



Strasbourg, 9 February 2021

CDL-REF(2021)016

Opinion No. 1024 / 2021

Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

DRAFT LAW NO. 4533-1

ON THE PROCEDURE

**FOR HEARING OF CASES AND IMPLEMENTATION
OF DECISIONS OF THE CONSTITUTIONAL COURT ***

() Unofficial translation*

LAW OF UKRAINE
On the Procedure for Hearing of Cases and Implementation of Decisions of the
Constitutional Court of Ukraine

Chapter I. KEY PROVISIONS

Article 1. Purpose of the Law

1. This Law, under Article 153 of the Constitution of Ukraine, determines the procedure for appealing to the Constitutional Court of Ukraine (hereinafter the "Court"), the procedure for hearing of cases, adoption and implementation of its decisions, provision and implementation of its opinions.

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, publicity and openness, complete and comprehensive hearing of cases, reasonableness and binding effect of its decisions and opinions.

Article 3. Rule of law

1. The Court shall be guided by the rule of law principle, under which a human being, his rights and freedoms are recognised as the highest values and determine the essence and course of activities of the State.

2. Rules of the Constitution of Ukraine are directly applicable rules and have the highest legal force.

3. The Court shall apply the rule of law principle with due consideration of the case-law of the European Court of Human Rights.

Article 4. Independence

1. The Court shall be free from any unlawful influence in constitutional proceedings.

2. Unless otherwise prescribed by this Law, applications to the Court from government authorities, local self-government authorities or officers thereof, individuals and legal persons who are not participants in constitutional proceedings under this Law, which contain proposals, demands, comments, etc., regarding specific cases shall not be considered by the Court.

3. Any interference with constitutional proceedings, influence on the Court or the Court Judge in any manner, contempt of the Court or the Court Judge, collection, storage, use and dissemination of information verbally, in writing or otherwise for the purpose of discrediting the Court or influencing the impartiality of the Court, or any calls to non-enforcement of its rulings or opinions shall be prohibited and shall entail liability stipulated by the law.

4. Government authorities, local self-government authorities and officers thereof shall refrain from statements and actions that might undermine the Court's independence and authority.

Article 5. Collegiality

1. The Court shall hear cases collegially at plenary sessions of the Grand Chamber, Senates and Boards formed in the manner determined by this Law.

2. Matters arising in the course of constitutional proceedings shall be decided by a vote of the Court Judges. The Presiding Judge shall be the last to vote.

3. When adopting a decision on each matter, a Court Judge may not abstain from voting and signing the respective Court act.

Article 6. Openness and publicity

1. Cases shall be heard in public at the plenary sessions of the Grand Chamber or the Senate, except the in-camera part of these sessions when a decision is adopted, an opinion is provided, or a Court's ruling is delivered.

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

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

Persons attending plenary sessions, representatives of the mass media may conduct still photography, video and audio recording in the Court Session Hall using portable video and audio equipment, without obtaining separate permission from the Court, during a public part of the plenary session, but subject to the restrictions imposed by this Law.

Still, photography, video and audio recording of a plenary session shall be conducted in the Court Session Hall without obstructing such plenary session or the exercise by participants in constitutional proceedings of their procedural rights.

3. Plenary sessions of the Grand Chamber or the Senate, other than the in-camera part of such sessions, shall be streamed on the Court's official website.

4. Acts of the Constitutional Court and information on cases pending before the Court shall be public, unless otherwise provided by the Law on the Constitutional Court of Ukraine and by this Law.

5. No one shall be restricted in the right to obtain from the Court verbal or written information on the outcome of his case. Anyone shall be entitled to free access to the Court's acts in the manner prescribed by this Law.

6. The Court shall make public the following on its official website:

1) information about constitutional petitions, constitutional appeals, constitutional complaints;

2) information about the agenda of plenary sessions of the Grand Chamber and the Senate plenary sessions, press releases, information on the course of the case, date, time and place of the plenary session of the Grand Chamber or the Senate;

3) case files considered, decisions adopted or opinions provided in the cases heard by the Court, other than files of in-camera parts of the plenary sessions of the Senate or the Grand Chamber, and files that contain restricted information;

4) video recordings of public parts of the plenary sessions of the Grand Chamber and the Senates.

7. Upon request, the Court shall provide information under the Law of Ukraine on Access to Public Information. No information shall be provided upon request regarding the cases pending before the Court.

8. Public information shall be made promulgated and provided upon requests by the Secretariat of the Court (hereinafter the "Secretariat").

Article 7. Completeness and comprehensiveness of proceedings, reasonableness and binding effect of decisions and opinions adopted by the Court

1. The Grand Chamber, the Senate, and the Board shall hear and assess all the arguments of participants in constitutional proceedings.

2. Completeness and comprehensiveness of proceedings before the Court shall be ensured in the manner established by Article 45 of this Law.

3. Written substantiated legal opinions (amicus curiae briefs) may be submitted on the issues pending before the Court, the Grand Chamber, or the Senate by persons who are not participants in constitutional proceedings. Where the Court has sought such legal opinion, this opinion shall be considered by the Court and adduced to the case file. Otherwise, adducing to the case file and consideration of such opinions shall be at the sole discretion of the Court.

4. Decisions and opinions of the Court that complete constitutional proceedings shall be binding, final and may not be appealed.

5. Decisions and opinions of the Court may not be revised by other authorities or persons.

6. Government authorities, local self-government authorities and officers thereof may not adopt decisions that revoke decisions and opinions of the Court or suspend their implementation.

7. Decisions and opinions of the Court that complete constitutional proceedings shall be adopted in the name of Ukraine.

8. Decisions and opinions of the Court should meet the requirements imposed by this Law.

9. Decisions and opinions of the Court shall be binding on all government authorities, local self-government authorities, their officers and officials, individuals and legal persons, and their associations throughout Ukraine.

Decisions and opinions of the Court must be taken into account by the courts while hearing cases to which the relevant rules of the Constitution of Ukraine apply.

10. Failure to implement decisions or non-compliance with opinions of the Court shall entail legal liability established by the law.

Article 8. Law on the procedure for the hearing of cases by the Constitutional Court of Ukraine and implementation of its decisions

1. The procedure for the hearing of cases by the Constitutional Court of Ukraine and implementation of its decisions is established by the Constitution of Ukraine and this Law.

2. No law that establishes new responsibilities, revokes or constricts the rights held by participants in constitutional proceedings, or restricts their exercise shall have retroactive effect.

3. Any amendments and modifications to this Law may only be made only by-laws on amendments and modifications to the Law of Ukraine on the Procedure for Hearing of Cases by the Constitutional Court of Ukraine and Implementation of Its Decisions.

Article 9. Powers of the Court

1. Powers of the Court shall include:

1) deciding on conformity to the Constitution of Ukraine (constitutionality) of the 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 Supreme Council of the Autonomous Republic of Crimea;

2) official interpretation of the Constitution of Ukraine;

3) providing, upon application by the President of Ukraine or at least forty-five People's Deputies of Ukraine or the Cabinet of Ministers of Ukraine, opinions on conformity to the Constitution of Ukraine of applicable international treaties of Ukraine or those international treaties that are submitted to the Verkhovna Rada of Ukraine for its consent to their binding effect;

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

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

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

7) providing, upon application by the Verkhovna Rada of Ukraine, opinion on the violation by the Supreme Council of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;

8) deciding on conformity to the Constitution of Ukraine and laws of Ukraine of legal regulations adopted by the Supreme Council of the Autonomous Republic of Crimea, upon application by the President of Ukraine, under paragraph Article 137.2 of the Constitution of Ukraine;

9) deciding on conformity to the Constitution of Ukraine (constitutionality) of laws of Ukraine (specific provisions thereof), upon a constitutional complaint of an individual who considers that the law of Ukraine applied in the final court judgment in his case contradicts the Constitution of Ukraine.

Article 10. Limits to the powers of the Court

1. The Court shall decide on conformity to the Constitution of Ukraine (constitutionality) of applicable acts (specific provisions thereof).

2. For the purpose of protecting or restoring the rights of a person, the Court shall decide on conformity to the Constitution of Ukraine (constitutionality) of an act (specific provisions thereof) that became ineffective in the instances prescribed by this Law.

3. The Court shall not decide on conformity to the laws of Ukraine of acts of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Supreme Council of the Autonomous Republic of Crimea, acts of other government authorities, authorities of the Autonomous Republic of Crimea and local self-government authorities unless otherwise provided by Article 85.1.28 and Article 137.2 of the Constitution of Ukraine.

4. When hearing cases that concern conformity to the Constitution of Ukraine (constitutionality) of acts (specific provisions thereof), the Court shall not be restricted by arguments of constitutional petitions, appeals and complaints from the relevant authorised entities.

5. The Court may not go beyond the subject matter of constitutional proceedings and declare unconstitutional those acts (specific provisions thereof), the issue of conformity of which to the Constitution of Ukraine was not raised in the constitutional petition, appeal, complaint in the manner prescribed by this Law.

Article 11. 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 should enter beforehand a motion for the participation of an interpreter in the case and may suggest such interpreter to the Court by presenting documents that evidence his professional skills.

Where participants in constitutional proceedings are unable either to suggest an interpreter to the Court or to present documents that evidence his professional skills, the Senate or the Grand Chamber shall decide on the interpreter's participation upon submission from a Judge-rapporteur.

5. Participation of an interpreter shall be decided by the Senate or the Grand Chamber by delivering a ruling prior to hearing the case.

6. The interpreter shall be held criminally liable for knowingly false interpretation and shall be held liable under the law for failure to perform other duties.

Article 12. The Court's automated workflow system

1. An automated workflow system shall function at the Court to support:

1) formation of the Senate and Standing Boards' membership in the instances stipulated by this Law on the basis of the randomness principle (other than the President of the Court, Vice-President of the Court, Secretary of the Court's Board);

2) random, objective and unbiased allocation of cases between judges, while observing the principles of fair workload distribution, priority, and an equal number of cases for each Judge-rapporteur;

3) provision to individuals and legal entities of information about the progress of constitutional proceedings;

4) centralised storage of electronic versions of case files, texts of decisions and other procedural documents;

5) preparation of statistical data;

6) registration of incoming and outgoing mail and the stages of its movement;

7) other functions defined in the Regulations on the Court's automated workflow system.

2. The procedural documents submitted to the Court and referred to in this Law must be registered in the Court's automated workflow system on the first-served basis by the Secretariat staff on the day of the receipt thereof (not later than the following business day, if a constitutional complaint or motion has been entered electronically in the instances stipulated by this Law).

3. A Judge-rapporteur to consider a specific constitutional petition, constitutional appeal or constitutional complaint shall be designated by the Court's automated workflow system during the registration of respective documents, based on the probability principle with regard to the

number of proceedings pending before judges, judges being on leave, on sick leave, or away on business. Upon designation of a Judge or a Panel of Judges to hear a specific case, making amendments to the registration data associated with this case as well as deleting such data from the Court's automated workflow system shall not be allowed.

While hearing the case, the Court may deliver a ruling to refer the constitutional petition, constitutional appeal or constitutional complaint to the Secretariat for reallocation in order to designate a new judge-rapporteur. This ruling shall be delivered by the majority of judges participating in the hearing of the case.

4. Maintenance of the Court's automated workflow system shall be supported by the Secretariat. Access to the Court's automated workflow system shall be granted to judges and the Secretariat staff according to their functional responsibilities.

5. Unlawful interference with the operation of the Court's automated workflow system shall entail liability stipulated by the law.

6. Procedure for the operation of the Court's automated workflow system shall be determined by the Regulations to be approved by the Court.

7. Reports of automated allocation of constitutional petitions, constitutional appeals and constitutional complaints must be promulgated in the Register of Court Acts.

The report must contain information about:

- 1) date and time of registration of a constitutional petition, constitutional appeal or constitutional complaint;
- 2) date and time of automated allocation of the case;
- 3) any circumstances that had an impact on the probability of the Judge's designation;
- 4) output of a random number generator;
- 5) the designated Judge-rapporteur and the judges who were excluded from automatic allocation (indicating the reasons for their exclusion);
- 6) other information defined in the Regulations on the Court's automated workflow system.

Article 13. Organisation of the Court

1. The Court comprises the Grand Chamber, two Senates and six Boards.
2. Within the powers determined by this Law, the Grand Chamber, the Senates and the Boards shall act as the Court in respect of constitutional proceedings.
3. The President of the Court, Vice-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 shall have the status of the Court bodies.

Article 14. The Grand Chamber

1. The Grand Chamber comprises all Judges of the Court.
2. The Grand Chamber shall decide on:
 - 1) conformity to the Constitution of Ukraine (constitutionality) of the 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 Supreme Council of the Autonomous Republic of Crimea;
 - 2) official interpretation of the Constitution of Ukraine;
 - 3) conformity to 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 their binding effect;
 - 4) conformity to the Constitution of Ukraine (constitutionality) of the questions to be put to an all-Ukrainian referendum on a popular initiative;
 - 5) observance of the constitutional procedure for investigation and hearing of a case on the removal of the President of Ukraine from office through impeachment within limits established by Articles 111 and 151 of the Constitution of Ukraine;
 - 6) conformity of a draft law on amendments to the Constitution of Ukraine to Articles 157 and 158 of the Constitution of Ukraine;
 - 7) violation by the Supreme Council of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;

8) conformity of legal regulations of the Supreme Council of the Autonomous Republic of Crimea to the Constitution of Ukraine and laws of Ukraine;

9) conformity to the Constitution of Ukraine (constitutionality) of laws of Ukraine (specific provisions thereof), upon constitutional complaints, in the event of relinquishment of jurisdiction by the Senate at the discretion of the Grand Chamber in the instances determined by this Law.

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

Article 15. The Senate

1. The Senate comprises nine Judges of the Court.

The Senate shall be competent when comprising at least six Court Judges.

2. The membership of the Senate shall be formed through the use of the Court's automated workflow system (other than the President and Vice-President of the Court).

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

The President of the Court or the Vice-President of the Court, or, in their absence, the eldest judge who is a member of the respective Senate shall preside at the sessions of the Senate.

3. The Senate, upon constitutional complaints, shall decide on conformity to the Constitution of Ukraine (constitutionality) of the laws of Ukraine (specific provisions thereof), as well as other issues referred to in this Law.

4. The Senates shall be set up in the manner prescribed by the Rules of Procedure.

Article 16. The Board

1. The Board comprises three Judges of the Court.

The Court shall set up the Boards within the Senates through the use of the Court's automated workflow system. Where the Board is incompetent due to the lack of quorum, a Judge from another Board shall be assigned to it temporarily through the use of the Court's automated workflow system.

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

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

2. Powers of the Board shall include deciding on opening constitutional proceedings in the case upon a constitutional petition, constitutional appeal, or constitutional complaint.

3. The Board, by the majority of votes of its members, shall deliver a ruling to open constitutional proceedings in the case or to deny constitutional proceedings in the case.

4. Where the Board has delivered a ruling to open constitutional proceedings in the case upon 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 delivered a ruling denying constitutional proceedings in the case upon 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 opening constitutional proceedings in the case.

5. Where the Board has delivered a ruling to open constitutional proceedings in the case upon 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 delivering a ruling denying constitutional proceedings in the case upon a constitutional complaint, the Secretary of the Board shall refer such constitutional complaint to the Senate in order to resolve the issue of opening constitutional proceedings in the case.

6. A ruling unanimously adopted by the Board to deny constitutional proceedings in the case upon a constitutional complaint shall be final.

7. A meeting of the Board shall be competent if attended by all the Court Judges who are its members.

Article 17. Secretary of the Board

1. The Secretary of the Board shall be elected in the manner prescribed by the Court's internal acts from among the Court Judges who are members of the Board.
2. The Secretary of the Board shall:
 - 1) convene meetings of the Board and preside over them;
 - 2) submit a proposal to the Presiding Judge of the Senate to convene a session of the Senate or a plenary session of the Senate, and to the Presiding Judge of the Grand Chamber — a proposal to convene a session of the Grand Chamber;
 - 3) exercise other powers under this Law.

Article 18. Recusal (withdrawal) of the Court Judge

1. A Court Judge may not participate in the preparation, consideration and adoption of decisions, exercise other powers in the matters where he faces a real or potential conflict of interest.

2. Where a Court Judge faces a real or potential conflict of interest, he must inform thereof the Court in writing and, upon discovering the existence of such conflict of interest, withdraw from the case within one business day.

3. Participants or external participants in constitutional proceedings may also challenge the Judge on the same grounds.

4. Recusal (withdrawal) shall be effected, in particular, where:

- 1) the Judge is interested in the outcome of the case either directly or indirectly;
- 2) the Judge is a member of the family or close relative of the persons participating in the case (husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, grandson, granddaughter, adopter or adopted, guardian or caregiver, member of the family or close relative of such persons);

3) following his appointment, and after the commencement and until the completion of the proceedings before the Court, has publicly expressed his position on the subject matter of the constitutional petition, constitutional appeal, constitutional complaint, or otherwise has raised public doubts about his objectivity and impartiality;

4) any other circumstances exist that cast doubt over objectivity and impartiality of the Judge.

5. Any disagreement by a party with the Court's decision, the Court Judge's dissenting opinion in other cases, or an opinion publicly expressed by the Court Judge of a particular legal issue may not constitute grounds for recusal.

6. A notice of recusal (withdrawal) shall be given in writing and shall be considered by the Court in the manner prescribed by the Rule of Procedure, followed by a delivery of a reasoned ruling that contains the assessment of the grounds on which the recusal is based.

A ruling delivered by the Court following the consideration of a notice of recusal (withdrawal) of the Judge shall be immediately promulgated in the Register of Court Acts. Where such a ruling contains information that concerns an in-camera plenary session or the in-camera part of a plenary session, the ruling shall be promulgated by concealing the information to protect which the in-camera plenary session is held and/or the information related to the in-camera part of the plenary session.

Until the notice of recusal (withdrawal) of the Court Judge has been considered, the Court shall not be allowed to take other procedural actions, deliver rulings and provide opinions.

7. The Court may find that the right of recusal is being abused and dismiss a notice of recusal of the Court Judge in the event that unfounded notices of recusal of the same Court Judge on the same grounds or notices containing improper remarks made against a Court Judge or the Court are given repeatedly.

A ruling to dismiss a notice of recusal shall be delivered at the discretion of the Court in writing or for the record (to be subsequently set forth in writing and promulgated in the Register not later than on the following day).

Note. The terms "real conflict of interest" and "potential conflict of interest" shall be used in the meaning set forth in the Law of Ukraine on Prevention of Corruption.

Article 19. Participants and external participants in constitutional proceedings

1. Participants in constitutional proceedings shall include a subject of the right to a constitutional petition, constitutional appeal, constitutional complaint (an authorised person acting on his behalf), an authority or an officer who has adopted the act considered by the Court (hereinafter the “participant in constitutional proceedings”), as well as authorities and officers, witnesses, experts, specialists, interpreters and other persons involved by the Court in the proceedings in the case and whose participation is necessary to ensure unbiased and complete hearing of the case (hereinafter the “external participant in constitutional proceedings”).

2. A ruling on the involvement of authorities and officers, witnesses, experts, specialists, interpreters and other persons 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. A person interested in the outcome of constitutional proceedings may file a reasoned application with the Court for involvement in the case as an external participant in constitutional proceedings, which shall be considered by the Court, followed by delivery of a ruling.

The Court may not deny involvement as an external participant in constitutional proceedings to a person who was a participant in the case where a final court decision had been issued on the basis of which a constitutional complaint was filed.

4. In cases of constitutional complaints, succession shall be allowed according to the standard procedure stipulated by law.

Article 20. Rights and duties of a participant in constitutional proceedings

1. A participant in constitutional proceedings (his authorised person, representative) shall have the right to:

- 1) familiarise himself with case files;
- 2) give oral or written clarifications;
- 3) provide his 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) free and unimpeded access to the Court session and plenary session in the case, other than the in-camera part of a plenary session or instances where the participant, external participant (an authorised person, representative) was removed from the Court Session Hall for breach of discipline;

8) where the Court has the powers or is required under this Law to take a certain action, the participant shall have the right to enter a motion for taking such action, which shall be decided concurrently with delivery of a ruling;

9) exercise other rights stipulated by this Law and the Court’s internal acts.

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, the Grand Chamber, provide true clarifications, documents, materials and other information necessary for a complete and comprehensive hearing of the case. Failure to provide information or provision of knowingly false documents, materials or other false information shall entail liability of a participant in the manner prescribed by the law.

4. Participants in constitutional proceedings and other persons present in the Court Session Hall shall have the right to conduct audio and video recording of the public part of plenary sessions of the Senate or the Grand Chamber, using portable equipment in the manner prescribed by the Court’s internal documents.

Article 21. Rights and duties of an external participant in constitutional proceedings

1. An external participant in constitutional proceedings shall have the right to provide written clarifications that shall be attached to case files and to familiarise himself with clarifications given by other participants in the proceedings.

2. Where invited, experts, specialists, witnesses and other persons whose participation should facilitate an objective and complete hearing of the case shall attend a session or a plenary session of the Senate or the Grand Chamber, provide true clarifications, documents, materials and other information necessary for a complete and comprehensive hearing of the case. Failure to provide information or provision of knowingly false documents, materials or other false information shall entail liability of these persons in the manner prescribed by the law.

3. An external participant in constitutional proceedings shall also have the rights stipulated by Article 20.1 of this Law.

Chapter II. APPLICATIONS TO THE COURT

Article 22. Forms of applications to the Court

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

Article 23. Constitutional petition

1. A constitutional petition is a written motion submitted to the Court, which concerns:

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

2. A constitutional petition shall indicate:

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

3. A constitutional petition regarding the constitutionality of an act (specific provisions thereof) shall indicate the act (specific provisions thereof) to be reviewed for conformity to the Constitution of Ukraine, and particular provisions of the Constitution of Ukraine against which the act (specific provisions thereof) is to be reviewed for conformity, and shall contain substantiation of claims as to the unconstitutionality of the act (specific provisions thereof).

4. A constitutional petition regarding the official interpretation of the Constitution of Ukraine shall indicate particular provisions of the Constitution of Ukraine which require official interpretation, along with substantiation of the reasons that necessitate interpretation.

Article 24. Subject of the right to a constitutional petition

1. Under the Constitution of Ukraine, subjects of the right to a constitutional petition include the President of Ukraine, at least forty-five People's Deputies of Ukraine, the Supreme Court, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, and the Supreme Council of the Autonomous Republic of Crimea.

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

Article 25. Constitutional appeal

1. A constitutional appeal is a written motion filed with the Court for provision of an opinion regarding:

1) conformity to 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 effect thereof;

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

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

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

5) violation by the Supreme Council of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;

6) conformity of legal regulations of the Supreme Council of the Autonomous Republic of Crimea to the Constitution of Ukraine and laws of Ukraine.

2. A constitutional appeal shall indicate:

1) a subject of the right to a constitutional appeal;
2) information about a representative of the subject of the right to a constitutional appeal;
3) documents and materials referred to by the subject of the right to a constitutional appeal, indicating full name, number, date of adoption, and official publication sources for the relevant act;

4) a list of the attached materials and documents.

3. A constitutional appeal regarding conformity to the Constitution of Ukraine of an international treaty shall specify particular provisions of such treaty to be reviewed for conformity to 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 the unconstitutionality of such international treaty (specific provisions thereof).

4. A constitutional appeal regarding conformity to the Constitution of Ukraine (constitutionality) of the questions to be put to an all-Ukrainian referendum on a popular initiative shall specify the constitutionality of the question of which 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 non-conformity to the Constitution of Ukraine (unconstitutionality) of the questions to be put to an all-Ukrainian referendum on a popular initiative.

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

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

2) documents on the establishment and operation of a special ad hoc investigation commission of the Verkhovna Rada of Ukraine to conduct the investigation, as well as by opinions and proposals from such commission;

3) materials on the review by the Verkhovna Rada of Ukraine of opinions and proposals from a relevant 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 regarding violation of the Constitution of Ukraine or laws of Ukraine by the Supreme Council of the Autonomous Republic of Crimea shall contain substantiation of an alleged violation of the Constitution of Ukraine or laws of Ukraine by the Supreme Council of the Autonomous Republic of Crimea.

7. A constitutional appeal regarding the conformity of legal regulations of the Supreme Council of the Autonomous Republic of Crimea to the Constitution of Ukraine and laws of Ukraine shall specify the act of the Supreme Council of the Autonomous Republic of Crimea (specific provisions thereof) to be reviewed for conformity to the Constitution of Ukraine and laws of Ukraine, and particular provisions of the Constitution of Ukraine and laws of Ukraine against which the act of the Supreme Council of the Autonomous Republic of Crimea (specific individual provisions thereof) is to be reviewed for conformity, and substantiation of claims as to non-conformity to the Constitution of Ukraine and laws of Ukraine of the act of the Supreme Council of the Autonomous Republic of Crimea (specific provisions thereof).

Article 26. Subject of the right to a constitutional appeal

1. Subjects of the right to a constitutional appeal include:

1) 1) the President of Ukraine — under Articles 25.1.1, 25.1.2, 25.1.6 of this Law, which follows from Articles 137 and 151 of the Constitution of Ukraine;

2) the Verkhovna Rada of Ukraine — under Articles 25.1.3, 25.1.4, 25.1.5 of this Law, which follows from Article 85.1.28, Articles 151 and 159 of the Constitution of Ukraine;

3) the Cabinet of Ministers of Ukraine — under Article 25.1.1 of this Law, which follows from Article 151 of the Constitution of Ukraine;

4) at least forty-five People's Deputies of Ukraine — under Articles 25.1.1, 25.1.2 of this Law, which follows from Article 151 of the Constitution of Ukraine.

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

Article 27. Constitutional complaint

1. A constitutional complaint is a motion filed with the Court for review for conformity to the Constitution of Ukraine (constitutionality) of a law of Ukraine (specific provisions thereof) which was applied in the final court judgment in the case of the subject of the right to a constitutional complaint.

2. A constitutional complaint shall indicate:

1) surname, name, patronymic (if any) of a citizen of Ukraine, foreigner or a stateless person, a registered residential address (or place of stay for correspondence), as well as the number of means of communications, e-mail address, where available;

2) information about an authorised person acting on behalf of the subject of the right to a constitutional complaint (where the constitutional complaint was submitted by a representative of the subject of the right to a constitutional complaint);

3) a summary of the final court judgment in which relevant provisions of the law of Ukraine were applied;

4) a report of proceedings before courts in the relevant case;

5) specific provisions of the law of Ukraine to be reviewed for conformity to 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 (specific provisions thereof), indicating those constitutional principles that have been violated by the application of such law;

7) information regarding documents and materials referred to by the subject of the right to a constitutional complaint, with copies of such documents and materials attached;

8) a list of the attached materials and documents.

3. A law (specific provisions thereof) shall be found as applied in the final court judgment in the case of a subject of the right to a constitutional complaint where:

1) the law (specific provisions thereof) was directly applied in the final court judgment in the case;

2) the final court judgment in the case reproduces the content of the law (specific provisions thereof) without indicating its details, or where the text of the court judgment contains other information that enables identification of the law (specific provisions thereof) that guided the court in adopting its judgment;

3) the law (specific provisions thereof) was applied, or its content reproduced in other judgments in the case, which were upheld (in the relevant part) by the final court judgment in the case;

4. The subject of the right to a constitutional complaint shall adduce to the constitutional complaint a copy of the final court judgment in the case. A copy of the final court judgment in the case, printed out from a public part of the Unified State Register of Adjudications, may be adduced to the complaint.

During the preliminary examination of the constitutional complaint, the Secretariat shall verify the conformity of the text of the adduced copy of the final court judgment in the case to the text entered in the Unified State Register of Adjudications.

Where a judgment has not been entered in the Unified State Register of Adjudications, a copy of the judgment, duly certified by the court that had adopted it, shall be adduced to the constitutional complaint.

5. The constitutional complaint with attached materials may be filed electronically, under an electronic signature and in compliance with the Law of Ukraine on Electronic Documents and Electronic Document Management, by sending it to the official e-mail address of the Secretariat or otherwise, as may be determined by the Court.

In the same manner, additional materials, clarifications and motions from participants and external participants in constitutional proceedings may be filed with the Court upon the opening of constitutional proceedings on a constitutional complaint.

The procedure for the acceptance and processing of a constitutional complaint filed electronically, and for the electronic signature validation by the Secretariat shall be prescribed by internal acts of the Court.

6. A subject of the right to a constitutional complaint (his authorised person, representative) may express in a constitutional complaint (or after constitutional proceedings in it have been opened) his wish to receive electronically, by forwarding to his e-mail address, any correspondence from the Court, which is to be forwarded in the instances stipulated by this Law. In this case, the day following the day of its sending by e-mail shall be regarded as the date of its delivery to the subject of the right to a constitutional complaint.

The procedure for sending electronic correspondence by the Court and verification of its delivery shall be established by internal acts of the Court.

Article 28. Subject of the right to a constitutional complaint

1. A subject of the right to a constitutional complaint is an individual or a legal entity who considers that the law of Ukraine applied in the final court judgment in his or its case (specific provisions thereof) contradicts the Constitution of Ukraine (is unconstitutional).

Public legal entities and private legal entities are subjects of the right to a constitutional complaint on an equal basis.

2. A constitutional complaint shall be signed by the individual in person or by his representative.

3. A constitutional complaint of a legal entity shall be signed by its head or an authorised representative.

Powers of its head shall be verified by the Secretariat on the basis of information contained in the United State Register of Legal Entities, Individual Entrepreneurs and Public Organisations.

Article 29. Admissibility of constitutional complaint

1. A constitutional complaint shall be deemed as admissible subject to its compliance with the requirements stipulated by this Law and where:

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

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

2. In the event that the subject of the right to a constitutional complaint has missed the date for filing a constitutional complaint, the Court may, upon his motion, extend the date if it finds valid the reasons for missing it unless the date has been missed for more than six months.

3. Where proceedings on the cassation appeal opened by the Supreme Court were closed due to the fact that the court judgment was not subject to appeal, or where the circumstances indicated as grounds for the cassation appeal were not corroborated during the hearing of the case, the term stipulated by paragraph 2, part one of this Article, shall be calculated from the date of a ruling to close the cassation proceedings delivered by the Supreme Court.

Article 30. Securing a constitutional complaint

1. When examining a constitutional complaint, the Court, in exceptional instances, may take measures to secure such constitutional complaint by issuing an interim order that constitutes a writ of execution.

2. The grounds for securing a constitutional complaint include the need to prevent irreversible consequences and infliction of irreparable damage to the subject of the constitutional complaint, where such consequences may arise in connection with the enforcement of the final court judgment.

3. Ways of securing a constitutional complaint include temporary suspension of the enforcement of a court judgment, imposition of a temporary ban on certain actions, or another manner of securing, which, given all the circumstances of the case, will effectively help prevent the consequences referred to in part two of this Article.

4. A constitutional complaint may be secured of the Court's own initiative or upon a motion of the subject of the right to a constitutional complaint.

The issue of securing a constitutional complaint shall be decided by the Senate or the Grand Chamber, before which the constitutional complaint is pending.

Where the consequences and damage referred to in part two of this Article must be prevented urgently, the issue of temporary security for a constitutional complaint may be decided by the Board when opening constitutional proceedings upon a constitutional complaint, with concurrent prompt referral to the Senate of the issue of securing the complaint.

Security for a constitutional complaint, which has been accepted by the Board, shall be valid for one month from the date of the interim order and shall expire after this period or upon a ruling delivered by the Senate or the Grand Chamber to deny security for the constitutional complaint (whichever is first).

5. The Court may revoke measures to secure a constitutional complaint of the Court's own initiative, upon a motion of an external participant in constitutional proceedings, or upon a reasoned application by another person interested in the outcome of the proceedings.

6. A decision adopted by the Court in the case shall not constitute grounds for invalidity of the interim order.

7. The Court's interim order shall cease to be valid upon a ruling delivered by the Court to revoke the interim order.

Article 31. Preliminary review of applications to the Court

1. Applications to the Court shall be sent by mail or delivered to the Court Secretariat directly or electronically in the instances stipulated by this Law.

2. The Secretariat shall conduct a preliminary review of applications to the Court. Any preliminary review of applications to the Court shall not include analysis of their reasonableness.

3. Where the form of a constitutional complaint is non-compliant with this Law, the Head of the Secretariat shall adopt a decision to dismiss such constitutional complaint.

The decision to dismiss a constitutional complaint shall indicate the drawbacks of the constitutional complaint, the method and term of their elimination, which shall not exceed ten days from the date of serving the decision to dismiss the constitutional complaint on the subject of the right to a constitutional complaint.

Upon a reasoned application by the subject of the right to a constitutional complaint (his representative), the Head of the Secretariat may extend the term for eliminating the drawbacks in the constitutional complaint for a period not exceeding one month from the date of serving such decision on the subject of the right to a constitutional complaint.

If the subject of the right to a constitutional complaint has eliminated the drawbacks in the constitutional complaint within the period established by this Law, it shall be deemed as submitted on the day of its initial filing with the Court and shall be referred for further consideration under this Law.

If the subject of the right to a constitutional complaint has failed to eliminate the drawbacks in the constitutional complaint within the period established by this Law, the Head of the Secretariat shall return it to the subject of the right to a constitutional complaint.

Any return of a constitutional complaint by the Head of the Secretariat shall not preclude repeat application to the Court in compliance with this Law.

Chapter III. OPENING AND CLOSING OF CONSTITUTIONAL PROCEEDINGS. CONSOLIDATION AND SEPARATION OF CONSTITUTIONAL PROCEEDINGS

Article 32. Consideration by the Boards of applications to the Court

1. Applications to the Court shall be considered by the Board comprising the relevant Judge-rapporteur.

Article 33. Judge-Rapporteur in the case

1. A Judge-rapporteur in the case shall be designated through the use of the Court's automated workflow system.

2. Where a Judge-rapporteur is unable for valid reasons (illness, travel, leave, etc.) within three months to prepare case files for hearing, or where his notice of withdrawal or recusal has

been approved, the Secretary of the Board shall refer the case to redesignate the Judge-rapporteur in the case through the use of the Court's automated workflow system.

3. Where several constitutional proceedings have been consolidated into one, a single Judge-rapporteur may be assigned, who is designated in a ruling on the consolidation of constitutional proceedings.

4. A Judge-rapporteur shall:

1) examine the issues raised in the application and prepare materials for hearing by the Board, the Senate, the Grand Chamber;

2) demand and obtain documents, materials, other information related to the case from the subject of the application, the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Prosecutor General, judges, other government authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities, officers, enterprises, institutions, organisations of any pattern of ownership, political parties or public associations;

3) issue instructions to the relevant units of the Secretariat and establish timelines for their implementation;

4) engage experts to provide advice, investigate documents;

5) submit for consideration by the Senate or the Grand Chamber proposals for ordering expert examination in the case, the involvement of specialists in constitutional proceedings, summoning of officers, experts, specialists, witnesses, authorised persons acting on behalf of the subject of the right to the application, as well as citizens whose participation may contribute to unbiased and complete hearing of the case;

6) exercise other powers established by this Law and the Court's internal acts.

5. Where a Judge-rapporteur finds that the grounds, as defined by this Law, exist for referral of the case to the Grand Chamber in public constitutional proceedings upon a constitutional complaint, he shall submit to the Senate for its consideration a draft ruling on relinquishment of the Senate's jurisdiction in the case at the discretion of the Grand Chamber.

6. In the event that a Judge-Rapporteur is transferred to another Senate, the President of the Senate shall refer the case to another Senate for further hearing of the case by submitting a proposal to the Presiding Judge of the Grand Chamber.

7. In the cases where constitutional proceedings have been opened upon a constitutional complaint, the Judge-rapporteur may invite in writing the subject of the right to a constitutional complaint to provide answers to the questions concerning the subject matter of constitutional proceedings.

Article 34. Opening of constitutional proceedings in the case

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

2. A ruling to open constitutional proceedings in the case upon constitutional petitions or constitutional appeals shall be delivered by:

1) the Board;

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

3. A ruling to open constitutional proceedings upon a constitutional complaint shall be delivered by:

1) the Board;

2) the Senate, in the event of its disagreement with the Board's ruling to deny constitutional proceedings in the case, which was not delivered unanimously.

4. A ruling to open constitutional proceedings in the case or to deny constitutional proceedings in the case shall be delivered by the Board within one month from the designation of a Judge-rapporteur. This term may be extended at a session of the Grand Chamber upon a motion by a Judge-rapporteur or the Senate's Presiding Judge.

5. The case in which constitutional proceedings have been opened shall be heard by the Senate or the Grand Chamber respectively at a plenary session according to the procedure and within the term established by Articles 39 and 41 of this Law.

6. The Judge-rapporteur in the case shall ensure that the Senate, the Grand Chamber commence hearing of the case within the period stipulated by Article 39 of this Law.

7. The subject of the application shall be notified of the opened constitutional proceedings in the case within ten days from delivering a ruling to open constitutional proceedings in the case.

If a constitutional petition, appeal, a complaint does not specify the e-mail address of the representative of the subject of the right to a constitutional petition or appeal, subject of the right to a constitutional complaint (his authorised person, representative), the Secretariat, together with the delivery of a ruling to open constitutional proceedings, shall invite the respective person to provide information about the e-mail address, explaining the content of Article 48 of this Law regarding the right to get familiarised with case files in electronic form.

Article 35. Grounds for denial of constitutional proceedings in the case

1. Grounds for denial of constitutional proceedings in the case include:

- 1) application submitted to the Court by an inappropriate subject;
- 2) issues raised in a constitutional petition, constitutional appeal, or constitutional complaint fall beyond the Court's competence;
- 3) non-compliance of a constitutional petition or constitutional appeal with the requirements stipulated by this Law;
- 4) inadmissibility of a constitutional complaint;
- 5) invalidation of the act (specific provisions thereof), the issue of conformity of which to the Constitution of Ukraine has been raised, except as provided by part two of this Article;
- 6) existence of a decision or an opinion by the Court in respect of the same subject matter of a constitutional petition, constitutional appeal, constitutional complaint (other than stipulated by part five of this article), as well as of rulings by the Court to deny constitutional proceedings in the case or to close constitutional proceedings in the case, where delivered pursuant to paragraphs 1 and 2 of this part.

2. Invalidation of the act (specific provisions thereof), amendments to the act (specific provisions thereof) shall not constitute grounds for denying constitutional proceedings only where:

- 1) the expired or amended act (specific provisions thereof) has been given a surviving (ultra-active) effect in time and is further applied to legal relations that arose during its validity (as amended);
- 2) invalidation of the law (specific provisions thereof) or amendments to the law that is challenged in the constitutional complaint are not accompanied by restoration of violated rights and freedoms of the subject of the right to a constitutional complaint, while there are reasons to believe that the restoration of his rights and freedoms is impossible without the case being heard by the Court (such as when, after the law (specific provisions thereof) is invalidated or amendments are made to it, no other effective means of protecting the rights and freedoms of the subject of the right to a constitutional complaint appear).

3. A constitutional complaint shall be found inadmissible under part 1.4 of this Article where:

- 1) the law (specific provisions thereof), the constitutionality of which is challenged in the constitutional complaint, was not applied in the final court judgment in the case of the subject of the right to a constitutional complaint, subject to the requirements stipulated by Article 27.3 of this Law;
- 2) the subject of the right to a constitutional complaint has not exhausted effective remedies and/or has failed to comply with the term for filing a constitutional complaint in accordance with the requirements stipulated by Article 29 of this Law;
- 3) the subject of the right to a constitutional complaint has failed to provide substantiation of alleged unconstitutionality of the law of Ukraine (specific provisions thereof) to the extent that is sufficient to necessitate verification of constitutionality of such law (specific provisions thereof);
- 4) the subject of the right to a constitutional complaint has failed to indicate which provisions of the Constitution of Ukraine have been violated as a result of the application of the challenged law;
- 5) the constitutional complaint fails to meet other requirements stipulated by Article 27 of this Law, thereby precluding its further consideration with the elimination of drawbacks in the event of the opening of constitutional proceedings;
- 6) the right to file a constitutional complaint has been abused.

In a ruling to deny constitutional proceedings, delivered in connection with finding the content of the constitutional complaint manifestly ill-founded, the Court shall provide specific reasons for finding it ill-founded and shall assess the arguments contained in the constitutional complaint regarding the unconstitutionality of the challenged law (specific provisions thereof) and violation of the rights of the subject of the right to a constitutional complaint.

4. Where the form of a constitutional complaint meets the requirements of this Law, the Court may not deny constitutional proceedings if a court of law has referred to the unconstitutionality of the challenged law (specific provisions thereof) in the final court judgment in the case of the subject of the right to a constitutional complaint. In this case, the Court shall be required to adopt a decision on the merits of the constitutional complaint.

5. The Court may not deny constitutional proceedings on the grounds referred to in part 1.6 of this Article if, after a decision has been adopted or an opinion has been provided by the Court on the same subject matter of the constitutional petition, constitutional appeal, constitutional complaint, an international judicial institution whose jurisdiction is recognised by Ukraine finds a violation by Ukraine of its international obligations, and such violation is directly associated with operation and application of the challenged act (specific provisions thereof).

Article 36. Termination of consideration of applications by the Court

1. An application to the Court may be withdrawn at any time after constitutional proceedings were opened, but before the Court proceeds to the in-camera part of a plenary session to adopt a decision or provide an opinion, upon a written application by a subject of such application to the Court.

2. A ruling to close constitutional proceedings in the case upon an application, in respect of which a request for withdrawal has been filed, shall be delivered by:

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

2) the Senate in a plenary session — in the cases upon a constitutional complaint.

3. The Senate or the Grand Chamber shall close constitutional proceedings in the case if any grounds for denial of constitutional proceedings, as stipulated by Article 35 of this Law, have been discovered during a plenary session.

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

5. In a ruling to terminate constitutional proceedings, delivered in connection with finding the content, substantiation and demands of the constitutional complaint manifestly ill-founded, the Court shall provide specific reasons for finding it ill-founded and shall assess the arguments contained in the constitutional complaint regarding the unconstitutionality of the challenged law (specific provisions thereof) and violation of the rights of the subject of the right to a constitutional complaint.

6. The Court may not terminate constitutional proceedings in the case of a constitutional complaint where the form of the constitutional complaint meets the requirements of this Law and where a court of law has referred to the unconstitutionality of the challenged law (specific provisions thereof) in the final court judgment in the case of the subject of the right to a constitutional complaint. In this case, the Court shall be required to adopt a decision on the merits of the constitutional complaint.

Article 37. Consolidation and separation of constitutional proceedings

1. Where the Court receives several applications concerning the same issue or interrelated issues, and where constitutional proceedings with regard to these applications have been opened, the Senate or the Grand Chamber shall deliver a ruling to consolidate 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 consolidate them into joint constitutional proceedings shall be delivered by the Grand Chamber. In this event,

constitutional complaints consolidated 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 consolidate them into joint constitutional proceedings shall be delivered by the Grand Chamber. Constitutional complaints consolidated 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, deliver a ruling on separation of constitutional proceedings into individual constitutional proceedings.

3. Rulings on a consolidation of cases into joint constitutional proceeding and separation of constitutional proceedings should respectively contain reasoned substantiation of the necessity for consolidation and separation of constitutional proceedings.

Chapter IV. GENERAL PROVISIONS ON HEARING OF CASES IN THE CONSTITUTIONAL COURT

Article 38. Forms of constitutional proceedings

1. Cases in which constitutional proceedings have been opened shall be heard under a written or oral procedure. The form of the proceedings shall be determined by the Senate, the Grand Chamber.

2. The basic form of proceedings before the Court shall be an oral procedure. Written procedure shall be the basic form of hearing of cases in constitutional proceedings opened upon constitutional complaints.

3. Together with a constitutional complaint or before the Court proceeds to the in-camera part of a plenary session, a subject of the right to a constitutional complaint may enter a reasoned motion for hearing the case under oral procedure, which shall be considered by the Court, followed by a delivery of a ruling. In the absence of such a motion, the subject of the right to a constitutional complaint shall be regarded as not wishing to hear the case under the oral procedure.

4. In a case heard by the Court under a written procedure, certain issues may be considered under the oral procedure.

5. Upon proceeding to the in-camera part of the plenary session in the case, the Court, should any need to clarify additional circumstances of the case arise, may deliver a ruling to continue hearing the case under the oral procedure.

Article 39. Agenda of the Court

1. The procedure for operation and the schedule of sessions, plenary sessions of the Senates, the Grand Chamber shall be developed by the Presiding Judge of the Senate, the Grand Chamber (hereinafter the "Presiding Judge") in the format of an agenda.

2. Upon preparing the case for hearing (but within three months from the opening of constitutional proceedings), the Judge-rapporteur in the case shall file a submission with the Presiding Judge for the inclusion of the case in the agenda. The Judge-rapporteur shall be subsequently required to support the preparation of the case and apply for its inclusion in the agenda of the Senate, the Grand Chamber not later than two months from the previous regular session of the Court in the case.

At least six Constitutional Court Judges may also file submission for the inclusion of a case in the agenda.

3. The Presiding Judge of the Senate, the Grand Chamber shall include the case in the agenda not later than fifteen business days following the receipt of the submission and shall convene a session or a plenary session of the Court.

In the event that a session or a plenary session in the case was not held, the Presiding Judge of the Senate, the Grand Chamber shall include the case in the agenda not later than fifteen business days following the date of such failed session and shall convene another session or plenary session of the Court.

A session or a plenary session in the case must be scheduled not later than one month from the inclusion of the case in the agenda.

If the event of failure by the Presiding Judge of the Senate, the Grand Chamber to include the case in the agenda within the period specified in this Article, the case, on the proposal of the Judge-rapporteur or at least six Court Judges, may be included in the agenda by a decision upheld by at least ten Court Judges.

4. The date of convening and the agenda of the Court session, the plenary session shall be communicated by the Secretariat to the Court Judges and invited persons (participants, external participants in constitutional proceedings) beforehand, but at least three business days prior to such a session.

5. Upon submission of the Judge-rapporteur, a case in which the Court proceeded to the in-camera part of a plenary session may be included in the agenda without complying with the requirements of this Article, provided that this proposal is upheld by at least twelve Court Judges.

Article 40. Sessions and plenary sessions

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

2. The President of the Court or the Vice-President of the Court shall preside at the sessions or plenary sessions of the Grand Chamber, the Senate, or, in their absence, — the eldest Judge.

Article 41. Sessions and plenary sessions of the Grand Chamber

1. The Grand Chamber at its sessions shall consider the issue of opening or denying constitutional proceedings in the cases upon constitutional petitions or constitutional appeals, in the event of a ruling delivered by the Board to deny constitutional proceedings in the case.

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

Where a notice of recusal (withdrawal) has been granted in respect of the Court Judge(s), the number of Judges whose attendance is necessary for a Grand Chamber session to be regarded as competent shall be reduced by the number of the Court Judges disqualified to hear the case (but in any case, the number of Judges whose attendance is necessary for a Grand Chamber session to be regarded as competent shall be at least ten Court Judges).

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

Where the votes cast by the Court Judges are equally divided, constitutional proceedings in the case shall be deemed as opened.

4. In the event that a ruling has been delivered by the Grand Chamber to open constitutional proceedings in the case, the Judge-rapporteur shall ensure preparation of the case for hearing and its inclusion in the agenda under Article 36 of this Law.

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

6. The Grand Chamber at its plenary sessions shall hear cases in which proceedings have been opened upon a constitutional petition, a constitutional appeal, as well as cases in which proceedings have been opened upon a constitutional complaint, but where the Senate has relinquished its jurisdiction at the discretion of the Grand Chamber.

7. The public part of a plenary session of the Grand Chamber held under an oral procedure shall be recorded by technical means and taking of minutes.

8. The Grand Chamber shall adopt its decision and provide its opinion in the in-camera part of a plenary session.

9. Speeches made by the Court Judges during the in-camera part of a plenary session of the Grand Chamber shall constitute privileged information and may not be disclosed.

10. Minutes of the in-camera part of a plenary session of the Grand Chamber may not be disclosed and shall be kept separately from the case files.

11. Where a notice of recusal (withdrawal) has been granted in respect of the Court Judge(s), the number of Judges who should vote for delivery of a ruling (provision of an opinion) shall be reduced by the number of the Court Judges disqualified to hear the case (but in any case the number of Judges who should vote for delivery of a ruling (provision of an opinion) shall be at least ten Court Judges).

Article 42. Sessions and plenary sessions of the Senate

1. The Senate at its session shall consider the issue of opening or denying constitutional proceedings in the case upon a constitutional complaint, where the Board has not been unanimous in delivering a ruling denying constitutional proceedings.

2. Sessions and plenary sessions of the Senate shall be competent when attended by at least six Judges who are members of the Senate.

3. A ruling is delivered by the Senate if voted for by the majority of the Constitutional Court Judges attending the session.

4. Where the votes cast by the Court Judges who are members of the Senate are equally divided, constitutional proceedings in the case shall be deemed as opened.

5. In the event that a ruling has been delivered at a session of the Senate to open constitutional proceedings in the case upon a constitutional complaint, the Judge-rapporteur shall ensure preparation of the case for hearing and its inclusion in the agenda in the manner prescribed by Article 36 of this Law.

6. A ruling delivered by the Senate to deny constitutional proceedings in the case upon a constitutional complaint shall be final.

7. The public part of a plenary session of the Senate held under an oral procedure shall be recorded by technical means and taking of minutes.

8. The Senate shall adopt its decision in the in-camera part of a plenary session.

9. Speeches made by the Court Judges during the in-camera part of a plenary session of the Senate shall constitute privileged information and may not be disclosed.

10. Minutes of the in-camera part of a plenary session of the Senate may not be disclosed and shall be kept separately from the case files.

11. The Court's decision in a case upon a constitutional complaint, which is referred to in part twelve of this Article, shall be adopted if voted for by at least six Constitutional Court Judges who are members of the Senate (taking into account the Judges involved in hearing a specific case under Article 15.4 of this Law).

12. Where in the course of hearing a case upon a constitutional complaint the Senate comes to the conclusion that the law (specific provisions thereof), which is challenged by the subject of the right to a constitutional complaint, conforms to the Constitution of Ukraine, the Senate shall adopt a decision on its constitutionality, which shall be binding, final and may not be appealed.

Where in the course of hearing a case upon a constitutional complaint the Senate comes to the conclusion that the law (specific provisions thereof), which is challenged by the subject of the right to a constitutional complaint, does not conform to the Constitution of Ukraine, the Senate shall adopt a draft decision on its unconstitutionality and shall enter a motion with the Grand Chamber for its approval.

Any information about a motion by the Senate for approval of the Senate's draft decision by the Grand Chamber shall be regarded as relating to the in-camera part of a plenary session and may not be disclosed and/or promulgated.

13. A motion by the Senate to confirm the Senate's draft decision entered under part twelve of this Article shall be considered by the Grand Chamber within 30 calendar days from the receipt of the motion, followed by delivery of a ruling either:

- 1) to commence hearing of the case by the Grand Chamber; or
- 2) to approve the Senate's draft decision.

14. Where the Grand Chamber delivers a ruling to commence hearing of the case first by the Grand Chamber, the case upon a constitutional complaint shall be heard anew according to the rules provided in the event of relinquishment of jurisdiction by the Senate at the discretion of the Grand Chamber.

Where the Grand Chamber delivers a ruling to approve the Senate's draft decision, the Senate's decision shall be deemed adopted as of the date of such ruling delivered by the Grand Chamber.

15. Rulings of the Grand Chamber referred to in part thirteen of this Article are delivered if voted for by the number the Court Judges determined under Article 41.11 of this Law.

Where the Grand Chamber fails to deliver any ruling referred to in part thirteen of this Article within 30 calendar days from the receipt of the Senate's motion, the case shall first be heard by the Grand Chamber.

Article 43. Summoning of participants and external participants in constitutional proceedings

1. Participants in constitutional proceedings, interpreter, witness, specialist, expert, other participants in constitutional proceedings involved by the Court in the case must be notified of plenary sessions in the case in which the Court did not proceed to the in-camera part of a plenary session, subject to the timeline established by Article 39.4 of this Law.

2. The Secretariat shall notify of the date, time and venue of the hearing by sending summonses. With the written consent of the person referred to in part one of this Article, a notice of the date, time and venue of the hearing may be given by e-mail, facsimile message (fax, telefax), telephone, etc.

3. The Board, the Senate, the Grand Chamber may postpone the hearing of the case if the participant in constitutional proceedings has failed to arrive at the 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 deliver a ruling on hearing a case in his absence.

5. Where a participant in constitutional proceedings, who was duly notified of the date, time, and venue of the hearing, has failed to arrive at a relevant session without a valid reason, the Board, the Senate, or the Grand Chamber shall hear the case in his absence.

Article 44. Relinquishment of jurisdiction by the Senate at the discretion of the Grand Chamber

1. The Senate shall relinquish jurisdiction at the discretion of the Grand Chamber in the following instances:

1) where a case pending before the Senate requires interpretation of the Constitution of Ukraine;

2) where the resolution of an issue before the Senate may cause inconsistency with legal propositions previously approved by the Court, or where the Court's constitutional doctrine must be agreed;

3) where the issue before the Senate concerns an exceptional legal problem, affects the interests of a wide range of persons, or the ruling delivered in the case will have a significant impact on the development of the Court's legal propositions.

2. Irrespective of the existence of circumstances referred to in part one of this Article, the Senate must also relinquish jurisdiction at the discretion of the Grand Chamber in the event that the hearing of the case is not over within one year from the opening of constitutional proceedings.

3. By the majority of the Constitutional Court Judges attending the session, the Senate shall deliver a ruling to relinquish jurisdiction at the discretion of the Grand Chamber, citing the relevant grounds.

4. At the proposal of at least three Constitutional Court Judges, on the grounds referred to in part one of this Article, the case may be evoked by the Grand Chamber from the Senate to be heard by the Grand Chamber if at least ten Constitutional Court Judges vote in favour of it.

Article 45. Ensuring complete hearing of a case

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

1) demand and obtain from the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Prosecutor General, judges, other government authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities, officers, enterprises, institutions, organisations of all patterns of ownership, political parties, public associations 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 officers, experts, professionals, witnesses, authorised representatives of the subjects of an application, or persons whose attendance is necessary to ensure unbiased and complete hearing of the case;

4) in the cases where constitutional proceedings have been opened upon a constitutional complaint, invite in writing the subject of the right to a constitutional complaint to provide answers to the questions concerning the subject matter of constitutional proceedings.

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 provide the requested documents, materials or other information, or their intentional concealment shall entail liability of persons guilty thereof under the law.

3. Written substantiated academic and legal opinions (amicus curiae briefs) may be submitted on the issues pending before the Court, the Senate, or the Grand Chamber. Adducing to the case and consideration of such opinions shall be decided by the Court at its sole discretion.

The procedure and grounds for submitting such opinions shall be determined by the Court's Rules of Procedure.

4. Judges shall have the right to familiarise themselves with case files at any stage of the proceedings or preparation of such case files for consideration.

Article 46. 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. Participants in constitutional proceedings, interpreter, witness, specialist, expert, other participants in constitutional proceedings involved by the Constitutional Court in the case, for disrespect to the Court which has manifested itself in persistent evasion of appearance at a session, a plenary session of the Senate or the Grand Chamber of the Court, or in non-compliance by these or other persons with the orders issued by the Presiding Judge, or in breach of order during such sessions, as well as other persons present in the Session Hall (other than the Court Judges) — for committing any actions that evidence clear contempt of the Court, shall be held liable in the manner prescribed by the law.

4. Order in the Session Hall shall be maintained by the office of Court administrators.

5. Where ordered by the Senate or the Grand Chamber, a Court administrator shall expel the offender from the Session Hall.

Article 47. Term of constitutional proceedings

1. The term of constitutional proceedings shall be calculated from the date when a ruling to open constitutional proceedings was delivered 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 delivered by the Senate.

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

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

1) on providing an opinion on the conformity of a draft law on amendments to the Constitution of Ukraine to Articles 157 and 158 of the Constitution of Ukraine;

2) on the constitutionality of acts of the Cabinet of Ministers of Ukraine, upon application by the President of Ukraine under Article 106.1.15 of the Constitution of Ukraine;

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

4. The subject of the right to a constitutional complaint (other than a public entity) that was not considered within the timeline established by this Law shall be entitled to compensation from the state budget if his rights, freedoms and lawful interests were harmed by a violation of the timeline for constitutional proceedings. The amount of compensation, schedule and procedure for payment thereof shall be established by a resolution of the Cabinet of Ministers of Ukraine.

5. In the event that the Senate or the Grand Chamber exceeds the timeline for constitutional proceedings established by this Law, the Senate or the Grand Chamber, before which the case is pending, shall deliver a reasoned ruling to extend the timeline for constitutional proceedings, but not more than for one month.

Article 48. Familiarisation of participants in constitutional proceedings with case files

1. A participant and an external participant in constitutional proceedings shall have the right to familiarise themselves with case files to the extent and in the manner stipulated by this Article.

2. A participant or an external participant in constitutional proceedings shall enter a motion for familiarisation with the case files, which shall be considered by the Judge-rapporteur.

The motion may be entered electronically, under an electronic signature and in compliance with the Law of Ukraine on Electronic Documents and Electronic Document Management. The electronic signature shall be validated by the Secretariat.

3. For the purpose of familiarisation, clarifications from other participants in the proceedings, materials, clarifications, opinions, analytical reports prepared or obtained on demand by the Court, the Judge-rapporteur in the manner prescribed by Article 33 of this Law, legal opinions adduced to the case files in the manner prescribed by Article 45.3 of this Law, and other materials that are extraneous to the materials of the in-camera part of a plenary session in the case shall be provided.

Materials of the in-camera part of the plenary session (draft acts of the Court, the Court's proposals to them, minutes of in-camera parts of plenary sessions, etc.) shall not be provided for familiarisation. Documents that contain restricted information shall be provided according to the procedure established by applicable laws of Ukraine.

4. When familiarising with the case files, the participant, external participant in constitutional proceedings shall have the right to make extracts from the case files and copies (photocopies) thereof using his own equipment.

5. A motion by a participant, external participant in constitutional proceedings may contain a request to provide the case files by forwarding them electronically. This motion may only be made electronically under part two of this Article. In this case, the Court shall forward the requested case files electronically to the e-mail address of the participant, external participant in constitutional proceedings.

6. Where a representative of the subject of the right to a constitutional petition or appeal, subject of the right to a constitutional complaint (his authorised person, representative) has provided the e-mail address, the Court shall independently forward to this address the files referred to in part three of this Article within ten business days from adducing them to the case files.

7. The procedure for acceptance and processing of a motion for familiarisation with the case files, which was submitted electronically, and for the electronic signature validation by the Secretariat shall be established by law and the Court's internal acts.

Article 49. Reimbursement of expenses incurred by the subject of the right to a constitutional complaint

1. The subject of the right to a constitutional complaint, on the constitutional complaint of which a ruling has been delivered, shall be entitled to reimbursement from the state budget of the expenses related to applying to the Court and hearing the case in the Court. The structure and maximum amount of expenses prior to reimbursement, the timeline and procedure for payment thereof shall be established by a resolution of the Cabinet of Ministers of Ukraine.

Chapter V. SPECIFICS OF HEARING OF CERTAIN CASE CATEGORIES BY THE COURT

Article 50. Specifics of proceedings concerning conformity to the Constitution of Ukraine (constitutionality) of questions to be put to an all-Ukrainian referendum on a popular initiative

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

2. The subject matter of the proceedings shall include the questions proposed to be put to an all-Ukrainian referendum on a popular initiative.

3. Where an issue is to be considered concerning the conformity to the Constitution of Ukraine (constitutionality) of the questions proposed to be put to an all-Ukrainian referendum on

a popular initiative, the Court shall involve a representative or representatives of an all-Ukrainian referendum initiative group in constitutional proceedings.

4. The Court may involve, where necessary, representatives of political parties and public associations in constitutional proceedings.

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

Article 51. Specifics of proceedings concerning conformity to 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 their binding effect

1. The Constitutional Court of Ukraine hears cases and provides opinions on constitutionality:

1) applicable international treaties of Ukraine;
2) international treaties to be submitted to the Verkhovna Rada of Ukraine for its consent to their binding effect.

2. Where opinions on non-conformity of an international treaty to the Constitution of Ukraine have been provided, the Court shall also decide on the unconstitutionality of this treaty or specific parts thereof in the same proceedings.

3. When hearing a case that concerns constitutionality of a legal act referred to in part one of this Article, the Court shall concurrently provide an opinion on the constitutionality of an international treaty of Ukraine, which came into force under this legal act.

4. The law (specific provisions thereof) on ratification of an international treaty may be challenged for its conformity to the Constitution of Ukraine under a general procedure established by the Constitution of Ukraine and this Law.

Article 52. Specifics of proceedings concerning the observance of the constitutional procedure for investigating and hearing a case on the removal of the President of Ukraine from office through impeachment

1. A constitutional petition from the Verkhovna Rada of Ukraine, concerning the provision of an opinion on the observance of the constitutional procedure for investigating and hearing a case on the removal of the President of Ukraine from office through impeachment, shall constitute grounds for opening constitutional proceedings in the case.

The constitutional petition from the Verkhovna Rada of Ukraine should contain a detailed description of the procedural actions taken, indicating their date, place and grounds for performing them, as well as documents and other materials that evidence observance of the constitutional procedure for investigating and hearing a case on the removal of the President of Ukraine from office through impeachment.

The following documents and materials shall be adduced to the said constitutional petition from the Verkhovna Rada of Ukraine:

1) on initiating the removal of the President of Ukraine from office through impeachment;
2) on the establishment and operation of a special ad hoc investigation commission of the Verkhovna Rada of Ukraine to conduct investigation, opinions and proposals from such commission;

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

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

2. Within five business days from the receipt of the constitutional petition from the Verkhovna Rada of Ukraine, the Constitutional Court of Ukraine shall, under an extraordinary procedure, open proceedings in the case of providing an opinion on the observance of the constitutional procedure for investigating and hearing a case on the removal of the President of Ukraine from office through impeachment.

3. Voluntary resignation of the President of Ukraine against whom accusations have been brought shall constitute grounds for closing constitutional proceedings in the case.

4. The Constitutional Court of Ukraine shall provide an opinion in the case concerning the observance of the constitutional procedure for investigating and hearing a case on the removal of the President of Ukraine from office through impeachment under Article 111.6 of the Constitution of Ukraine.

A copy of the opinion of the Constitutional Court of Ukraine, together with a copy of the case files, shall be forwarded to the Verkhovna Rada of Ukraine and the President of Ukraine not later than the following business day after the approval thereof.

Chapter VI. ACTS OF THE COURT, IMPLEMENTATION OF RULINGS AND OPINIONS OF THE COURT

Article 53. Types of Court acts

1. The Court shall adopt decisions, provide opinions, deliver rulings, and issue interim orders in the matters related to constitutional proceedings.

2. The Court shall adopt the Rules of Procedure and other internal acts on matters not related to constitutional proceedings in the form of resolutions.

Where this Law and the Law of Ukraine on the Constitutional Court of Ukraine provide for the possibility of addressing certain issues by internal acts of the Court, the Court may resolve several such issues by a single internal act of the Court.

Article 54. Register of Court Acts

1. The Register of Court Acts of Ukraine (hereinafter the "Register") shall operate, to be maintained by the Court, in order to ensure public access to the Court acts in the instances stipulated by this Law.

The date and time of promulgating the relevant act of the Court must be indicated in the Register.

2. The Court acts referred to in Article 53 of this Law and related to constitutional proceedings shall be public and shall be promulgated in the Register electronically upon their adoption, unless otherwise provided by parts four and five of this Article.

Dissenting opinions of Judges shall be promulgated in the Register electronically upon their presentation by the Judge.

3. Deleting the Court acts from the Register or amending them shall not be allowed, except where a technical error made when entering an act in the Register or maintaining the Register must be corrected, or clerical errors in the text of the act must be corrected in the instances stipulated by this Law (with a mandatory indication in the Register of such deletions or amendments made to the acts previously promulgated in the Register).

4. Rulings of the Court that contain information related to the in-camera part of a plenary session of the proceedings may not be promulgated in the Register for public access.

5. The following information may not be disclosed in the texts of the Court acts entered in the Register:

1) place of residence or stay of individuals, numbers of telephones or other means of communication, e-mail addresses, registration numbers of the taxpayer record card, details of identity documents, unique entry numbers in the Unified State Demographic Register;

2) vehicle registration numbers;

3) bank account numbers, payment card numbers;

4) information, to protect which the case was heard or certain procedural actions were performed in an in-camera plenary session;

5) other restricted information in the instances provided by law.

Such information shall be replaced by alphanumeric symbols. Surnames, names and patronymics of individuals shall not be concealed in the acts entered in the Register.

6. The procedure for maintaining the Register shall be determined by the Regulations to be approved by the Court.

Article 55. Decision of the Court

1. A decision of the Court shall be adopted by:

1) the Grand Chamber following the hearing of the cases upon constitutional petitions concerning the 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 Supreme Council of the Autonomous Republic of Crimea, and concerning the official interpretation of the Constitution of Ukraine, as well as following hearing of the cases upon constitutional complaints in the event of relinquishment of jurisdiction by the Senate in the case of constitutional complaint at the discretion of the Grand Chamber;

2) the Senate following the hearing of the cases upon constitutional complaints.

Article 56. Opinion of the Court

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

1) conformity to 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 their binding effect;

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

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

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

5) violation by the Supreme Council of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;

6) conformity of legal regulations of the Supreme Council of the Autonomous Republic of Crimea to the Constitution of Ukraine and laws of Ukraine.

Article 57. Ruling of the Court

1. In order to address issues associated with opening, denying, or closing procedures in the case, other procedural actions, motions, a procedure for the hearing of cases, the Court shall deliver relevant rulings.

2. The Court shall forward the ruling to the participant and external participant in constitutional proceedings not later than the following business day after the delivery thereof.

Article 58. Interim order of the Constitutional Court

1. The Court may issue an interim order to take measures to secure a constitutional complaint under the procedure stipulated by Article 30 of this Law.

2. An interim order is a writ of execution to be enforced immediately, which must comply with the requirements for a writ of execution, as established by Article 4 of the Law of Ukraine on Enforcement Proceedings.

An interim order is binding on all government authorities, local self-government authorities, their officers and officials, individuals and legal entities and their associations throughout Ukraine, regardless of the application by the person, in whose favour the interim order was issued, for its enforcement under the Law of Ukraine on Enforcement Proceedings.

3. An interim order shall be registered in the manner and according to the requirements established by the Regulations on the automated enforcement system.

An interim order shall be delivered by the Secretariat for registration with the automated enforcement system no later than the following business day after its issuance by the Court.

Article 59. Internal acts of the Court

1. Internal acts of the Court include acts adopted by the Court on the grounds established by this Law and to the extent not regulated by the Constitution and laws of Ukraine in order to regulate internal matters of its operation which are not related to constitutional proceedings.

2. The Court may detail in its internal acts the following procedural matters not regulated by this Law:

1) the procedure for operation of, and hearing of cases by the Boards;

2) the procedure for drawing up draft acts of the Court, and familiarising judges with them;

3) specifics of holding sessions or special plenary sessions of the Court;

4) the procedure for recording sessions and plenary sessions of the Court, storage of files of sessions and plenary sessions of the Court (minutes, records, etc.);

5) the procedure for accepting and processing documents related to constitutional proceedings, which are submitted to the Court electronically;

6) the procedure for sending electronic correspondence by the Court, verification of its delivery in the instances stipulated by this Law;

7) other matters referred to in this Law.

3. The main internal act of the Court is the Rules of Procedure which are adopted by the Court at a special plenary session of the Court.

[The Rules of Procedure and amendments thereto shall be adopted if voted for by at least two-thirds of the constitutional composition of the Court.](#)

4. Within ten days from their adoption, the Court shall post the Rules of Procedure and amendments thereto, indicating the date of their entry into force, on its official website and shall promulgate them in the Journal of the Constitutional Court of Ukraine.

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

5. Other acts of the Court which regulate the management of its operation shall be adopted by the Court at its session by a majority of the constitutional composition of the Court and posted on the Court's website not later than the day following the date of their adoption by the Court.

6. Internal acts of the Court may neither impose additional obligations on participants and externals participants in constitutional proceedings and limit their rights stipulated by this Law nor extend the powers of the Court.

7. Internal acts of the Court shall be adopted by the Court in its session by a majority of those present, but at least by ten Court Judges.

Article 60. Adoption of decisions and provision of opinions by the Court

1. The Court shall adopt a decision and provide an opinion in the name of Ukraine.

2. The Court shall adopt a decision or provide an opinion in the in-camera part of a plenary session of the Senate or the Grand Chamber by a roll call vote of the Court Judges who heard the case.

3. Proposals by the Court Judges regarding a draft decision or opinion shall be put to the vote in the order of their receipt.

4. When adopting a decision or providing an opinion, a Judge may not abstain from voting.

5. A decision of the Court shall be adopted, and an opinion of the Court — provided if at least twelve Court Judges have voted in favour thereof.

6. Decisions and opinions of the Court shall be signed separately by the Court Judges who voted for, and by the Court Judges who voted against them. A decision or an opinion of the Court shall be final and may not be appealed.

7. A Court Judge shall be required to sign a decision or an opinion of the Court.

A statement by a Court Judge on withdrawal of his signature shall have no legal implications.

8. The Court shall forward the decision or opinion to the participant in constitutional proceedings not later than the following business day after adopting the decision or providing the opinion.

Article 61. Requirements for the Court's decision

1. A decision of the Court shall contain:

- 1) a preamble;
- 2) a descriptive part;
- 3) a reasoning part; and
- 4) an operative part.

2. The preamble of the decision shall indicate:

- 1) the title, date and place of adoption, and the number of the decision;
- 2) the adopting body;
- 3) the Judges who heard the case;
- 4) information about Court Judges who have expressed dissenting opinions;

- 5) the list of participants and external participants in constitutional proceedings;
3. The descriptive part of the decision shall indicate:
 - 1) the full title, date of adoption, and reference number of the act the constitutionality of which is challenged; the name of the authority or the officer who adopted the act that is considered by the Court;
 - 2) demands of the constitutional petition or complaint;
 - 3) a summary of the key arguments concerning constitutionality or unconstitutionality of the legal act (specific provisions thereof), and of the stance taken by the participants, external participants on the subject of constitutional proceedings;
4. The reasoning part of the decision shall indicate:
 - 1) analysis of evidence, documents, expert opinions and other case files;
 - 2) analysis of the demands made in the constitutional petition, complaint, and of the stance taken by the participants, external participants in constitutional proceedings, as well as response to their key arguments and reasoning concerning the subject matter of constitutional proceedings;
 - 3) substantiation of the necessity to declare unconstitutional the act (specific provisions thereof) that became ineffective (if this is the case);
 - 4) the Court's stance on the subject matter of constitutional proceedings and its summary, indicating the key provisions of the Constitution of Ukraine on which it is based, the appropriate and sufficient reasons and grounds for adopting the decision;
 - 5) the procedure for execution of the decision and/or specifics of the procedure for compensating material and moral damage caused by acts and actions that have been found unconstitutional (where established by the Court).
5. The operative part of the decision shall indicate:
 - 1) the act (specific provisions thereof) which the Court finds constitutional or unconstitutional in the case concerning the constitutionality of the act (specific provisions thereof);
 - 2) the date when the act (its separate provisions) becomes ineffective if established by the Court or where its establishment is mandatory under to this Law;
 - 3) official interpretation of the provisions of the Constitution of Ukraine, in respect of which the constitutional petition was submitted in the case concerning the official interpretation of the Constitution of Ukraine;
 - 4) the fact that the decision of the Court is binding, final and may not be appealed;
 - 5) the source in which the decision of the Court is to be published.
6. 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 that the act is found unconstitutional.
7. The Court may find the act (specific provisions thereof) as not conforming to the Constitution of Ukraine in a certain aspect (its application in a certain manner, to a range of legal relations or persons determined by the Court, etc.) without becoming ineffective. In such a case, the act (specific provisions thereof) shall cease to apply in an aspect determined by the Court in the manner and according to the timeline determined by the Court.

In its decision upon a constitutional complaint, the Court may not refer to an incorrect manner of application and interpretation of the law by a court of law, unless otherwise provided by the preceding indent of this part of the Article.
8. In the event that the Court finds an invalid act (specific provisions thereof) non-compliant to the Constitution of Ukraine, the Court shall not indicate its invalidity in its decision (unless otherwise provided by Article 32.1.1 of this Law). In this case, the decision shall give substantiation for the need to find such an act (specific provisions thereof) unconstitutional.

Article 62. Requirements for the Court's opinion

1. An opinion of the Court shall contain:
 - 1) a preamble;
 - 2) a descriptive part;
 - 3) a reasoning part; and
 - 4) an operative part.
2. The preamble of the opinion shall indicate:
 - 1) the title, date and place of provision, and the number of the decision;

- 2) the fact that the opinion is provided by the Grand Chamber;
 - 3) the Judges who heard the case;
 - 4) information about Court Judges who have expressed dissenting opinions;
 - 5) the list of participants and external participants in constitutional proceedings;
3. The descriptive part of the opinion shall indicate:
 - 1) the demands set out in the constitutional appeal;
 - 2) a summary of the key arguments concerning the subject matter of the constitutional appeal, the stance was taken by the participants, external participants in constitutional proceedings;
 4. The reasoning part of the opinion shall indicate:
 - 1) analysis of the demands made in the constitutional appeal, and of the stance taken by the participants, external participants in constitutional proceedings, as well as response to their key arguments and reasoning concerning the subject matter of constitutional proceedings;
 - 2) analysis of evidence, documents, expert opinions and other case files;
 - 3) the Court's stance on the subject matter of constitutional proceedings and its summary, indicating the key provisions of the Constitution of Ukraine on which it is based, the appropriate and sufficient reasons and grounds for providing the opinion.
 4. The operative part of the opinion shall indicate:
 - 1) provisions of an international treaty which the Court finds constitutional or unconstitutional — in the case concerning the 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 its binding effect;
 - 2) questions that the Court finds constitutional or unconstitutional — in the case concerning conformity to the Constitution of Ukraine (constitutionality) of the questions to be put to an all-Ukrainian referendum on a popular initiative;
 - 3) whether the constitutional procedure for investigating and considering a case on the removal of the President of Ukraine from office through impeachment was complied with — in the case concerning compliance with such procedure;
 - 4) provisions of a draft law which conform to the requirements of Articles 157 and 158 of the Constitution of Ukraine, and those provisions that do not conform to such requirements — in the case concerning conformity to the requirements of Articles 157 and 158 of the Constitution of Ukraine of a draft law on the amendments to the Constitution of Ukraine;
 - 5) whether the Supreme Council of the Autonomous Republic of Crimea has violated the Constitution of Ukraine or laws of Ukraine — in the case of violation by the Supreme Council of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine;
 - 6) legal regulations of the Supreme Council of the Autonomous Republic of Crimea (specific provisions thereof) found by the Court to be conforming to the Constitution of Ukraine and laws of Ukraine, or non-conforming to the Constitution of Ukraine and laws of Ukraine — in the case concerning conformity of legal regulation of the Supreme Council of the Autonomous Republic of Crimea to the Constitution of Ukraine and laws of Ukraine;
 - 7) the fact that the opinion of the Court is binding, final and may not be appealed;
 - 8) the source in which the opinion of the Court is to be published.
 5. In the operative part of the Court's opinion on the conformity of the draft law on amendments to the Constitution of Ukraine to the requirements of Articles 157 and 158 of the Constitution of Ukraine, the Court may express reservations concerning substantive inconsistencies or contradictions in such draft law, which will have a determining effect on the Verkhovna Rada of Ukraine in the manner prescribed by the Rules of Procedure of the Verkhovna Rada of Ukraine.

Article 63. Determination by the Court of the date of an act (specific provisions thereof) becoming ineffective

1. Laws, other acts or specific provisions thereof, which have been found unconstitutional, shall become ineffective as of the date of adoption of the Court's decision on their unconstitutionality, unless otherwise stipulated by the decision itself, but not earlier than the day of its adoption.

2. The Court may set a special timeline for the law (specific provisions thereof) becoming ineffective, which establishes legal liability and/or the procedure for imposition of legal liability. This timeline may not exceed three months.

The Court may also set a special timeline for the legal act (specific provisions thereof) becoming ineffective where the only ground for finding it unconstitutional was a violation of the procedure established by the Constitution of Ukraine for its consideration, adoption or entry into force.

3. Where an act (specific provisions thereof) has been declared unconstitutional, with the indication in the decision that it becomes ineffective not as of the date of adoption of the Court's decision, such act (specific provisions thereof) shall continue to be applied within the timeline set by the Court, subject to the Court's findings.

Article 64. Legal proposition of the Court

1. The Court shall state its legal proposition in the reasoning and/or operative part of a decision or an opinion. The Court's legal proposition may be set forth in the rulings, as delivered by the Senate or the Grand Chamber, to deny constitutional proceedings in the case or to close constitutional proceedings in the case.

2. The Court may develop and elaborate the Court's legal proposition in its subsequent acts, change its legal proposition in the event of a substantial change to statutory regulations that the Court was guided by when expressing such proposition, or in order to improve the protection of constitutional rights and freedoms, taking into account Ukraine's international obligations, subject to the substantiation of such change in the Court's act.

Article 65. Dissenting opinion of a Judge

1. A Judge who has signed a decision, opinion or ruling to deny constitutional proceedings in the case or to close constitutional proceedings may state a dissenting opinion, which should be stated by him on the date of such decision, opinion or ruling and which shall be reflected in the relevant Court act.

A dissenting opinion must be expressed on or before the tenth business day from the adoption of a decision, provision of an opinion, delivery of a ruling.

2. A Judge shall state his dissenting opinion in writing, to be attached to the relevant Court act and promptly promulgated in the Register of Court Acts.

Article 66. Official promulgation and publication of Court acts

1. All acts of the Court following the constitutional proceedings shall be promulgated in the Register of Court Acts on the day of their adoption or, under the Court's ruling in certain instances — in the Court Session Hall.

An act shall be promptly promulgated in the wording voted for by the number of the Court Judges required for its adoption under this Law, regardless of the date when the act will be signed by all the Court Judges who participated in the hearing of the case.

A Court act, together with the dissenting opinion of a Judge, shall be promulgated in the Journal of the Constitutional Court of Ukraine and other official printed media of Ukraine.

2. The procedure for, and the manner of official promulgation of Court acts in the Court Session Hall, and the Register of Court Acts shall be established by internal acts of the Court.

Article 67. Elimination of errors in the text of a Court act

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

2. A ruling to eliminate clerical errors shall be delivered by the Court as a constituent part of a relevant decision, ruling, or opinion of the Court. This ruling shall be delivered if voted for by the number of the Court Judges which is required to adopt the relevant Court act under this Law.

Article 68. Procedure for execution of decisions and opinions of the Court

1. On or before the following business day after adopting a decision or providing an opinion, the Court shall forward copies of the decision or the opinion to participants in

constitutional proceedings, as well as to the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Supreme Court, and the Prosecutor General.

2. The Court may not establish in its decision or opinion the procedure and the timeline for execution thereof and place relevant government authorities under an obligation to provide monitoring over the execution of the decision or observance of the opinion.

3. After a decision has been adopted or an opinion has been provided by the Court, all government and local self-government authorities shall be required to bring their legal regulations, either immediately or within the period specified in the Court's decision or opinion, in compliance with the Court's decision or opinion.

The Court shall have the right to demand from the authorities referred to in this Article written confirmation of execution of the decision or of observance of the opinion of the Court.

4. Where a legal act (specific provisions thereof), which has been found unconstitutional, stipulates that other acts (specific provisions thereof) become ineffective, are repealed or amended, such acts shall not be renewed and applied, whereas amendments made to other acts shall not become ineffective, unless otherwise specified in the Court's decision.

5. Upon a motion from a participant in constitutional proceedings who participated in the case, the Court may clarify the procedure for execution, implications or specific provisions of the Court's decision, ruling or opinion; such clarifications, however, shall be given within three months from adopting the decision, delivering the ruling, or providing the opinion.

Upon receipt of a relevant motion, the Judge-rapporteur shall, within one month, prepare the issue for hearing at a Court session.

6. A ruling to clarify the procedure for executing the Court's decision, ruling or opinion shall be delivered by the Court as a constituent part of the relevant decision, ruling, or opinion of the Court. This ruling shall be delivered if voted for by the number of the Court Judges which is required to adopt the relevant Court act under this Law.

7. The Court shall monitor the execution of the Court's decisions and opinions.

Article 69. Compensation for damage caused by the application of acts and by actions found unconstitutional by the Court

1. Individuals or legal entities shall be indemnified for material and moral damage caused by acts and actions that have been found unconstitutional by the Court under the procedure established by the law, through the application of the general provisions of the Civil Code of Ukraine on indemnification to the extent not regulated by this Law.

2. Individuals shall be indemnified judicially for material and moral damage, and legal entities — for material and moral damage caused by acts and actions that have been found unconstitutional by the Court.

3. The structure of material damage caused by acts and actions that have been found unconstitutional by the Court shall be determined under Article 22 of the Civil Code of Ukraine and shall include, in particular, funds (or the monetary equivalent of property) that the person did not receive, lost or paid in connection with the action and application to it of the acts that have been found unconstitutional by the Court (unless other ways are available to obtain or recover these funds and property).

4. The Court may not determine by its decision any specifics of the procedure for compensating material and moral damage caused by acts and actions that have been found unconstitutional by the Court, including those concerning the range of persons entitled to compensation, the procedure for proving the damage caused, and the maximum amount of compensation.

Article 70. Liability for failure to execute the Court acts

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

Chapter VII. FINAL PROVISIONS

1. This Law shall come into force on the day following the date of its promulgation, except:
 - 1) Article 8 that shall come into force on the day following the date when an announcement of the commencement of the Register operation was posted by the Court on its website;
 - 2) Article 9, the first indent of Article 12.2, Article 12.4, the second indent of Article 13.1, Articles 29.1 and 29.2, which shall come into force on the day following the date when an announcement of the commencement of the operation of the Court's automated workflow system was posted by the Court on its website;
 - 3) Articles 24.4–6, the second indent of Article 45.2, and Article 45.5 that shall come into force three months from the day following the date of promulgation of this Law;
 - 4) Article 54.3 that shall come into force three months from the day following the date of promulgation of this Law.
2. The Cabinet of Ministers of Ukraine shall, within three months from this Law coming into force:
 - develop and submit to the Verkhovna Rada of Ukraine a draft law on the procedure for indemnification by the State for material and moral damage caused to individuals or legal entities by acts and actions found unconstitutional by the Court (Article 152.3 of the Constitution of Ukraine);
 - develop and approve the procedure for reimbursement from the State Budget of expenses incurred by the subject of the right to a constitutional complaint and the procedure for payment of compensation for violation of the terms of consideration of a constitutional complaint.
3. The High Council of Justice shall, within three months from this Law becoming effective, provide the Secretariat of the Court with the technical capability of accessing the Unified State Register of Adjudications in order to exercise the powers stipulated by this Law.
4. The Ministry of Justice of Ukraine shall, within three months from this Law becoming effective, bring the Regulations on the automated enforcement system in conformity to this Law.
5. The Court shall:
 - 1) within three months from this Law becoming effective, bring its internal acts in conformity to this Law;
 - 2) within six months from this Law becoming effective, approve the Regulations on the Court's automated workflow system and the Regulation on the Register of Court Acts.
6. That the following legislative acts of Ukraine be amended:
 - 1) in the Economic Procedural Code of Ukraine (Bulletin *Vidomosti Verkhovnoi Rady Ukrainy*, 1992, No. 6, p. 56, as amended):
 - a) in Article 320.3.1, the words "if the court's decision has not been executed yet" be deleted;
 - b) in Article 321.2:
 - in paragraph 1, the words "and paragraph 1, part 3" be added after the words "part 2";
 - in paragraph 2, the words "part 3" be replaced with the words "and paragraphs 2 and 3, part 3";
 - 2) in the Civil Procedural Code of Ukraine (Bulletin *Vidomosti Verkhovnoi Rady Ukrainy*, 2004, Nos. 40–41, 42, p. 492, as amended):
 - a) in Article 423.3.1, the words "if the court's decision has not been executed yet" be deleted;
 - b) in Article 424.2:
 - in paragraph 1, the words "and paragraph 1, part 3" be added after the words "part 2";
 - in paragraph 2, the words "part 3" be replaced with the words "paragraphs 2 and 3, part 3";
 - 3) in the Code of Administrative Procedure of Ukraine (Bulletin *Vidomosti Verkhovnoi Rady Ukrainy*, 2005, Nos. 35–36, No. 37, p. 446, as amended):
 - a) in Article 361:
 - in paragraph 1, part 5, the words "if the court's decision has not been executed yet" be deleted;

b) in Article 363.2:

in paragraph 1, the words “on the grounds stipulated by paragraph 1, part two” be replaced with the words “on the grounds stipulated by paragraph 1, part two, and paragraph 1, part 5”;

in paragraph 2, the words “part 3” be replaced with the words “paragraphs 2 and 3, part 3”;

4) in the Law of Ukraine on the Constitutional Court of Ukraine (Bulletin Vidomosti Verkhovnoi Rady Ukrainy, 2017, No. 35, p. 376, as amended):

a) Articles 6, 7, 8, 32, 35, 36, 37, 38, as well as Chapter II be deleted;

b) Article 3 be restated to read as follows:

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

2. This Law establishes the procedure for organisation and operation of the Constitutional Court of Ukraine, and the status of the judges of the Constitutional Court.

The procedure for applying to the Constitutional Court, the procedure for the hearing of cases, adoption and execution of decisions, provision and implementation of opinions by the Court are established by the Law of Ukraine on the Procedure for Hearing of Cases and Implementation of Decisions of the Constitutional Court of Ukraine.

3. In accordance with this Law and the Law of Ukraine on the Procedure for Hearing of Cases and Implementation of Decisions of the Constitutional Court of Ukraine, the Court shall approve the Rules of Procedure and other internal acts that regulate the management of its operation.”;

c) the second indent of Article 11.3 be restated to read as follows:

“A person may not be appointed to the position of the Constitutional Court Judge if, as of the date of the appointment, such person:

1) holds citizenship from another state;

2) is a member or holds a position in a political party or other organisation that pursues political objectives or participates in political activities;

3) has been elected to an elective office in a government authority or a local self-government authority, holds representative powers;

4) participates in managing or financing a political campaign or other political activities.”;

e) Article 21.1.3 be restated to read as follows:

“3) imposition of disciplinary liability in the manner prescribed by Article 21-1 of this Law;”;

g) Article 21-1 be supplemented to read as follows:

“Article 21-1. Disciplinary liability of a Constitutional Court Judge

1. A Constitutional Court Judge shall incur disciplinary liability for substantial disciplinary offence, gross or systematic neglect of his duties, which is incompatible with the status of a Constitutional Court Judge or reveals his unfitness for the position occupied.

The actions referred to in the first indent, part one of this Article, shall include in particular:

1) conduct that tarnishes the title of the Constitutional Court Judge or undermines the authority of the Constitutional Court and its judges, including in the matters of morality, honesty, incorruptibility, conformity of the judge’s lifestyle to his status, compliance with other ethical rules and standards of conduct that ensure public confidence in the Constitutional Court, disrespect to other judges, participants and external participants in constitutional proceedings;

2) violation of the rules for recusal (withdrawal), as established by the Law of Ukraine on the Procedure for Hearing of Cases and Implementation of Decisions of the Constitutional Court of Ukraine;

3) disclosure of information that became known to the Constitutional Court Judge when hearing a case in the in-camera closed plenary session, of the content and course of the in-camera plenary session, the in-camera part of a plenary session in the case — in any form before or after the case is heard;

4) interference with the exercise of powers by other the Constitutional Court Judges;

5) failure to submit, or delayed submission of a tax return of a person authorised to perform the functions of the State or local self-government, in a manner prescribed by law in the field of prevention of corruption;

6) using the status of a Constitutional Court Judge with the aim of illegitimate receipt of material benefits or other benefits by him or third persons, where such offence contains no elements of a crime or criminal offence;

7) dishonest conduct by a Constitutional Court Judge, including expenses incurred by the Judge or members of his family, which exceed the income of such Judge and the income of members of his family; the inconsistency established between the Judge's living standard and the declared income; failure by the Judge to corroborate legitimacy of the source of property.

2. A Constitutional Court Judge may incur disciplinary liability within three years from the date of the actions or omissions referred to in part one of this Article, excluding the period of temporary disability or leave, or of the relevant disciplinary proceedings conducted by the Constitutional Court.

For the purposes of this Article, disciplinary proceedings shall be deemed to have commenced upon receipt by the Constitutional Court of the application referred to in part three of this Article.

3. An application for imposing disciplinary liability on a Constitutional Court Judge (hereinafter the "application") may be filed by the following entities:

- 1) the Congress of Judges of Ukraine;
- 2) the President or at least three Constitutional Court Judges;
- 3) the National Agency on Corruption Prevention.

The application must contain substantiation of the existence of circumstances that imply disciplinary liability of the Constitutional Court Judge under part one of this Article, as well as materials and evidence that corroborate these circumstances.

4. Within fifteen calendar days from the receipt of the application referred to in part three of this Article; the Constitutional Court shall convene a special plenary session to deliver a ruling to open disciplinary proceedings against the Constitutional Court Judge and to refer this application to the Court's Standing Commission on the Rules of Procedure and Ethics (hereinafter the "Commission").

This special plenary session shall be convened by the President of the Court and, where the application referred to in paragraph 3 of this Article concerns the President of the Court, — by the Vice-President.

When convening a special plenary session, the President (Vice-President) of the Court shall notify of the date and time of such session the Constitutional Court Judge against whom the application has been filed.

5. The Commission shall investigate the circumstances specified in the application within two months from instituting the disciplinary proceedings. Upon the Commission's reasoned motion, this term may be extended by the Constitutional Court at a special plenary session convened at the request of the Chairman of the Commission under the procedure stipulated by part four of this Article.

The Commission shall have the right to forward inquiries to government authorities, enterprises, institutions and organisations, which may provide information about the Judge's actions and omissions that constitute grounds for instituting disciplinary proceedings against him.

The Commission shall promptly forward a copy of the application referred to in part two of this Article to the Constitutional Court Judge against whom disciplinary proceedings have been instituted, and shall invite him to provide clarifications on the subject matter of disciplinary proceedings.

6. At any stage of disciplinary proceedings, the judge against whom the disciplinary proceedings have been instituted shall have the right to:

- 1) familiarise himself with the disciplinary proceedings files, provide the Commission and/or the Constitutional Court with any clarifications and materials;
- 2) challenge the Constitutional Court Judges on the grounds stipulated by the Law of Ukraine on the Procedure for Hearing of Cases and Implementation of Decisions of the Constitutional Court of Ukraine.

Participation of a Constitutional Court Judge in the Commission and/or initiation by him of disciplinary proceedings under part three of this Article shall not constitute grounds for his recusal.

7. Upon completing the investigation of the circumstances of the disciplinary proceedings, the Commission shall draw up the Commission's opinion and file a motion with the Constitutional Court for convening a special plenary session in the manner prescribed by part four of this Article to consider the Commission's opinion.

8. When considering the Commission's opinion, the Constitutional Court may adopt one of the following decisions in the form of a resolution:

1) on a continued investigation by the Commission of the circumstances of the disciplinary proceedings;

2) on termination of the disciplinary proceedings;

3) on imposing disciplinary liability on the Constitutional Court Judge by dismissing him from the position of the Constitutional Court Judge.

9. Reasons for terminating disciplinary proceedings against a Constitutional Court Judge include:

1) establishment by the Constitutional Court of the circumstances that indicate that the application referred to in part three of this Article is unfounded;

2) termination of powers of the Constitutional Court Judge against whom the disciplinary proceedings have been instituted;

3) establishment by the Constitutional Court of the circumstances that indicate a violation of the requirements of part ten of this Article.

4) establishment by the Constitutional Court of the circumstances that indicate expiry of the term established by part two of this Article.

Irrespective of the circumstances referred to in the first indent of this part of this Article, disciplinary proceedings against a Constitutional Court Judge shall be terminated in the event that the Constitutional Court fails to adopt a resolution to impose disciplinary liability on the judge within six months from the receipt by the Constitutional Court of the application referred to in part three of this Article.

10. Where the Constitutional Court has adopted a resolution to terminate disciplinary proceedings, resubmission of the application referred to in part three of this Article shall not be allowed in respect of the circumstances that served as the basis for the previous application.

11. Resolutions and rulings referred to in this Article of this Law shall be adopted at a special plenary session of the Constitutional Court if at least ten Constitutional Court Judges vote for them (except for a resolution on dismissal of a Constitutional Court Judge, for which at least twelve Constitutional Court Judges must vote). A Constitutional Court Judge against whom disciplinary proceedings have been instituted may not participate in the vote.

12. The Constitutional Court may detail in its internal acts the procedure for conducting disciplinary proceedings against a Constitutional Court Judge, the procedure for setting up the Commission and operation thereof. The Court's internal acts may not impose additional obligations on a Constitutional Court Judge against whom disciplinary proceedings are being conducted, or restrict his rights provided for by the law."

h) in Article 33, the words "Rules of Procedure" be replaced with the words "internal acts of the Court";

i) in Article 42:

part 3.1 be restated to read as follows:

"information on constitutional petitions, constitutional appeals, constitutional complaints and texts of constitutional complaints upon which a decision was adopted to open or deny constitutional proceedings (concealing personal data and confidential information, other than the name of the subject of the right to a constitutional complaint)";

part 4 be restated to read as follows:

"Upon request, the Court shall provide information under the Law of Ukraine on Access to Public Information. No information upon requests for files of the case heard by (pending before) the Court shall be provided, except as stipulated by this Law and unless the Senate or the Grand Chamber hearing the case decides that provision of such files will not harm the interests of the State, justice, the independence of the Court, the reputation and rights of other persons when hearing the case. A request for files of the case heard by (pending before) the Court shall be referred to the Senate and the Grand Chamber and shall be considered at a regular plenary session in the case, followed by a delivery of a ruling."

j) in Article 44;

in part two:

paragraph 11 be restated to read as follows:

“summarise, on a semi-annual basis, the practice of execution of the Court acts, opening and denying constitutional proceedings by the Court, with subsequent communication of the summary to the Constitutional Court Judges and posting thereof on the Court’s website;”

in paragraph 12, the words “Rules of Procedure” be replaced with the words “internal acts of the Court”;

paragraph 13 be supplemented to read as follows:

“13) has the right to access information resources of the Unified State Register of Adjudications in the manner prescribed by the Law of Ukraine on Access to Adjudications. The list of employees who have the right to access the Unified State Register of Adjudications shall be determined by the President of the Court”;

in part 9, the words “and the Rules of Procedure” be deleted.

Chapter VIII. TRANSITIONAL PROVISIONS

1. Until the Register of Court Acts commences operation, all the Court acts referred to in Article 50 of this Law and associated with constitutional proceedings shall be promulgated on the Court’s website upon adoption thereof.

Rulings of the Court that contain information related to the in-camera part of a plenary session of the proceedings may not be promulgated for public access.

The following information may not be disclosed in the texts of the Court acts to be promulgated:

1) place of residence or stay of individuals, numbers of telephones or other means of communication, e-mail addresses, registration numbers of the taxpayer record card, details of identity documents, unique entry numbers in the Unified State Demographic Register;

2) vehicle registration numbers;

3) bank account numbers, payment card numbers;

4) information, to protect which the case was heard or certain procedural actions were performed in an in-camera plenary session.

Such information shall be replaced by alphanumeric symbols. Surnames, names and patronymics of individuals shall not be concealed in the acts entered in the Register.

2. Until the Court’s automated workflow system commences operation, the Court shall approve provisional Regulations on the Court’s workflow, which shall temporarily govern the procedure for addressing issues regulated by the Court’s automated workflow system under this Law.

3. Article 41.2 of this Law shall apply to cases upon constitutional complaints, the constitutional proceedings in which were opened by the Court after this Law came into force.

4. Cases upon constitutional complaints, the constitutional proceedings in which were opened by the Court before this Law became effective and which are pending before the Senates, shall be referred to the Grand Chamber in the event that the Senate fails to complete hearing of the case within six months from this Law becoming effective.

Dmytro RAZUMKOV

Chairman of the Verkhovna Rada of Ukraine