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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**UKRAINE**

**DRAFT LAW ON THE CONSTITUTIONAL COURT  
AS OF 17 NOVEMBER 2016**

## **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 **for considering cases** hereby, **under** this Law shall be established by the Regulations **of the Constitutional Court** of Ukraine (hereinafter - the 'Regulations').

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

#### **Article 4. 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 **opinions** 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 **opinions** 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 of 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 matters of conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine (or individual provisions thereof), **upon a constitutional complaint submitted by a person as applied by a court, who is of the opinion that the law of Ukraine applied in the final court judgment in his/her case contradicts the Constitution of Ukraine.**

## **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 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;

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 of the Constitutional Court empowered under Article 17 of this Law.

## **Article 10. Composition of the Court**

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

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

### *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 professional ethics of a Constitutional Court Judge.

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

In particular, a person may not be appointed **to the position** who, on the date of his/her appointment or within two 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 accordingly by** the President of Ukraine, Verkhovna Rada of Ukraine, and the Congress of Judges of Ukraine, and during the period between Congresses of Judges of Ukraine - by the Council of Judges of Ukraine, in the manner set forth by this Law.

2. **The start of the 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 introduction of vacancies **for the position** of a Constitutional Court Judge, in the event of termination of powers or dismissal of such Judge for reasons provided for in Article 149<sup>1</sup> of the Constitution of Ukraine.

3. The screening committee shall be established from among lawyers with a recognised level of competence, who do not participate in the competitive selection for the position of a Constitutional Court Judge. 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 **beginning** of the competitive selection, shall accept applications from individuals who express their intent to take up the position of a Constitutional Court Judge and who comply with the **requirements** established by the Constitution of Ukraine.

The application of individuals who express their intent to take up the position of a Constitutional Court Judge shall be complemented by the following:

- 1) an autobiography;
- 2) a letter of motivation detailing the motives for being appointed as a Constitutional Court Judge;
- 3) a copy of a document establishing identity and evidencing Ukrainian citizenship;
- 4) documents that evidence work experience in the field of law;
- 5) a declaration of a person authorized to execute function of the state or local government, a declaration of family relationships of the judge and declaration of judge's integrity;
- 6) a copy of a diploma on higher legal education (with transcripts) received in Ukraine, and/or copies of documents on higher legal education received abroad along with copies of

documents that evidence recognition of said documents in Ukraine, as well as copies of documents on academic degree, and academic rank (if any);

7) a written consent to the processing of personal data and promulgation of copies of documents as set forth in this Article, except documents set forth in sub-paragraph 3 of this paragraph;

8) a statement about the screening provided by the Law of Ukraine "On Purification of Government", or an opinion of the findings of such verification (if any);

9) a written consent to conducting special screening under the law.

The screening committee, after the expiry of the term for accepting applications from the individuals who express their intent to take up the position of a Constitutional Court Judge and who comply with the requirements established by the Constitution of Ukraine, shall publish autobiographies and motivation letters of such candidates.

5. Following the review of documents and information provided by candidates and interviews with them, the screening committee shall compile a list of candidates recommended for the position of a Constitutional Court Judge.

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 competition to select candidates 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 three 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 three months from the termination of powers or dismissal of a Constitutional Court Judge appointed by the Verkhovna Rada of Ukraine.

4. 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 a Constitutional Court Judge by the Congress of Judges of Ukraine**

1. Following the competitive selection, the Congress of Judges of Ukraine (hereinafter - 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 **three** 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 **of the Constitutional Court** 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 Constitutional Court of Ukraine** (the 'Grand Chamber'), the Senate **of the Constitutional Court of Ukraine** (the 'Senate'), the Board of Judges **of the Constitutional Court of Ukraine** (the 'Board'), and shall participate in the hearings.

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 **of Ukraine** 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, **the President and the Deputy President of the Constitutional Court** shall be set forth in the Regulations.

8. The identity card of the President of the **Constitutional Court** shall be signed by the President of Ukraine. Identity cards of a Constitutional Court Judge, **the Deputy President of the Constitutional Court**, 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 **Constitutional Court** 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.

2. Termination of Powers of a Constitutional Court Judge shall provide a basis for termination of employment relationship under an official assignment order issued by the President of the Court.

#### **Article 21. Dismissal of a Constitutional Court Judge**

1. Grounds for dismissal of a **Constitutional Court** 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 **central executive healthcare authority that establishes and implements public policy in the healthcare field** 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 **by Judge** 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;

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

**A decision to dismiss a Constitutional Court Judge the Court shall be approved by at least two thirds of its members of the constitutional composition of the Court.**



2. A Judge shall be entitled to hand in his/her letter of resignation, subject to at least (four) 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 **Constitutional** Court Judges represents an organisational form of judicial self-government.

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

The Assembly of Constitutional Court Judges shall adopt its decisions by a majority vote of **Constitutional Court** 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**.

### *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 beyond the consideration of the case during the proceedings in the case.

3. A Judge may not be brought to responsibility for voting in connection with the judgments approved or opinions issued by the Court, **except in case of committing a crime or a disciplinary offence**.

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 anybody 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. Remuneration of a **Constitutional Court** 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;

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 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 a 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 the terms stipulated by the Law of Ukraine "On Mandatory State Pension Insurance".

#### **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 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.

Provisions on the remuneration procedure for the rental of properly furnished accommodation, for the costs associated with the move, and use of personal vehicle for official purposes shall be adopted by the Court in the form of a resolution.

#### **Article 30. Academic advisers and assistants of a Judge**

1. 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.

2. 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 labour laws.

3. The position of academic adviser may be filled an individual who is a citizen of Ukraine, has higher legal education, professional working 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.

4. 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 public service laws.

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

5. 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.

#### **Article 31. 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<sup>1</sup> of the Constitution of Ukraine, or who has been dismissed on the grounds set forth in paragraphs 1 and 4 Part 2 **Article 149<sup>1</sup> of the Constitution of Ukraine**.

#### *Chapter 5. MANAGEMENT OF THE OPERATION OF THE CONSTITUTIONAL COURT*

#### **Article 32. 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 33. President of the Court**

1. The President of the Court shall preside over the Court and manage its activities.
2. President of the Court
  - 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, local government authorities, legal entities of all types of ownership, as well as authorities of **foreign** States, and international organisations.
4. The President of the Court shall be elected from among the Constitutional Court Judges for a single three-year term at a special plenary session of the **Court** by secret ballot using ballot papers that list any number of candidates nominated by the **Constitutional Court** Judges.
5. A commission comprising Judges of the Constitutional Court shall be set up at a special plenary session of the Court to elect the President of the Court.
6. A candidate for whom the majority of **Constitutional Court** 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 **Constitutional Court** 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 **Constitutional Court Judges** of the constitutional composition of the Court.

#### **Article 34. 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 **Constitutional Court 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 33 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 **Constitutional Court Judges** of the constitutional composition of the Court.

#### **Article 35. 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 **or other legal acts** of the Verkhovna Rada of Ukraine, **acts** of the President of Ukraine, **acts** of 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) 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**;

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

8) conformity with laws and regulations of the Verkhovna Rada of the Autonomous Republic of Crimea **and laws of Ukraine**;

9) conformity with the Constitution of Ukraine (constitutionality) of the laws of Ukraine (or individual provisions thereof), upon constitutional **complaints**, 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 36. The Senate**

1. The Senate shall consist of nine Judges **of the Constitutional Court**.

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



2. **Constitutional Court** Judges 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.

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

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

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

### **Article 37. The Board**

1. The Board shall consist of three **Constitutional Court** 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 **case** of constitutional petitions, constitutional appeals, or constitutional complaints.

3. The Board, by the majority vote of its **Constitutional Court** 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 38. Secretary of the Board**

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

2. Secretary of the Board:

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 session **of the Grand Chamber**.



### **Article 39. 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 **21** of this Law;

6) adoption of the Regulation;

7) approval of the **personal** composition of the Senates;

8) setting up the Boards, **approval of the personal composition of the Boards**.

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

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

### **Article 40. 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 **Constitutional Court** 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 41. 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 42. 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 Senates 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 the Court.
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 43. 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 annual information 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 44. 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, Constitutional Court Judges;
  - 3) support promulgation of the Court's acts;
  - 4) forward acts of the Court according to paragraph 6 Article 88 of this Law;
  - 5) forward relevant acts of the Court to the Ministry of Justice of Ukraine 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 applications of all kinds received by the Court, 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 that file applications to the Court, parties to constitutional proceedings, and persons involved in constitutional proceedings;
  - 8) be able to participate in the preparation of draft statutory acts that relate to the issues of the Court's operation;
  - 9) support the activities of the Standing Commissions of the Court and the Scientific Advisory Board of the Court;
  - 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 under the Law of Ukraine 'On Public Service' imposed on the applicants for the Category A position of a public servant, 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 that are 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 under the Law of Ukraine 'On Public Service' imposed on the applicants for the Category A position of a public servant.

5. The Court's bailiff service shall be set up within the Secretariat.

6. 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.

7. The amount of wages paid to civil servants and other employees of the Secretariat may not be less than the amount set by the wage conditions for corresponding positions of civil servants and other employees of the Secretariat of the Cabinet of Ministers of Ukraine.

8. 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.

9. 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.

10. 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 45. 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 Constitutional Court 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 46. 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 47. 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 48. 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 **in compliance with the Budget Code of Ukraine** 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 by the President of the Court to the central executive authority assigned to establish and implement state financial and budget policy in compliance with the Budget Code of Ukraine.~~

~~3. The central executive authority assigned to establish and implement state financial and budget policy during the development of a draft State Budget of Ukraine, shall consider the budget request of the Court 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 49. Property and Corporate Status of the Court as a legal entity**

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 50. 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 51. 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 of **the act (or individual provisions thereof)** 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 52. 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 53. 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.

6) conformity with laws and regulations of the Verkhovna Rada of the Autonomous Republic of Crimea **and** 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.

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 **respective** 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.

7. A constitutional appeal in respect of conformity with laws and regulations of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and laws of Ukraine constitutionality shall specify the act of the Verkhovna Rada of the Autonomous Republic of Crimea (or particular provisions thereof) to be reviewed for conformity with the Constitution of Ukraine and laws of Ukraine, and particular provisions of the Constitution of Ukraine and laws 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 of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and laws of Ukraine (or individual provisions thereof).

#### **Article 54. Persons entitled to Constitutional Appeals**

1. Persons entitled to constitutional appeals shall include:

1) The President of Ukraine – under sub-paragraphs 1, 2, 6 paragraph 1 Article 53 of this Law, which follows from Articles 137, 151 of the Constitution of Ukraine;

2) The Verkhovna Rada of Ukraine – under sub-paragraphs 3, 4, 5 paragraph 1 Article 53 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 53 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 53 of this Law, which follows from Article 151 of the Constitution of Ukraine.

#### **Article 55. 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.

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 means of communications, 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) a report of proceeding of the **corresponding** case in courts;

5) 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;

6) 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 **the opinion of the person entitled to a constitutional complaint**, have been violated by the application of such law;

7) 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. For filing a complaint an individual shall pay a fee at 0.2 **percent** of minimum wage, and a legal entity – at 0.5 **percent** of minimum wage **that is paid to the State Budget of Ukraine.**

**The paid amount of the fee for filing a complaint of an individual delivering said payment shall be reimbursed, according to the ruling of the Court in case of a return of a constitutional complaint or rejection of constitutional proceedings in the case in events provided by this Law.**

**Payment of a fee and reimbursement of the paid amount in cases provided by this Law shall be performed in the manner prescribed by the central executive authority assigned to establish and implement state financial and budget policy upon agreement of the Court.**

#### **Article 56. 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) 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) **a duly authorised person** to such position.

#### *Chapter 8. PROCEDURE FOR ADMITTING APPLICATIONS TO THE CONSTITUTIONAL COURT*

#### **Article 57. Preliminary Review of Applications to the Court**

1. **Applications** shall be forwarded to the Court by post or delivered to the Secretariat by hand.

2. The Secretariat shall conduct preliminary review of **applications** to the Court.

3. 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 58. Allocation of Applications to the Court Between the Boards**

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

#### **Article 59. Judge Rapporteur in the Case**

1. A Judge to whom an application to the Court (irrespective of the application 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 he/she 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.

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, and other data from the person entitled to an appeal, the Verkhovna Rada of Ukraine, President of Ukraine, the Cabinet of Ministers of Ukraine, Prosecutor General, judges, and other government authorities, authorities of the Autonomous Republic of Crimea, local government authorities, officials, enterprises, institutions, organisations of any form of ownership, political parties or civil groups;

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 68 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 60. 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. INITIATION OF CONSTITUTIONAL PROCEEDINGS IN THE CASE*

##### **Article 61. Initiation of constitutional proceedings in the case**

1. 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.

2. 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.

3. 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.

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

##### **Article 62. 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 **to the Court** 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 **two** of 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 63. Cessation of Consideration of Applications by the Court**

1. An application **to the Court**, 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, regarding which withdrawal **request was filed**, 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 constitutional complaint are of particular social importance in the protection of human rights, the Court may reject the cessation of the consideration of such complaint, even if its 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 62 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 64. Forms of Constitutional Proceedings**

1. Cases in which constitutional proceedings have been initiated the Court shall consider under a written or oral procedure.

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

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

3. In a case considered by the Court under a written procedure, oral hearings may be held on certain issues.

##### **Article 65. 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 Grand Chamber and the Senate, or, in their absence, – the longest-serving Judge, or, where there are more than one such Constitutional Court Judges – by the eldest Judge.

##### **Article 66. 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 Constitutional Court Judges.

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

Where the votes cast by the Constitutional Court 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. The public portion of **plenary session** of the Grand Chamber shall under an oral procedure shall be recorded by technical means and **taking minutes**.

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

9. Speeches made by **Constitutional Court** 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 **Constitutional Court** Judges.

#### **Article 67. 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 case 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 **Constitutional Court** Judges who comprise the Senate.

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

4. Where the votes cast by the **Constitutional Court Judges that are members of the Senate** 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. The public portion of **plenary session** of the Senate shall under an oral procedure shall be recorded **by technical means and taking minutes**.

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

9. Speeches made by **Constitutional Court** 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 **Constitutional Court** Judges who considered the case in the Senate.

#### **Article 68. 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 **Constitutional Court** Judges attending the session.



## Article 69. 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, the Cabinet of Ministers of Ukraine, Prosecutor General, judges, and other government authorities, authorities of the Autonomous Republic of Crimea, local government authorities, officials, enterprises, institutions, organisations of any patterns of ownership, political parties or **civil groups**, 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. Avoiding 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.

3. 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 70. 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 **authorities** 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 **authorities and officials, witnesses, experts, professionals, interpreters or other persons** 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 **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 71. 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 72. 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 73. 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 74. 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. **Acts 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 participants 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 75. 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 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 76. 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 by 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 77. Admissibility of Constitutional Complaint**

1. A constitutional complaint shall be deemed as admissible subject to its compliance with Articles **55 and 56** 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 78. 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. The basis for securing a constitutional complaint consist in preventing irreversible consequences that can occur due to execution of the final court judgment.

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

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 79. 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 80. 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 81. 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 82. 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 83. 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 84. 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, **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, as well as concerning official interpretation of the Constitution of Ukraine, including **upon considering the cases of constitutional complaints 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 complaints.

#### **Article 85. 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.
  - 6) conformity with laws and regulations of the Verkhovna Rada of the Autonomous Republic of Crimea **and** laws of Ukraine.

#### **Article 86. 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 87. 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 88. 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 **Constitutional Court** Judges who considered the case.
3. Proposals by **Constitutional Court** 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 **Constitutional Court** 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 the **participant** in constitutional proceedings at least on the following working day after adoption of the judgment or delivery of the opinion.

## **Article 89. 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 **Constitutional Court** 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; **name of the authority or the official who have adopted the act considered by the Court;**
  - 3) the reasoning part, referring to the provisions of the Constitution of Ukraine **based 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);
    - b) 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;
      - b) the fact that the judgment of the Court is binding, final and may not be appealed;
      - r) 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 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.

## **Article 90. 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 Constitutional Court 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 based 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 such requirements – 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 legal act of the Verkhovna Rada of the Autonomous Republic of Crimea (or individual provisions thereof) found by the Court to be conforming with the Constitution of Ukraine and laws of Ukraine, or to be found by the Court to be non-conforming with the Constitution of Ukraine and laws of Ukraine, – in the case concerning conformity of the legal act of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and laws of Ukraine;
  - е) the fact that the judgment of the Court is binding, final and may not be appealed;
  - е) the source where the judgment of the Court is to be published.

#### **Article 91. Determination by the Court of the Date of Invalidity for the Act (or Individual Provisions Thereof)**

1. 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, unless otherwise provided by the same judgment, but not before the date of the judgment.

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 of such act (or individual provisions thereof), 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 92. 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 68 of this Law.

#### **Article 93. 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 94. 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 95. Elimination of Clerical Errors in the Text of an Act of the Court and Clarification of the Procedure for Execution of the Court's Acts**

1. The Court, upon official promulgation of an act of the Court, 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 of the Court.

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

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

**Article 96. Adoption of and Amendments to Regulations or Other Acts that Govern the Management of Court's Operations**

1. The Court shall approve and amend its Regulations at a special plenary session.

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 operations shall be approved by the Court at its session by the majority of votes of those present.

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

3. 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.

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

**Article 97. 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 98. 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. 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 Court shall adopt the Regulations and set up the Senates in the manner prescribed by this Law.

5. The procedure for selection of candidates for the position of a Constitutional Court Judge and Appointment of Constitutional Court Judges is established by Articles 12 – 15 of this Law, shall not apply to Constitutional Court Judges appointed before this Law comes into force.

6. A Constitutional Court Judge appointed before this Law comes into force shall be entitled to resign subject to the law in force on the date of his/her appointment.

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. Amend the following legal acts of Ukraine

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 as amended):

a) Article 185<sup>3</sup>.4 be included in Article 185<sup>3</sup> 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 to the session** of the Board of Judges of the Constitutional Court, a **plenary session** of 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 **such hearings**, or commission by any person of any **actions that evidence clear contempt** of the Constitutional Court of Ukraine, –

shall entail imposition of fine from twenty to one hundred tax-free minimum incomes of citizens';

6) Article 188<sup>49</sup> be included in the Code to read as follows:

'Article 188<sup>49</sup>. 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

**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';

**b) in Article 221 the figures and symbols "188<sup>45</sup>, 188<sup>46</sup>, 188<sup>47</sup>, 188<sup>48</sup>" be replaced with the following the figures and symbols "188<sup>45</sup> – 188<sup>49</sup>";**

**r) in the first paragraph of Article 255 sub-paragraph 7<sup>1</sup> be amended to read as follows:**

"71) court bailiff (paragraphs one, two, four of Article 185<sup>3</sup>");

**2) sub-paragraph 5 of paragraph two of Article 112** in the Economic Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 6, p. 56, as amended) be amended to read as follows:

'5) unconstitutionality of the law of Ukraine 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';

**3) in the Criminal Code of Ukraine** (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, Nos. 25–26, p. 131, as amended):

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';

6) 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';

b) 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';

r) in the first paragraph of Article 385, the words 'in the Constitutional Court of Ukraine' be included after the words 'in court';

**4) sub-paragraph 4 of paragraph two of Article 361** in the Civil Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2004, Nos. 40–42, p. 492, as amended) be amended to read as follows:

'4) unconstitutionality of the law of Ukraine 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) sub-paragraph 5 of paragraph 2 of Article 245 of the Code of Administrative Procedure of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2005, Nos. 35-37, p. 446) be amended to include the following paragraph:

‘5) unconstitutionality of the law of Ukraine 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) sub-paragraph 4 of paragraph two of Article 459 in the Criminal Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, Nos. 9–13, p. 88, as amended) be amended to read as follows:

‘4) finding of unconstitutionality of the law of Ukraine 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 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) in Article 1 the words "judicial employees and" be replaced with the words "Judges of the Constitutional Court of Ukraine, judges and court administration employees and employees", and the words "such employees" be replaced with the words "such persons";

б) in sub-paragraph 1 paragraph one of Article 2:

in passage two the words "judicial employees and" be replaced with the words "Judges of the Constitutional Court of Ukraine, judges and court administration employees and employees";

sub-paragraphs ‘a’ and ‘б’ be amended to read as follows:

‘a) constitutional proceedings;

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

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

"r) the President of the Constitutional Court of Ukraine – as regards the protection of a Judge of the Constitutional Court of Ukraine or his/her close relatives, upon an application by such Judge’;

r) 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 unit of the National Police of Ukraine’;

г) in Article 24 the words "Prosecutor General of Ukraine, President of the Constitutional Court of Ukraine" be replaced with the words "Prosecutor General, Chairman of the Constitutional Court of Ukraine, Chairman of the Supreme Court";

8) 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, Nos. 14–17, p. 133, as amended):

a) in the first sentence of paragraph five of Article 144 the words "before the day for its first consideration" be replaced with "before consideration", and the words "(paragraph one of Article 44 of Law of Ukraine "On the Constitutional Court of Ukraine")" be replaced with the words "under the Law of Ukraine "On The Constitutional Court Of Ukraine";

6) 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 position of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights shall be proposed to the Verkhovna Rada by the Chairperson of the Verkhovna Rada of Ukraine, subject to the requirements of the Law of Ukraine "On the Commissioner of the Verkhovna Rada of Ukraine for Human Rights".

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";

in the sixth paragraph the words "positions referred to in the first paragraph of this Article (except Constitutional Court Judges) be replaced with the words "position of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights";

in the seventh paragraph of this Article the words "and such persons shall be dismissed by open ballot, except of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, for whom secret ballot shall be conducted" be replaced with the words "and the Commissioner of the Verkhovna Rada of Ukraine for Human Rights shall be dismissed by secret ballot";

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

3) paragraph three of Article 3 be amended to include sub-paragraph 11<sup>1</sup> to read as follows:

'11<sup>1</sup>) Constitutional Court Judges';

6) Article 91 be amended after paragraph five to include a new paragraph to read as follows:

'6. Head of Secretariat of the Constitutional Court of Ukraine, his First Deputy and Deputy shall be appointed and dismissed in the manner prescribed 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;

9. The Cabinet of Ministers of Ukraine:

1) shall, within one months from this Law coming into force 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 bring its regulations and cause ministries and other central executive authorities to bring their regulations in conformity with this Law;

3) 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 Constitutional 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 prior to this Law becoming effective, where constitutional proceedings in such cases have not been initiated, the Secretariat of Court shall return to their authors.

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 in **Constitutional** Court.

For the purpose of carrying out the functions of a Special Adviser, the **Constitutional** 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.

**The Chairman  
of the Verkhovna Rada of Ukraine**