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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

LAW

ON AMENDMENTS TO THE LAW

"ON THE JUDICIARY AND THE STATUS OF JUDGES"

AND

**SELECTED LAWS REGARDING THE RESUMPTION
OF OPERATION OF THE HIGH QUALIFICATIONS COMMISSION
OF JUDGES**

LAW OF UKRAINE**on Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Selected Laws of Ukraine Regarding the Resumption of Operation of the High Qualifications Commission of Judges of Ukraine**

The Verkhovna Rada of Ukraine hereby **decrees**:

I. To amend the Law of Ukraine "On the Judiciary and the Status of Judges" (Vidomosti Verkhovnoi Rady Ukrainy, 2016, № 31, p. 545 with subsequent changes) as follows:

1. Article 19 shall be worded as follows:

"Article 19. The Procedure for creation, reorganization, liquidation of the court, determination of the number of judges in the court

1. The court is created, reorganized and liquidated by law.

2. The draft law on the establishment, reorganization or liquidation of a court shall be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine after consultations with the High Council of Justice.

3. The location, territorial jurisdiction and status of a court shall be determined taking into account the principles of territoriality, specialization and instance.

4. The grounds for the establishment, reorganization or liquidation of a court are a change in the judicial system defined by this Law, the need to ensure the accessibility of justice, optimization of state budget expenditures or a change in the administrative-territorial structure.

5. The formation of a court may take place through the creation of a new court or the reorganization (merger, division) of courts.

6. The number of judges in a court (except for the Supreme Court) is determined by the High Council of Justice taking into account the advisory opinion of the State Judicial Administration of Ukraine, court workload and within the expenditures specified in the State Budget of Ukraine for court maintenance and judges' salaries.

7. The Supreme Court consists of judges; the number of these judges is determined by the High Council of Justice taking into account the advisory opinion of the Plenum of the Supreme Court.

The maximum number of judges of the Supreme Court shall not exceed two hundred judges.

8. The court is a legal entity, unless otherwise provided by law.

9. The procedure for taking respective measures related to the establishment, reorganization or liquidation of a court shall be determined by the law on the establishment, reorganization or liquidation of such a court."

2) part four of Article 31 shall be worded as follows:

"4. Within a higher specialized court judicial chambers may be created to consider certain categories of cases in the first instance, as well as an appellate chamber may be formed to consider cases in the appellate instance. The Appellate Chamber of a higher specialized court operates as part of this court on the basis of institutional, organizational, personnel and financial autonomy. The number of judges in the appellate chamber of a higher specialized court shall be determined within the total number of judges of the higher specialized court by

the High Council of Justice, taking into account the advisory opinion of the State Judicial Administration of Ukraine.”

3. first part of Article 37 shall be deleted.

4. second part of Article 46 shall be supplemented with paragraph 4¹ as follows:

"4¹) provides, in the case stipulated by this Law, the High Council of Justice with an advisory opinion, which is an official document containing recommendations and proposals on the number of judges in the Supreme Court."

5. in part nine of Article 49, the word “regional” shall be replaced by the word “oblast”.

6. Article 92 shall be worded as follows:

"Article 92. Status and composition of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine is a state collegial body of judicial governance, which operates on a permanent basis in the justice system of Ukraine.

2. The High Qualifications Commission of Judges of Ukraine is a legal entity, has its stamp with the image of the State Emblem of Ukraine and its name, an independent balance sheet and accounts in the bodies of the State Treasury Service of Ukraine.

3. The High Qualifications Commission of Judges of Ukraine shall consist of sixteen members, eight of whom shall be appointed from among judges or retired judges.

4. The High Qualifications Commission of Judges of Ukraine shall be considered competent provided that at least eleven members are appointed to its membership of which at least 6 are appointed from among judges or retired judges.

In case of expiration of the term of office of a member of the High Qualifications Commission of Judges of Ukraine, as a result of which the High Qualification Commission of Judges of Ukraine will be considered invalid, such member of the Commission shall continue to exercise his\her powers until the date of appointment of another person to this position but not longer than three months.

5. The procedure for the work of the High Qualifications Commission of Judges of Ukraine shall be determined by this Law.

6. The High Qualifications Commission of Judges of Ukraine shall have an official website and an official publication\bulletin, which are the official sources of information on the work of the Commission. The official bulletin may be issued electronically.”

7) The paragraphs 6 and 6¹ in part one of Article 93 shall be worded as follows:

"6) approves the form and content of the application for participation in the selection of judicial candidates, the questionnaire of the candidate for the position of judge, the procedure for taking the selection exam and the method of assessing its results, the procedure for taking the qualification exam, the methodology of evaluation of candidates, regulation on conducting a competition for a vacant judicial position, the procedure and methodology of qualification evaluation, the procedure for forming and maintaining a judge's dossier (dossier of a candidate for the position of a judge), the procedure for initial training of judicial candidates";

6¹) approves by a majority of the number of its members determined by this Law, the rules of procedure that establish the procedure for the work of the Commission within the limits established by this Law".

8) in Article 94:

the title shall be worded as follows:

"Article 94. Requirements to a member of the High Qualifications Commission of Judges of Ukraine";

remove the first part;

part 2 shall be worded as follows:

"2. A member of the High Qualifications Commission of Judges of Ukraine may be a citizen of Ukraine who speaks the state language, has higher legal education, professional experience in the field of law for at least fifteen years, and meets the criteria of integrity, professional competence, determined by this Law.

A member of the High Qualifications Commission of Judges of Ukraine must adhere to political neutrality, may not belong to political parties, trade unions, participate in any political activity";

paragraph 1 and 4 of part 8 shall be worded as follows:

"1) persons who have been declared incompetent by a court or whose legal capacity is limited";

"4) persons who were members of the High Qualifications Commission of Judges of Ukraine or the High Council of Justice before the entry into force of the Law of Ukraine "On Restoration of Trust\Confidence in the Judiciary in Ukraine";

add part eleven of the following content:

"11. Influence in any way on members of the High Qualification Commission of Judges of Ukraine is prohibited."

9. Articles 95 and 95¹ shall be worded as follows:

«Article 95. The procedure for conducting competition and appointment to a position of the member of the High Qualifications Commission of Judges of Ukraine

1. A member of the High Qualifications Commission of Judges of Ukraine shall be appointed to the position by the High Council of Justice based on the results of a competition in accordance with the procedure provided for by this Law, for a term of four years.

One and the same person cannot hold the position of a member of the High Qualification Commission of Judges of Ukraine for more than two consecutive terms.

2. The competition for the position of a member of the High Qualifications Commission of Judges of Ukraine shall be held on the basis of the principles of the rule of law, professionalism, publicity and political neutrality in accordance with the procedure established by this Law.

3. The competition for the position of a member of the High Qualification Commission of Judges of Ukraine shall be conducted by the Selection Commission in accordance with the procedure provided for by this Law.

4. Regulations on the competition for the position of a member of the High Qualification Commission of Judges of Ukraine, the methodology for assessing the candidate's compliance

with the criteria of integrity and professional competence of candidates for the position of a member of the High Qualification Commission of Judges of Ukraine, indicators of compliance with the criteria of such evaluation and the means of their establishment shall be approved by the Selection Commission.

5. The Selection Commission selects candidates for the position of a member of the High Qualification Commission of Judges of Ukraine who meet the criteria of integrity and professional competence, taking into account that there are at least two candidates for one vacant position of a member of the High Qualification Commission of Judges of Ukraine.

6. Based on the results of the competition for the position of a member of the High Qualification Commission of Judges of Ukraine, the Selection Commission forms a list of candidates who meet the criteria of integrity and professional competence and submits it to the High Council of Justice.

7. The High Council of Justice openly conducts an interview with the candidates recommended by the Selection Commission and based on its results makes a reasoned and motivated decision on the appointment or refusal to appoint selected candidates to vacant positions of members of the High Qualification Commission of Judges of Ukraine.

8. The procedure for conducting an interview by the High Council of Justice is determined by the Rules of Procedure of the High Council of Justice.

9. The announcement of the beginning of the competition, its conditions and deadlines shall be published in the newspaper "Golos Ukrainy" and made public\posted by the Secretariat of the High Council of Justice on the official website of the High Council of Justice no later than three months before the expiration of the term in office of a HQC member or no later than ten days from the date of early termination of powers or dismissal of a member of the High Qualification Commission of Judges of Ukraine.

10. A person who meets the requirements set by this Law for a member of the High Qualifications Commission of Judges of Ukraine and intends to be appointed a member of the High Qualifications Commission of Judges of Ukraine shall submit a respective application to the Selection Commission.

11. The form of the person's application stating the intention to be appointed a member of the High Qualifications Commission of Judges of Ukraine shall be approved by the Selection Commission.

12. Along with the application stating the intent to be appointed a member of the High Qualification Commission of Judges of Ukraine, a person shall submit:

- 1) autobiography;
- 2) motivation letter, which sets out the motives to be appointed a member of the High Qualification Commission of Judges of Ukraine;
- 3) a copy of an identity document confirming the citizenship of Ukraine;
- 4) a copy of the employment record book (if available) or information on employment from the register of insured persons of the State Register of Compulsory State Social Insurance;

5) a declaration of the person authorized to perform the functions of the state or local self-government for the year preceding the year in which the announcement of the beginning of the competition was published;

6) copies of documents on education, academic titles and degrees;

7) a certificate from a medical institution on the state of health (regarding whether the person is included into the register of psychoneurological or narcological health care institutions);

8) a copy of the military ticket (for servicemen or conscripts);

9) written consent to the processing of personal data and publication of copies of documents specified in this article (except for copies of documents provided for in paragraphs 3, 7, 8 of this part);

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

11) an application for conducting a verification specified by the Law of Ukraine "On Purification of Power";

12) consent to a background check in accordance with the law and the use of the results of such screening by members of the Selection Commission and its authorized persons.

13. The Secretariat of the High Council of Justice accepts the documents envisaged by part 12 of this article in chronological order of receipt of applications and not later than five working days after their receipt publishes the information about the persons who submitted applications about the intent to be appointed as a member of the High Qualification Commission of Judges of Ukraine together with copies of the submitted documents (except for the documents provided by items 3, 7, 8 of part twelve of this article) on the official website of the High Council of Justice.

14. Acceptance of documents mentioned in part twelve of this article shall end at midnight on the last day of the term determined by the Selection Commission for submission of documents.

The Secretariat of the High Council of Justice cannot refuse to accept documents on any grounds other than the expiration of the deadline for submission of documents.

15. The Selection Commission shall compile a list of candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine, which shall be published on the official website of the High Council of Justice no later than three days after the completion of the acceptance of documents.

16. The Selection Commission checks the documents submitted by candidates for compliance with the requirements of this Law and publishes on the official website of the High Council of Justice the list of candidates admitted to the competition for the position of a member of the High Qualification Commission of Judges of Ukraine.

17. The Secretariat of the High Council of Justice ensures that a background check is conducted for candidates before the first stage of the competition for the position of a member of the High Qualifications Commission of Judges of Ukraine and that the results of such examination are transferred to the Selection Commission.

18. The Selection Commission shall conduct the competitive selection of a member of the High

Qualifications Commission of Judges of Ukraine in two stages:

1) Selecting candidates based on a desk review of the documents submitted by them, results of the background check, relevant information from open sources and compiling a list of candidates admitted to the interview.

The documents submitted by a candidate shall be considered, in terms of compliance with the requirements for the position of a member of the High Qualification Commission of Judges of Ukraine, in the manner prescribed by the Selection Commission;

2) Conducting interviews with the selected candidates and compiling a list of candidates for be recommended to the High Council of Justice.

The interviews with candidates for membership with the High Qualifications Commission of Judges of Ukraine shall be broadcast live on the official web site of the High Council of Justice.

The Selection Commission shall recommend to the High Council of Justice at least two candidates per each vacant position of a member of the High Qualifications Commission of Judges of Ukraine.

19. If the number of candidates for a vacant position of a member of the High Qualifications Commission of Judges of Ukraine who meet the integrity and professional competency criteria is fewer than the number of candidates envisaged by Part 18 of this Article, the Selection Commission shall announce an additional competitive selection pursuant to Part 9 of this Article and conduct it according to the procedure defined by this Article.

20. The Selection Commission shall conduct the competitive selection of members of the High Qualifications Commission of Judges of Ukraine based on the integrity and professional competency criteria.

21. A candidate for membership with the High Qualifications Commission of Judges of Ukraine shall be deemed to meet the integrity criterion if he is independent, honest, impartial, incorruptible, industrious; adheres to ethical standards, demonstrate impeccable behavior in professional activities and private life; and if there are no doubts regarding legality of his/her assets origin, conformity of the candidate's and his/her family members' living standards to reported incomes, and conformity of the candidate's life style to his/her status.

22. A candidate for membership with the High Qualifications Commission of Judges of Ukraine shall be deemed to meet the professional competency criterion if he possesses knowledge in the sphere of law including knowledge of the judicial system operations, has analytical capabilities, ability to work persistently, has written and oral communication skills, and has good skills of interacting with colleagues.

23. For the purpose of checking a candidate for membership with the High Qualifications Commission of Judges of Ukraine for compliance with the integrity and professional competency criteria, the Selection Commission shall use the said indicators in the following way:

1) Compliance with the indicators is assessed based on information without time or territorial limitations;

2) A candidate is deemed not to comply with the indicators if noncompliance is proved or there are reasonable doubts in compliance;

3) Any opinion or assessment of a national or international authority with regard to a

candidate's integrity or professional competency is not a priori determinative or mandatory for the Selection Commission.

Article 95¹: Selection Commission

1. The Selection Commission shall be an auxiliary body of the High Council of Justice which is set up for the purposes of conducting a competitive selection of members of the High Qualifications Commission of Judges of Ukraine and compiling a list of candidates for a vacant position of a member of the High Qualifications Commission of Judges of Ukraine who meet the integrity and professional competency criteria.

2. The High Council of Justice shall appoint members of the Selection Commission which will conduct a competition to fill positions of HQC members from among persons proposed by the agencies responsible for nominating candidates to the Selection Commission within five days of the day of receiving proposals from the nominating agencies.

3. The Council of Judges of Ukraine, Council of Prosecutors of Ukraine, Ukrainian National Bar Association, and National Academy of Legal Sciences as represented by the Presidium shall serve as agencies responsible for nominating candidates for the Selection Commission.

4. The Selection Commission shall include:

- 1) Three individuals from among judges or retired judges proposed by the Council of Judges of Ukraine;
- 2) One individual proposed by the Council of Prosecutors of Ukraine;
- 3) One individual proposed by the Ukrainian National Bar Association;
- 4) One individual proposed by the National Academy of Legal Sciences are represented by the Presidium.

Individuals who have impeccable business reputation, high professional and moral qualities, public authority and meet the integrity criterion may be candidates for a member of the Selection Commission.

5. Each agency responsible for nominating candidates for the Selection Commission shall propose for consideration by the High Council of Justice at least two candidates for membership with the Selection Commission or agree on a proposal of a joint list of candidates.

6. Agencies responsible for nominating candidates for the Selection Commission shall propose candidates for membership with the Selection Commission according to their quotas within twenty days of the day of posting the announcement about beginning the process of selecting candidates for the Selection Commission on the official web site of the High Council of Justice. At this, the High Council of Justice no later than on the next day after the day of posting such announcement shall send to all nominating agencies a notification of beginning the selection process with a proposal to nominate candidatures to the Selection Commission

7. The decisions of agencies responsible for nominating candidates for the Selection Commission on nominating candidates for membership with the Selection Commission and the decision of the High Council of Justice on appointing members of the Selection Commission shall be posted on the official web site of the High Council of Justice by its Secretariat no later than on the next day after the day of receiving the said decisions by the Secretariat.

8. The Selection Commission shall commence its operations on the condition that at least four

members of the Selection Commission are appointed according to the procedure defined by this Law.

9. The term of powers of a member of the Selection Commission shall be four years effective the day of appointment. This term may not be renewed.

10. The Rules of Procedure of the Selection Commission shall be approved by members of the Selection Commission and be posted on the official web site of the High Council of Justice

11. Meetings of the Selection Commission shall be held in an open manner. Information on the time and venues, agendas of such meetings and decisions of the Selection Commission shall be posted on the official web site of the High Council of Justice.

12. The Secretariat of the High Council of Justice shall ensure live broadcasting of meetings of the Selection Commission on the official web site of the High Council of Justice.

13. A decision of the Selection Commission shall be approved if at least four members of the Selection Commission have voted for it.

14. A member of the Selection Commission may participate in meetings and adoption of decisions of the Selection Commission remotely using electronic means of videoconferencing.

15. A decision of the Selection Commission shall be formalized by minutes and must be reasoned and justified.

16. A member of the Selection Commission and individuals authorized by the Selection Commission shall:

- 1) Collect, check and analyze information about candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine including confidential information and personal data; receive information from government authorities and local governments, enterprises, institutions, and organizations which is needed for exercising powers of the Selection Commission;
- 2) Request candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine as well as any legal entity, government authority or local government or official thereof to provide explanations, documents or information for the purpose of checking candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine;
- 3) Have free-of-charge access to open government registers solely with regard to information which may be relevant to activities of the Selection Commission.

17. A member of the Selection Commission and individuals authorized by the Selection Commission shall be bound:

- 1) Not to use for the purposes other than fulfilment of duties related with working for the Selection Commission personal data and other information which became known to them when working for the Selection Commission;
- 2) To refuse to take part in collecting information on a candidate for the membership with the High Qualifications Commission of Judges of Ukraine, if a member of the Selection Commission has or had personal or business relationships with the candidate and/or if there is another conflict of interests or circumstances that may affect his/her objectivity or impartiality as a member of the Selection Commission;

3) To ensure that measures are taken to protect personal data and confidential information which became known to them because of discharging duties associated with operations of the Selection Commission.

18. The Selection Commission shall have the following powers:

1) Develop and approve the Rules of Procedure of the Selection Commission, Regulation on Competitive Selection of a member of the High Qualifications Commission of Judges of Ukraine, methodology for assessing candidate's compliance with the integrity and professional competency criteria set forth for candidates for membership with the High Qualifications Commission of Judges of Ukraine, indicators of compliance with the criteria of such assessment and means for establishing them;

2) Review documents submitted by candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine;

3) Select candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine who, based on the outcomes of processing the submitted documents, comply with the requirements of this Law;

4) Post on the official web site of the High Council of Justice the information on candidates for membership in the High Qualifications Commission of Judges of Ukraine admitted to participate in the competition;

5) Compile a list of candidates for undergoing the interview following the review of documents submitted by the candidates and based on the outcomes of the background check and analysis of relevant information from open sources;

6) Conduct the interviews with the selected candidates at its meeting;

7) By means of open vote, select out of the candidates who have passed the interview at least two candidates for each vacant position who comply with the integrity and professional competency criteria.

19. The organizational and material-and-technical support of the Selection Commission rests with the Secretariat of the High Council of Justice.

20. Members of the Selection Commission shall exercise their powers on a pro bono basis. They shall be relieved from discharging their official duties at their primary employment with preservation of the average salary for the period of working at the Selection Commission.

21. Powers of a member of the Selection Commission shall be terminated in the following cases:

1) The member has submitted a letter of resignation from the Selection Commission;

2) The term for which he was appointed has expired;

3) The guilty verdict of the court with regard to the member has come into force;

4) The member has terminated the citizenship of Ukraine or acquired the citizenship of another state;

5) The member's civil legal capacity has been limited; the member has been found legally incompetent, missing or has been declared deceased;

6) Demise of the member.

10. In Article 96:

To delete Part 2;

To word Part 3 in the following way:

"3. The High Qualifications Commission of Judges of Ukraine shall adopt a decision on dismissing a member of the High Qualifications Commission of Judges of Ukraine on grounds defined by Part 1 Items 1, 2 of this Article at the nearest meeting after receiving the letter of resignation";

To delete Part 4;

To word Part 6 in the following way:

"6. Consideration and adoption of the decision on dismissing a member of the High Qualifications Commission of Judges of Ukraine at the motion of the High Qualifications Commission of Judges of Ukraine shall be governed by the Rules of Procedure of the High Council of Justice."

11. To word Article 97 Part 1 Item 1 in the following way:

«1) Expiration of the term for which he was appointed».

12. To word Article 98 in the following way:

«Article 98: Organizing Operations and Meetings of the High Qualifications Commission of Judges of Ukraine

1. Plenary meetings of the Commission, meetings of Chambers and Panels shall be organizational forms of operations of the High Qualifications Commission of Judges of Ukraine depending on issues defined by this Law and Rules of Procedure of the High Qualifications Commission of Judges of Ukraine.

The Commission meetings may be held in the videoconference mode according to the procedure set forth by the Rules of Procedure of the High Qualifications Commission of Judges of Ukraine. Members of the Commission may participate in meetings and decision making remotely using electronic means of videoconferencing in cases and according to the procedure established by the Rule of the Procedure of the High Qualifications Commission of Judges.

2. Two chambers shall operate as part of the High Qualifications Commission of Judges of Ukraine each consisting of eight members of the Commission.

The Commission may make a decision on engaging members of one Chambers in operations of the other as a need might be.

3. A Panel of the High Qualifications Commission of Judges of Ukraine shall be formed of at least three members of the Commission.

4. By its plenary composition, the High Qualifications Commission of Judges of Ukraine shall elect the Chairperson of the High Qualifications Commission of Judges of Ukraine and Deputy Chairperson who serve as Chairs of Chambers and Secretaries of Chambers of the High Qualifications Commission by secret ballot and by majority vote of the total composition of the Commission. The oldest member among the members of the High Qualifications Commission of Judges of Ukraine present at the meeting shall preside at this meeting.

If a judge or retired judge is elected the Chairperson of the High Qualifications Commission of Judges of Ukraine then the Deputy Chairperson shall be elected from among the Commission members who are not judges or retired judges. If a member of the Commission who is not a judge or retired judge is elected the Chairperson of the High Qualifications Commission of Judges of Ukraine then the Deputy Chairperson shall be elected from among the Commission members who are judges or retired judges.

A member of the High Qualifications Commission of Judges of Ukraine who is not a judge or retired judge shall be elected the Secretary of a Chamber where the Chair is a judge or retired judge. A member of the High Qualifications Commission of Judges of Ukraine who is a judge or retired judge shall be elected the Secretary of a Chamber where the Chair is not a judge or retired judge.

5. The Chairperson of the High Qualifications Commission of Judges of Ukraine shall organize the Commission operations, define responsibilities of the Deputy Chairperson, preside at the Commission meetings, make preparations for such meetings, and organize documentation management.

6. The Deputy Chairperson of the Commission shall fulfil responsibilities of the Chairperson of the High Qualifications Commission of Judges of Ukraine when the latter is absent. In the absence of the Deputy Chairperson, the oldest member of the Commission shall do.

7. The Chairperson of the High Qualifications Commission of Judges of Ukraine shall issue orders, instructions, and directions which are binding on the members of the High Qualifications Commission of Judges of Ukraine and the Secretariat staff.

8. The Secretaries of the Chambers of the High Qualifications Commission of Judges of Ukraine shall make preparations for the Chambers meetings and be responsible for organizing document management in the Chambers.

9. For the purpose of case assignment in the High Qualifications Commission of Judges of Ukraine, an automated system shall be operating to assign a member of the High Qualifications Commission of Judges of Ukraine responsible for preparing and presenting a case.

The Regulation on automated system for assigning the Commission members to prepare for consideration and present a case shall be approved by the High Qualifications Commission of Judges of Ukraine.

10. The Chairs of the Chambers of the High Qualifications Commission of Judges of Ukraine shall organize the Chamber operations and preside at the Chamber meetings. In their absence, the oldest Chambers' members shall fulfill their responsibilities.

11. The High Qualifications Commission of Judges of Ukraine shall approve the Rules of Procedure which govern procedural aspects of its operations pursuant to this Law.

12. Meetings of the High Qualifications Commission of Judges of Ukraine, its Chambers and Panels shall be held in an open manner except for cases established by law.

13. A meeting of the Commission or its Chamber shall be competent if it is attended by the majority of members of the Commission or its Chamber, respectively.

A meeting of a Panel shall be competent if it is attended by all members of the Panel.

14. The Chairperson of the High Qualifications Commission of Judges of Ukraine shall define the date, time, and venue of a meeting of the Commission and the list of issues on the agenda thereof, and shall notify a person whom an issue on the agenda concerns and post this information on the official web site of the High Qualifications Commission of Judges of Ukraine (except for meetings on organizational matters) no later than ten day prior to the meeting.

15. The Chairs of the Commission Chambers shall define the date, time, and venue of a meeting of a relevant Chamber and the list of issues on the agenda thereof. They shall notify persons whom the issues on the agenda concern and post this information on the official web site of the High Qualifications Commission of Judges of Ukraine no later than ten day prior to the meeting.

16. The Secretariat of the High Qualifications Commission of Judges of Ukraine shall notify persons whom the issues on the agenda concern of the date, time, and venue of a meeting of a relevant Chamber and post relevant information on the official web site of the High Qualifications Commission of Judges of Ukraine no later than ten day prior to the meeting".

13. To word Article 107 Part 1 in the following way:

«1. Any person shall have the right to file a complaint about misconduct a judge or a notice of committing a misconduct by a judge (the "disciplinary complaint"). Individuals shall exercise this right in person or through an attorney; legal entities shall do it through an attorney; and government agencies and local governments shall do it through their leadership or representatives.

An attorney is obligated to check facts which may entail disciplining of a judge prior to filing a relevant disciplinary complaint».

14. To word Article 135 Part 3 Item 3 in the following way:

«3) Supreme Court Justices – 75 minimum subsistence levels for able-bodied individuals established as of January 1st of a calendar year».

15) To supplement Article 152 Part 1 with Item 12¹ as follows:

«12¹) In cases envisaged by this Law, provide the High Council of Justice with an advisory opinion which is an official document containing recommendations and proposals on the number of judges in a court (except for the Supreme Court), number of judges in the Appellate Chamber of a High Specialized Court».

16. To supplement Section XII "Final and Transitional Provisions" with Items 29¹-29³, 49-54 as follows:

«29¹. The High Qualifications Commission of Judges of Ukraine set up pursuant to this Law shall complete the competitive selection procedures which had been commenced by the High Qualifications Commission of Judges of Ukraine before the Law of Ukraine "On Amending the Law of Ukraine 'On Judiciary and Status of Judges' and Selected Laws of Ukraine with regard to Operations of Judicial Self-Governance Bodies" (Vidomosti Verkhovnoyi Rady Ukrainy, 2019, № 50, p.354) came into force.

29². Running of the period of validity of results of the qualification exam passed by judicial candidates including those who were included on the reserve list shall be halted from the day of termination of powers of members of the High Qualifications Commission of Judges of Ukraine pursuant to Item 2 of Section II "Final and Transitional Provisions" of the Law of

Ukraine "On Amending the Law of Ukraine 'On Judiciary and Status of Judges' and Selected Laws of Ukraine with regard to Operations of Judicial Self-Governance Bodies"»(Vidomosti Verkhovnoyi Rady Ukrainy, 2019, №50, p. 354).

29³. Running of the period suspended pursuant to Item 29² of this Section shall be resumed effective the day of formation of the new composition of the High Qualifications Commission of Judges of Ukraine set up according to this Law with allowance for the time elapsed prior to such suspension»;

«49.An announcement about beginning of the first competitive selection of members of the Selection Commission, terms and conditions of such competitive selection shall be published in Golos Ukrainy newspaper and be posted on the official web site of the High Council of Justice within 10 days of the day on which the Law Ukraine "On Amending the Law of Ukraine 'On Judiciary and Status of Judges' and Selected Laws of Ukraine with regard to Resuming Operations of the High Qualifications Commission of Judges of Ukraine" comes into force».

50. The first composition of the Selection Commission shall consist of three individuals from among judges or retired judges proposed by the Council of Judges of Ukraine and three individuals proposed by international and foreign organizations which pursuant to international treaties or interstate agreements of Ukraine have been providing Ukraine with international technical assistance in the sphere of judicial reform and/or preventing and counteracting corruption during the last five years. Such international and foreign organizations shall agree on a jointly proposed list of candidates.

The Ministry of Foreign Affairs of Ukraine shall compile a list of international and foreign organizations which have been providing Ukraine with international technical assistance in the sphere of judicial reform and/or preventing and counteracting corruption pursuant to international or interstate agreements during the last five years and send it to the High Council of Justice within five days of the day on which the Law Ukraine "On Amending the Law of Ukraine 'On Judiciary and Status of Judges' and Selected Laws of Ukraine with regard to Resuming Operations of the High Qualifications Commission of Judges of Ukraine" comes into force.

The Chairperson of the High Council of Justice or a person acting as a Chairperson shall request the agencies responsible for nominating candidates for the Selection Commission to propose candidates for its membership no later than on the next business day after the day of receiving the list of international and foreign organizations.

Individuals who have impeccable business reputation, high professional qualities, authority in the society, and meet the integrity criterion may be candidates for membership in the Selection Commission.

Judges or retired judges who have successfully passed the qualification evaluation may be candidates for the Selection Commission members who are judges or retired judges.

An agency responsible for nominating candidates for the Selection Commission shall submit a list of such candidates for the High Council of Justice within thirty days of receiving the relevant request from the Chairperson of the High Council of Justice or a person acting as a Chairperson.

The list of candidates for the Selection Commission submitted by the nominating agencies shall be posted on the official web site of the High Council of Justice and official web portal of the Judiciary of Ukraine.

If international and foreign organizations which have been providing Ukraine with international technical assistance in the sphere of judicial reform and/or preventing and counteracting corruption pursuant to international or interstate agreements during the last five years fail to nominate candidates for the Selection Commission within the timeframe defined in Paragraph six of this Item or nominated the number of nominees insufficient to form the competent composition of the Selection Commission then such nominees shall be proposed within fifteen days by the Council of Prosecutors of Ukraine, Ukrainian National Bar Association, National Academy of Legal Sciences of Ukraine represented by the Presidium.

The Chairperson of the High Council of Justice or a person acting as a Chairperson shall appoint members of the first composition of the Selection Commission within five days of receiving the lists of nominees from all agencies responsible for nominating candidates for the Selection Commission.

If the Chairperson of the High Council of Justice or a person acting as a Chairperson fails to appoint members of the Selection Commission within the established timeframe the first three candidates from the list of the High Council of Judges of Ukraine and the list of international and foreign organizations shall be deemed appointed.

The first composition of the Selection Commission shall commence operations on the condition that at least four members of the Selection Commission are appointed two of which are nominated by international and foreign organizations according to the procedure defined by this Law.

A decision of the first composition of the Selection Commission shall be adopted if at least four members of the Selection Commission of which two were nominated by international and foreign organizations have voted for it.

In case of equal number of votes "for" and "against" the votes of three members of the Competition Commission, two of which are proposed by international and foreign organizations, are decisive.

At the request of a member of the first composition of the Selection Commission for organizational and technical support for the exercise of his/her powers, the Selection Commission may engage assistants, translators. Funding for the activities of such assistants and translators may be provided with the involvement of international technical assistance.

The term of powers of the Selection Commission and its members appointed by the High Council of Justice in the composition defined by Paragraphs 1, 5 of this Item shall be terminated two years after appointment of the competent composition of the High Qualifications Commission of Judges of Ukraine.

During the term of its powers the Selection Commission, in the composition defined by Paragraph one of this Item, shall conduct competitive selection of candidates for filling vacant positions of members of the High Qualifications Commission of Judges of Ukraine.

The next composition of the Selection Commission shall be formed according to the procedure defined in Article 95¹ of this Law.

51. Member of the Selection Commission who has been nominated by international and foreign organizations who do not permanently reside in the city of Kyiv shall be entitled to reimbursement of their costs of stay and travel from the State Budget of Ukraine.

The procedure and caps on reimbursement of such costs shall be established by the Cabinet of Ministers of Ukraine.

52. An announcement about beginning of the first competitive selection of members of the High Qualifications Commission of Judges of Ukraine, terms and conditions of such competitive selection shall be published in *Holos Ukrainy* newspaper and be posted on the official web site of the High Council of Justice within 30 days of the day of holding the first meeting of the Selection Commission.

53. For the High Council of Justice to publish an announcement about beginning of competitive selection to fill vacant positions of members of the Selection Commission, terms and conditions of such competitive selection in *Holos Ukrainy* newspaper and on the official web site of the High Council of Justice within five days of termination of powers of the first composition of the Selection Commission.

54. For the agencies responsible for nominating candidates for the Selection Commission to provide the High Council of Justice with the lists of candidates for the Selection Commission according to the procedure defined by this Law within 20 days of the day of publishing the announcement about beginning of competitive selection to fill vacant positions of members of the Selection Commission.

II. Final Provisions

1. This Law shall come into force effective the day following the day of publication thereof.

2. To amend the following Laws of Ukraine:

1) In the Law "On the High Council of Justice" (Vidomosti Verkhovnoyi Rady Ukrainy, 2017., № 7-8, p. 50, № 48, p. 436; 2019, № 4, p. 32, № 50, p. 354):

In Article 3 Part 1:

To word Item 12 in the following way:

«12) Define the number of judges in court according to the procedure defined by the Law of Ukraine "On Judiciary and Status of Judges»;

To delete Item 13¹;

To delete Article 24 Part 3, Article 28¹, Article 31 Part 8, Article 42 Part 1, Article 47 Part 3, and Article 48 Part 4;

2) To delete Items 3-7, 9, 10 in Section II "Final and Transitional Provisions" in the Law of Ukraine "On Judiciary and Status of Judges" and Selected Laws of Ukraine with Regard to Activities of Judicial Governance Bodies" (Vidomosti Verkhovnoyi Rady Ukrainy, 2019, № 50, p. 354).

President of Ukraine

V.ZELENSKYI

City of Kyiv

July 13, 2021

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