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

**UKRAINE**

**DRAFT LAW**  
**ON THE PROCEDURE FOR ELECTING (APPOINTING) MEMBERS**  
**OF THE HIGH COUNCIL OF JUSTICE**  
**AND ON THE ACTIVITIES OF DISCIPLINARY INSPECTORS**  
**OF THE HIGH COUNCIL OF JUSTICE (REG. NO. 5068) \***

\* *Unofficial translation*

Draft Laws  
Registration Department  
No. 5068 of 15.02.2021

Draft Law  
Submitted by the President of Ukraine

## LAW OF UKRAINE

Ukraine - Joint Opinion on amendments to certain legislative acts concerning the procedure for electing (appointing) members of the High Council of Justice and the activities of disciplinary inspectors of the High Council of Justice (draft law no. 5068)

The Verkhovna Rada of Ukraine decides:

I. To amend the following legislative acts of Ukraine:

1. In Article 208-1 of the Rules of Procedure of the Verkhovna Rada of Ukraine approved by the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 14-17, p. 133 with subsequent amendments):

Parts 1-6 shall be amended to read as follows:

"1. In accordance with Part 1 of Article 131 of the Constitution of Ukraine, the Verkhovna Rada shall elect members of the High Council of Justice under the procedure provided for in this Article and taking into account special aspects defined by the Law of Ukraine "On the High Council of Justice".

2. No later than 6 months before the end of the term of office of a member of the High Council of Justice or within 14 days from the date of early termination of his/her powers, the Secretariat of the Verkhovna Rada shall publish an announcement about holding a competition for the position of a member of the High Council of Justice on the Verkhovna Rada official website upon the recommendation of the committee in charge of justice issues.

3. Within 15 days from the date of the competition's announcement, the Secretariat of the Verkhovna Rada shall accept documents defined by Part 1 of Article 8 of the Law of Ukraine "On the High Council of Justice" from persons applying for participation in the competition for the position of a member of the High Council of Justice, in a chronological order of their receipt. Information about the applicants for participation in the competition for the position of a member of the High Council of Justice, together with copies of the submitted documents, except for the documents specified in Clauses 4, 8, 9 of Part 1 of Article 8 of the Law of Ukraine "On the High Council of Justice", shall be published on the official website of the Verkhovna Rada no later than the next working day.

Submission of the documents shall be finished no later than 12:00 am of the last day of the period stipulated by Paragraph 1 of this Part. The Secretariat of the Verkhovna Rada may not refuse the acceptance of the documents on any grounds other than the expiry of the established deadline.

4. The committee in charge of justice issues shall review the documents submitted by persons applying for participation in the competition for the position of a member of the High Council of Justice, and decide on the compliance of applicants and their documents with the requirements established by the Law of Ukraine "On the High Council of Justice".

Persons applying for participation in the competition for the position of a member of the High Council of Justice, in respect of whom the committee in charge of justice issues has made a decision on non-compliance with the requirements established by the Law of Ukraine "On the High Council of Justice", shall terminate their participation in the competition.

5. No later than the next working day after the decision is made on the compliance of an applicant for the position of a member of the High Council of Justice and his/her documents with the requirements established by the Law of Ukraine "On the High Council of Justice", the committee in charge of justice issues shall submit the documents of such an applicant to the Secretariat of the Verkhovna Rada for a special check in accordance with the Law of Ukraine "On Prevention of Corruption", and copies of such documents to the Ethics Council, which operates under the Law of Ukraine "On the High Council of Justice", to establish the applicant's compliance with the criteria of professional ethics and integrity and provide a list of candidates recommended for election to the position of a member of the High Council of Justice.

6. Within 3 days after receiving information on the findings of the special check from the central executive agency responsible for the implementation of government policy in the area of civil service, the Secretariat of the Verkhovna Rada shall draft and submit a report to the committee in charge of justice issues on the findings of the special check in relation to an applicant for the position of a member of the High Council of Justice;

after Part 6, the new Parts shall be added as follows:

"7. Should the findings of a special check reveal the information about an applicant that does not meet the requirements for holding this position defined by law, and/or if an applicant is not listed among the candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice, such an applicant shall cease to participate in the competition for the position of a member of the High Council of Justice.

8. After receiving a report on the findings of a special check of the applicants for the position of a member of the High Council of Justice and the list of candidates recommended by the Ethics Council to be elected as members of the High Council of Justice, the committee in charge of justice issues shall conduct interviews to determine the professional competence of the applicants who have successfully passed a special check and are listed as candidates recommended by the Ethics Council to be elected as members of the High Council of Justice.

Based on the results of the interview, the committee in charge of justice issues shall decide on each candidate for the position of a member of the High Council of Justice.

The committee in charge of justice issues shall submit a decision of the Committee, a report on the findings of a special check, a recommendation of the Ethics Council in respect of each candidate for the position of a member of the High Council of Justice, and documents submitted by the applicant to the Verkhovna Rada for consideration.

9. All documents (except for classified information) specified in Part 8 of this Article shall be forwarded to Members of Parliament no later than 3 days before the Verkhovna Rada considers the relevant issue."

In this regard, Parts 7-21 shall be considered Parts 10-24, respectively;

in Part 14, the words "of Part 9" and "of Part 10" shall be replaced with the words "of Part 12" and "of Part 13", respectively";

Part 15 shall be amended to read as follows:

"15. Should the Verkhovna Rada fail to adopt a decision on electing a member of the High Council of Justice, a repeated competition shall be announced immediately, which is to be held under the procedure defined in this Article."

2. In the Law of Ukraine "On the High Council of Justice" (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 7-8, p.50 with subsequent amendments):

- 1) Part 2 of Article 6 shall be supplemented with the words "as well as the criteria of professional ethics and integrity";
- 2) Article 9 shall be amended to read as follows:

"Article 9. Competitive basis for selecting candidates for election (appointment) of a member of the High Council of Justice

1. For the election of a member of the High Council of Justice by the Congress of Judges of Ukraine, the Congress of Lawyers of Ukraine, the Congress of Representatives of Law Schools and Scientific Institutions, or the All-Ukrainian Conference of Prosecutors, a convening agency shall notify the Secretariat of the High Council of Justice of the date and venue of their holding no later than 45 calendar days in advance.

2. No later than the next working day following the receipt of notification of the date and venue of congress or conference, respectively, the Secretariat of the High Council of Justice shall publish an announcement on its official website stating:

- 1) the date and venue of the congress or conference;
- 2) the information about the start of accepting documents for participation in the competition for the positions of members of the High Council of Justice.

3. An applicant for the position of a member of the High Council of Justice shall personally submit the documents specified in Part 1 of Article 8 of this Law to the High Council of Justice no later than 30 calendar days before the date of holding the congress or conference, respectively.

4. The Secretariat of the High Council of Justice shall review the documents of applicants for the position of a member of the High Council of Justice in chronological order of applications and publish information about an applicant for the position of a member of the High Council of Justice together with the copies of submitted documents, except for the documents specified in Clauses 4, 8, 9 of Part 1 of Article 8 of this Law, on the official website of the High Council of Justice no later than the next working day.

5. The documents of applicants for the position of a member of the High Council of Justice shall be accepted no later than 12:00 am of the last day of the deadline provided for in Part 3 of this Article. The Secretariat of the High Council of Justice may not refuse the acceptance of the documents on any grounds other than the expiry of the established deadline.

6. No later than the next working day after the deadline for applications, the Secretariat of the High Council of Justice shall make lists of applicants for the positions of members of the High Council of Justice, which shall be immediately published on the official website of the High Council of Justice and in the Holos Ukrayiny (Voice of Ukraine) newspaper, and forwarded to a respective convening agency.

7. The Secretariat of the High Council of Justice shall provide a special check of applicants for the positions of members of the High Council of Justice in accordance with the Law of Ukraine "On Prevention of Corruption". The Secretariat of the High Council of Justice shall forward an opinion with findings of the special check to the convening agency together with an opinion whether the applicant and his/her documents meet the requirements established by this Law.

8. No later than the next working day after the deadline for applications, the Secretariat of the High Council of Justice shall forward copies of the documents submitted by applicants for the positions of members of the High Council of Justice to the Ethics Council to determine whether the applicants meet the criteria of professional ethics and integrity. The Ethics Council shall forward to the convening agency an opinion on the compliance of each applicant with the criteria of professional ethics and integrity, and a list of candidates recommended being elected as members of the High Council of Justice. This list shall include the number of candidates that is at least twice the number of vacant positions of members of the High Council of Justice.

9. Should the findings of a special check reveal the information about an applicant that does not meet the requirements for holding this position defined by law, and/or if an applicant is not listed among the candidates recommended by the Ethics Council to be elected as a member of the High Council of Justice, such an applicant shall cease to participate in the competition for the position of a member of the High Council of Justice.

10. In order for the President of Ukraine to appoint a member of the High Council of Justice, an announcement about holding a competition for the position of a member of the High Council of Justice shall be published on the Official website of the President of Ukraine.

11. A person applying for participation in the competition shall submit the documents specified in Part 1 of Article 8 of this Law within 15 calendar days from the date of publishing an announcement on the Official website of the President of Ukraine on holding a competition for the position of a member of the High Council of Justice.

12. Information about persons applying for participation in the competition, together with copies of submitted documents, except for the documents defined in Clauses 4, 8, 9 of Part 1 of Article 8 of this Law, shall be published on the Official website of the President of Ukraine no later than the next working day from the date of the documents' acceptance.

13. The President of Ukraine shall approve the regulations on holding a competition for the selection of candidates to be appointed by the President of Ukraine as members of the High Council of Justice and establish a Competition Commission.

14. The Competition Commission shall review the documents of applicants for participation in the competition for the selection of candidates to be appointed by the President of Ukraine as members of the High Council of Justice defined in Part 1 of Article 8 of this Law, and decide on the compliance of candidates and their documents with the requirements established by the Law of Ukraine "On the High Council of Justice".

Applicants for participation in the competition for the selection of candidates to be appointed by the President of Ukraine as members of the High Council of Justice, in respect of whom the Competition Commission has made a decision on non-compliance with the requirements established by the Law of Ukraine "On the High Council of Justice", based on the submitted documents, shall terminate participation in the competition.

15. The special check of the applicants for the position of a member of the High Council of Justice, in respect of whom the Competition Commission has made a decision on compliance with the requirements established by the Law of Ukraine "On the High Council of Justice", shall be conducted in accordance with the Law of Ukraine "On Prevention of Corruption".

The Competition Commission shall forward copies of documents of applicants for the position of a member of the High Council of Justice to the Ethics Council to establish that the applicants meet the criteria of professional ethics and integrity.

The Ethics Council shall provide the Competition Commission with an opinion on the compliance of each applicant with the criteria of professional ethics and integrity, and a list of candidates recommended being elected as members of the High Council of Justice. This list shall include the number of candidates that is at least twice the number of vacant positions of members of the High Council of Justice.

Should the findings of a special check reveal the information about an applicant that does not meet the requirements for holding this position defined by law, and/or if an applicant is not listed among the candidates recommended by the Ethics Council to be elected as members of the High Council of Justice, such an applicant shall cease to participate in the competition for the position of a member of the High Council of Justice.

16. The Competition Commission shall conduct an interview with an applicant who has successfully passed a special check and is included in the list of candidates recommended by the Ethics Council to be elected as members of the High Council of Justice, to determine his/her professional competence.

Based on the results of the interview, the Competition Commission shall make a list of recommended candidates for the President of Ukraine to appoint them as members of the High Council of Justice.

17. The Competition Commission shall submit to the President of Ukraine a list of candidates recommended for appointment as members of the High Council of Justice, together with reports on the findings of a special check, recommendations of the Ethics Council, and documents submitted by the applicants.

18. In order for the Verkhovna Rada of Ukraine to elect a member of the High Council of Justice, the Secretariat of the Verkhovna Rada of Ukraine shall publish an announcement on holding a competition for the position of a member of the High Council of Justice on the official website of the Verkhovna Rada of Ukraine.

19. Information about applicants for participation in the competition, together with copies of the submitted documents, except for the documents defined in Clauses 4, 8, 9 of Part 1 of Article 8 of this Law, shall be published on the official website of the Verkhovna Rada of Ukraine on the next working day from the date of the documents' receipt.

20. The procedure for electing members of the High Council of Justice by the Verkhovna Rada of Ukraine shall be defined by the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine";

3) add Article 9-1 to read as follows:

"Article 9-1. Ethics Council

1. The Ethics Council shall be established for a period of 6 years to assist the bodies that elect (appoint) members of the High Council of Justice in determining whether an applicant for the position of a member of the High Council of Justice meets the criteria of professional ethics and integrity.

2. Only those can be elected as members of the Ethics Council who have an impeccable business reputation, high professional and moral qualities and public standing, who meet the criteria of professional ethics and integrity, have at least 10 years of work experience, including in other countries, in the implementation of procedural guidance, supporting public prosecution in court or conducting legal proceedings in corruption-related cases.

Those who do not meet the specified requirements, as well as the requirements provided for in Part 10 of Article 6 of this Law, may not be elected as members of the Ethics Council.

3. The Ethics Council consists of:

1) Three members from among judges or retired judges appointed by the Council of Judges of Ukraine;

2) Three members proposed by the international organizations with which Ukraine has been cooperating for at least the last three years in preventing and combating corruption and/or in terms of a judicial reform under the international treaties of Ukraine. Such international organizations shall agree upon the proposal to forward a joint list of candidates.

4. The list of international organizations with which Ukraine has been cooperating for at least the last three years in preventing and combating corruption and/or in terms of a judicial reform under the international treaties of Ukraine shall be drawn up by the Ministry of Foreign Affairs of Ukraine and forwarded to the High Council of Justice.

5. The Chairman of the High Council of Justice shall appeal to the designated authorities in charge of the Ethics Council regarding the proposal of candidates to be included in its composition no later than the next working day from the date of receipt of the list of international organizations provided for in Part 4 of this Article.

The designated authority in charge of the Ethics Council shall submit to the High Council of Justice a list of candidates to be included in the Ethics Council's composition, along with the information confirming the compliance of such candidates with the requirements of Part 2 of this Article. It is prohibited to require the designated authority in charge of the Ethics Council or a candidate to be included in the composition of the Ethics Council to provide other documents.

The lists of candidates to be included in the composition of the Ethics Council submitted by the designated authorities in charge of the Ethics Council shall be published on

the official website of the High Council of Justice and the official web-portal "The Judicial Power of Ukraine".

6. The Chairman of the High Council of Justice shall approve and publish the list of the Ethics Council's individual members no later than 5 days from the date of receipt of the lists provided by the designated authorities in charge of the Ethics Council.

7. The Ethics Council shall be considered empowered and authorized provided it has at least four members approved, with three of them approved upon the proposals from international organizations.

The term of office of a member of the Ethics Council is 6 years.

8. The powers of a member of the Ethics Council shall be terminated prematurely in the following cases:

- 1) submission of a personal application for termination of the powers of the member of the Ethics Council;
- 2) entry into force of a judgment of guilt against him/her;
- 3) recognition of him/her as incapable or missing;
- 4) his/her death.

9. The decision on the early termination of the powers of a member of the Ethics Council shall be approved by the Chairman of the High Council of Justice, who, after making such a decision, shall apply to the designated authorities in charge of the Ethics Council to propose a candidate to be included in its composition, and take steps to appoint a new member of the Ethics Council no later than the next working day.

10. The sessions of the Ethics Council shall be public. Information on the session's time and venue, the agenda and decisions of the Ethics Council shall be published on the official web-portal "The Judicial Power of Ukraine".

The State Judicial Administration of Ukraine shall provide video- and audio-recording and live-streaming of the Ethics Council's sessions on the official web-portal "The Judicial Power of Ukraine".

A member of the Ethics Council is entitled to participate in sessions and decision-making of the Ethics Council remotely via videoconferences using electronic means of communication.

11. A decision of the Ethics Council shall be considered adopted if at least four members of the Ethics Council voted for it, provided that the three members who voted for this decision are members approved on the basis of proposals from international organizations.

12. To exercise its powers, the Ethics Council shall:

- 1) define and publish the Rules of Procedure of the Ethics Council;
- 2) define and publish a procedure for determining whether an applicant for the position of a member of the High Council of Justice meets the criteria of professional ethics and integrity;



3) study and analyse the documents submitted by an applicant for the position of a member of the High Council of Justice forwarded to the Ethics Council;

4) collect, verify and analyse information about an applicant for the position of a member of the High Council of Justice, including information received from individuals and legal entities, mass media and other sources;

5) be entitled to apply to an applicant for the position of a member of the High Council of Justice, as well as designated authorities in charge of anti-corruption issues, other public bodies, local self-government bodies, their officials to provide explanations, documents or information;

6) be entitled to conduct interviews with the applicants for the position of a member of the High Council of Justice;

7) adopt and publish a substantiated opinion on the compliance of each applicant for the position of a member of the High Council of Justice with the criteria of professional ethics and integrity, draw up and publish a list of candidates recommended by the Ethics Council for election (appointment) to the position of a member of the High Council of Justice;

8) forward an opinion on each applicant and a list of candidates recommended by the Ethics Council for election (appointment) to the position of a member of the High Council of Justice to the body that elects (appoints) a member of the High Council of Justice. This list shall include the number of candidates that is at least twice the number of vacant positions of members of the High Council of Justice.

9) exercise other powers envisaged by the law.  
In order to exercise their powers, members of the Ethics Council shall be granted free and full access to open state registers, court files (files of applicants for the position of a judge).

13. A member of the Ethics Council shall:

1) take part in its work personally, without the right to delegate his/her powers to other persons;

2) not use, forward or disclose personal data and other information that has become known to him/her in connection with the exercise of powers of a member of the Ethics Council, for a purpose other than performing his/her duties as a member of the Ethics Council;

3) not participate in approving of an applicant for the position of a member of the High Council of Justice if the member of the Ethics Council has or has had a personal or business relationship with an applicant and/or if there are conflict of interests or circumstances that may affect the integrity or impartiality of a member of the Ethics Council.

4) take steps to protect personal data and other information that has become known in connection with the exercise of powers of a member of the Ethics Council.

14. Provisioning the activities of the Ethics Council shall be supported by the State Judicial Administration of Ukraine.

Funding for the activities of the Ethics Council and its members, including the Secretariat established to assist in their activities, can be provided with the international technical assistance";

4) in Article 10:

Part 2 shall be amended to read as follows:

"2. Voting shall be conducted exclusively for candidates for the position of members of the High Council of Justice who have submitted documents in accordance with the procedure established by this Law, and who meet the requirements defined in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice";

after Part 4, a new Part shall be added to read as follows:

"5. Should the Congress of Judges of Ukraine fail to elect a member of the High Council of Justice, a repeated competition shall be immediately announced, held in accordance with the procedure established by this Law."

In this regard, Part 5 shall be considered Part 6;

5) in Article 11:

Part 2 shall be amended to read as follows:

"2. Voting shall be conducted exclusively for candidates for the position of members of the High Council of Justice who have submitted documents in accordance with the procedure established by this Law, and who meet the requirements defined in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice";

after Part 4, a new Part shall be added to read as follows:

"5. Should the Congress of Lawyers of Ukraine fail to elect a member of the High Council of Justice, a repeated competition shall be immediately announced, held in accordance with the procedure established by this Law."

In this regard, Part 5 shall be considered Part 6;

6) in Article 12:

Part 2 shall be amended to read as follows:

"2. Voting shall be conducted exclusively for candidates for the position of members of the High Council of Justice who have submitted documents in accordance with the procedure established by this Law, and who meet the requirements defined in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice";

after Part 4, a new Part shall be added to read as follows:

"5. Should the All-Ukrainian Conference of Prosecutors fail to elect a member of the High Council of Justice, a repeated competition shall be immediately announced, held in accordance with the procedure established by this Law."

In this regard, Part 5 shall be considered Part 6;

7) in Article 13:

Part 2 shall be amended to read as follows:

"2. Voting shall be conducted exclusively for candidates for the position of members of the High Council of Justice who have submitted documents in accordance with the procedure established by this Law, and who meet the requirements defined in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice";

after Part 4, a new Part shall be added to read as follows:

"5. Should the Congress of Representatives of Higher Education and Research Institutions fail to elect a member of the High Council of Justice, a repeated competition shall be immediately announced and held in accordance with the procedure established by this Law."

In this regard, Parts 5-11 shall be considered Parts 6-12, respectively;

8) in Article 24:

Part 2 shall be supplemented by a paragraph to read as follows:

"The decision to dismiss a member of the High Council of Justice on the grounds specified in Clauses 3-6 of Part 1 of this Article shall be adopted by the body that has elected (appointed) a member of the High Council of Justice, upon the recommendation of the High Council of Justice. The decision to submit an application on the dismissal of a member of the High Council of Justice shall be adopted by a majority of members of the High Council of Justice. From the date of submission of specified application, such a member of the High Council of Justice shall be removed from office, with his/her powers suspended until a decision is made by the body that has elected (appointed) this member of the High Council of Justice";

Part 3 shall be removed;

9) in Article 27:

Part 5 shall be amended to read as follows:

"5. There is the Disciplinary Inspectorate Service at the Secretariat of the High Council of Justice operating as an independent structural division, which is headed by one of the Deputy Heads of the Secretariat of the High Council of Justice";

in Part 6, the word "inspectors" shall be replaced with the words "disciplinary inspectors";

Part 8 shall be supplemented with the words "taking into account the requirements established by this Law";

10) Article 28 shall be amended to read as follows:

"Article 28. The Disciplinary Inspectorate Service of the High Council of Justice

1. The Disciplinary Inspectorate Service of the High Council of Justice shall employ persons who have a law degree and at least five years of professional experience.

Disciplinary inspectors of the High Council of Justice shall be appointed following the results of a competition under procedure established by the civil service law, taking into account the specific aspects defined by this Law.

The decision to appoint a disciplinary inspector of the High Council of Justice shall be adopted provided the winner of the competition successfully passes a special check in accordance with the Law of Ukraine "On Prevention of Corruption", as well as a check for integrity and compliance with the ethical standards established for a judge.

Should a retired judge be appointed to the position of a disciplinary inspector of the High Council of Justice, such a judge shall continue enjoying his/her right to pension or lifetime financial support, as well as other guarantees under the Law of Ukraine "On the Judicial System and the Status of Judges".

2. The legal standing of disciplinary inspectors of the High Council of Justice shall be determined by the Law of Ukraine "On Civil Service", taking into account the specific aspects defined by this Law.

Specific aspects regulating the work of inspectors shall be established by the Regulation on disciplinary inspectors of the High Council of Justice, which is approved by the High Council of Justice.

3. The Disciplinary Inspectorate Service of the High Council of Justice shall be headed by the Deputy Head of the Secretariat of the High Council of Justice/Head of the Disciplinary Inspectorate Service, who shall be appointed and dismissed by the High Council of Justice in accordance with the procedure established by the civil service law, taking into account the specific aspects defined by this Law.

4. A disciplinary inspector of the High Council of Justice shall:

- 1) conduct a preliminary review of a disciplinary complaint submitted to him/her as a result of the automated distribution of cases;
- 2) review files of disciplinary cases;
- 3) collect information, documents and other files if needed;
- 4) draft resolutions and decisions of the Disciplinary Chamber and the High Council of Justice as part of the disciplinary proceedings against a judge;
- 5) review documents related to complaints against decisions in disciplinary cases against judges and prosecutors, draft opinions and decisions of the High Council of Justice;
- 6) analyse and summarize the practice of conducting disciplinary proceedings and decisions taken to bring or refuse to bring a judge to disciplinary responsibility.

5. Disciplinary inspectors, in and out of their activities, shall:

- 1) comply with the rules of judicial ethics;
- 2) not disclose or use classified information and information that became known to them for the purposes other than performance of their duties;

- 3) comply with the requirements and restrictions established by the civil service laws and the corruption prevention policy";
- 11) Article 28-1 shall be removed;
- 12) in Article 31:

Article's title shall be amended to read as follows:

"Article 31. Requests from the High Council of Justice, its bodies, members of the High Council of Justice and disciplinary inspectors of the High Council of Justice";

in Paragraph 1 of Part 1 the words "a member of the High Council of Justice" shall be supplemented with the words "and a disciplinary inspector of the High Council of Justice";

the second sentence of Part 2 shall be amended to read as follows: "A member of the High Council of Justice, and a disciplinary inspector of the High Council of Justice are entitled to make requests in respect of the cases in which they are rapporteurs";

in Paragraph 1 of Part 3 and Part 5, the words "its body or a member of the High Council of Justice" shall be replaced with the words "its body, a member of the High Council of Justice or a disciplinary inspector of the High Council of Justice";

in Part 6:

in the first sentence, the words "its body or a member of the High Council of Justice" shall be replaced with the words "its body, a member of the High Council of Justice or a disciplinary inspector of the High Council of Justice";

in the second sentence, the words "a member of the High Council of Justice" shall be supplemented with the words "a disciplinary inspector of the High Council of Justice";

in Part 7, the words "its bodies or a member of the High Council of Justice" shall be replaced with the words "its bodies, a member of the High Council of Justice or a disciplinary inspector of the High Council of Justice";

Part 8 shall be removed;

in Part 10, the words "its body or a member of the High Council of Justice" shall be replaced with the words "its body, a member of the High Council of Justice or a disciplinary inspector of the High Council of Justice";

in Part 11:

the first sentence after the words "a member of the High Council of Justice" shall be supplemented with the words "a disciplinary inspector of the High Council of Justice";

the second sentence after the words "members of the High Council of Justice" shall be supplemented with the words "disciplinary inspectors of the High Council of Justice";

- 13) Part 1 of Article 32 shall be amended to read as follows:

"1. There is an automated system for distributing cases in the High Council of Justice and its bodies, (selection of a member of the High Council of Justice/Rapporteurs, a disciplinary inspector of the High Council of Justice/Rapporteur)";

14) in Article 42:

Part 1 shall be removed;

Part 2 shall be supplemented by a paragraph to read as follows:

"Disciplinary proceedings shall begin after receiving a complaint about a judge's disciplinary offence (disciplinary complaint) filed in accordance with the Law of Ukraine "On the Judicial System and Status of Judges", or at the initiative of the Disciplinary Chamber of the High Council of Justice or the High Qualification Commission of Judges of Ukraine in cases defined by law";

Part 4 shall be removed;

15) in Article 43:

in Part 1:

Paragraph 1 shall be amended to read as follows:

"1. A disciplinary inspector of the High Council of Justice selected by the automated case distribution system for preliminary verification of a relevant disciplinary complaint (a disciplinary inspector of the High Council of Justice/Rapporteur)";

in Paragraph 5, the words "of a disciplinary complaint, he/she shall prepare documents within the time limits established by the Rules of Procedure" shall be replaced by the words "of a disciplinary complaint, he/she shall prepare documents within 30 days from the date of the complaint's receipt";

in Part 2, the word "Rapporteur" shall be replaced by the words "a disciplinary inspector of the High Council of Justice/Rapporteur";

16) in Article 46:

Part 1 shall be amended to read as follows:

"1. The Disciplinary Chamber shall review such an opinion and the files attached without summoning a judge and the person who has filed the disciplinary complaint, and following the findings of this review, decide to launch or refuse to launch disciplinary proceedings within 30 days from the date of receipt of the opinion of a disciplinary inspector of the High Council of Justice/Rapporteur";

Part 3 after the words "such a decision" shall be supplemented with the words "or at the request of a disciplinary inspector of the High Council of Justice/Rapporteur";

17) in Article 47:

Part 1 after the words "with participation" shall be supplemented with the words "a disciplinary inspector of the High Council of Justice/Rapporteur";

Part 3 shall be removed;

18) in Article 48:

in Part 1:

the word "Rapporteur" shall be replaced with the words "a disciplinary inspector of the High Council of Justice/Rapporteur";

a paragraph shall be added to read as follows:

"Based on the results of the preparation of the case documents, a disciplinary inspector of the High Council of Justice/Rapporteur shall draft an opinion and submit it for consideration by the Disciplinary Chamber no later than 30 days from the date of launching the disciplinary proceedings";

the word "other" shall be removed from Part 3;

Part 4 shall be removed;

Part 5 shall be amended to read as follows:

"5. A judge and a complainant shall be notified of the Disciplinary Chamber's session no later than 7 days before the date of its holding under procedure established by the Rules of Procedure of the High Council of Justice, and by publishing relevant information on the official website of the High Council of Justice.

A judge shall be deemed duly notified if the notification is sent to the address of his/her place of residence or stay or to the address of the court in which this judge holds a position, and if it is impossible, it shall be published on the official website of the High Council of Justice";

19) in Article 49:

Part 1 after the words "participating" shall be supplemented with the words "a disciplinary inspector of the High Council of Justice/Rapporteur";

in Part 7:

in Paragraph 1, the word "Rapporteur" shall be replaced with the words "a disciplinary inspector of the High Council of Justice/Rapporteur";

in Paragraph 2, the word "Rapporteur" shall be replaced with the words "Chairman of the session";

20) Part 3 of Article 50 shall be removed;

21) the second sentence of Part 8 of Article 51 shall be amended to read as follows: "Should the relevant decision be adopted by the High Council of Justice, a disciplinary inspector of the High Council of Justice/Rapporteur shall be invited to the session at which the complaint against the decision of the Disciplinary Chamber is considered to report on this disciplinary case";

22) in Part 4 of Article 62, the words "on the official web-portal "Judiciary in Ukraine" shall be replaced with the words "on the official web-portal "The Judicial Power of Ukraine".

## II. Final and transitional provisions

1. This Law shall enter into force on the day following the day of its publication.
2. To hold that:

Within 5 days from the date of this Law's entry into force, the Ministry of Foreign Affairs of Ukraine makes a list of international organizations with which Ukraine has been cooperating for at least the last three years in preventing and combating corruption and/or in terms of a judicial reform under the international treaties of Ukraine, and forwards it to the High Council of Justice;

The Chairman of the High Council of Justice applies to the designated authorities in charge of the Ethics Council for the list of candidates to be included in its composition no later than the next working day from the date of receipt of such a list;

designated authorities in charge of the Ethics Council send their proposals for the candidates to be included in its composition within 30 days from the date of the request made by the Chairman of the High Council of Justice;

The Chairman of the High Council of Justice approves the composition of the Ethics Council no later than 5 days after receiving such proposals.

3. To hold that the Ethics Council assesses the compliance of members of the High Council of Justice (except for the President of the Supreme Court) elected (appointed) to hold the position of a member of the High Council of Justice before this Law's entry into force with the criteria of professional ethics and integrity on a one-off basis within 3 months from the date of its composition's approval.

For the purposes of such assessment, the Ethics Council shall act under provisions of Parts 10-13 of Article 9-1 of the Law of Ukraine "On the High Council of Justice".

A member of the High Council of Justice shall be guaranteed the right to read the documents on evaluating his/her compliance with the criteria of professional ethics and integrity, provide oral or written explanations, participate in a session of the Ethics Council when considering this issue, and the right to representation.

Following the assessment's findings, the Ethics Council may decide to submit to the relevant body that has elected (appointed) a member of the High Council of Justice a substantiated recommendation to dismiss a member of the High Council of Justice on the grounds specified in Clauses 3-5 of Part 1 of Article 24 of the Law of Ukraine "On the High Council of Justice".

From the date of submission of specified application by the Ethics Council, such a member of the High Council of Justice shall be removed from office, with his/her powers suspended until a decision is made by the body that has elected (appointed) this member of the High Council of Justice.

Decisions of the Ethics Council based on the findings of a one-time assessment of compliance of members of the High Council of Justice (except for the President of the Supreme Court) elected (appointed) to the position before this Law's entry into force with the criteria of professional ethics and integrity shall be published on the official website of the High Council of Justice and the official web-portal "The Judicial Power of Ukraine".



Should the Ethics Council submit to the relevant body that has elected (appointed) a member of the High Council of Justice a substantiated recommendation to dismiss a member of the High Council of Justice on the grounds specified in Clauses 3-5 of Part 1 of Article 24 of the Law of Ukraine "On the High Council of Justice", the provisions of Paragraph 2 of Part 2 of Article 24 of the Law of Ukraine "On the High Council of Justice" regarding application of the High Council of Justice on the dismissal of a member of the High Council of Justice shall not be applied.

**Chairman of the Verkhovna Rada**

/Signature/

