIONAL COURT

Article 31. Organisation of the Court

1. The Court comprises the Grand Chamber, two Senates and six Boards.

2. The Grand Chamber, the Senates and the Board shall act as the Constitutional Court under the powers determined by this Law in respect of constitutional proceedings.

3. The President of the Court, Deputy President of the Court, Secretaries of the Boards shall act in the representative, managerial and administrative capacity.

4. The Grand Chamber, the Senate, the Board and the President of the Court shall have the status of the Court bodies.

Article 32. President of the Court

1. The President of the Court shall preside over the Court and manage its activities.

2. The President of the Court shall:

1) provide general guidance in managing the operation of the Court and the Court's Secretariat;

2) convene and conduct sessions, special plenary sessions of the Court, plenary sessions of the Grand Chamber;

3) preside over plenary sessions of the Grand Chamber;

4) sit on one of the Senates and preside over its sessions;

5) manage budgetary funds to maintain and provide for the operation of the Court under the budget approved by the Court and shall monitor the efficiency of application of these funds by the Court's Secretariat;

6) exercise other powers as provided by this Law and the Regulations.

3. The President of the Court shall represent the Court in relations with public authorities, other government authorities in Ukraine, authorities of other States, and international organisations.

4. The President of the Court shall be elected from among the Judges for a single three-year term at a special plenary session by secret ballot using ballot papers that list any number of candidates nominated by the Judges.

5. A commission comprising Judges of the Constitutional Court shall be set up at a special plenary session to elect the President of the Court.

6. A candidate for whom the majority of Judges from the constitutional composition of the Court have voted shall be deemed elected the President of the Court.

Where not more than two candidates have been nominated, and the President of the Court has not been elected, new elections shall be held.

Where more than two candidates have been nominated, none of whom has been elected, repeat voting shall be held for the two candidates with the majority of votes.

In the event of failure to elect the President of the Court during the second vote, new elections shall be held.

During the vote, a Judge may only vote for one candidate.

7. In the absence of the President of the Court, his/her duties shall be performed by the Deputy President of the Court, or, in the absence of both, – by the longest-serving Judge, or, where there are more than one such Judges – by the eldest Judge.

8. Upon a letter of resignation submitted by the President of the Court, the Court shall approve the decision to dismiss him/her early, if voted for by the majority of the constitutional composition of the Court.

Article 33. Deputy President of the Court

1. The Deputy President of the Court, under the authority of the President of the Court, shall exercise some of his/her powers. In the absence of the President of the Court or if the President of the Court is unable to exercise his/her powers, they shall be exercised by the Deputy President of the Court, or, in his/her absence, – by the longest-serving Judge, or, if there are more than one such Judges – by the eldest Judge.

2. The Deputy President of the Court shall be elected on the proposal of the President of the Court for a single three-year term by secret ballot using ballot papers, in the manner prescribed by Article 32 of this Law.

3. The Deputy President of the Court shall sit on one of the Senates and preside over its sessions;

4. Upon a letter of resignation submitted by the Deputy President of the Court, the Court shall approve the decision to dismiss him/her early, if voted for by the majority of the constitutional composition of the Court.

Article 34. The Grand Chamber

1. The Grand Chamber shall consist of all Judges of the Constitutional Court.

2. The Grand Chamber shall consider the matters of:

1) conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine, acts of the Verkhovna Rada of Ukraine, President of Ukraine, Cabinet of Ministers of Ukraine, Verkhovna Rada of the Autonomous Republic of Crimea;

2) official interpretation of the Constitution of Ukraine;

3) conformity with the Constitution of Ukraine of applicable international treaties of Ukraine or of international treaties to be submitted to the Verkhovna Rada of Ukraine for its consent to a binding nature thereof;

4) conformity with the Constitution of Ukraine (constitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum;

5) observance of the constitutional procedure for investigation and consideration of a case on removal of the President of Ukraine from office through impeachment within the limits established by Articles 111 and 151 of the Constitution of Ukraine;

6) conformity of draft legislation on amendments to the Constitution of Ukraine with Articles 157 and 158 of the Constitution of Ukraine under Article 159 of the Constitution of Ukraine;

7) existence of violation of the Constitution of Ukraine or laws of Ukraine by the Verkhovna Rada of the Autonomous Republic of Crimea under paragraph 28 Part 1 Article 85 of the Constitution of Ukraine;

8) conformity with the Constitution of Ukraine or laws of Ukraine of regulations approved by the Verkhovna Rada of the Autonomous Republic of Crimea under Part 2 Article 137 of the Constitution of Ukraine;

9) conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine (or individual provisions thereof), upon constitutional complaints filed by individuals or legal entities, in the event of relinquishment of jurisdiction by the Senate in favour of the Grand Chamber in the instances determined by this Law.

3. The powers of the Grand Chamber shall also include resolving, under this Law, any procedural issues that may arise during constitutional proceedings.

Article 35. The Senate

1. The Senate shall consist of nine Judges.

If the number of Judges is less than eighteen, the Senate shall be competent when comprising at least six Judges.

2. Judges of the Court shall be allocated between the Senates by drawing lots. The personal composition of the Senate shall be approved at a special plenary session of the Court in the form of a resolution.

The Senate shall consider cases if at least six Judges are present.

3. The Senates shall be set up in the manner prescribed by the Regulations.

4. The Senate, upon a constitutional complaint submitted by a person, shall consider the issue of conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine (or individual provisions thereof).

Article 36. The Board

1. The Board shall consist of three Judges.

The Court, by drawing lots at a special plenary session, shall set up the Boards in the manner prescribed by the Regulations.

The same Judge may not sit on several Boards on a permanent basis.

The Court shall approve by its resolution the personal composition of the Board.

Where the Board is incompetent due to the lack of quorum, a Judge from another Board shall be assigned to it temporarily in the manner prescribed by the Regulations.

2. The powers of the Board shall include resolving the issues of initiating constitutional proceedings in the cases of constitutional petitions, constitutional appeals, or constitutional complaints.

3. The Board, by the majority vote of its Judges, shall adopt a ruling to initiate constitutional proceedings in the case or to reject constitutional proceedings in the case.

4. Where the Board has adopted a ruling to initiate constitutional proceedings in the case of a constitutional petition or a constitutional appeal, the Secretary of the Board shall submit a proposal to the President of the Court to convene the Grand Chamber in order to consider the issues associated with such constitutional proceedings.

Where the Board has adopted a ruling rejecting constitutional proceedings in the case of a constitutional petition or a constitutional appeal, the Secretary of the Board shall refer such constitutional petition or constitutional appeal to the Grand Chamber in order to resolve the issue of initiating constitutional proceedings in the case.

5. Where the Board has adopted a ruling to initiate constitutional proceedings in the case of a constitutional complaint, the Secretary of the Board shall submit a proposal to the Presiding Judge of the respective Senate to convene its session in order to consider the issues associated with such constitutional proceedings.

Where the Board has not been unanimous in adopting a ruling rejecting constitutional proceedings in the case of a constitutional complaint, the Secretary of the Board shall refer such constitutional complaint to the Senate in order to resolve the issue of initiating constitutional proceedings in the case.

6. A ruling unanimously adopted by the Board to reject constitutional proceedings in the case of constitutional complaint shall be final.

Article 37. Secretary of the Board

1. The Secretary of the Board shall be elected from among its Judges in the manner prescribed by the Regulations.

2. The Secretary of the Board shall:

- 1) convene meetings of the Board and preside over them;
- 2) submit a proposal to the Presiding Judge of the Senate to convene a session of the Senate or a plenary session of the Senate, respectively, and to the Presiding Judge of the Grand Chamber – a proposal to convene its session.

Article 38. Sessions of the Court Associated With Organisational Activities

1. Special plenary sessions of the Court or sessions of the Court shall be convened to address issues associated with organisational activities of the Court.

2. The following activities shall be carried out at special plenary sessions of the Court:

- 1) election of the President of the Court, Deputy President of the Court;
- 2) swearing-in of newly appointed Judges;
- 3) approval of a decision to grant consent to the apprehension, detention or arrest of a Judge;
- 4) warning a Judge of the need to remedy the circumstances that evidence the violation of restrictions on holding more than one office;
- 5) approval of a decision to dismiss a Judge under Article 20 of this Law;
- 6) adoption of the Regulation;
- 7) approval of the composition of the Senates;
- 8) setting up the Boards.

3. A special plenary session shall be competent when attended by at least twelve Judges empowered under this Law. This requirement shall not apply to a special plenary meeting at which newly appointed Judges are to be sworn in.

4. Administrative, financial, personnel or other issues of the Court's internal operations not associated with constitutional proceedings shall be addressed at the Court sessions.

A session of the Court shall be competent when attended by at least ten Judges.

5. A decision by a special plenary session or by a session shall be approved in the form of a resolution by a majority of the attending Judges.

6. The procedure for holding sessions or special plenary sessions of the Court shall be prescribed by the Regulations.

Article 39. Standing Commissions of the Court

1. Standing Commissions act as auxiliary bodies of the Court in the issues of managing its internal operations.

2. The Court shall set up Standing Commissions from among Judges and approve their Regulations at its session.

3. The Chairperson of the Standing Commission shall be elected by the Commission from among its members.

Article 40. Scientific Advisory Board of the Court

1. The Scientific Advisory Board shall operate under the Court.
2. The Regulations and composition of the Scientific Advisory Council shall be approved by the Court at its session.

Article 41. Access to Public Information at the Court

1. Acts of the Court, court sessions, and information on cases pending before the Court shall be public, unless otherwise provided by this Law. No one shall be restricted in the right to obtain from the Court verbal or written information on the outcome of his/her case. Anyone shall be entitled to free access to a judicial judgment in the manner prescribed by this Law.

2. The information on constitutional petitions, constitutional appeals, constitutional complaints received by the Court, progress of the case, date and time of the Senate or the Grand Chamber sessions shall be made publicly available and published on the Court's official website, unless otherwise provided by this Law.

3. The Court shall publish on its official website the following:

- 1) information on constitutional petitions, constitutional appeals, constitutional complaints;
- 2) information on the agenda of the Grand Chamber and the Senate plenary sessions, press releases or other information;
- 3) case files, judgments delivered or opinions issued in the cases considered by the Court, except materials of in camera portions of the Senate or the Grand Chamber plenary sessions;
- 4) video recordings of public portions of the Court plenary sessions;
- 5) annual information report of its activities.

4. Upon request, the Court shall provide information under the Law of Ukraine 'On Access to Public Information'. No information shall be provided upon request concerning the cases pending before the Court.

5. Information shall be made publicly available and provided upon requests by the Secretariat of the Court.

Article 42. Annual Information Report of the Court

1. During the first quarter of each year, the Court shall make public an annual information report of its activities and financial support in the previous year.

2. The Court shall approve the text of the report at its session.

3. The procedure for compilation of an annual information report, its review and approval, the manner and timing of its publication shall be prescribed by the Regulations.

4. The Court shall forward its annual information report to the Verkhovna Rada of Ukraine, President of Ukraine, Cabinet of Ministers of Ukraine, Supreme Court, and the Commissioner of the Verkhovna Rada of Ukraine for Human Rights.

Article 43. Secretariat of the Court

1. The Secretariat of the Court (the 'Secretariat') shall provide managerial, analytical, legal, information and logistics support for the Court's operations.

2. The Secretariat shall:

- 1) support the preparation for and conduct of the Board sessions, sessions and plenary sessions of the Senates and the Grand Chamber, sessions and special plenary sessions of the Court;

- 2) support the activities of the President of the Court, Deputy President of the Court, Secretaries of the Boards, Judges;
- 3) support promulgation of the Court's acts;
- 4) forward acts of the Court according to paragraph 6 Article 87 of this Law;
- 5) forward relevant acts of the Court to the Ministry of Justice for inclusion in the Unified State Register of Statutory Acts and publication in the Official Journal of Ukraine;
- 6) perform registration and preliminary review of all kinds of applications, prepare preliminary conclusions on the existence of grounds for initiation of constitutional proceedings in the case or for rejection of constitutional proceedings in the case;
- 7) maintain official communication with parties to all kinds of applications, parties to constitutional proceedings, and persons involved in constitutional proceedings;
- 8) be able to participate in the preparation of draft statutory acts that may in any way relate to the issues of the Court's operation;
- 9) support the activities of the Standing Commissions and the Scientific Advisory Board;
- 10) monitor timely receipt of documents, materials or other information in a specific case prepared for consideration or considered by the Court, as well as documents, materials or other information demanded and obtained by the Judge Rapporteur in the case under this Law;
- 11) generalise the practice of executing the Court's acts;
- 12) maintain a register of the laws of Ukraine (or individual provisions thereof), which the Court has found unconstitutional;
- 13) perform other duties as provided by this Law and the Regulations.

3. The Secretariat shall be led by the Head of the Secretariat, whom the Court shall appoint and dismiss upon submission of the President of the Court. A candidate for the position of the Head of the Secretariat shall meet qualification requirements imposed on the applicants for the Category A position of a public servant under the Law of Ukraine 'On Public Service', and shall have higher legal education and at least ten years of professional experience in the field of law.

4. The Head of the Secretariat shall have the First Deputy and Deputies appointed and dismissed by the Court upon submission of the President of the Court. Candidates for the positions of the First Deputy Head or Deputy Heads of the Secretariat shall meet qualification requirements imposed on the applicants for the Category A position of a public servant under the Law of Ukraine 'On Public Service'.

5. Public servants and other employees of the Secretariat shall be appointed and dismissed by the Head of the Secretariat, except those appointed and dismissed by the Court in the manner prescribed by the laws on public service and labour.

6. The amount of wages paid to the employees of the Secretariat may not be less than the amount set by the wage conditions for the employees of the Secretariat of the Cabinet of Ministers of Ukraine, who are classified under the corresponding categories of public service positions.

7. A judicial advisory service shall be set up within the Secretariat. The employees of the judicial advisory service shall be on the payroll of the Secretariat.

8. The procedure for employment in public service, the rights, duties and responsibilities of public servants and employees of the judicial advisory service shall be established and prescribed in the laws on public service and labour, subject to the features set out in this Law and the Regulations.

9. The Regulations on the Secretariat, its structure and staffing table shall be approved by the Court upon submission of the Head of the Secretariat.

Article 44. Archives of the Court

1. The materials of the Court's activities shall be kept in the Archives of the Court.

2. The case files in which the Court delivered its judgment or gave its opinion shall be kept in the Archives of the Court for one hundred years. Judgments and opinions of the Court which contain personal signatures of the Judges shall be kept in the Archives of the Court indefinitely.

3. The Regulations on the Archive of the Court shall be approved by the Court.

Article 45. The Court Library

1. The Court Library shall operate to provide the Court with academic or other specialist sources.

2. The Regulations on Court Library shall be approved by the Court.

Article 46. Official Journal of the Court

1. The official journal of the Court Ukraine shall be 'The Bulletin of the Constitutional Court of Ukraine'.

2. The publication of 'The Bulletin of the Constitutional Court of Ukraine' shall be provided by the editorial board whose members are approved by the Court.

Chapter 6. SUPPORT FOR THE OPERATION OF THE CONSTITUTIONAL COURT

Article 47. Safeguards for Financial Independence of the Court

1. Expenditures to provide financial support for the operations of the Court shall represent a separate line in the State Budget of Ukraine.

Expenditures to provide financial support for the operations of the Court may not be reduced in the current fiscal year.

The amount of expenditures to provide financial support for the operations of the Court in the following year may not be less than the amount of the expenditures in the previous fiscal year.

2. The Court shall act as a chief administrator of funds from the State Budget of Ukraine as regards financial support for its operations.

The Court shall individually develop the budget request for the following fiscal year and report of the budget fulfilment. Budget requests shall be submitted to the Ministry of Finance by the President of the Court in compliance with the Budget Code of Ukraine.

3. The Ministry of Finance, during the development of a draft State Budget of Ukraine, shall consider and take steps to resolve differences with the Court as a chief administrator of budgetary funds. In the event of failure to reach an agreement, the Court's budget request shall be included in the draft State Budget of Ukraine in at least the previous fiscal year's amount.

During the consideration by the Verkhovna Rada of Ukraine of a draft Law on the State Budget of Ukraine for the following year, any amendments thereto as regards expenditures to provide financial support for the operations of the Court may not contravene the first paragraph of this Article.

Article 48. Property and Corporate Status

1. The building, other immovable or movable property assigned to the Court to support its operations shall constitute public property and may not be seized or assigned to other government authorities or local government authorities without the Court's consent.

2. The Court shall have a corporate status and official seal bearing the State Coat of Arms of Ukraine and the name of the Court.

Section II CONSTITUTIONAL PROCEEDINGS

Chapter 7. APPLICATIONS TO THE CONSTITUTIONAL COURT OF UKRAINE

Article 49. Forms of Applications to the Constitutional Court of Ukraine

1. Applications to the Constitutional Court of Ukraine shall be made in the form of a constitutional petition, constitutional appeal, or constitutional complaint.

Article 50. Constitutional Petition

1. A constitutional petition is an application in writing that is submitted to the Court and concerns:

- 1) finding an act (or individual provisions thereof) unconstitutional;
- 2) official interpretation of the Constitution of Ukraine.

2. A constitutional petition shall indicate:

- 1) the person entitled to a constitutional petition;
- 2) the information about a representative of the person entitled to a constitutional petition;
- 3) documents and materials referred to by the person entitled to a constitutional petition, indicating the full name, number, date of adoption, and official publication sources for the relevant act;
- 4) the list of the attached materials and documents.

3. A constitutional petition in respect of constitutionality shall specify the act (or particular provisions thereof) to be reviewed for conformity with the Constitution of Ukraine, particular provisions of the Constitution of Ukraine against which the act (or individual provisions thereof) is to be reviewed for conformity, and substantiation of claims as to unconstitutionality of the act (or individual provisions thereof).

4. A constitutional petition in respect of the official interpretation of the Constitution of Ukraine shall specify particular provisions of the Constitution of Ukraine which require official interpretation and substantiation of the reasons that have necessitated interpretation.

Article 51. Persons Entitled to Constitutional Petitions

1. Under the Constitution of Ukraine, persons entitled to constitutional petitions shall include the President of Ukraine, at least forty-five People's Deputies of Ukraine, the Supreme Court of Ukraine, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, and the Verkhovna Rada of the Autonomous Republic of Crimea.

2. A statement by a People's Deputy of Ukraine on revocation of his/her signature to a constitutional petition shall have no legal implications.

Article 52. Constitutional Appeal

1. A constitutional appeal is an application in writing that is submitted to the Court and concerns:

1) conformity with the Constitution of Ukraine of an applicable international treaty of Ukraine or of an international treaty to be submitted to the Verkhovna Rada of Ukraine for its consent to a binding nature thereof;

2) conformity with the Constitution of Ukraine (constitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum;

3) observance of the constitutional procedure for investigating and considering a case on removal of the President of Ukraine from office through impeachment;

4) conformity of draft legislation on amendments to the Constitution of Ukraine with Articles 157 and 158 of the Constitution of Ukraine;

5) violation by the Verkhovna Rada of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine.

2. A constitutional appeal shall indicate:

1) the person entitled to a constitutional appeal;
2) the information about a representative of the person entitled to a constitutional appeal;

3) documents and materials referred to by the person entitled to a constitutional appeal, indicating the full name, number, date of adoption, and official publication sources for the relevant act;

4) the list of the attached materials and documents.

3. A constitutional appeal in respect of conformity with the Constitution of Ukraine of an international treaty shall specify particular provisions of such treaty to be reviewed for conformity with the Constitution of Ukraine, and particular provisions of the Constitution of Ukraine against which such treaty is to be reviewed for conformity, as well as substantiation of claims as to unconstitutionality of such international treaty (or individual provisions thereof).

4. A constitutional appeal in respect of conformity with the Constitution of Ukraine (constitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum shall specify those questions whose constitutionality is challenged, and particular provisions of the Constitution of Ukraine against which such questions are challenged for conformity, as well as substantiation of claims as to the non-conformity with the Constitution of Ukraine (unconstitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum.

Specific procedures for submitting an appeal in respect of conformity with the Constitution of Ukraine (constitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum shall be set forth in this Law.

5. A constitutional appeal concerning the observance of the constitutional procedure for investigating and considering a case on removal of the President of Ukraine from office through impeachment shall be accompanied by:

1) materials on the initiated removal of the President of Ukraine from office through impeachment;

2) documents on the establishment and activities of a special ad hoc investigation commission of the Verkhovna Rada of Ukraine in conducting the investigation, opinions and proposals of such commission;

3) materials on the review by the Verkhovna Rada of Ukraine of opinions and proposals from a special ad hoc investigation commission;

4) a decision by the Verkhovna Rada of Ukraine on bringing an accusation of state treason or another crime against the President of Ukraine;

5) a decision by the Verkhovna Rada of Ukraine to appeal to the Constitutional Court.

6. A constitutional appeal concerning violation of the Constitution of Ukraine or laws of Ukraine by the Verkhovna Rada of the Autonomous Republic of Crimea shall contain substantiation of an alleged violation of the Constitution of Ukraine or laws of Ukraine by the Verkhovna Rada of the Autonomous Republic of Crimea.

Article 53. Persons entitled to Constitutional Appeals

1. Persons entitled to constitutional appeals shall include:

1) The President of Ukraine – under sub-paragraphs 1, 2 paragraph 1 Article 52 of this Law, which follows from Article 151 of the Constitution of Ukraine;

2) The Verkhovna Rada of Ukraine – under sub-paragraphs 3, 4, 5 paragraph 1 Article 52 of this Law, which follows from paragraph 28 Part 1 Article 85, Articles 151 and 159 of the Constitution of Ukraine;

3) The Cabinet of Ministers of Ukraine – under sub-paragraph 1 paragraph 1 Article 52 of this Law, which follows from Article 151 of the Constitution of Ukraine;

4) at least forty-five People's Deputies of Ukraine – under sub-paragraphs 1, 2 paragraph 1 Article 52 of this Law, which follows from Article 151 of the Constitution of Ukraine.

Article 54. Constitutional Complaint

1. A constitutional complaint is an application in writing that is submitted to the Court and concerns review for conformity with the Constitution of Ukraine (constitutionality) of a law of Ukraine (or individual provisions thereof) that was applied in the final court judgment in the case of a person entitled to constitutional complaint (in which he/she participated as a plaintiff, defendant, or a third party).

2. A constitutional complaint shall indicate:

1) surname, name, patronymic (if any) of a citizen of Ukraine, foreigner or a stateless person, his/her residential address, or full name and registered address of a legal entity, as well as the number of a communications device, e-mail address, where available;

2) the information about an authorised person acting on behalf of the person entitled to a constitutional complaint;

3) a summary of the final court judgment that has applied relevant provisions of the law of Ukraine;

4) particular provisions of the law of Ukraine to be reviewed for conformity with the Constitution of Ukraine, and particular provisions of the Constitution of Ukraine against which such law of Ukraine is to be reviewed for conformity;

5) substantiation of alleged unconstitutionality of a law of Ukraine (or individual provisions thereof), specifying those human rights safeguarded by the Constitution of Ukraine, which in his/her opinion, have been violated by the application of such law;

6) a report of proceedings in courts;

3) documents and materials referred to by the person entitled to a constitutional complaint, with copies of such documents and materials attached;

8) information on payment of a fee for filing a constitutional complaint;

9) a list of the attached materials and documents.

A copy of the final court judgment in the case of a person entitled to a constitutional complaint shall be duly certified by the adjudicating court.

3. An individual shall pay a fee at 0.2 of minimum wage, and a legal entity – at 0.5 of minimum wage for filing a complaint.

Article 55. Persons Entitled to Constitutional Complaints

1. A person entitled to a constitutional complaint shall be a person who is of the opinion that the law of Ukraine (or individual provisions thereof) applied in the final court judgment in his/her case (in which he/she participated as a plaintiff, defendant, or a third party) contradicts the Constitution of Ukraine.

Public entities may not be persons entitled to a constitutional complaint.

2. A constitutional complaint shall be signed by an individual manually.

Where a person entitled to a constitutional complaint is unable to sign a constitutional complaint manually, subject to the availability of documentary evidence of his/her physical incapacity (disability, injury, etc.), it shall be signed by an authorised person acting on his/her behalf.

3. A constitutional complaint by a legal person shall be signed by a duly authorised person whose powers shall be evidenced by constituent documents of such legal entity and by a deed appointing (electing) him/her to such position.

Chapter 8. PROCEDURE FOR ADMITTING APPLICATIONS TO THE CONSTITUTIONAL COURT

Article 56. Preliminary Review of Applications to the Court

1. All kinds of applications shall be forwarded to the Court by post or delivered to the Secretariat by hand.

2. The Secretariat shall conduct preliminary review of all kinds of applications.
3. Upon preliminary review, constitutional petitions, constitutional appeals, and constitutional complaints shall be referred to the President of the Court or to a person performing his/her duties.
4. Where the form of a constitutional complaint is non-compliant with this Law, the Head of the Secretariat shall return it to the person entitled to a constitutional complaint.
Any return of a constitutional complaint shall not preclude re-applying to the Court in compliance with this Law.

Article 57. Allocation of Applications to the Court Between the Boards

1. Applications shall be allocated between the Boards alternately according to the date of receipt and registration number, irrespective of the form, and in the manner prescribed by the Regulations.

Article 58. Judge Rapporteur in the Case

1. A Judge to whom an application, irrespective of its form, has been allocated at the Board session shall have the status of a Judge Rapporteur in the case.
2. Where a Judge Rapporteur is unable, for valid reasons (illness, travel, vacation, etc.) and for a long period, to prepare case files for consideration, or if his/her application for withdrawal or recusal has been approved, the Secretary of the Board of which such Judge is a member shall submit for the Board's consideration a proposal to replace the Judge Rapporteur. Where it is impossible to replace the Judge Rapporteur by another Judge from the same Board, the Secretary of the Board shall submit to the President of the Court or the Deputy President of the Court a proposal to refer the case to another Board set up from the members of the relevant Senate.
3. Where several constitutional proceedings have been merged into one, a single Judge Rapporteur may be assigned.
4. A Judge Rapporteur shall:
 - 1) examine the issues raised in the application and prepare materials for consideration by the Board, the Senate, the Grand Chamber;
 - 2) demand and obtain documents, materials or other information relevant to the case from the person entitled to the application, respective authorities, officials, individuals or legal entities;
 - 3) issue instructions to the relevant units of the Secretariat and establish deadlines for their implementation;
 - 4) engage experts for the purpose of consultations, investigation of documents;
 - 5) submit, for consideration by the Senate or the Grand Chamber, proposals for arranging expert examination in the case, engaging of experts to the constitutional proceedings, summoning of officials, experts, professionals, witnesses, authorised persons acting on behalf of a person entitled to an application, as well as citizens whose participation may contribute to unbiased and complete consideration of the case;
 - 6) exercise other powers determined by the Regulations.
5. Where a Judge Rapporteur finds that the grounds, as defined by Article 67 of this Law, exist for referral of the case to the Grand Chamber in public constitutional proceedings in a constitutional complaint, he/she shall submit for consideration by the Senate a draft ruling on relinquishment of the Senate's jurisdiction in the case in favour of the Grand Chamber.

Article 59. Recusal of a Judge

1. A Judge may not take part in the consideration of any case where recusal (withdrawal) has been effected against him/her.
2. Recusal (withdrawal) shall be effected where:
 - 1) A Judge is interested in the outcome of the case either directly or indirectly;

- 2) A Judge is a member of the family or close relative of persons participating in the case;
- 3) any other circumstances exist that cast a doubt over objectivity and impartiality of a Judge.
3. A letter of recusal shall be submitted in writing.
4. A letter of recusal (withdrawal) shall be considered in the manner prescribed by the Regulations.

Chapter 9. ON INITIATION OF CONSTITUTIONAL PROCEEDINGS IN THE CASE

Article 60. Initiation of Constitutional Proceedings in the Case

1. A ruling to initiate constitutional proceedings in the case of constitutional petitions or constitutional appeals shall be adopted by:

- 1) the Board;
- 2) the Grand Chamber, in the event of its disagreement with the Board's ruling to reject constitutional proceedings in the case.

2. A ruling to initiate constitutional proceedings in the case of constitutional complaints shall be adopted by:

- 1) the Board;
- 2) the Senate, in the event of its disagreement with the Board's ruling to reject constitutional proceedings in the case.

3. Issues related to the initiation of constitutional proceedings in the case shall be resolved at the sessions of the Boards, Senates, and the Grand Chamber.

4. A ruling to initiate constitutional proceedings in the case or to reject constitutional proceedings in the case shall be adopted by the Board within one month from the assignment of a Judge Rapporteur. This term may be extended at a session of the Grand Chamber upon an application by a Judge Rapporteur or the Senate's Presiding Judge.

5. The case in which constitutional proceedings have been initiated shall be considered by the Senate or the Grand Chamber at a plenary session according to the procedure and within the term established by this Law.

6. A date for consideration of the case by the Senate or the Grand Chamber shall be established by the President of the Court or the Deputy President of the Court, respectively.

7. The applicant shall be notified of the initiated constitutional proceedings in the case within ten days in the manner prescribed by the Regulations.

Article 61. Grounds for Rejection of Constitutional Proceedings in the Case

1. The grounds for rejection of constitutional proceedings in the case shall include:

- 1) an application submitted by an inappropriate person;
- 2) the issues raised in the constitutional petition, constitutional appeal, or the constitutional complaint being beyond the Court's competence;
- 3) non-compliance of a constitutional petition or a constitutional appeal with this Law;
- 4) inadmissibility of a constitutional complaint;
- 5) an act (or individual provisions thereof), the issue of conformity of which with the Constitution of Ukraine has been raised, becoming invalid, except as provided by paragraph 1 Article 8 of this Law;

6) existence of a judgment or an opinion by the Court in respect of the same subject of a constitutional petition, constitutional appeal, constitutional complaint, as well as of rulings by the Court to reject constitutional proceedings in the case or to close constitutional proceedings in the case, where adopted pursuant to sub-paragraphs 1, 2 of this paragraph.

Article 62. Cessation of Consideration of Applications by the Court

1. An application, irrespective of its form, may be withdrawn, at any time after the initiation of constitutional proceedings, but before the Court proceeds with an in camera plenary session to adopt a judgment or deliver an opinion, upon a written submission by a person who has filed such application with the Court.

2. A ruling to close constitutional proceedings in the case of an application whose withdrawal has been requested shall be adopted by:

1) the Grand Chamber in a plenary session – in the cases of a constitutional petition, constitutional appeal, as well as of a constitutional complaint (in the event of relinquishment of jurisdiction by the Senate in favour of the Grand Chamber);

2) the Senate in a plenary session – in the cases of a constitutional complaint.

3. Where the Senate or the Grand Chamber find that the issues raised in the application are of particular social importance in the protection of human rights, the Court may reject the cessation of the consideration, even if withdrawal has been requested.

4. The Senate or the Grand Chamber shall close constitutional proceedings in the case, if any grounds for rejection of constitutional proceedings, as stipulated by Article 61 of this Law, have been discovered during a plenary session.

5. Voluntary resignation of the President of Ukraine against whom accusations have been brought shall constitute grounds for cessation of constitutional proceedings in the case concerning the observance of the constitutional procedure for investigating and considering a case on removal of the President of Ukraine from office through impeachment.

Chapter 10. PROCEEDINGS IN THE CONSTITUTIONAL COURT OF UKRAINE

Article 63. Forms of Constitutional Proceedings

1. Cases in which constitutional proceedings have been initiated shall be considered under a written or oral procedure.

2. Cases shall be considered by the Court mostly under a written procedure.

3. The Senate and the Grand Chamber shall determine the form of the proceedings in their rulings.

4. In a case considered under a written procedure, oral hearings may be held on certain issues defined in a ruling by the Senate or the Grand Chamber.

Article 64. Sessions and Plenary Sessions

1. Cases in which constitutional proceedings have been initiated shall be considered by the Senates or the Grand Chamber in their plenary sessions.

2. The procedure for conduct of sessions or plenary sessions shall be established by this Law and the Regulations.

3. The President of the Court or the Deputy President of the Court shall preside at the sessions or plenary sessions of the Senate or the Grand Chamber, or, in their absence, – the longest-serving Judge, or, where there are more than one such Judges – by the eldest Judge.

Article 65. Sessions and Plenary Sessions of the Grand Chamber

1. The Grand Chamber at its sessions shall consider the issue of initiating or rejecting constitutional proceedings in the cases of constitutional petitions or constitutional appeals, in the event of a ruling adopted by the Board to initiate constitutional proceedings in the case.

2. A session of the Grand Chamber shall be competent when attended by at least twelve Judges.

3. A ruling shall be adopted by the Grand Chamber if voted for by the majority of the Judges attending its session.

Where the votes cast by the Judges are equally divided, the constitutional proceedings shall be deemed as initiated.

4. In the event that the Grand Chamber has adopted a ruling to initiate constitutional proceedings in the case, the President of the Court shall refer such case to a plenary session of the Grand Chamber.

5. A ruling adopted by the Grand Chamber to reject constitutional proceedings in the case shall be final.

6. The Grand Chamber at its plenary sessions shall consider the cases in which proceedings have been initiated on a constitutional petition or a constitutional appeal, as well as the cases in which proceedings have been initiated on a constitutional complaint, but where the Senate has relinquished its jurisdiction in favour of the Grand Chamber.

7. Recording of the Grand Chamber's plenary sessions by technical means shall be made and minutes thereof shall be taken.

8. The Grand Chamber shall adopt its judgment (deliver an opinion) in the *in camera* portion of a plenary session attended by the Judges who considered the case.

9. Speeches made by Judges during the *in camera* portion of a plenary session of the Grand Chamber shall constitute official information and may not be disclosed.

10. Minutes of the *in camera* portion of a plenary session of the Grand Chamber may not be disclosed and shall be kept separate from the case file.

11. A judgment by the Court shall be adopted by the Grand Chamber, and its opinion shall be issued if voted for by at least ten Judges.

Article 66. Sessions and Plenary Sessions of the Senate

1. The Senate at its session shall consider the issue of initiating or rejecting constitutional proceedings in the cases of constitutional complaints, where the Board has not been unanimous in adopting a ruling rejecting constitutional proceedings.

2. Sessions and plenary sessions of the Senate shall be competent when attended by at least two thirds of the Judges who comprise the Senate.

3. A ruling shall be adopted by the Senate if voted for by the majority of the Judges attending the session.

4. Where the votes cast by the Judges are equally divided, the constitutional proceedings shall be deemed as initiated.

5. In the event that a ruling has been adopted at a session of the Board or the Senate to initiate constitutional proceedings in the case of constitutional complaint, the President of the Court or the Deputy President of the Court shall refer such case to a plenary session of the respective Senate.

6. A ruling adopted by the Senate to reject constitutional proceedings in the case of constitutional complaint shall be final.

7. Recording of the Senate's plenary sessions by technical means shall be made and minutes thereof shall be taken.

8. The Senate shall adopt its judgment in the *in camera* portion of a plenary session attended by the Judges who considered the case.

9. Speeches made by Judges during the *in camera* portion of a plenary session of the Senate shall constitute official information and may not be disclosed.

10. Minutes of the *in camera* portion of a plenary session of the Senate may not be disclosed and shall be kept separate from the case file.

11. A judgment by the Court in the case of a constitutional complaint shall be adopted if voted for by at least two thirds of the Judges who considered the case in the Senate.

Article 67. Relinquishment of Jurisdiction by the Senate in Favour of the Grand Chamber

1. Where a case pending before the Senate raises a substantial need to interpret the Constitution of Ukraine, or where the resolution of a question before the Senate might have a result inconsistent with a legal stance previously approved by the Court, the Senate may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber.

2. A ruling to relinquish jurisdiction in favour of the Grand Chamber shall be adopted, citing the relevant grounds, by the majority of the Senate Judges attending the session.

Article 68. Ensuring Complete Consideration of a Case

1. The Board, the Senate, or the Grand Chamber, when preparing a case for consideration or during constitutional proceedings in a case, may:

1) demand and obtain from the Verkhovna Rada of Ukraine, President of Ukraine, Prime Minister of Ukraine, Prosecutor General, judges, government authorities, authorities of the Autonomous Republic of Crimea, local government authorities, officials, enterprises, institutions, organisations of any patterns of ownership, political parties or other associations of citizens, as well as from individual citizens, copies of documents, materials or other information relevant to the case;

2) arrange expert examination, if necessary, or engage experts in constitutional proceedings;

3) summon to sessions or plenary sessions any officials, experts, professionals, witnesses, authorised persons acting on behalf of persons entitled to an application, or citizens whose participation is necessary to ensure unbiased and complete consideration of the case.

2. Case files (or copies thereof), clarifications by judges or public prosecutors in respect of court cases may be provided, upon request by the Constitutional Court, only where such cases have been closed. The Constitutional Court and Constitutional Court Judges shall not be entitled to demand and obtain pending case files or request access to such cases.

3. Avoidance of attendance, without valid reasons, at a session of the Board, session or a plenary session of the Senate or Grand Chamber, as well as refusal to deliver the requested documents, materials or other information, or their intentional concealment, shall entail liability of persons guilty thereof under the law.

4. Written substantiated *amicus curiae* may be submitted on the issues pending before the Court, the Senate, or the Grand Chamber. Inclusion and consideration of such *amicus curiae* shall be at the sole discretion of the Court.

Article 69. Participants in Constitutional Proceedings

1. Participants in constitutional proceedings shall include a person entitled to a constitutional petition, constitutional appeal, constitutional complaint (an authorised person acting on his/her behalf), a body or an official who have adopted the act considered by the Court (the 'participant in constitutional proceedings'), as well as bodies or officials, witnesses, experts, professionals, interpreters or other persons engaged by the Court in the proceedings in the case and whose participation is necessary to ensure unbiased and complete consideration of the case (the 'external participant in constitutional proceedings').

2. A ruling on the engagement of a participant in constitutional proceedings in a session of the Board, session or a plenary session of the Senate or of the Grand Chamber shall be adopted by the Board, the Senate, or the Grand Chamber, respectively.

3. The Board, the Senate, and the Grand Chamber may postpone the time for hearing of a case if a participant in constitutional proceedings has failed to arrive at a relevant session for a valid reason.

4. Where a participant in constitutional proceedings has repeatedly failed to arrive at a relevant session for a valid reason, the Board, the Senate, or the Grand Chamber may adopt a ruling on consideration of a case in his/her absence.

5. Where a participant in constitutional proceedings has failed to arrive at a relevant session without a valid reason, the Board, the Senate, or the Grand Chamber may consider a case in his/her absence.

6. Participants in constitutional proceedings or other persons present in the Court Session Hall shall be entitled to conduct video and still photography or audio recording of the public portion of plenary sessions of the Senate or the Grand Chamber, using portable equipment in the manner prescribed by the Regulations.

Article 70. Rights and Duties of a Participant in Constitutional Proceedings

1. A participant in constitutional proceedings may:

- 1) examine case files;
- 2) give oral or written clarifications;
- 3) provide his/her opinion on pending issues;
- 4) with the permission of the presiding judge, put questions to other participants in constitutional proceedings;
- 5) enter motions;
- 6) submit applications for recusal of a Judge;
- 7) exercise other rights provided for in this Law and the Regulations.

2. A motion entered by a participant in constitutional proceedings during a session or a plenary session shall be considered by the Senate or the Grand Chamber in the Session Hall or in a separate deliberation room.

3. Where invited, a participant in constitutional proceedings shall attend a session or a plenary session of the Senate or the Grand Chamber, provide true clarifications, documents, materials or other information necessary for a complete and comprehensive consideration of the case. Refusal to provide them or conscious concealment thereof shall entail liability of guilty persons under the law.

Article 71. Rights and Duties of an External Participant in Constitutional Proceedings

1. An external participant in constitutional proceedings may provide written clarifications that shall be attached to the case file, as well as examine clarifications given by other participants in the proceedings.

2. Where invited, experts, professionals, witnesses or other persons whose participation should facilitate an objective and complete consideration of the case shall attend a session or a plenary session of the Senate or the Grand Chamber, provide true clarifications, documents, materials or other information necessary for a complete and comprehensive consideration of the case. Refusal to provide them or conscious concealment thereof shall entail liability of guilty persons under the law.

Article 72. Liability for Breach of Order at Plenary Sessions of the Court

1. The Presiding Judge at a plenary session of the Senate or the Grand Chamber shall maintain the orderly conduct thereof.

2. Participants in constitutional proceedings and other persons present in the Session Hall shall be warned of the need to maintain the established order.

3. Any use of means of mobile communications during plenary sessions shall not be permitted.

4. A person guilty of contempt of the Court or a Judge, or of hindering the conduct of a plenary session in the Session Hall shall be held liable as provided for by law.

5. Order in the Session Hall shall be maintained by the Court's bailiff service.

Where the order at a plenary session of the Senate or the Grand Chamber has been breached, an administrative report thereof shall be made by a court bailiff and forwarded to a court.

6. Where ordered by the Senate or the Grand Chamber, a court bailiff shall expel the offender from the Session Hall.

Article 73. Language of Constitutional Proceedings

1. Constitutional petitions, constitutional appeals, and constitutional complaints shall be submitted to the Court in the official language.

2. The Court shall conduct its proceedings in the official language.

3. Judgments, opinions, rulings and resolutions of the Court shall be executed and promulgated in the official language.

4. Participants in constitutional proceedings who have no command of the official language shall promptly enter a motion to engage an interpreter. An interpreter may be suggested for the Court by such participant in constitutional proceedings through presentation of documents that evidence professional skills of such interpreter.

5. The matter of an interpreter's participation shall be decided by the Senate or the Grand Chamber by adopting a ruling prior to considering the case.

6. A person engaged in the proceedings as an interpreter shall be responsible for the accuracy of interpretation in accordance with the law.

Article 74. Term of Constitutional Proceedings

1. The term of constitutional proceedings shall be calculated from the date when a ruling on initiation of constitutional proceedings was adopted or, in the event of relinquishment of jurisdiction by the Senate in favour of the Grand Chamber, – from the date when a relevant ruling was adopted by the Senate.

2. The term of constitutional proceedings may not exceed six months, unless otherwise provided by this Law.

3. The term of constitutional proceedings may not exceed one month in the cases:

1) of delivering an opinion on conformity of draft legislation on amendments to the Constitution of Ukraine with Articles 157 and 158 of the Constitution of Ukraine;

2) of constitutionality of acts by the Cabinet of Ministers of Ukraine, on the application by the President of Ukraine, on the grounds of non-conformity with the Constitution of Ukraine under paragraph 15 Part 1 Article 106 of the Constitution of Ukraine;

3) where the Senate or the Grand Chamber regard constitutional proceedings as urgent.

Article 75. Merger and Division of Constitutional Proceedings

1. Where the Court is in receipt of a number of applications concerning the same issue or interrelated issues, and where constitutional proceedings have been initiated on these applications, the Senate or the Grand Chamber shall adopt a ruling to merge such cases into joint constitutional proceedings.

Where constitutional complaints concerning the same issue or interrelated issues are in constitutional proceedings pending before different Senates, a ruling to merge them into joint constitutional proceedings shall be adopted by the Grand Chamber. In this event, constitutional complaints merged into joint constitutional proceedings shall be considered by the Senate determined in a ruling of the Grand Chamber.

Where different constitutional complaints concerning the same issue or interrelated issues are in constitutional proceedings pending before the Senate or the Grand Chamber, a ruling to merge them into joint constitutional proceedings shall be adopted by the Grand Chamber. Constitutional complaints merged into joint constitutional proceedings shall be considered by the Grand Chamber.

2. The Senate or the Grand Chamber, where necessary, may, in its plenary session, adopt a ruling on the division of constitutional proceedings into separate constitutional proceedings, if this facilitates the consideration of the case.

Chapter 11. FEATURES OF PROCEEDINGS, UPON A CONSTITUTIONAL COMPLAINT, IN CASES CONCERNING CONFORMITY WITH THE CONSTITUTION OF UKRAINE (CONSTITUTIONALITY) OF THE LAWS OF UKRAINE (OR INDIVIDUAL PROVISIONS THEREOF)

Article 76. Admissibility of Constitutional Complaint

1. A constitutional complaint shall be deemed as admissible subject to its compliance with Articles 54 and 55 of this Law and where:

1) all domestic legal remedies have been exhausted (subject to the availability of a legally valid judicial judgment delivered on appeal, or, where the law provides for cassation appeal, – of a judicial judgment delivered on cassation);

2) not more than three months have passed from the effective date of a final judicial judgment that applies the law of Ukraine (or individual provisions thereof).

2. As an exception, a constitutional complaint may be accepted beyond the requirements established in paragraph 1 of this Article, where the Court regards its consideration as being necessary on the grounds of public interest.

3. Where a person entitled to a constitutional complaint has missed the date for submitting a constitutional complaint due to the unavailability of a full text of the judicial judgment, he/she shall be entitled to petition in his/her constitutional complaint for the extension of the date missed.

4. The Court shall reject constitutional proceedings by finding a constitutional complaint inadmissible, where the content or demands of such constitutional complaint are manifestly ill-founded or where the right to submit a complaint has been abused.

Article 77. Securing a Constitutional Complaint

1. When considering a constitutional complaint, the Court, in exceptional instances, may take measures to secure such constitutional complaint by issuing an order.

2. An interim order shall be issued by the Senate concurrently with the initiation of constitutional proceedings in the case of a constitutional complaint, and, in the event of relinquishment of jurisdiction by the Senate in favour of the Grand Chamber, – by the Grand Chamber.

3. Grounds for securing a constitutional complaint include the need to prevent irreversible consequences that may result in the inability to protect human rights or fundamental freedoms referred to in such constitutional complaint.

4. The means of securing a constitutional complaint consist in a temporary ban on certain actions.

4. A person entitled to a constitutional complaint may at any time enter a motion to revoke measures aimed at securing such constitutional complaint.

5. An interim order shall expire on the date of a judgment approved or a ruling adopted to close constitutional proceedings in the case.

Chapter 12. FEATURES OF PROCEEDINGS IN CASES CONCERNING CONFORMITY WITH THE CONSTITUTION OF UKRAINE (CONSTITUTIONALITY) OF QUESTIONS TO BE PUT, ON POPULAR INITIATIVE, TO ALL-UKRAINIAN REFERENDUM

Article 78. Referral of Constitutional Appeal

1. A constitutional appeal concerning the conformity with the Constitution of Ukraine (constitutionality) of the questions proposed to be put, on a popular initiative, to an all-Ukrainian referendum shall be referred to the Court prior to the declaration by the President of Ukraine of an all-Ukrainian referendum on a popular initiative.

Article 79. Subject of Consideration

1. The subject of a case to be considered shall include the questions proposed to be put, on a popular initiative, to an all-Ukrainian referendum.

Article 80. Participation in Constitutional Proceedings

1. Where an issue is to be considered concerning the conformity with the Constitution of Ukraine (constitutionality) of the questions proposed to be put, on a popular initiative, to an all-Ukrainian referendum, the Court shall engage a representative or representatives of an all-Ukrainian referendum initiative group in constitutional proceedings.

2. The Court may engage, where necessary, representatives of political parties or public associations in constitutional proceedings.

Article 81. Operative Part of the Opinion

1. In the operative part of its opinion, the Court shall determine which questions proposed to be put, on a popular initiative, to an all-Ukrainian referendum conform with the Constitution of Ukraine (are constitutional) and which do not conform with the Constitution of Ukraine (are unconstitutional).

Chapter 13. ACTS OF THE CONSTITUTIONAL COURT

Article 82. Types of Acts

1. The Court shall approve judgments, deliver opinions, adopt rulings, and issue orders.

2. The Court shall adopt its decisions on matters not related to constitutional proceedings in the form of resolutions.

Article 83. Judgment of the Court

1. A judgment of the Court shall be approved by:

1) the Grand Chamber upon considering the cases of constitutional petitions concerning constitutionality of laws of Ukraine, legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, as well as concerning official interpretation of the Constitution of Ukraine, or in the event of relinquishment of jurisdiction by the Senate in the case of constitutional complaint in favour of the Grand Chamber;

2) the Senate upon considering the cases of constitutional complaint.

Article 84. Opinion of the Court

1. An opinion of the Court shall be delivered by the Grand Chamber in the cases concerning:

1) conformity with the Constitution of Ukraine of applicable international treaties of Ukraine or of international treaties to be submitted to the Verkhovna Rada of Ukraine for its consent to a binding nature thereof;

2) conformity with the Constitution of Ukraine (constitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum;

3) observance of the constitutional procedure for investigating and considering a case on removal of the President of Ukraine from office through impeachment;

4) conformity of draft legislation on amendments to the Constitution of Ukraine with Articles 157 and 158 of the Constitution of Ukraine;

5) violation by the Verkhovna Rada of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine.

Article 85. Ruling by the Court

1. In order to address issues associated with the initiation, rejection, closure of proceedings in the case, other procedural actions, motions, procedure for consideration of cases, the Court shall adopt relevant rulings.

Article 86. Interim Order of the Constitutional Court

1. In the constitutional proceedings under sub-paragraph 9 paragraph 1 Article 7 of this Law, the Court may issue an order to take measures in order to secure a constitutional complaint.

Article 87. Adoption of Judgments and Delivery of Opinions by the Court

1. The Court shall approve a judgment and deliver an opinion in the name of Ukraine.

2. The Court shall adopt its judgment or deliver an opinion in the in camera portion of a plenary session of the Senate or the Grand Chamber by a roll call vote of the Judges who considered the case.

3. Proposals by Judges as to draft judgments or opinions shall be put to vote in the order of their receipt.

4. When adopting a judgment or delivering an opinion, a Judge may not abstain from voting.

5. *Judgments and opinions of the Court shall be signed separately by the Judges who voted for or against them. A judgment or an opinion of the Court shall be final and may not be appealed.*

A Judge shall be obliged to sign a judgment or an opinion of the Court.

6. The Court shall forward the judgment or opinion to participants in constitutional proceedings at least on the following working day after adoption of the judgment or delivery of the opinion.

Article 88. Requirements for the Court's Judgment

1. A judgment by the Court shall contain:

1) a preamble indicating:

a) the title, date and place of adoption, and number of the judgment;

b) the approving body;

b) the Judges who considered the case;

r) the list of participants in the constitutional proceedings;

2) a descriptive part indicating:

a) the demands of the constitutional petition or constitutional complaint;

b) the full title, date of adoption, and reference number of the act whose constitutionality is challenged;

3) the reasoning part, referring to the provisions of the Constitution of Ukraine on which the Court substantiates its judgment;

4) an operative part indicating:

a) the act (or individual provisions thereof) that the Court finds constitutional or unconstitutional – in the case concerning constitutionality of the act (or individual provisions thereof);

б) the official interpretation of the provisions of the Constitution of Ukraine, in respect of which the constitutional petition was submitted – in the case concerning official interpretation of the Constitution of Ukraine;

в) the fact that the judgment of the Court is binding, final and may not be appealed;

г) the source where the judgment of the Court is to be published.

2. When considering a case concerning the constitutionality of an act that brings into force an international treaty in Ukraine, the Court shall specify in the operative part any legal implications for Ukraine in the event the act is found unconstitutional.

3. Where the Court, when considering the case of a constitutional complaint, found the law of Ukraine (or provisions thereof) as being in conformity with the Constitution of Ukraine, but also discovered that a court in a civil, economic, administrative, criminal case, or in a case of administrative offence had applied the law of Ukraine (or provisions thereof) by interpreting it in a manner that is not compliant with the Constitution of Ukraine, the Court shall indicate that fact in the operative part of its judgment. This legal stance of the Court shall provide a basis for a review of a final judicial judgment in the manner provided by law.

Article 89. Requirements for the Court's Opinion

1. An opinion by the Court shall contain:

1) a preamble indicating:

a) the title, date and place of its delivery, and number of the opinion;

б) the fact that the opinion is delivered by the Grand Chamber;

в) the Judges who considered the case;

г) the list of participants in the constitutional proceedings;

2) a descriptive part indicating the demands set out in the constitutional appeal;

3) the reasoning part referring to the provisions of the Constitution of Ukraine on which the Court substantiates its opinion;

4) an operative part indicating:

a) provisions of an international treaty which the Court finds constitutional or unconstitutional – in the case concerning constitutionality of an applicable international treaty of Ukraine or of an international treaty to be submitted to the Verkhovna Rada of Ukraine for its consent to a binding nature thereof;

б) questions that the Court finds constitutional or unconstitutional – in the case concerning conformity with the Constitution of Ukraine (constitutionality) of the questions to be put, on a popular initiative, to an all-Ukrainian referendum;

в) whether the constitutional procedure for investigating and considering a case on removal of the President of Ukraine from office through impeachment was complied with – in the case concerning compliance with such procedure;

г) provisions of a draft law which conform with Articles 157 and 158 of the Constitution of Ukraine and those provisions that do not conform with them – in the case concerning conformity with Articles 157 and 158 of the Constitution of Ukraine of a draft law on the amendments to the Constitution of Ukraine;

г) whether the Verkhovna Rada of the Autonomous Republic of Crimea has violated the Constitution of Ukraine or laws of Ukraine – in the case of violation by the Verkhovna Rada of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;

д) the fact that the judgment of the Court is binding, final and may not be appealed;

ж) the source where the judgment of the Court is to be published.

Article 90. Determination by the Court of the Date of Invalidity for the Act (or Individual Provisions Thereof)

1. Where laws of Ukraine or other acts (or individual provisions thereof) are found by the Court to be non-conforming with the Constitution of Ukraine (unconstitutional), they shall become invalid upon the adoption by the Court of a judgment declaring their unconstitutionality.

2. Where an immediate invalidity of an act (or individual provisions thereof) that were found unconstitutional would make impossible the operation of government authorities or the exercise of human rights and freedoms, the Court in its judgment shall set another date of invalidity, however, such period may not exceed six months from the date of the judgment.

3. Where an act was found unconstitutional in connection with the violation of the procedure for its consideration, adoption and entry into force, as established by the Constitution of Ukraine, the Court in its judgment may determine the date of invalidity, which may not exceed the period that is required for the adoption of such act, subject to compliance with the procedure for its consideration, adoption and entry into force, as established by the Constitution of Ukraine. Such period may not exceed one year from the date of the judgment.

4. The Court maintains a register of the laws of Ukraine (or individual provisions thereof), which the Court has found unconstitutional.

Article 91. Legal Stance of the Court

1. The Court shall state its legal stance in the reasoning and/or operative part of a judgment or an opinion. The Court's legal stance may be set forth in the Court's rulings, as adopted by the Senate or the Grand Chamber, which reject constitutional proceedings in the case or close constitutional proceedings in the case.

2. The Court may:

1) develop and elaborate a legal stance in its subsequent acts;
2) vary its legal stance in the event of changes to statutory regulations that the Court was guided by when adopting the act in which it was stated, as well as in other cases, subject to written substantiation of such variation in the Court's act.

3. Where an issue of a variation to the Court's legal position arises in the process of consideration of a case by the Senate, the Senate shall relinquish its jurisdiction in favour of the Grand Chamber in accordance with Article 67 of this Law.

Article 92. Dissenting Opinion of a Judge

1. A Judge who signed a judgment, ruling or an opinion to reject constitutional proceedings in the case or to close constitutional proceedings may state his/her opinion within the term established in the Regulations.

2. A Judge shall state his/her dissenting opinion in writing, to be attached to the relevant act of the Court and promptly published on the official website of the Court.

Article 93. Official Promulgation and Publication of the Court's Acts

1. Promulgation of all acts of the Court following the constitutional proceedings shall be carried out on the official website of the Court or, in certain instances, according to the relevant ruling of the Court, – in the Court Session Hall, but not later than the following working day after the adoption thereof. An act of Court of Ukraine, together with the dissenting opinion of a Judge, shall be published in 'The Bulletin of the Constitutional Court of Ukraine' and other official printed media of Ukraine.

2. The procedure for and the manner of official promulgation of the Court's acts in the Court Session Hall and on the official website of the Court shall be prescribed in the Regulations.

Article 94. Elimination of Clerical Errors in the Text of an Act and Clarification of the Procedure for Execution of the Court's Acts

1. The Court, upon official promulgation of an act, may, on its own initiative or upon request of a participant in constitutional proceedings who participated in the case, eliminate clerical errors in the respective act.

2. The Court, upon a motion by a participant in constitutional proceedings who participated in the case, may clarify the procedure for executing a judgment or an opinion.

Upon receipt of a relevant motion, the Judge Rapporteur shall, within one month, prepare the issue for consideration during a hearing.

3. The issue of elimination of clerical errors or of clarification of the procedure for execution of a judgment or an opinion shall be resolved by a body of the Court which considered the case.

4. A ruling to eliminate clerical errors or to clarify the procedure for execution of a judgment or an opinion shall be adopted as a constituent part of a relevant judgment or an opinion of the Court.

Article 95. Adoption of and Amendments to Regulations or Other Acts Related to Internal Organisation

1. The Court shall approve its Regulations at a special plenary session and shall adopt it in the form of a resolution.

The Regulations or amendments thereto shall be adopted if voted for by at least two thirds of the constitutional composition of the Court.

Any other acts of the Court that regulate the management of its internal operations shall be approved by the Court at its session by the majority of votes of those present and shall be adopted in the form of a resolution.

2. Amendments to the Regulations shall be promulgated by the Court on its official website, with the indication of their effective date.

Where necessary, the Court shall promulgate amendments to the Regulations with a proviso as to their application to the proceedings initiated at the time of the adoption of such amendments, as well as to the pending petitions before the Court.

3. The Court shall publish the Regulations in 'The Bulletin of the Constitutional Court of Ukraine' and promulgate it on its official website.

Chapter 14. EXECUTION OF JUDGMENTS AND OPINIONS OF THE CONSTITUTIONAL COURT

Article 96. Procedure for Execution of Judgments and Opinions of the Court

1. The Court in its judgment or opinion may establish the procedure for and terms of the execution thereof and oblige relevant government authorities to provide monitoring of the execution of such judgment or compliance with such opinion.

2. The Court may demand a written confirmation of the execution of a judgment or compliance with an opinion from the relevant authorities.

Article 97. Liability for Failure to Execute Acts of the Court

1. Failure to execute judgments or comply with opinions of the Court shall entail liability under the law.

Section III FINAL PROVISIONS

1. This Law shall come into force thirty days after its promulgation.
2. Upon this Law coming into force, plenary sessions and special plenary sessions of the Court shall be conducted according to the procedure established by this Law.
3. The Court shall commence consideration of cases of constitutional complaint as of January 1, 2017.
A constitutional complaint may be submitted if a final judicial judgment in the case of a person became effective on or after October 1, 2016.
4. Within one month from the date of official promulgation of this Law, the Senates shall be set up in the Court in the manner prescribed by this Law, and the Regulations of the Constitutional Court of Ukraine shall be adopted.
5. Appointment to positions of the Constitutional Court Judges shall be carried out on a competitive basis, as set forth in this Law, only in respect of those Court Judges who are to be appointed after this Law comes into force.
6. A Judge appointed before this Law comes into force shall be entitled to resign subject to at least twenty years' length of professional service. The length of service that entitles to resignation shall include years of service as a judge, other practical, academic, or educational professional service, as well as the length of public service.
7. The Law of Ukraine 422/96-VR 'On the Constitutional Court of Ukraine' of October 16, 1996, (The Official Bulletin of the Verkhovna Rada of Ukraine, 1996, No. 49, p. 272, as amended) shall be deemed as ineffective.
8. The following legislative acts of Ukraine shall be amended:
 - 1) In the Code of Ukraine on Administrative Offences (The Official Bulletin of the Supreme Council of the Ukrainian SSR, 1984, Appendix to No. 51, p. 1122):
 - a) Article 185³.4 be included in Article 185³ to read as follows:
'Contempt of the Constitutional Court of Ukraine on the part of the interpreter, witness, professional, expert, or other participants in constitutional proceedings, as may be engaged by the Constitutional Court of Ukraine to participate in the case, which has manifested in malicious evasion of appearance before the Board of Judges, the Senate, or the Grand Chamber of the Constitutional Court of Ukraine, or in non-compliance by these or other persons with the orders issued by the Presiding Judge, or in breach of order during the hearing, or commission by any person of any actions that are in clear contempt of the Constitutional Court of Ukraine, –
shall entail imposition of fine from twenty to one hundred tax-free minimum incomes of citizens';
 - б) Article 188⁴⁹ be included to read as follows:
'Article 188⁴⁹. Failure to Comply With Legitimate Demands From a Judge of the Constitutional Court of Ukraine, the Board of Judges, the Senate, the Grand Chamber of the Constitutional Court of Ukraine
Evasion of provision of clarifications or refusal to provide, at the request of a Judge of the Constitutional Court of Ukraine, the Board of Judges, the Senate, the Grand Chamber of the Constitutional Court of Ukraine, of documents, materials, other information, or intentional concealment thereof –
shall entail imposition of fine from twenty to one hundred tax-free minimum incomes of citizens.

The same actions committed repeatedly within one year after the imposition of an administrative penalty – shall entail imposition of fine from one hundred to two hundred tax-free minimum incomes of citizens’;

2) In the Criminal Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, Nos. 25–26, p. 131):

a) in the first paragraph of Article 344.1, the words ‘the President of the Constitutional Court of Ukraine, a Judge of the Constitutional Court of Ukraine’ be included after the words ‘a member of the Cabinet of Ministers of Ukraine’;

б) in the first paragraph of Article 382.1, the words ‘of a judgment by the Constitutional Court of Ukraine, or intentional non-compliance with an opinion of the Constitutional Court of Ukraine’ be included after the words ‘the European Court of Human Rights’;

в) in the first paragraph of Article 384, the words ‘or during constitutional proceedings in the Constitutional Court of Ukraine’ be included after the words ‘in court’;

г) in the first paragraph of Article 385, the words ‘in the Constitutional Court of Ukraine’ be included after the words ‘in court’;

3) In the Civil Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2004, Nos. 40–42, p. 492):

Article 361.2.4 be amended to read as follows:

‘4) unconstitutionality of the law or of any other act (or individual provisions thereof) found by the Constitutional Court of Ukraine, or official interpretation of the provisions of the Constitution of Ukraine delivered by the Constitutional Court of Ukraine, which is different from that applied by the court in its judgment’;

4) In the Code of Administrative Procedure of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2005, Nos. 35-37, p. 446):

Article 245.2.5 be amended to read as follows:

‘5) unconstitutionality of the law or of any other act (or individual provisions thereof) found by the Constitutional Court of Ukraine, or official interpretation of the provisions of the Constitution of Ukraine delivered by the Constitutional Court of Ukraine, which is different from that applied by the court in its judgment’;

5) In the Economic Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 6, p. 56):

Article 112.2.5 be amended to read as follows:

‘5) unconstitutionality of the law or of any other act (or individual provisions thereof) found by the Constitutional Court of Ukraine, or official interpretation of the provisions of the Constitution of Ukraine delivered by the Constitutional Court of Ukraine, which is different from that applied by the court in its judgment’;

6) In the Criminal Procedure Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, Nos. 9–13, p. 88):

Article 459.2.4 be amended to read as follows:

‘4) finding of unconstitutionality of the law or of any other act (or individual provisions thereof) by the Constitutional Court of Ukraine, or delivery of official interpretation of the provisions of the Constitution of Ukraine by the Constitutional Court of Ukraine, which is different from that applied by the court in its judgment’;

7) In the Law of Ukraine ‘On Public Service’ (The Official Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 4, p. 43):

a) in the fourth paragraph of Article 6.2.1, the words ‘the Constitutional Court of Ukraine’ be deleted;

б) in Article 91:

in Article 91.1, the words 'the Constitutional Court of Ukraine' be deleted;

after Article 91.5, Article 91.6 be included to read as follows:

'6. The procedure for appointment and dismissal of the Head of the Secretariat of the Constitutional Court of Ukraine, First Deputy Head of the Secretariat of the Constitutional Court of Ukraine, Deputy Head of the Secretariat of the Constitutional Court of Ukraine shall be established by the Law of Ukraine "On the Constitutional Court of Ukraine".

Articles 91.6 and 91.7 shall thereby be regarded as Articles 91.7 and 91.8, respectively;

в) in the text of the Law, the words 'the Supreme Court of Ukraine' in all cases be replaced with the words 'the Supreme Court' in respective cases;

8) In the Law of Ukraine 'On State Protection of Judicial and Law Enforcement Employees' (The Official Bulletin of the Verkhovna Rada of Ukraine, 1994, No. 11, p. 50, as amended):

a) Article 1 be amended to read as follows:

'Article 1. Purpose of the Law

This Law establishes the system of special measures of state protection for Judges of the Constitutional Court of Ukraine, judges, court administration and law enforcement employees against obstructing the performance of their statutory duties and the exercise of the rights granted, as well as from the infringement on the life, health, home and property of said persons and their close relatives in connection with official activities of such persons';

б) in Article 2:

in Article 2.1.1, the words 'enforcement or law enforcement functions' be replaced with the words 'the functions of the enforcement of law';

sub-paragraphs 'a' and 'б', second paragraph of Article 2.1.1 be amended to read as follows:

'Under this Law, protection shall be extended to Judges of the Constitutional Court of Ukraine, judges, court administration and law enforcement employees referred to in the first paragraph of Article 2.1, as well as to the full-time personnel of the intelligence agencies of Ukraine, employees of the Antimonopoly Committee of Ukraine, and authorised persons of the National Securities and Stock Market Commission, who participate directly in, respectively:

a) constitutional proceedings;

б) legal proceedings, criminal proceedings or proceedings in cases of administrative offences';

в) paragraph r¹ be included into Article 14 to read as follows:

'r¹) law enforcement agencies – as regards the protection of a Judge of the Constitutional Court of Ukraine or his/her close relatives, upon an application by such Judge';

г) Article 15.1 be amended to include paragraph r¹ to read as follows:

'r¹) as regards a Judge of the Constitutional Court of Ukraine or his/her close relatives – on respective law enforcement units';

д) Article 24 be amended to read as follows:

'Article 24. Monitoring of Compliance With the Laws on Protection of Court Administration and Law Enforcement Employees

Compliance with the laws on protection of court administration and law enforcement employees shall be monitored by the Minister of Defence of Ukraine, Head of the Security Service of Ukraine, Chairman of the Foreign Intelligence Service of Ukraine, Prosecutor General, President of the Constitutional Court of Ukraine, President of the Supreme Court, Chief of the National Police, Head of the State Border Guard Service of Ukraine, Head of Intelligence of the Ministry of Defence of Ukraine, respectively';

е) in the title and text of the Law, the words 'law-protecting bodies' in all cases be replaced with the words 'law enforcement bodies' in respective cases;

9) In the Regulations of the Verkhovna Rada of Ukraine, as approved by the Law of Ukraine 'On the Regulations of the Verkhovna Rada of Ukraine' (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 14–17, p. 133):

a) the first sentence of Article 144.5 be amended to read as follows:

'Upon a written request by the initiator of the submission to the Verkhovna Rada of a draft law on amendments to the Constitution of Ukraine or upon a substantiated written proposal by a People's Deputy, the Verkhovna Rada may, at any time prior to the hearing at a plenary session of the Constitutional Court of Ukraine under the Law of Ukraine "On the Constitutional Court of Ukraine", withdraw from the Constitutional Court its appeal for the opinion to be delivered by the Constitutional Court of Ukraine of conformity of such draft law on amendments to the Constitution of Ukraine with Articles 157 and 158 of the Constitution';

б) in Article 208:

Articles 208.1 and 208.2 be amended to read as follows:

'1. Under Article 85.1.17 of the Constitution of Ukraine, the Verkhovna Rada shall appoint and dismiss the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, and, under Article 85.1.26 of the Constitution of Ukraine, the Verkhovna Rada shall appoint Judges of the Constitutional Court of Ukraine.

2. Candidates for the positions of the Chairman of the Accounting Chamber, Commissioner of the Verkhovna Rada of Ukraine for Human Rights, members of the High Council of Justice shall be proposed to the Verkhovna Rada by the Chairperson of the Verkhovna Rada of Ukraine, subject to the requirements of the Laws of Ukraine "On the Accounting Chamber", "On the Commissioner of the Verkhovna Rada of Ukraine for Human Rights", and "On the High Council of Justice".

Candidates for the position of a Judge of the Constitutional Court of Ukraine shall be proposed to the Verkhovna Rada by a screening committee established by the Verkhovna Rada in compliance with the Law of Ukraine "On the Constitutional Court of Ukraine";

Articles 208.6 and 208.7 be amended to read as follows:

'6. The Commissioner of the Verkhovna Rada of Ukraine for Human Rights shall be dismissed upon a written submission by the Chairperson of the Verkhovna Rada of Ukraine, subject to the resolutions of relevant committees.

7. The vote to appoint persons referred to in the first paragraph of this Article shall be conducted by the Verkhovna Rada by secret ballot using ballot papers, and the dismissal of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights shall be conducted by secret ballot using ballot papers according to the Law of Ukraine "On the Commissioner of the Verkhovna Rada of Ukraine for Human Rights". Following the vote, a respective resolution by the Verkhovna Rada shall be issued.;

в) in Article 216:

in the title, the words 'Judges of the Constitutional Court of Ukraine' be deleted;

Article 216.1 be amended to read as follows:

'1. Judges elected for an indefinite period shall be dismissed by the Verkhovna Rada in accordance with Part 6 Article 126 of the Constitution of Ukraine, and the Law of Ukraine "On the Judicial System and Status of Judges";

in Article 216.2, the words 'Judges of the Constitutional Court of Ukraine' be deleted;

г) in the title of Article 34, the words 'by Judges of the Constitutional Court of Ukraine' be deleted;

г) in Article 217:

in Article 217.1, the words 'Judges of the Constitutional Court of Ukraine' and 'On the Constitutional Court of Ukraine' be deleted;

in Article 271.6, the words 'Judges of the Constitutional Court of Ukraine' be deleted.

9. The Cabinet of Ministers of Ukraine:

1) shall, within thirty days from this Law coming into force – a) prepare and submit for consideration by the Verkhovna Rada of Ukraine its proposals on funding high-priority measures to implement this Law;

2) shall, within three months from this Law coming into force –

a) bring its regulations in conformity with this Law;

b) cause ministries and other central executive authorities to bring their regulations in conformity with this Law;

b) provide, in draft laws of Ukraine on the State Budget of Ukraine in 2017 and the following years, for the expenditures associated with the implementation of the provisions of this Law.

Section IV TRANSITIONAL PROVISIONS

1. The Court shall close any constitutional proceedings, as may have been initiated prior to this Law becoming effective, in the cases of constitutional petitions concerning official interpretation of laws of Ukraine (or individual provisions thereof) and in the cases of constitutional appeals.

Any constitutional petitions concerning official interpretation of laws of Ukraine (or individual provisions thereof) and constitutional appeals received by the Constitutional Court of Ukraine prior to this Law becoming effective, where constitutional proceedings in such cases have not been initiated, shall be returned to their authors by the Secretariat of the Constitutional Court of Ukraine.

2. Cases where constitutional proceedings have been initiated shall be considered in the form determined by the Senate or the Grand Chamber.

3. The institute of a Special Adviser shall be established temporarily, until January 1, 2020, to provide expert assistance in constitutional proceedings in the cases of constitutional complaints.

For the purpose of carrying out the functions of a Special Adviser, the Court, by its resolution, may invite a retired judge from a foreign body of constitutional jurisdiction or a representative of an international governmental organisation whose statutory mission concerns the subject of constitutional law. A citizen of a state recognised by the Verkhovna Rada of Ukraine as aggressor may not be invited to carry out these functions.

A Special Adviser, prior to the hearing of a case by the Senate or by the Grand Chamber, may provide his/her written substantiated *amicus curiae* in the case, which shall be mandatory for consideration by the Senate or the Grand Chamber, respectively.

Activities of a Special Adviser shall be supported through international technical assistance or by international organisations.

Articles of the procedural codes to be amended by the draft law on the Constitutional Court

Civil Procedural Code

Article 361. Grounds for review

1. Decision or court order, which completed the trial, which entered into the force and a writ can be viewed in relation to new circumstances.

2. Reasons for the review decision, resolution or a court order in connection with the new circumstances are:

1) essential for business circumstances that were not and could not be known to the person filing the statement during trial;

2) established by the court sentence which entered into the force, deliberately false testimony, knowingly incorrect expert opinion, deliberately wrong translations, false documents or physical evidence that caused the adoption of illegal or unreasonable decision;

2--1) established by the court sentence which entered into the force of the judge's guilt in committing the crime, resulting in the delivery of the unjust or unjustified judicial decision;

3) cancellation of a court decision, which became the basis for a decision or resolutions that are subject to revision;

4) The Constitutional Court of Ukraine established the unconstitutionality of the law, other legal act or its separate provisions applied by the court in deciding the case, if the court decision is pending.

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Criminal Procedure Code

Article 459. Grounds for conducting criminal proceedings upon newly discovered circumstances

1. Court decisions which have taken legal effect may be reviewed upon newly discovered circumstances.

2. The following shall be recognized as newly discovered circumstances:

1) artificial manufacture or falsification of evidence, incorrect translation, finding and explanations of expert, deliberately untrue testimonies of a witness, victim, the suspect, accused, on which the judgment was based;

2) abuses of investigator, public prosecutor, investigating judge or court in the course of criminal proceedings;

3) reversal of a court decision based on which the judgment or ruling to be reviewed were made;

4) if the Constitutional Court of Ukraine ruled the law, other legal act or certain provision thereof which was applied by court unconstitutional;

5) other circumstances which were not known to the court at the time of trial when the court decision was passed and which, *per se* or together with previously discovered circumstances, prove incorrectness of the judgment or ruling subject to review.

3. Circumstances specified in subparagraphs 2, 3 of paragraph two of this Article shall be required to be established by a court judgment which has taken legal effect, and where it is not possible to pass a judgment, substantiated by materials of investigation.

4. It shall not be not permitted to review court decisions upon newly discovered circumstances in case of adoption of new laws, other legal acts which repeal laws and legal acts that were effective at the time of trial.

Code of Administrative Procedure of Ukraine

Article 245. Grounds for Proceedings Based on Newly Discovered Circumstances

1. Court's resolution or ruling, which has entered into force, may be reviewed in connection with newly discovered circumstances.

2. The grounds for review of a judicial decision on the basis of newly discovered circumstances are:

1) any circumstances significant for the case, which were not and could not be known to the applicant at the time of the case consideration;

2) establishment by a court's sentence, which has entered into force, of knowingly false statements of a witness, knowingly wrong expert's opinion, knowingly wrong translation, falsification of documents or exhibits, which implied adoption of an unlawful or ungrounded decision;

3) establishment by a court's sentence, which has entered into force, of guilt of the judge in commission of the crime, which resulted in adoption of an unlawful or ungrounded decision;

4) reversal of the judicial decision, which constituted grounds for adoption of a resolution or ruling, which is subject to review;

5) establishment by the Constitutional Court of Ukraine of unconstitutionality of a law, other legal acts or of a separate provision thereof applied by the court for purposes of decision of the case, if such court decision has not been enforced yet.

3. Review of judicial decisions on the basis of newly discovered circumstances in the event of adoption of new laws, other legal regulatory acts, which cancel the laws and other legal regulatory acts, which were in effect at the moment of the case consideration, is not admissible, except for the case when such decisions mitigate or cancel liability of a natural person.

Economic Procedural Code

Article 112. Grounds for review of judicial decisions on the newly discovered circumstances

The economic court might review the decision adopted previously which entered into force on the ground of the newly discovered circumstances.

Reasons for the review of the decisions of economic courts on the newly discovered circumstances are as follows:

- 1) essential for business circumstances that were not and could not be known to the person filing the statement during trial;
- 2) established by the court sentence which entered into the force, knowingly incorrect expert opinion, deliberately wrong translations, false documents or physical evidence that caused the adoption of unjust or unjustified decision;
- 3) established by the court sentence which entered into the force of the judge's guilt in committing the crime, resulting in the delivery of the unjust or unjustified judicial decision;
- 4) cancellation of a court decision, which became the basis for a decision or resolutions that are subject to revision;
- 4) The Constitutional Court of Ukraine established the unconstitutionality of the law, other legal act or its separate provisions applied by the court in deciding the case, if the court decision is pending.