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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

LAW

ON HIGH COUNCIL OF JUSTICE

Law of Ukraine on High Council of Justice

(Відомості Верховної Ради (ВВР), 2017, № 7-8, ст.50)
(Vidomosty Verkhovnoyi Rady, 2017, # 7-8, p. 50)

As amended by Laws:

№ 2147-VIII dated 03 March 2017, BBP, 2017, № 48, p. 436
№ 2447-VIII dated 07.06.2018, BBP, 2018, № 24, p. 212
№ 2646-VIII dated 06.12.2018, BBP, 2019, № 4, p. 32
№ 193-IX dated 16.10.2019, BBP, 2019, № 50, p. 354
№ 263-IX dated 31.10.2019, BBP, 2020, № 2, p. 5}

{See Decision of the Constitutional Court of Ukraine #№ 4-p/2020 dated 11 March 2020 regarding finding selected provisions to be unconstitutional.}

This Law governs the status, powers, principles of organization, and operating procedures of the High Council of Justice.

SECTION I: GENERAL PART

Chapter 1: General Provisions

Article 1: The status of the High Council of Justice

1. The High Council of Justice is a collective independent constitutional body of public authority and judicial governance which functions in Ukraine on a permanent basis to guarantee independence of the judiciary and its functioning on the principles of responsibility, accountability before the society, development of an honest and highly professional judicial corps in compliance with the provisions of the Constitution and the laws of Ukraine, as well as with the professional ethics in activities of judges and prosecutors.
2. The High Council of Justice is a legal entity with a separate funding line in the state budget of Ukraine.

Article 2: Legal Basis for the High Council of Justice Operations

1. The status, powers, principles of organization, and operating procedures of the High Council of Justice are defined by the Constitution of Ukraine, this Law, and the Law of Ukraine "On Judiciary and Status of Judges".
2. The High Council of Justice shall approve the rules of procedure of the High Council of Judges which governs procedural aspects of how it exercises its powers.

Article 3: Powers of the High Council of Justice

1. The High Council of Justice shall:
 - 1) Submit a motion for appointment of a judge;
 - 2) Adopt a decision on violations of incompatibility requirements by a judge or a prosecutor;
 - 3) Ensure that a disciplinary body administers disciplinary proceedings with regard to a judge;
 - 4) Establish bodies to review disciplinary cases against judges;
 - 5) Review complaints against decisions of relevant bodies to bring a disciplinary sanction against a judge or a prosecutor;
 - 6) Adopt a decision on dismissal of a judge;
 - 7) Give consent to arrest or detention of a judge;
 - 8) Adopt a decision on a suspension of a judge from administering justice;

- 9) Take measures to guarantee authority of justice and independence of judges;
 - 10) Adopt a decision on transferring a judge from one court to another or seconding a judge to another court of the same level and specialization,
 - 11) Adopt a decision on recalling a judge from retirement;
 - 12) Define the number of judges in court according to the procedure defined by the Law of Ukraine "On Judiciary and Status of Judges";
 - 13) Approve the Regulation on the Unified Judicial Information (Automated) System, Regulation on the State Judicial Administration of Ukraine and a model regulation on its territorial agencies, Regulation on the Court Security Service, Regulation on Competitive Selection of Candidates for Civil Service Positions in Courts, Judicial Agencies and Institutions, Regulation on the Commission on Senior Corps of the Civil Service in the Justice System; and Regulation on Administering the Unified State Register of Judicial Decisions;
{Changes to Article 3 Part 1 Item 13 will come into force effective the beginning of operation of the Unified Judicial Information-and-Telecommunication System – see Section 4 §2 Item 2 of Law № 2147-VIII dated 03 March 2017.}
 - 14) Agree on the Model Regulation on court personnel and Regulation on Establishment and Operation of the Bailiff Service;
 - 15) Provide advisory opinions, which are obligatory for consideration, regarding draft laws on establishment, reorganization or liquidation of courts, judiciary and status of judges; summarize recommendations from courts, judicial agencies and institutions regarding the legislation on their status and functioning, judiciary and status of judges;
 - 16) Perform functions of the principal managers of the State Budget Fund with regard to funding its operations; participate in defining spending from the State Budget of Ukraine for courts, judicial agencies and institutions pursuant to the Budget Code of Ukraine;
{Article 3 Part 1 Item 16 as amended by Law #2646-VIII dated December 06, 2018}
 - 17) Upon submission from the State Judicial Administration of Ukraine, approve standards for staffing, financial, technical and other resources of courts;
 - 18) Approve, according to the established procedure, redistribution of budget funds among courts except the Supreme Court;
 - 19) Appoint and dismiss the Head of the State Judicial Administration of Ukraine and his/her deputies;
 - 20) Upon submission from the Head of the State Judicial Administration of Ukraine, establish the limits on the number of the personnel of the State Judicial Administration of Ukraine including its territorial departments;
 - 20¹) Appoint and dismiss members of the High Qualifications Commission of Judges of Ukraine;
{Article 3 Part 1 is supplemented with Item 20¹ pursuant to Law #193-IX dated October 16, 2019.}
 - 20²) Make decisions on dismissing members of the High Council of Justice;
{Article 3 Part 1 is supplemented with Item 20² pursuant to Law #193-IX dated October 16, 2019.}
 - 21) Exercise other powers as defined by this Law and the Law of Ukraine "On Judiciary and Status of judges".
2. Because of exercising its powers as defined by law, the High Council of Justice shall participate in international cooperation, interact with foreign agencies, institutions and organizations in the area of justice, and it may be a member of relevant international associations.
3. For the purpose of performing auxiliary or advisory functions, the High Council of Justice may engage bodies of judicial self-governance, judges, retired judges, attorneys, prosecutors, and other specialists, Public Integrity Council subject to their consent on a pro bono basis.

Article 4: Insignias and Location of the High Council of Justice

1. The High Council of Justice shall have its seal with an imprint of the Coat of Arms of Ukraine, its name, and the emblem of the High Council of Justice that shall be subject to the approval of the High Council of Justice.
2. The session hall of the High Council of Justice shall be decorated with the Coat of Arms of Ukraine and the National Flag of Ukraine.
3. The High Council of Justice shall be located in Kyiv.

Chapter 2: Composition of the High Council of Justice**Article 5: Composition of the High Council of Justice**

1. The High Council of Justice shall consist of twenty one members, including ten members elected by the congress of judges of Ukraine from among judges or retired judges, two members appointed by the President of Ukraine, two members elected by the Parliament of Ukraine, two members elected by the congress of attorneys of Ukraine, two members elected by the Ukrainian national conference of prosecutors, and two members elected by the congress of representatives of higher education and research institutions in the area of law.

The Chief Justice of the Supreme Court shall be the member of the High Council of Justice *ex officio*.

2. Members of the High Council of Justice shall be elected (appointed) for a term of four years. The same person may not hold the office of a member of the High Council of Justice two subsequent terms.
3. If the High Council of Justice becomes incompetent due to the expiration of the term in the office of its member, such member of the High Council of Justice shall continue to serve until his/her successor is elected (appointed) but in any case no longer than three months from the date of expiration of the term of office for which this member of the High Council of Justice was elected (appointed).

Article 6: Requirements and Restrictions Applicable to Members of the High Council of Justice

1. A citizen of Ukraine who has turned 35, has a good command of the state language, has a higher legal education and at least 15-year professional experience in the sphere of law, belongs to a legal profession and meets the political neutrality criterion as well as professional competence, professional ethics, and integrity criteria may be elected (appointed) to the position of a member of the High Council of Justice.
2. Members of the High Council of Justice, except the Chief Justice of the Supreme Court, shall exercise their powers on a permanent basis.
3. Members of the High Council of Justice shall be subject to requirements and restrictions established by the anti-corruption legislation.
4. Members of the High Council of Justice shall be obliged to comply with the ethical standards for judges, both in their professional activity and beyond it.
5. A member of the High Council of Justice shall meet the criteria of political neutrality. In particular, a person may not be elected (appointed) a member of the High Council of Justice if as of the date of election (appointment) this person:
 - 1) Is a member of or holds any position in any political party or another organization with political goals or participates in political activities;
 - 2) Is elected to an elected position in any state body (except judicial) or in a local self-government body and holds a representative mandate;

- 3) Participates in organization of funding of a political campaign or in other political activities.
6. A member of the High Council of Justice may not combine his/her position with: any other position at a government authority or local government; body of judicial, attorneys' or prosecutorial self-governance; status of a member of the Ukrainian Parliament, member of the Parliament of the Autonomous Republic of Crimea, member of oblast, district, city, city district, village, or township councils. Nor may he/she be involved in business activities or any other salaried position (except the office of the Chief Justice of the Supreme Court), be involved in any other paid work or receive other salary than that of a member of the High Council of Justice (except for lecturing, research, or creative work and the remuneration linked to it) or be a member of management or supervisory boards of legal entities that operate for profit. A member of the High Council of Justice may not be affiliated with political parties, trade unions or be involved in political activities.
7. Persons who hold shares or have other corporate rights, property rights or ownership interest in any for-profit legal entity shall be obliged to place such shares (corporate rights), or other relevant rights under the management of an independent third party for the duration of the term in the office as a member of the High Council of Justice (without the right of instructing that party on the management of the shares or corporate or other rights or the exercise of associated rights). Members of the High Council of Justice may receive interest, dividends or other passive income from their own property.
8. A judge serving as member of the High Council of Justice may not administer justice (except for the Chief Justice of the Supreme Court).
9. An attorney serving as member of the High Council of Justice shall, for the duration of the term in the office, suspend his/her practice of law as prescribed by the law.

While serving as a member of the High Council of Justice, a judge, prosecutor, attorney shall not participate in self-governance bodies of judges, attorneys or prosecutors.

10. The following persons shall not be eligible for membership in the High Council of Justice:
 - 1) Persons found by court legally incapable or partially incapable;
 - 2) Persons with a record of conviction that has not been expunged or removed from the record under the procedure established by law;
 - 3) Persons on whom any administrative sanctions were imposed during the previous year for any corruption offense;
 - 4) Persons who had been members of the High Qualifications Commission of Judges of Ukraine or the High Council of Justice before the Law of Ukraine 'On restoring trust in the judiciary in Ukraine' came in force;
 - 5) Persons holding administrative positions in courts (except for the Chief Justice of the Supreme Court);
 - 6) Persons who do not meet the incompatibility requirements set forth by this Law and fail to eliminate such incompatibility within a reasonable time but not longer than thirty days from the day of the onset of circumstances constituting violation of the incompatibility requirements or within another term established by the High Council of Justice in accordance with this Law.
11. Based on a request of a person who does not meet the incompatibility criteria established by this Law and has no possibility to eliminate such incompatibility for reasons beyond his/her control within thirty days, the High Council of Justice may extend this term but no longer than by thirty more days.
12. The membership in the High Council of Justice shall also be incompatible with any existing restriction on holding offices that are subject to cleansing under the procedures established by the Law of Ukraine 'On government cleansing'.

Chapter 3: Procedures for Electing (Appointing) Members of the High Council of Justice

Article 7: Principles of Electing (Appointing) Members of the High Council of Justice

1. Members of the High Council of Justice shall be elected (appointed) to their positions under the procedure established by this Law and in accordance with the principles of the rule of law, professionalism, openness to public, political neutrality.

Article 8: Submission by a Candidate for the Position of a Member of the High Council of Justice of Documents for Election (Appointment) Purpose

1. To take part in the procedure of election (appointment) to the High Council of Justice, a candidate for membership in the High Council of Justice shall submit:

- 1) Written request for election (appointment) for the member of the High Council of Justice;
- 2) Curriculum vitae;
- 3) Motivation letter with a statement of the candidate's motivation to be elected (appointed) as a member of the High Council of Justice;
- 4) Copy of a document identifying the person and confirming Ukrainian citizenship;
- 5) Copy of an employment record book and a career progress record (if available);
- 6) Declaration statement of a person authorized to perform government or local self-government functions for the year preceding the year when the vacancy was announced, in the format established by the Law of Ukraine 'On preventing corruption', a declaration of family relations, and a declaration of integrity of a judge;
- 7) Copy of a diploma of higher education in law (including annexes), obtained in Ukraine, and/or copies of documentary evidence of higher education in law obtained abroad, and copies of documents certifying recognition thereof in Ukraine as well as copies of certificates of academic rank or title (if available);
- 8) Medical certificate issued by a healthcare institution confirming the candidate's eligibility for an office involving execution of government functions;
- 9) Copy of a military service record card (applicable to military servicemen or persons liable to the military service);
- 10) Written consent for processing of personal data and disclosure of copies of documents specified by this Article, except for the copies of documents referred to in items 4, 8, and 9 of this part;
- 11) Written statement on the absence of restrictions on the membership in the High Council of Justice in compliance with Article 6 of this Law, as well as compliance with incompatibility requirements or commitment to comply with incompatibility requirements in the case of election (appointment) to the High Council of Justice;
- 12) Request for undertaking a check in accordance with the Law of Ukraine 'On government cleansing' or a conclusion and the findings of such a check;
- 13) Consent to a special check in accordance with the law;
- 14) Copy of a document confirming the corresponding status (for judges, attorneys and prosecutors).

2. The written request form for election (appointment) as a member of the High Council of Justice shall be subject to approval by the High Council of Justice and published on the official website of the High Council of Justice.

3. It is prohibited to request that candidates provide any other documents except those specified by this Article.

Article 9. Competitive Basis for Selecting Candidatures for Electing (Appointing) a Member of the High Council of Justice

1. Candidates for the positions of a member of the High Council of Justice shall be selected based on the criteria of professional competence, integrity, and professional ethics. In case of electing

a member of the High Council of Justice by the Congress of Ukrainian Judges, Congress of Ukrainian Attorneys, Congress of Representatives of Higher Education Institutions and Research Institutions in the Sphere of Law or the National Conference of Prosecutors, a body which convenes such congress or conference shall advise the Secretariat of the High Council of Justice of the date and venue thereof no later than 45 calendar days prior to holding such congress/conference.

2. No later than on the next business day following the day of receiving a notice of the date and venue of holding the congress or conference, the Secretariat of the High Council of Justice shall post on its official website an announcement specifying:

- 1) Date and venue of the congress or conference;
- 2) Information on the beginning of accepting documents for participation in competitive selection of members of the High Council of Justice.

3. A candidate for membership in the High Council of Justice shall submit in person the documents defined by Article 8 Part 1 of this Law to the High Council of Justice or send them by electronic communication means no later than 30 days prior to the date of the congress or conference.

4. The Secretariat of the High Council of Justice shall accept and register documents of candidates for membership in the High Council of Justice in the chronological order of receiving the applications and, no later than on the next business day, post on the official website of the High Council of Justice information on a candidate for the position of a member in the High Council of Justice together with copies of the submitted documents except for the documents defined by Article 8 Part 1 Items 4, 8, 9 of this Law.

5. Acceptation of the documents of candidates for the position of a member of the High Council of Justice shall end at 24:00 of the last day of the term envisaged by part 3 of this Article if the documents are submitted electronically or at the close of business of the Secretariat of the High Council of Justice on the last day envisaged by Part 3 of this Article. The Secretariat of the High Council of Justice may not refuse to accept documents on other grounds than expiration of the said term.

6. No later than on the next business day after acceptance of the documents has ended, the Secretariat of the High Council of Justice shall compile lists of candidates for the positions of members of the High Council of Justices. The lists shall be immediately posted on the official website of the High Council of Justice and be sent to an agency which convenes a relevant congress or conference. Besides, the lists shall be published in Holos Ukrainy newspaper.

7. The Secretariat of the High Council of Justice shall ensure conducting of the special check of candidates for the positions of members of the High Council of Justice pursuant to the Law of Ukraine "On Preventing Corruption". The Secretariat of the High Council of Justices shall provide the agency which convenes a relevant congress or conference and the Ethics Council with the opinion on results of the special check of a candidate for the position of a member of the High Council of Justice and opinion on compliance of the candidate and his/her documents with the requirements set forth by this Law.

8. No later than on the next business day after acceptance of the documents has ended, the Secretariat of the High Council of Justice shall send copies of the documents submitted by candidates for the positions of members of the High Council of Justice to the Ethics Council for the purpose of establishing the candidates' compliance with the professional ethics and integrity criteria.

The Ethics Council shall provide the agency which convenes a relevant congress or conference with the opinion on each candidate's compliance with the professional ethics and integrity criteria as well as the list of candidates recommended for election to the position of a member of the High Council of Justice. Such list shall contain at least twice as many candidatures as the number of vacant positions of members of the High Council of Justice.

Should the number of candidates recommended by the Ethics Commission who meet the professional ethics and integrity criteria be smaller than the number of candidates defined by Paragraph two of this part, a new competitive selection shall be announced. The latter shall be conducted according to the procedure envisaged by this Law.

9. If as a result of the special check the information is found regarding a candidate that does not meet the statutory requirements for the position, and/or if a candidate is not 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, such a candidate shall terminate his/her participation in the competition for the position of a member of the High Council of Justice.

10. To enable the President of Ukraine to appoint a member of the High Council of Justice an announcement of a competition for position of a member of High Council of Justice shall be posted on the website of the Official Internet Representation of the President of Ukraine.

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

12. Information on persons applying for participation in the competition, along with copies of submitted documents, except for documents specified in Article 8, Part 1, Paragraphs 4, 8, 9 of this Law, shall be posted on the website of the Official Internet Representation of the President of Ukraine no later than on the next business day after the day of receiving the documents.

13. The President of Ukraine shall approve the Regulation on Competitive Selection of Candidates for the purpose of enabling the President of Ukraine to appoint a member of the High Council of Justice and set up the Selection Commission.

14. The Selection Commission shall consider the specified in part one of Article 8 of this Law documents of persons applying for participation in the competition to be appointed by the President of Ukraine to the position of a member of the High Council of Justice and shall decide on compliance of candidates and their documents with the requirements of this Law.

Persons applying for participation in the competitive selection of candidates for the appointment by the President of Ukraine to the position of a member of the High Council of Justice, in respect of whom the Selection Commission based on submitted documents decided that they do not comply with the requirements of this Law, shall terminate their participation in the competitive selection process.

15. The special check of candidates for the position of a member of the High Council of Justice whom the Selection Commission found compliant with the requirements set forth by this Law shall be organized pursuant to the Law of Ukraine "On Preventing Corruption".

The Selection Commission shall promptly send copies of the documents of candidates for the position of a member of the High Council of Justice and the opinion on outcomes of the special check of a candidate to the position of a member of the High Council of Justice to the Ethics Council so that the latter establishes the candidate's compliance with the professional ethics and integrity criteria for filling the position of a member of the High Council of Justice.

The Ethics Councils shall provide the Selection Commission with an opinion on each candidate's compliance with the professional ethics and integrity criteria for filling the position of a member of the High Council of Justice as well as the list of candidates recommended for appointment to the position of a member of the High Council of Justice. The list should contain at least twice as many candidates as the number of vacant positions of a member of the High Council of Justice.

If the special check reveals information on the candidate which does not meet statutory requirements regarding filling the vacant position and/or if the candidate is not included in the list of candidates recommended by the Ethics Commission for election to the position of a member

of the High Council of Justice, such candidate shall terminate participation in the process of competitive selection of a member of the High Council of Justice.

16. The Selection Commission shall conduct an interview with a candidate who has passed the special check and is included in the list of candidates recommended by the Ethics Commission for appointment to the position of a member of the High Council of Justice in order to determine his/her professional competency.

Based on the interview outcomes, the Selection Commission shall compile a list of candidates recommended for appointment to the position of a member of the High Council of Justice by the President of Ukraine.

17. The Selection Commission shall submit for consideration by the President of Ukraine the list of candidates recommended for appointment to the position of a member of the High Council of Justice together with reports on results of the special check of the candidates, opinions of the Ethics Council, and documents submitted by the candidates.

18. For the purpose of electing a member of the High Council of Justice by the Verkhovna Rada of Ukraine, the Verkhovna Rada Apparatus shall post an announcement of conducting competitive selection of a member of the High Council of Justice on the official website of the Verkhovna Rada.

19. Information on the individuals willing to participate in the competitive selection along with copies of the submitted documents except for the documents defined by Article 8 Part 1 Items 4, 8, 9 of this Law shall be posted on the official website of the Verkhovna Rada of Ukraine on the next business day after the day of receiving the documents.

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

Article 9¹. Ethics Council

1. The Ethics Council shall be set up for the purpose of assisting the agencies which elect (appoint) members of the High Council of Justice with determining the compliance of a candidate for the position of a member of the High Council of Justice with the professional ethics and integrity criteria.

2. Individuals who have impeccable business reputation, high professional and moral qualities, authority in the society, meet the professional ethics and integrity criteria, have at least 15-year experience in the spheres of judicial proceedings, practice of law, prosecution, or academic activities in the sphere of law may be members of the Ethics Council.

Individuals not meeting the said requirements or requirements envisaged by Article 6 Part 10 of this Law may not be members of the Ethics Council.

3. The composition of the Ethics Council shall include:

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

Judges or retired judges who have successfully passed qualification evaluation may be candidates for the position of a member of the Ethics Council who are judges or retired judges.

4. An entity responsible for formation of the Ethics Council shall provide the High Council of Justice with a list of candidates for the Ethics Council composition together with information confirming such candidates' compliance with the requirements of Part 2 of this Article within 30 days of receiving a submission of the Chair of the High Council of Justice. It is prohibited to

request an entity responsible for forming the Ethics Commission or a candidate to the composition of the Ethics Council to provide other documents.

5. The lists of candidates to the composition of the Ethics Councils submitted by the forming entities shall be posted on the official website of the High Council of Justice and official web portal of the judicial power of Ukraine on day following the day of receipt thereof.

6. The Chair of the High Council of Justice shall appoint members of the Ethics Council within five business days of the deadline for submitting the lists of recommended candidates from all entities responsible for formation of the Ethics Council.

Should the Chair of the High Council of Justice fail to appoint members of the Ethics Council by the established deadline, the first three individuals on the list of candidates submitted by the Council of Judges of Ukraine, the first candidate proposed by the Council of Prosecutors of Ukraine, the first candidate proposed by the Ukrainian National Bar Association, and the first candidate proposed by the National Academy of Legal Sciences as represented by the Presidium shall be deemed to be appointed.

7. The Ethics Council shall be deemed competent if at least four members in its composition have been approved.

8. The term of powers of a member of the Ethics Council shall be six years without the right to be re-appointed.

9. Powers of a member of the Ethics Council shall be terminated early in the following cases:

- 1) The member has filed a letter of termination of the powers of a member of the Ethics Council of his/her own volition;
- 2) A court's guilty verdict with regard to the member of has come into force or the member is held administratively liable for a corruption-related offence or administrative offence;
- 3) A court's judgement finding the member legally uncapacious or limiting his/her civil capacity or recognizing him/her missing or announcing him/her deceased has come into force;
- 4) The member has passed away.

10. A decision on early termination of powers of a member of the Ethics Council shall be made by the Chair of the High Council of Justice. Once such decision has been made and no later than on the next business day, the latter shall (i) request the entity on whose initiative such member of the Ethics Council has been appointed to propose a new candidature and (ii) take measures to appoint a new member of the Ethics Council.

11. Meetings of the Ethics Council shall be held in an open manner. Information on the time, venue, agenda of a meeting and decisions of the Ethics Council shall be posted on the official web portal of the judicial power of Ukraine.

12. The State Judicial Administration of Ukraine shall ensure video- and audio recording and broadcasting of the Ethics Council meetings in real time mode on the official web portal of the judicial power of Ukraine.

13. A member of the Ethics Council may participate in meetings and making decisions of the Ethics Council remotely in the video conference mode using electronic communications means.

14. The Ethics Council shall select candidates for the positions of a member of the High Council of Justice in two stages:

- 1) Selecting candidates based on results of reviewing documents submitted by the candidates, special check results, and relevant information from open sources; and compiling a list of candidates admitted to the interview;
- 2) Conducting the interview with selected candidates and compiling a list of candidates to be recommended to entities responsible for electing (appointing) members of the High Council of Justice.

Such list should contain at least twice as many candidatures as the number of vacant positions of members of the High Council of Justice.

15. If the number of candidates for filling vacant positions of a member of the High Council of Justice who have been selected by the Ethics Council and meet the professional ethics and integrity criteria is fewer than the number of candidates envisaged by Part 14 of this Article, the Ethics Council shall advise the entity responsible for appointment (election) of a need to conduct a new competitive selection process.

16. A candidate for the position of a member of the High Council of Justice shall be deemed compliant with the professional ethics and integrity criterion if he/she is independent, honest, unbiased, corruption-free, industrious, adheres to ethical norms, demonstrates impeccable behavior in professional activities and private life, and with regard to whom there are no doubts about lawful origin of his/her assets, conformity of his/her and his/her family members' living standards to reported incomes or conformity of the candidate's lifestyle to his/her status.

17. A candidate shall be deemed compliant with the professional competency criterion if he/she possess necessary knowledge for exercising powers of a member of the High Council of Justice, demonstrated analytical capabilities, oral and written communication skills, ability to interact with colleagues, and ability to work persistently.

18. For the purpose of checking a candidate for compliance with the professional ethics and integrity criteria, the Ethics Council shall apply the given indicators in the following way:

- 1) Determining compliance with the indicators shall be based on information without time or territorial limitations;
- 2) A candidate shall be found incompliant with an indicator if non-compliance is proved or there are reasonable doubts in compliance;
- 3) Any opinion or assessment of a national or international agency with regard to candidate's integrity or professional competency shall not be a priori determinative or binding on the Ethics Council.

19. A decision of the Ethics Council shall be deemed approved if at least four members of the Ethics Council have voted for it.

20. For the purpose of exercising its powers, the Ethics Council:

- 1) Shall develop, approve, and disclose the Rules of Procedure of the Ethics Council;
- 2) Shall develop, approve, and disclose the methodology for assessing compliance of a candidate for filling the position of a member of the High Council of Justice with the professional ethics and integrity criteria, compliance indicators for such assessment, and means to develop such indicators;
- 3) Shall review, study, and analyze documents of a candidate for the position of a member of the High Council of Justice which have been sent to the Ethics Council;
- 4) Shall collect, verify, and analyze information on a candidate for the position of a member of the High Council of Justice including confidential information with personal data received from government authorities and local governments, information received from individuals and legal entities, from the mass media and other sources which is needed to exercise the Ethics Council's powers;
- 5) May request a candidate for the position of a member of the High Council of Justice as well as specially authorized entities in the sphere of counteracting corruption, other government authorities, local governments, enterprises, institutions, and organizations irrespective of ownership form and subordination, their officials, any legal entities to provide explanations, documents or information for the purpose of checking candidates for the position of a member of the High Council of Justice.

An individual or agency who/which has received such request from the Ethics Council shall be bound to provide relevant explanations, information and/or documents (copies thereof) within ten calendar days of receiving the request;

- 6) Shall compile a list of candidates for administering an interview based on outcomes of review of the documents submitted by the candidates, results of the special check and analysis of relevant information from open sources;
- 7) Shall conduct interviews with selected candidates;
- 8) Shall approve a grounded opinion on the compliance of each candidate for the position of a member of the High Council of Justice with the professional ethics and integrity criteria and post it on the official website of the High Council of Justice, compile and disclose a list of candidates recommended by the Ethics Council for election (appointment) to the position of a member of the High Council of Justice;
- 9) Shall send to the entity responsible for electing (appointing) a member of the High Council of Justice an opinion on each candidate and the list of candidates recommended by the Ethics Council for election (appointment) to the position of a member of the High Council of Justice. The said list should contain at least twice as many candidatures as the number of vacant positions of a member of the High Council of Justice;
- 10) Shall exercise other powers defined by law.

For the purpose of exercising their powers, members of the Ethics Council shall be granted a free-of-charge and full access to open state-run registers and judicial (candidates') dossiers.

21. A member of the Ethics Council shall be bound:
 - 1) To take part in its activities in person without a right to devolve his/her powers to other individuals;
 - 2) Not to use, transfer or disclose personal data and other information which have become known to him/her because of exercising powers of a member of the Ethics Council for purposes other than discharging his/her duties as a member of the Ethics Council;
 - 3) Not to participate in collecting information on a candidate for the position of a member of the High Council of Justice or in considering a candidate-related issues if the member of the Ethics Council has or had personal or business relationships with such candidate and/or if there is another conflict of interests or there are other circumstances which may affect the objectivity or impartiality of the Ethics Council member;
 - 4) To take measures to protect personal data or other information which have become known to him/her in connection with exercising powers of a member of the Ethics Council.
22. The responsibility for organizational-and-technical support of the Ethics Council operations rests with the State Judicial Administration of Ukraine.
23. At a request of the Ethics Council for the purpose of supporting its operations and its members' activities, additional experts and specialists may be engaged by international and foreign organizations which have been providing Ukraine with technical assistance in the sphere of judicial reform and/or preventing and counteracting corruption at their own cost pursuant to international or interstate agreements for the last five years.
24. Members of the Ethics shall exercise their powers on a pro bono basis. They shall be released of discharging their official duties at their primary employment with retention of the average salary/wages for the period of working at the Ethics Council.

Article 10: Procedures for Electing Members of the High Council of Justice by the Congress of Judges of Ukraine

1. The Congress of Judges of Ukraine shall elect members of the High Council of Justice from among judges or retired judges by a secret ballot.
2. A vote shall be held solely for those candidates for members of the High Council of Justice who have submitted documents according to the procedure set forth by this Law, meet the requirements defined by 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.

3. A candidate shall be deemed elected to the High Council of Justice if, by a secret ballot, he/she wins a majority of votes of the delegates of the congress of judges of Ukraine.
4. Based on the voting results, the chair and secretary of the Congress of Judges of Ukraine shall sign the decisions on the election of members of the High Council of Justice.
5. Should the Congress of Judges of Ukraine have failed to elect a member of the High Council of Justice, a new competitive selection shall be announced promptly. It shall be held according to the procedure defined by this Law.
6. The procedure for convening and holding the congress of judges of Ukraine is defined by the Law of Ukraine 'On the judiciary and status of judges'.

Article 11: Procedures for Electing Members of the High Council of Justice by the Congress of Attorneys of Ukraine

1. The congress of attorneys of Ukraine shall elect members of the High Council of Justice by secret ballot.
2. A vote shall be held solely for those candidates for members of the High Council of Justice who have submitted documents according to the procedure set forth by this Law, meet the requirements defined by 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.
3. A candidate shall be deemed elected to the High Council of Justice if, by a secret ballot, he/she wins a majority of votes of the delegates of the congress of attorneys of Ukraine.
4. Based on the voting results, the chair and secretary of the congress of attorneys of Ukraine shall sign the decisions on the election of members of the High Council of Justice.
5. Should the Congress of Ukrainian Attorneys have failed to elect a member of the High Council of Justice, a new competitive selection shall be announced promptly. It shall be held according to the procedure defined by this Law.
6. The procedure for convening the congress of attorneys of Ukraine is defined by the Law of Ukraine 'On the bar and the practice of law'.

Article 12: Procedure for Electing Members of the High Council of Justice by the Ukrainian National Conference of Prosecutors

1. The Ukrainian national conference of prosecutors shall elect members of the High Council of Justice by secret ballot.
2. A vote shall be held solely for those candidates for members of the High Council of Justice who have submitted documents according to the procedure set forth by this Law, meet the requirements defined by 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.
3. A candidate shall be deemed elected to the High Council of Justice if, by a secret ballot, he/she wins a majority of votes of the delegates of the Ukrainian national conference of prosecutors.
4. Based on the voting results, the chair and secretary of the Ukrainian national conference of prosecutors of Ukraine shall sign decisions on the election of members of the High Council of Justice.
5. Should the National Conference of Prosecutors have failed to elect a member of the High Council of Justice, a new competitive selection shall be announced promptly. It shall be held according to the procedure defined by this Law.

6. The procedure for convening and holding the Ukrainian national conference of prosecutors is defined by the Law of Ukraine 'On the public prosecutor's office'.

Article 13: Procedure for Electing Members of the High Council of Justice by the Congress of Representatives of Higher Education and Research Institutions in the Area of Law

1. The congress of representatives of higher education and research institutions in the area of law shall elect members of the High Council of Justice by a secret ballot.

2. A vote shall be held solely for those candidates for members of the High Council of Justice who have submitted documents according to the procedure set forth by this Law, meet the requirements defined by 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.

3. A candidate shall be deemed elected to the High Council of Justice if, by a secret ballot, he/she wins a majority of votes of the delegates of the congress of representatives of higher education and research institutions in the area .

4. Based on the voting results, the chair and secretary of the congress of representatives of higher education and research institutions in the area of law shall sign the decisions on the election of members of the High Council of Justice.

5. Should the Congress of Representatives of Higher Education and Research Institutions in the Sphere of Law have failed to elect a member of the High Council of Justice, a new competitive selection shall be announced promptly. It shall be held according to the procedure defined by this Law.

6. Every higher education institution or research institution in the area of law shall delegate two representatives to the congress of representatives of higher education and research institutions in the area of law.

7. For the purposes of this Law, the following representatives shall be eligible for participation in the congress of higher education and research institutions in the area of law to elect members of the High Council of Justice:

- 1) Representatives from higher education institutions, i.e. universities, academies or institutes (except for the military higher education institutions) that have academic departments which, as of the date of the congress, have been offering master's degree programs for at least ten years and are licensed to confer at least seventy five master's degrees in law or international law;
- 2) Representatives from research institutions which, as of the date of the congress, are administered by the National Academy of Sciences of Ukraine or national branch academies of sciences, and which are certified by the state and whose primary area of research has been law for at least ten years.

8. The time and venue of the congress of representatives of higher education and research institutions in the area of law shall be determined by the High Council of Justice. In case of insufficient number of elected (appointed) members of the High Council of Justice required for this decision, it the decision shall be adopted by the central executive agency for education and science.

9. The announcement of the time and venue of the congress shall be published not later than forty five calendar days before the congress, in the Holos Ukrayiny (Voice of Ukraine) newspaper, as well as on the website of the High Council of Justice or the central executive agency for education and science if the time and venue of the congress are defined by the latter. The announcement shall also be forwarded, without delay, to the education and research institutions delegating their representatives to the congress.

10. The congress shall be held on the premises of a higher education or a research institution.

11. The procedure for holding the congress shall be established by a decision of this congress.

12. Representatives of higher education and research institutions in the area of law may set up a steering committee consisting of up to ten members responsible for any organizational or technical issues related to the preparation for the congress.

The convening agency shall send invitations to participate in the steering committee.

Officials of the central executive authority responsible for education and science may not be members of the steering committee.

Article 14: Terms of Convening Congresses or a Conference to Elect Members of the High Council of Justice

1. The Congress of Judges of Ukraine, Congress of attorneys of Ukraine, Ukrainian national conference of prosecutors, and the Congress of representatives of higher education and research institutions in the area of law to elect members of the High Council of Justice shall take place not later than two months prior to the expiration date of the term in the office of a respective member of the High Council of Justice.

Article 15: Procedures of Voting at Congresses and Conference

1. Each candidate for the membership in the High Council of Justice shall be entitled to address the delegates of the congress or conference before the voting commences. The congress or the conference may establish a reasonable time limit for the candidate's speech, which shall be the same for all candidates.

2. Candidates shall, at the request of the congress or conference delegates, provide any information about themselves except for the information about their private lives where there are no reasonable grounds to assume that it may be important for establishing whether a candidate is capable of properly executing the powers of a member of the High Council of Justice and any information that constitutes a state secret.

3. The voting shall take place following the candidates' speeches and deliberations on the candidates.

4. One ballot paper shall be used in the voting at a respective congress or a conference.

The ballot papers shall list the names of candidates for membership to the High Council of Justice in an alphabetical order.

5. If, based on the voting results, none of the candidates is elected as a member of the High Council of Justice, one more vote shall be held between the two candidates who received the highest number of votes among the candidates for each vacant position of a member of the High Council of Justice.

6. The voting intention of delegates shall be indicated by putting a check mark the ballots against the names of candidates.

A ballot paper shall be considered void if it has more marks against the names of candidates than the number of positions to be filled by the vote of the respective congress/conference or if it has no marks on it or if it does not match the established ballot paper template form.

7. The ballot paper forms and other organizational and technical issues related to the voting and ballot counting processes shall be established by the Congress of Judges of Ukraine, Congress of attorneys of Ukraine, Congress of representatives of higher education and research institutions in the area of law, the Ukrainian national conference of prosecutors.

Article 16: Procedures for Appointing Members of the High Council of Justice by the President of Ukraine

1. Based on the outcomes of the competition, the President of Ukraine shall issue a decree on the appointment of members of the High Council of Justice.

Article 17: Procedures for Electing Members of the High Council of Justice by the Parliament of Ukraine

1. The Parliament of Ukraine shall elect members of the High Council of Justice under the procedure established by the Rules of Procedure of the Parliament of Ukraine.

Article 18: Competence of the High Council of Justice

1. The High Council of Justice shall be considered fully competent if it at least fifteen of its members are elected (appointed), out of whom the majority are judges, including retired judges, and who took the oath of the office.

Chapter 4: The Status of a Member of the High Council of Justice**Article 19: Oath of a Member of the High Council of Justice**

1. The persons elected (appointed) as members of the High Council of Justice shall take the following oath:

“I swear to exercise my powers as the member of the High Council of Justice in a responsible, fair and unprejudiced manner to ensure the independence of the judiciary, its functioning based on the principles of responsibility, accountability before the society, formation of an honest and professional judicial corps, compliance with the Constitution of Ukraine and the laws of Ukraine as well as with the ethical standards of judges and prosecutors.”

2. A member of the High Council of Justice shall take the oath immediately upon selecting (appointing) him/her to the position before the body that selected (appointed) those members. The Chief Justice of the Supreme Court shall be sworn in as a member of the High Council of Justice at a plenary session of the Supreme Court where he/she was elected the Chief Justice of the Supreme Court.

3. A refusal to take the oath shall result in the annulling of the decision on the membership in the High Council of Justice that was adopted following the election (appointment) of this person.

4. A member of the High Council of Justice shall gain powers once he/she has taken the oath but not earlier than on the following day on which the tenure a corresponding member of the High Council of Justice expires.

Article 20: Rights and Responsibilities of a Member of the High Council of Justice

1. Members of the High Council of Justice shall have the right:

- 1) To put forward proposals regarding the improvement of work of the High Council of Justice, its bodies and the Secretariat of the High Council of Justice;
- 2) To engage, in accordance with the rules of procedure of the High Council of Justice, employees of structural units of the Secretariat in the processing of issues submitted for review to the High Council of Justice and to the bodies of the High Council of Justice to which they belong;
- 3) To review any materials concerning the session agenda of the High Council of Justice or the bodies of the High Council of Justice to which they belong;
- 4) To provide their opinions and reasoning, as well as additional documents, regarding the issues under review;

- 5) To put forward proposals on draft decisions of the High Council of Justice, participate in the adoption of the decisions and provide separate opinions in writing regarding the decisions of the High Council of Justice or the bodies of the High Council of Justice to which they belong;
 - 6) To initiate sessions of the High Council of Justice or the bodies of the High Council of Justice to which they belong.
2. Members of the High Council of Justice shall have also other rights as defined by the law.
3. Members of the High Council of Justice shall be bound:
- 1) To respect the oath they took;
 - 2) Not to disclose the classified information or the information that came to their knowledge in the course of closed sessions - otherwise than for the execution of their powers as a member of the High Council of Justice;
 - 3) To comply with the requirements restrictions, as defined by the anti-corruption legislation, including the obligation to submit, in accordance with the procedure established by the law, a declaration of a person authorized to exercise the powers of central or local government, as well as a declaration of family connections and a declaration of judicial integrity;
 - 4) To participate in sessions of the High Council of Justice and the bodies the member belongs to;
 - 5) To submit statements of interference into activities of the High Council of Justice within five days of the day on which such an interference became known to the member;
 - 6) To fulfill other responsibilities as defined exercise by law and the rules of procedure of the High Council of Justice.
4. Members of the High Council of Justice shall not be entitled to any state awards or any other awards, distinctions or honors before their dismissal from the office or termination of their official duties. Members of the High Council of Justice may only be entitled to state awards in case they have demonstrated personal courage and heroism under the circumstances involving the risk to life.
5. A member of the High Council of Justice must refuse to participate in reviewing any issues if:
- 1) He/she has a family or other personal connection with the judge, judicial candidate or prosecutor whose case is under review or with a person who submitted a complaint to the High Council of Justice
 - 2) He/she is personally interested, whether directly or indirectly, in the case under the judicial review which is made by the judge in question;
 - 3) There are other circumstances or conflict of interest questioning his/her impartiality.
6. If actions of a member of the High Council of Justice provide sufficient grounds for a dismissal of this member of the High Council of Justice in accordance with Article 24 Part 1 Items 3-6 of this Law, the High Council of Justice may decide to terminate the powers of this member even before the procedure envisaged by the law is completed, within which respective facts need to be established, and the procedure takes in total the period of not more than two months. The decision to terminate the powers of a member of the High Council of Justice shall be deemed approved if a majority of members the High Council of Justice voted for it.
{Article 20 Part 6 as amended by Law #193-IX dated October 16, 2019.}
7. In their activities and beyond, members of the High Council of Justice shall comply with judicial ethical standards as a component of professional ethics of a member of the High Council of Justice.
{Article 20 Part 6 is supplemented with Part 7 pursuant to Law #193-IX dated October 16, 2019.}

Article 21: Work-Related Guarantees to Members of the High Council of Justice

1. Members of the High Council of Justice from among judges and prosecutors shall be seconded to the High Council of Justice, and the positions they were holding as of the time of electing (appointing) members of the High Council of Justice shall be retained for them for the entire tenure.

2. The remuneration of the members of the High Council of Justice shall amount to the salary of the Supreme Court Justice.

{Article 21 Part 2 Paragraph 1 as amended by Law #193-IX dated October 16, 2019.}

The remuneration a member of the High Council of Justice being a judge shall amount to his/her judicial remuneration should the latter exceed the salary of the Supreme Court Justice.

{Article 21 Part 2 Paragraph 2 as amended by Law #193-IX dated October 16, 2019.}

The remuneration of the members of the High Council of Justice shall be funded from the state budget of Ukraine.

3. A members of the High Council of Justice, who is not a judge, are entitled to an annual leave and health improvement benefits pursuant to the Law of Ukraine 'On Judiciary and Status of Judges'.

4. In his/her activities, a member of the High Council of Justice shall be independent from any illegal influence, pressure or interference.

Article 22: Chairperson of the High Council of Justice

1. The Chairperson of the High Council of Justice shall be elected from among the members of the High Council of Justice for a two-year term.

2. The Chairperson of the High Council of Justice shall be elected at a session of the High Council of Justice by a secret ballot with the ballot bulletins containing any number of candidates as proposed by the members of the High Council of Justice.

3. The decision on electing the Chairperson of the High Council of Justice shall be deemed adopted if it received more than half of the constitutional composition of the High Council of Justice.

4. The voting procedures shall be defined by the High Council of Justice.

5. The Chairperson of the High Council of Justice shall have the following powers:

- 1) To organize operations of the High Council of Justice, to convene plenary sessions and to preside at these sessions;
- 2) To coordinate operations of the bodies of the High Council of Justice;
- 3) To submit proposals to the President of Ukraine regarding the appointment of judges;
- 4) To sign documents and minutes adopted by the High Council of Justice at its sessions;
- 5) To exercise an overall management of the Secretariat of the High Council of Justice;
- 6) To approve appointments and dismissals of the Secretariat employees, to apply incentives and disciplinary measures to these employees, to make decisions in accordance with the procedures established by the law on awarding official ranks of civil servants to employees of the Secretariat of the High Council of Justice;
- 7) To manage budgetary funds allocated for support and operations of the High Council of Justice;
- 8) To represent the High Council of Justice before other authorities and institutions in the justice system, government authorities and local governments, companies, organizations, official authorities of foreign states and international organizations.

6. The Chairperson of the High Council of Justice shall exercise also other powers as defined by law.

7. The Chairperson of the High Council of Justice shall issue orders and instructions on issues falling his/her administrative powers.

8. If the High Council of Justice failed to acquire the full competence, the powers defined by Part 5 Items 5- 7 of this Article shall be exercised by the Head of the Secretariat of the High Council of Justice; in case of a failure to select the Chairperson of the Council or his/her deputies, these powers shall be exercised by the oldest member of the Council.

Article 23: Deputy Chairperson of the High Council of Justice

1. At the proposal of the Chairperson of the High Council of Justice, the High Council of Justice shall elect his/her Deputy from among members of the High Council of Justice for a two-year term.

2. If a judge or retired judge has been elected the Chairperson of the High Council of Justice, the Deputy Chairperson shall be elected from among members of the High Council of Justice who are not judges or retired judges. If not a judge or retired judge has been elected the Chairperson of the High Council of Justices, the Deputy Chairperson shall be elected from among those members of the High Council of Justice who are judges or retired judges.

3. The Deputy Chairperson of the High Council of Justice shall be elected in accordance with the procedures set forth by Article 22 of this Law.

4. The Deputy Chairperson of the High Council of Justice shall fulfill responsibilities of the Chairperson during the absence of the latter, ensure preparation of cases for review and exercise other powers as defined by law and Rules of Procedure of the High Council of Justice.

Article 24: Dismissing a Member of the High Council of Justice

1. A member of the High Council of Justice may be dismissed on the following grounds:

- 1) inability to perform his/her duties for health reasons confirmed by a medical certificate;
- 2) voluntary resignation from the office by submission of a letter of resignation;
- 3) gross or systematic neglect of their duties which is incompatible with the status of the member of the high council of justice or which reveals a lack of skills and knowledge required for the position held, or if the behavior undermines the authority and public trust in justice and the judiciary including in compliance with judicial ethical standards as a component of the professional ethics of a member of the high council of justice;

{Article 24 part 1 item 3 as amended by law #193-ix dated October 16, 2019.}

- 4) uncovering of facts evidencing non-compliance with the requirements set forth by article 6 of this law;
- 5) substantial violation of requirements envisaged by the anti-corruption legislation;
- 6) systematic failure to participate in the sessions of the high council of justice or bodies of the high council of justice the member belongs to;

2. A decision on dismissal of a member of the High Council of Justice on the grounds envisaged by Part 1 Items 1, 2 of this Article shall be adopted by the High Council of Justice at the nearest session following the receipt of a medical certificate or letter of resignation, respectively. Adoption of the decision of the High Council of Justice to dismiss its member on the mentioned grounds shall be initiated by the Chairperson the High Council of Justice or his/her deputy.

A decision on dismissing a member of the High Council of Justice on the grounds defined in Part 1 Items 3-6 of this Article shall be made by the entity which has elected (appointed) the member of the High Council of Justice at the request of the High Council of Justice. A decision to file the request for dismissing the member of the High Council of Justices shall be approved by majority members of the High Council of Justice. Effective the day of filing the said request, such member of the High Council of Justice shall be suspended from office whereas his/her powers shall be

suspended until such time as the entity which has elected (appointed) this member of the High Council of Justice adopts a decision.

4. The member of the High Council of Justice with regard to whom the High Council of Justice considers the issue of dismissal or motion to dismiss shall not take part in voting for such decision.

Article 25: Terminating Powers of a Member of the High Council of Justice

1. The powers of a member of the High Council of Justice shall be terminated in case of:
 - 1) Expiration of the term for which the member was elected (appointed), except for the case defined by Article 5 Part 3 of this Law;
 - 2) Entry into force of a criminal court sentence against the member;
 - 3) Termination of the citizenship of Ukraine or acquisition of a foreign country citizenship;
 - 4) Declaration by the court with regard to the member as missing, dead, lacking legal capacity or limited in such capacity;
 - 5) Termination of powers of the judge or dismissal thereof (except for retirement) on the grounds envisaged by the Constitution of Ukraine;
 - 6) Demise of the member;
 - 7) Court decision has come into force whereby his/her assets or assets acquired by his/her instruction by other persons or in other cases envisaged by Article 290 of the Civil Procedure Code of Ukraine are found unjustified and subject to collection to the state revenue.

{Article 25 Part 1 is supplemented with a new item pursuant to Law # 263-IX dated October 31, 2019.}

The powers of the Chief Justice of the Supreme Court as a member of the High Council of Justice shall be terminated upon the completion of his/her term in the office as the Chief Justice of the Supreme Court or his/her dismissal from this administrative post including by a vote of non-confidence at a plenary session of the Supreme Court.

2. Powers of a member of the High Council of Justice on grounds defined by Part 1 of this Article shall be terminated at the onset of a relevant event.

Chapter 5: Structure of the High Council of Justice

Article 26: Structure of the High Council of Justice and Organization of Operations thereof

1. The High Council of Justice shall work in plenary sessions unless the otherwise procedure is provided by this Law.
2. To review cases on disciplinary liability of judges, the High Council of Justice shall set up Disciplinary Chambers consisting of members of the High Council of Justice.
3. The number of the Disciplinary Chambers and the number of members of each Chamber shall be established by decision of the High Council of Justice in line with the requirements of this Law.
4. Each Disciplinary Chamber shall include at least four members of the High Council of Justice. The High Council of Justice shall ensure that at least half or, if impossible, a substantial part of members of each Disciplinary Chamber shall be judges or retired judges.
5. If necessary, the High Council of Justice may adopt a decision to involve members of one Disciplinary Chamber in the work of another Chamber or to delegate the powers to adopt such a decision to the Chairperson of the High Council of Justice.

The work of the Disciplinary Chambers shall be organized according to a procedure defined by the Rules of Procedure of the High Council of Justice.

6. The High Council of Justice may establish other bodies in order to exercise powers defined by the Constitution of Ukraine, this Law, and Law of Ukraine 'On Judiciary and Status of Judges'.

7. Decisions of the High Council of Justice on establishing other bodies and on the personal composition of these bodies shall be adopted by the High Council of Justice.

Article 27: Secretariat of the High Council of Justice

1. Organizational, informational and other support to the High Council of Justice and its bodies shall be provided by its Secretariat.
2. The Secretariat of the High Council of Justice shall be headed by the Head of the Secretariat.
3. The Head of the Secretariat and his/her deputies shall be appointed and dismissed from the office by the High Council of Justice in accordance with the procedures established by the legislation on civil service with allowance of specifics defined by this Law.
4. The Head of Secretariat and other officials of the Secretariat of the High Council of Justice shall be civil servants unless provided otherwise by this Law.
5. A Disciplinary Inspectors Service shall operate in the Secretariat of the High Council of Justice as a standalone structural unit which is set up for the purpose of exercising the High Council of Justice's powers of administering disciplinary proceedings with regard to judges. It shall operate based on the principle of functional independence from the High Council of Justice.

The status and powers of the Disciplinary Inspectors Service shall be defined by this Law. The procedures for setting up, funding, and interacting with other bodies of the High Council of Justices and operating procedures shall be defined by the Regulation on Disciplinary Inspectors Service to be approved by the High Council of Justice.

6. The maximum number of employees of the Secretariat, including the number of disciplinary inspectors of the High Council of Justice shall be approved by the High Council of Justice.
7. The salary of the employees of the Secretariat of the High Council of Justice shall be funded from the state budget of Ukraine.

The payroll fund of the employees of the Secretariat of the High Council of Justice shall be funded from the state budget as well as revenues to the state budget from assistance programs of the EU, foreign governments, international organizations, and donor institutions. The procedure for using such revenues to the state budget shall be established by the Cabinet of Ministers of Ukraine at a proposal of the High Council of Justice.

8. The regulation on the Secretariat of the High Council of Justice, its structure and the number of employees shall be defined by the High Council of Justice with allowance for the requirements set forth by this Law.

Article 28. Disciplinary Inspectors Service of the High Council of Justice

1. The Disciplinary Inspectors Service of the High Council of Justice shall be formed from among individuals with higher legal education and at least 15-year legal professional experience of which at least eight years in total were spent on the positions of judge, prosecutor or attorney.

Disciplinary inspectors of the High Council of Justice shall be appointed to the positions on a competitive basis according to the procedure set forth by the legislation on public service with allowance for specifics defined by this Law.

A decision on appointing a disciplinary inspector of the High Council of Justice shall be made after a winner of competitive selection has passed the special check pursuant to the Law of Ukraine "On Preventing Corruption" as well as the checks for integrity and compliance with the ethical standards set forth for a judge.

If a retired judge is appointed to the position of a disciplinary inspector of the High Council of Justice, his/her pension benefits, live-time allowance, and other guarantees defined by the Law of Ukraine "On Judiciary and Status of Judges" shall be retained.

2. The legal status of disciplinary inspectors of the High Council of Justice shall be defined by the Law of Ukraine "On Public Service" with allowance for the specifics defined by this Law.

Specifics aspects of activities of disciplinary inspectors of the High Council of Justice shall be defined by the Regulation on a Disciplinary Inspector of the High Council of Justice to be approved by the High Council of Justice.

3. The Disciplinary Inspectors Service of the High Council of Justice shall be led by the Deputy Head of the Secretariat of the High Council of Justice – Director of the Disciplinary Inspectors Service who is appointed and dismissed by the High Council of Justice according to the procedure set forth by the legislation on public service with allowance for the specifics defined by this Law.

The powers of the Director of the Disciplinary Inspectors Service shall include:

- 1) Organizing operations of the Disciplinary Inspectors Service;
 - 2) Coordinating activities of disciplinary inspectors;
 - 3) Appointing the Deputy Director of the Disciplinary Inspectors Service;
 - 4) Approving appointment and dismissal of disciplinary inspectors, applying measures of rewards and disciplinary punishment to them, initiating a process of conferring public servant ranks to disciplinary inspectors;
 - 5) Sharing powers with the Deputy Director of the Inspection;
 - 6) Exercising other powers as defined by this Law and Regulation on Disciplinary Inspection.
4. A disciplinary inspector of the High Council of Justice shall:
- 1) Make a preliminary review of a disciplinary complaint received as a result of automated case distribution;
 - 2) Analyze materials of disciplinary cases;
 - 3) Collect information, documents, other materials as a need might be;
 - 4) Draft rulings and decisions of the Disciplinary Chamber and High Council of Justice as part of disciplinary proceedings with regard to a judge;
 - 5) Analyze materials associated with complains against decisions in disciplinary cases regarding judges and prosecutors; draft opinions and decisions of the High Council of Justice;
 - 6) Review and summarize disciplinary proceedings and adopted decision on disciplining judges or refusals to discipline a judge.
5. In their activities and beyond, disciplinary inspectors are bound:
- 1) To comply with judicial ethics standards;
 - 2) Not to disclose classified information and information that became known to them and not to use it for purposes other than discharging their duties;
 - 3) To meet requirements and adhere to limitations set forth by the legislation on public service and anti-corruption legislation.

Article 29: Commission on Senior Civil Servants in the Justice System

1. The Commission on Senior Civil Servants in the Justice System (hereinafter 'the Commission') shall be a collegiate body of the High Council of Justice.

2. The Commission shall consist of:

- 1) Two members of the High Council of Justice who are not judges or retired judges;
- 2) Two members of the High Qualifications Commission of Judges of Ukraine who are not judges or retired judges;
- 3) Two members of the Council of Judges of Ukraine;
- 4) Three Justices of the Supreme Court.

3. The High Council of Justice shall make a decision approving the personal composition of the Commission on the basis and within the proposals from nominating entities specified in Part 2 of this Article.
4. The Commission may not include the Chairperson of the High Council of Justice and the Chairperson of the High Qualifications Commission of Judges of Ukraine, as well as judges who hold administrative positions in the courts.
5. The Commission shall exercise the powers of the Commission for Senior Civil Servants envisaged by the Law of Ukraine 'On the civil service' regarding the civil service in the justice system.
6. The Commission shall carry out activities pursuant to the Regulation on the Commission on Senior Civil Servants in the Justice System to be adopted by the High Council of Justice following consultations with the central executive authority responsible for the development and implementation of government policy in the area of civil service.
7. Sessions of the Commission shall be open to the public; the information on the sessions, the agenda and the minutes of the Commission, as well as the decisions adopted by the Commission, shall be posted on the official website of the High Council of Justice. The Head of the State Judicial Administration of Ukraine and his/her Deputy may attend sessions of the Commission.
8. A session of the Commission shall have the quorum of at least two thirds of its members.
9. The administrative and logistical support to the Commission shall be provided by the Secretariat of the High Council of Justice.

SECTION II: SPECIAL PART

Chapter 1: Exercising Powers by the High Council of Justice and Its Bodies

Article 30: Sessions of the High Council of Justice and Its bodies

1. Sessions of the High Council of Justice and Disciplinary Chambers shall be open to the public. In camera sessions shall only be allowed under exceptional circumstances provided there are grounds defined by this Law.

(Article 30 Part 1 as amended by Law of Ukraine #193-IX dated 16 Oct 2019.)

2. The plenary sessions of the High Council of Justice, sessions of the Disciplinary Chambers shall have the quorum if they are attended by a majority of the members of the High Council of Justice or the Disciplinary Chamber respectively. The plenary sessions of the High Council of Justice where the issue of submitting a proposal for appointment of a judge is considered shall have the quorum of at least fourteen members of the High Council of Justice.

3. The Chairperson of the High Council of Justice shall define the date, time and venue of a session of the High Council of Justice and shall suggest the agenda of the session which is subject to approval by the High Council of Justice.

4. The information on the date, time, and venue of the session of the High Council of Justice, as well as the draft agenda of the session, except when otherwise provided by the Rules of Procedure of the High Council of Justice, shall be posted on its official website.

5. A person whose case is to be reviewed by the High Council of Justice shall be notified thereof at least ten calendar days before the date of the session, unless their presence at the session is not required by law and unless otherwise provided by this Law.

6. The person is deemed to be duly notified if the notification was sent to the address of his/her residence or stay or to the address of the court or a prosecution office where he/she sits. If this

is not be possible, such a notice shall be posted on the official website of the High Council of Justice.

7. The minutes of sessions of the High Council of Justice, the Disciplinary Chambers shall be drawn along with a full recording of the sessions with relevant technical equipment.

8. Persons willing to be present at the sessions shall be admitted to the session room before the session begins provided there are free seats.

Persons present in the session room may take written notes and use portable audio technical devices. Photo-, video-, audio recording with the stationary equipment in the session room shall be allowed upon obtaining consent from the chair of the session.

(Article 30 Part 2 Paragraph 2 as amended by Law of Ukraine #2447-VIII dated 07 June 2018.)

Persons present in the session room shall observe the order and refrain from actions that would hinder the work of the session.

The chair of the session may take a motivated decision to terminate the right to be present at the session of persons illicitly hindering holding of the session.

Article 31. Requests of the High Council of Justice, its Bodies, Members of the High Council of Justice and Disciplinary Inspectors of the High Council of Justice

1. For the purpose of exercising their powers, the High Council of Justice, its bodies, and members of the High Council of Justice and disciplinary inspector of the High Council of Justice shall be entitled to request and obtain necessary information and documents from:

- 1) Judges, courts, bodies of judicial self-governance, other bodies, and institutions within the justice system;
- 2) Government authorities and local governments and officials thereof;
- 3) Legal entities.

2. The right to make requests on behalf of the High Council of Justice rests with the Chairperson and the Deputy Chairperson of the High Council of Justice. A member of the High Council of Justice, disciplinary inspector of the High Council of Justice shall have the right to file requests in relation to a case in which he/she is acting as a rapporteur.

3. A person receiving requests from the High Council of Justice, its body, a member of the High Council of Justice or disciplinary inspector of the High Council of Justice shall provide relevant information and/or corresponding documents or copies thereof within ten calendar days of receiving the request.

If a request concerns provision of information regarding approval for detention, keeping under custody or an arrest of a judge, the information and documents shall be provided immediately but not later than three days after the receipt of the request.

4. If the documents or materials are kept by their owners (administrators) electronically, such documents or materials shall be provided to the High Council of Justice electronically (if it is technically possible).

5. A person receiving a request from the High Council of Justice, its body, a member of the High Council of Justice or disciplinary inspector of the High Council of Justice (with the exception of government authorities) may refuse to provide information or the documents requested if these contain state or professional secrets, the classified information on the pre-trial investigation, banking, medical treatment or other law-protected areas. Such classified information shall be disclosed upon a request of the High Council of Justice by court decision according to the procedure and on grounds defined by law.

6. Case files (or copies thereof), explanations from judges or prosecutors regarding court cases may only be provided upon request of the High Council of Justice, its body, a member of the High

Council of Justice or disciplinary inspector of the High Council of Justice only on the cases in which the judicial hearing is over. A member of the High Council of Justice, disciplinary inspector of the High Council of Justice may not request the information on a case if the judicial review is still pending, except for the copies of case files if a disciplinary complaint has been filed on the grounds envisaged by Article 106 Part 1 Item 2 of the Law of Ukraine 'On Judiciary and Status of Judges'.

7. If a judicial proceeding on a case has been re-opened or assigned to a new judge, and the investigation involves verification of information concerning the conduct of a judge who heard this case originally, the High Council of Justice, its bodies, a member of the High Council of Justice or disciplinary inspector of the High Council of Justice may request the case files in the part heard by that judge or related to his/her action or a lack of action.

9. The High Council of Justice or its body may make a decision on suspending consideration of a relevant issue or proceeding for a period of time needed to obtain requested information or documents.

10. The failure to comply with lawful requests by the High Council of Justice, its bodies, a member of the High Council of Justice or disciplinary inspector of the High Council of Justice concerning the provision of information or documents, or a deliberate provision of false information in response to such requests, shall entail liability established by the law.

(Article 31 Part 10 as amended by Law of Ukraine #193-IX dated 16 Oct 2019.)

11. A member of the High Council of Justice, disciplinary inspector of the High Council of Justice, person authorized by the Secretariat of the High Council of Justice shall have a direct access to automated information and database systems, registers and databanks held or administered by government authorities or local governments. Besides, they shall use state (including governmental) means of communication, special communication networks and other technical tools. Such information shall be processed by members of the High Council of Justice, disciplinary inspectors of the High Council of Justice and persons authorized by the Secretariat of the High Council of Justice with due regard to legal requirements on protecting personal data and ensuring secrecy of the information protected by law.

12. Access to state secrets shall be obtained in accordance with the rules established by the legislation on the protection of state secrets.

Article 32: Distribution of Cases in the High Council of Justice and Its Bodies

1. For the purpose of distributing cases in the High Council of Justice and its bodies, a system of automated case distribution (selection of a member of the High Council of Justice – rapporteur, disciplinary inspector of the High Council of Justice – rapporteur) shall be operated.

2. The Regulation on Automated Case Distribution System shall be approved by the High Council of Justice.

Article 33: Recusal of a Member of the High Council of Justice

1. A member of the High Council of Justice may not participate in the review of an issue and shall be subject to recusal if he/she is personally interested, whether directly or indirectly, in the outcome of the case or has a family connection with the person whose case is under review or if there are any other proved circumstances giving rise to doubts as to his/her impartiality.

Under such circumstances, the member of the High Council of Justice shall be obliged to recuse himself/herself.

2. Under circumstances provided for in part one of this Article, the recusal of a member of the High Council of Justice may be initiated by the person who applied for the consideration of the

case, or by the person whose case is under consideration, or by the person who filed the application or complaint.

3. In case of the recusal request towards a member of the High Council of Justice, the chairperson of the session must inform this member of the High Council of Justice about the request.

4. The recusal request or the self-recusal must be well-reasoned, done in writing, and submitted before the hearing of the issue or a case. When the hearing starts, the recusal or self-recusal requests may only be submitted under exceptional circumstances, when the grounds for such a recusal or a self-recusal had not been known before the hearing started.

5. A decision on the recusal or the self-recusal shall be adopted by the majority of members of the High Council of Justice participating in the session of the High Council of Justice or of its body, by voting in the deliberation room without the presence of the member of the Council whose recusal or self-recusal is under consideration.

Article 34: Decisions of the High Council of Justice and Its Bodies

1. A decision of the High Council of Justice shall be adopted by majority of its members participating in the session of the High Council of Justice unless otherwise provided by this Law.

2. A decision of a body of the High Council of Justice shall be adopted by majority of members of the High Council of Justice participating in the session of that body unless otherwise provided by this Law.

3. A decision of the High Council of Justice and its bodies shall be adopted at a session of the High Council of Justice or its bodies unless otherwise defined by this Law.

A decision of the High Council of Justice or its bodies shall be adopted on the special premises (deliberation room):

- If consideration in an open session may lead to disclosure of a secret protected by law;
- In order to prevent disclosure of information on the private lives of persons participating in consideration of a disciplinary case.

Access to the special premises (deliberation room) shall allowed only to members of the High Council of Justice entitled to vote when adopting the decision.

(Article 34 Part 3 as worded by Law of Ukraine #193-IX dated 16 Oct 2019.)

4. A decision of the High Council of Justice or its bodies shall be adopted by an open voet, unless otherwise provided by this Law.

5. Members of the High Council of Justice, who are not members of a relevant body of the High Council of Justice, shall not be allowed to participate in its sessions or adoption of the decisions by that body.

6. The operative part of a decision of the High Council of Justice or its bodies shall be publicly announced upon adoption thereof while the full text of the decision shall be posted on the official website of the High Council of Justice no later than on the seventh day after adoption thereof unless otherwise provided by the Law.

7. Should a member of the High Council of Justice have a dissenting opinion in a disciplinary case or to a decision following a complaint to the decision of the Disciplinary Chamber on disciplinary liability of a judge or a respective body on disciplinary liability of a prosecutor, it shall be made in writing and attached to the case file, and the chairperson of the session shall make a corresponding announcement during the session. The content of the dissenting opinion is not subject to an announcement at a session. A dissenting opinion shall be published together with the full text of the decision.

Article 35: Appealing a Decision of the High Council of Justice or Its Bodies

1. A decision of the High Council of Justice may be appealed to the Supreme Court within thirty days of the date of its adoption.

The Chief Justice of the Supreme Court may not participate in the review of the decisions of the High Council of Justice by the Supreme Court.

2. The procedures and grounds for appealing decisions of the High Council of Justice shall be established by law. The grounds for appealing certain decisions adopted by the High Council of Justice shall be established by this Law.

3. An appeal of a decision of the High Council of Justice shall not suspend enforcement thereof unless otherwise provided by the Law.

4. A decision of the Disciplinary Chamber of the High Council of Justice may be appealed to the High Council of Justice.

Chapter 2: Participation in Formation of the Judiciary

Article 36: Consideration of Recommendations of the High Qualifications Commission of Judges of Ukraine by the High Council of Justice

1. Judges shall be appointed by the President of Ukraine upon submission of the High Council of Justice.

2. The High Council of Justice shall adopt a decision as to the motion to the President of Ukraine on the appointment of a judge based on the results of a review of the recommendation of the High Qualifications Commission of Judges of Ukraine accompanied with a personal file (dossier) of the judicial candidate.

3. Based on a preliminary review, the rapporteur shall prepare an opinion on the possibility of a judicial appointment and submit such option for consideration by the High Council of Justice.

4. At a session of the High Council of Justice, following the presentation the member of the High Council of Justice, who was appointed the rapporteur, the High Council of Justice shall deliberate on the candidate to a judge.

5. The judicial candidate, whose appointment is being considered, shall be invited to the session of the High Council of Justice in accordance with the procedures established by this Law. The failure of the candidate to a judge to attend the session, regardless of the reasons for such a failure, shall not preclude the session from hearing the case in absentia.

Article 37: Decision of the High Council of Justice regarding Judicial Candidate

1. A decision regarding a judicial candidate shall be adopted at a session of the High Council of Justice.

2. The plenary session of the High Council of Justice, where the issue of submitting a motion on a judicial appointment is considered, shall have the quorum of at least fourteen members of the High Council of Justice.

3. The decision on submission of a motion on a judicial appointment to the President of Ukraine shall be adopted if it receives no fewer than fourteen votes of members of the High Council of Justice.

4. If fewer than fourteen votes of the members of the High Council of Justice are given for the submission of the motion on a judicial appointment to the President of Ukraine, the High Council of Justice shall be deemed to have refused to submit this motion on the judicial appointment to the President of Ukraine.

The High Council of Justice may adopt a decision on the refusal to submit a judicial appointment to the President of Ukraine in accordance with Article 79 Part 19 Item 1 of the Law of Ukraine 'On Judiciary and Status of Judges' only based on the grounded information obtained by the High Council of Justice under procedure prescribed by the law if:

- 1) Such information has not been the subject of consideration of the High Qualifications Commission of Judges of Ukraine;
- 2) The High Qualifications Commission of Judges of Ukraine has not duly assessed such information as part of qualification assessment process with regard to a relevant candidate.

Article 38: Appealing Decision of the High Council of Justice concerning Judicial Candidate

1. A decision of the High Council of Justice on a refusal to submit a motion on a judicial appointment to the President of Ukraine may only be appealed and revoked on the grounds defined by the Law of Ukraine 'On Judiciary and Status of Judges'.

Chapter 3: Reviewing Cases of Violation of Incompatibility Requirements

Article 39: Opening Incompatibility Cases

1. The High Council of Justice shall commence and hear cases regarding violation by judges and prosecutors of the incompatibility requirements for their positions with regard to the activities or the status established by the Constitution and the laws of Ukraine (incompatibility cases).

2. The incompatibility case can be initiated upon a request of any person aware of the relevant facts.

3. The request shall be made in writing and contain the following information:

- 1) Name, the last name and the patronymics (title) of the applicant, his/her place of residence (or a temporary place of residence) or the official seat, the contact telephone numbers;
- 2) Name, the last name and the patronymics of the judge (judges), the prosecutor (prosecutors) referred to in the application;
- 3) Concrete information on the violation of the incompatibility requirements;
- 4) Reference to actual data (statements, comments, other evidence) confirming the information provided by the applicant.

4. A member of the High Council of Justice shall leave the incompatibility request without consideration and return it to the applicant, mentioning the grounds for the return, if it does not meet the requirements set forth by this Law.

5. A decision on commencing an incompatibility case shall be made by the member of the High Council of Justice responsible for the review of the case.

Article 40: Procedure for Reviewing Incompatibility Cases

1. The incompatibility case shall be reviewed at a session of the High Council of Justice.

2. A judge or prosecutor whose case is under review as well as representative thereof shall have the right to provide clarifications, ask questions to the participants of the session, express their opinions and raise objections regarding the issues arising at the hearing of the incompatibility case, submit requests and request recusals.

3. The judge or prosecutor, whose incompatibility case is to be considered by the High Council of Justice, shall be summoned to the session. Where they are not able to attend the session for justifiable valid reasons, the judge or the prosecutor may provide relevant comments on the case in writing; such comments shall be attached to the case file and announced at the session of the High Council of Justice.

4. One more failure of the judge or the prosecutor to attend the session of the High Council of Justice, regardless of the reasons for this failure, shall serve the ground for hearing the case in absentia.

Article 41: Decision of the High Council of Justice on Incompatibility Case

1. Following consideration of the incompatibility case, the High Council of Justice may adopt a decision on:

- 1) Recognition of the violation by the judge of the requirements on incompatibility of his/her position with regard to other activities or the status and his/her dismissal;
- 2) Recognition of the violation by the prosecutor of the requirements on incompatibility of his/her position with regard to other activities or the status and a submission, in accordance with the procedures established by the law, of a motion as to his/her dismissal;
- 3) Absence of any violation by the judge or the prosecutor of any requirements on incompatibility of their position with regard to other activities or the status.

2. The decision on incompatibility shall be adopted by majority of members of the High Council of Justice participating in the session. The member of the High Council of Justice appointed as the rapporteur on the case shall not participate in the voting.

Chapter 4: Disciplinary Proceedings towards Judges

Article 42: Disciplinary Proceeding

2. A disciplinary proceeding against judges shall be conducted by the Disciplinary Chambers of the High Council of Justice.

Disciplinary proceedings shall commence after receiving a complaint of disciplinary offense of a judge (disciplinary complaint) filed pursuant to the Law of Ukraine "On Judiciary and Status of Judges" or on the initiative of the Disciplinary Chamber of the High Council of Justice or High Qualifications Commission of Judges of Ukraine in cases defined by law.

3. A disciplinary proceeding shall comprise:

- 1) Preliminary review of the materials that have signs of a disciplinary offence of a judge, and taking decision on initiating or refusal to initiate the disciplinary case;
- 2) Consideration of the disciplinary case and taking decision on disciplining the judge or on refusal to discipline the judge;

(Article 42 as worded by Law of Ukraine #193-IX dated 16 Oct 2019.)

Article 43: Preliminary Check of Disciplinary Complaint

1. A disciplinary inspector of the High Council of Justice appointed by the automated case distribution system for conducting the preliminary check of a relevant disciplinary complaint (the disciplinary inspector of the High Council of Justices – rapporteur) shall:

- 1) study the disciplinary complaint, check compliance thereof with statutory requirements;

(Article 43 Part 1 Item 1 as amended by Law of Ukraine #193-IX dated 16 Oct 2019.)

- 2) Return the complaint to the complainant where there are grounds listed in Part 1 Items 1-5 of Article 44 of this Law;
- 3) Forward the complaint to the Disciplinary Chamber on the grounds listed in Article 44 Part 1 Item 6 of this Law to either adopt a decision on dismissal of the complaint or open a disciplinary case;

(Article 43 Part 1 Item 3 as amended by Law of Ukraine #193-IX dated 16 Oct 2019.)

- 4) In the absence of grounds to leave the complaint without consideration and return the disciplinary complaint, prepare materials within thirty days of receiving such complaint with

a proposal to open or to refuse to open a disciplinary case. This term may be extended by the disciplinary inspector by at most 15 days if there is a grounded need in an additional check of the disciplinary complaint.

(Article 43 Part 1 Item 4 as amended by Law of Ukraine #193-IX dated 16 Oct 2019.)

2. The disciplinary inspector of the High Council of Justice – rapporteur’s findings, along with the disciplinary complaint and the materials collected during the preliminary check, shall be submitted to the Disciplinary Chamber for consideration.

Article 44: Grounds for Returning Disciplinary Complaint

1. A disciplinary complaint shall be left without consideration and returned to the applicant if:

- 1) The disciplinary complaint is filed with a violation of the procedure set forth by the Law of Ukraine 'On the Judiciary and the Status of Judges';

(Article 44 Part 1 Item 1 as amended by Law of Ukraine #193-IX dated 16 Oct 2019.)

- 2) The disciplinary complaint does not contain information on signs of a disciplinary offense committed by the judge;
- 3) The disciplinary complaint lacks the reference to the facts (statements, evidence) as to the disciplinary offense committed by the judge;
- 4) The disciplinary complaint contains obscene remarks or statements offending the honor and dignity of any person;
- 5) The disciplinary complaint requests a disciplinary sanction for judge who is dismissed or whose powers are terminated at the time of the complaint;
- 6) The disciplinary complaint is based only on the arguments that can be verified solely by a higher instance court in accordance with the procedure established by the procedural legislation.

(Article 44 Part 2 is deleted pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.)

3. When the grounds for dismissal of a complaint are considered, the credibility of the information on the signs of the disciplinary offense of the judge and evidence of such an offense shall not be assessed.

4. A decision to return the disciplinary complaint shall be duly reasoned and may not be appealed.

Article 45: Grounds for Refusal to Open a Disciplinary Case

1. A disciplinary case shall not be opened if:

- 1) Inappropriate conduct of the judge referred to in the disciplinary complaint has already been the subject to the check and review and a disciplinary case was not opened or a decision in the disciplinary case has already been adopted;
- 2) The term stipulated by the law for imposing a disciplinary sanction on a judge has expired;
- 3) An evident reason for the complaint is to urge the judge to make a particular ruling;
- 4) The substance of the complaint can be brought down only to the discontent about a judicial decision.

2. The decision to refuse to open a disciplinary case shall be adopted by the Disciplinary Chamber and may not be appealed.

Article 46: Opening a Disciplinary Case

1. Within thirty days of receiving the opinion of the disciplinary inspector of the High Council of Justice – rapporteur, the Disciplinary Chamber shall examine such opinion and accompanying materials without summoning the judge and the complainant. Based the examination results, the Disciplinary Chamber shall adopt a decision to open a disciplinary case or to dismiss it.

2. The decision on the opening of a disciplinary case may not be appealed.
3. Where it was decided to refuse to open a disciplinary case and following a request of a member of the Disciplinary Chamber, who does not agree with this decision, or at the request of the disciplinary inspector of the High Council of Justice – rapporteur the decision shall be forwarded for approval by the High Council of Justice.

In this case, the High Council of Justice shall review the issue at its plenary session without summoning the judge and the complainant and it shall adopt a decision either to refuse to open the disciplinary case or to revoke the relevant decision of the Disciplinary Chamber and to open the disciplinary case.

4. No later than three days from the date when the decision was adopted, a copy of the decision to open or to refuse to open the disciplinary case shall be forwarded to the judge against whom the disciplinary complaint was submitted and to the person who submitted the complaint.

Article 47: Participants to Disciplinary Case

1. The disciplinary case shall be reviewed by the Disciplinary Chamber in the presence of disciplinary inspector of the High Council of Justice – rapporteur, the judge against whom the case is opened (further referred as 'the judge' in Chapter 4 of this Law) and the complainant.
2. The judge and the complainant may participate in the hearing of the case either personally or be represented.
4. If the judge is absent for a good reason, consideration of the disciplinary case by the Disciplinary Chamber shall be postponed.

If the judge is absent for the second time, the Disciplinary Chamber shall consider the disciplinary case without participation thereof except for cases when the judge was not notified or was notified with violation of Article 48 Part 5 of this Law.

Article 48: Preparing Disciplinary Case for Hearing

1. Once a disciplinary case is opened, the disciplinary inspector of the High Council of Justice – rapporteur shall prepare the case for hearing in the Disciplinary Chamber, identify witnesses or other persons to be summoned or invited to the hearing.

Based on case preparation results, the disciplinary inspector of the High Council of Justice – rapporteur – shall prepare an opinion and send it for consideration by the Disciplinary Chamber within thirty days of opening the disciplinary case.

{Article 48 Part 1 as amended pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

{Article 48 Part 2 is deleted pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

3. Members of the Disciplinary Chamber shall receive the materials of the disciplinary case for examination.
5. The judge and complainant shall be notified of the meeting of the Disciplinary Chamber no later than ten days prior to conducting the meeting according to the procedure defined by the Rules of Procedure of the High Council of Justice and by means of posting relevant information on the official website of the High Council of Justice.

The judge is deemed to be duly notified if the notification was forwarded to the address of his/her residence or stay or to the address of the court where he/she sits. Should this not be possible the notification shall be posted on the official website of the High Council of Justice.

Article 49: Review of a Disciplinary Case

1. The review of the disciplinary case by the Disciplinary Chamber shall be open to the public the participants being disciplinary inspector of the High Council of Justice – rapporteur, the judge, complainant, and their representatives.
2. The Disciplinary Chamber shall review the disciplinary case in camera:
 - If consideration in an open session may lead to disclosure of a secret protected by law;
 - In order to prevent disclosure information on the private lives of persons participating in consideration of a disciplinary case.

{Article 49 Part 2 as worded by Law of Ukraine #193-IX dated 16 Oct 2019.}

{Article 49 Part 3 is deleted pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

{Article 49 Part 4 is deleted pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

5. The failure by the complainant to attend the disciplinary review shall not preclude it.
6. The judge shall have the right to submit written clarifications on the merits of the complaint.
7. At its session, the Disciplinary Chamber shall hear the disciplinary inspector of the High Council of Justice – rapporteur, judge, complainant, their representatives, witnesses, and other persons who were summoned to participate in the session.

The chair of the meeting shall explain to a witness his/her rights and responsibilities set forth by this Law and have the witness take an affirmation under penalty of perjury and under penalty for refusing to give a statement.

{Article 49 Part 7 is supplemented with Paragraph 2 pursuant to Law of Ukraine #2147-VIII dated 03 Oct 2017.}

8. Participants to the disciplinary case shall have the right to provide evidence, clarifications, requests for summoning witnesses, to ask questions to the disciplinary case participants, to raise objections, and to file other requests or recusals, to study the case file. The documents directly related to the complaint may be provided for examination provided that the legal requirements on the personal data protection with regard to redaction of these data are met.
9. The process of the review of the disciplinary case and the announcement of the decision shall be recorded by technical means.
10. If during the disciplinary review the Disciplinary Chamber finds elements of a disciplinary offense in the actions of other judges or elements of other disciplinary offenses in the actions of the judge whose case is heard, the Disciplinary Chamber may initiate an opening of another disciplinary case on its own.
11. The Disciplinary Chamber may adopt a decision to merge several disciplinary cases it is reviewing into one case.
12. The High Council of Justice may adopt a decision during its plenary session on the merger of several disciplinary cases heard by different Disciplinary Chambers and assign the case to a particular Disciplinary Chamber.
13. The Disciplinary Chamber shall review the disciplinary case within ninety days of the date when the disciplinary case is opened. Under exceptional circumstances, this period may be extended by the Disciplinary Chamber by at most thirty days if it is necessary to carry out an additional examination of the facts of the case and/or the materials of the case files.

Article 50: Decision in Disciplinary Case

{Article 50 Part 1 is deleted pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

2. Based on the results of the review of the disciplinary case, the Disciplinary Chamber shall adopt a decision on disciplining the judge or on refusing to discipline the judge.
4. The decision in the disciplinary case shall be adopted by a simple majority of votes.
5. The type of the disciplinary sanction shall be defined based on the principle of proportionality with allowance for the nature of the judge's disciplinary offense and its consequences, information about the personality of the judge, the degree of his/her guilt, the existence of other unexpired disciplinary sanctions, and other circumstances that influence the possibility of disciplining the judge.
6. If the Disciplinary Chamber adopts a decision not to discipline the judge, the disciplinary proceeding shall be terminated.
7. The operative part of the decision shall be immediately announced at the session once adopted.
8. The decision of the Disciplinary Chamber shall be made in writing and signed by the members of the Disciplinary Chamber who participated in adoption thereof. The decision in the disciplinary case shall contain:
 - 1) Full name of the judge;
 - 2) Established facts with a reference to relevant evidences;
 - 3) Reasoning of the decision;
 - 4) Substance of the decision and the disciplinary sanction, if it is imposed;
 - 5) Procedure and deadlines for appealing the ruling, including the permission to appeal where applicable.
9. In its decision on disciplining the judge, the Disciplinary Chamber may set forth a procedure for enforcing it.
10. A copy of the decision of the Disciplinary Chamber shall be handed over or forwarded to the judge and the complainant within three days of the day of announcing the operative part of the decision.

{Article 50 Part 10 as amended pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

Chapter 5: Appealing Decisions on Disciplining a Judge or Prosecutor

Article 51: Considering an Appeal against the Disciplinary Chamber's Decision on Disciplining Judge

1. The judge against whom the Disciplinary Chamber adopts a decision in a disciplinary case shall have the right to appeal the decision to the High Council of Justice.

A complainant shall have the right to appeal a decision of the Disciplinary Chamber in a disciplinary case to the High Council of Justice if the Disciplinary Chamber gives permission for such an appeal.

2. An appeal against a decision of the Disciplinary Chamber shall be filed within ten days of the date of the adoption of the decision. The High Council of Justice may renew the term of appeal against the decision of the Disciplinary Chamber if it recognizes that the deadline was missed for valid reasons.

{Article 51 Part 2 as amended pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

3. An appeal against the decision of the Disciplinary Chamber may be filed solely to the High Council of Justice.

{Article 51 Part 4 is deleted pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

5. Effective the day on which the Disciplinary Chamber adopts a decision in the disciplinary case on disciplining a judge in the form of dismissal, the judge shall be automatically suspended from administering justice until the decision of the High Council of Justice on the dismissal is passed or the decision of the Disciplinary Chamber is revoked.

6. An appeal against the decision of the Disciplinary Chamber shall be dismissed and returned to the person that filed it if:

- 1) The appeal is not signed or does not contain the full name the person that filed it;
- 2) The complainant lodged the appeal without the permission of the Disciplinary Chamber for such an appeal;
- 3) The appeal does not contain information on the place of residence (stay, location) of the person that filed it (where the complaint is filed by the complainant);
- 4) The complaint contains obscene remarks or statements offending the honor and dignity of a person;
- 5) The appeal is filed after the expiration of the term established for its submission and if the High Council of Justice has not renewed the deadline.

7. The High Council of Justice shall consider appeals against the decisions of the Disciplinary Chamber within thirty days of the day of receiving them.

{Article 51 Part 7 as amended pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

8. The members of the High Council of Justice who are members of the Disciplinary Chamber that adopted the disputed decision shall not participate in the consideration of the appeal. In case of adopting a relevant decision by the High Council of Justice at the meeting at which the appeal on the Disciplinary Chamber decision is considered, the disciplinary inspector of the High Council of Justice – rapporteur shall be invited to report on this disciplinary case.

9. The appeal against the decision of the Disciplinary Chamber on disciplining the judge shall be considered in accordance with the procedure defined in Article 49 of this Law.

10. Following the review of an appeal against the decision of the Disciplinary Chamber, the High Council of Justice may:

- 1) Annul fully the decision of the Disciplinary Chamber on disciplining the judge and terminate the disciplinary proceeding;
- 2) Revoke a part of the decision of the Disciplinary Chamber on disciplining the judge and adopt a new decision,
- 3) Revoke the decision of the Disciplinary Chamber not to discipline the judge in full or in part and adopt a new decision,
- 4) Alter the decision of the Disciplinary Chamber and impose a different type of the disciplinary sanction,
- 5) Leave the decision of the Disciplinary Chamber unchanged.

11. A copy of the decision of the High Council of Justice as approved based on the review of an appeal against the decision of the Disciplinary Chamber shall be handed over or forwarded to the judge, the complainant, or their representatives within three days of adoption thereof.

{Article 51 Part 11 as amended pursuant to Law of Ukraine #193-IX dated 16 Oct 2019.}

Article 52: Appealing Decision of the High Council of Justice Adopted based on Review of the Appeal against the decision of the Disciplinary Chamber

1. A decision of the High Council of Justice adopted based on the review of an appeal against the decision of the Disciplinary Chamber may be further appealed and annulled solely for the following reasons:

- 1) The composition of the High Council of Justice that adopted the corresponding decision did not have the powers to do so;

- 2) The decision was not signed by any of the members of the High Council of Justice who approved it;
- 3) The judge was not duly notified of the session of the High Council of Justice if any of the decisions referred to in Article 51 Part 10 Items 2-5 of this Law was adopted;
- 4) The decision does not contain references to the statutory grounds of disciplinary liability of the judge or reasons for which the High Council of Justice reached its findings.

2. The right to appeal to a court a decision of the High Council of Justice, which is adopted based on the review of the complaint against the decision of the Disciplinary Chamber shall be held by the judge against whom a corresponding decision was adopted and the complainant if the decision of the High Council of Justice is adopted on the grounds of his/her complaint.

3. If a court annuls the decision of the High Council of Justice, which was adopted following a review of the complaint to the decision of the Disciplinary Chamber, the High Council of Justice shall re-consider the relevant disciplinary case. The High Council of Justice shall re-consider the case at a plenary session in line with the procedures defined to in Article 49 of this Law.

Article 53: Reviewing Appeal against Decision of a Relevant Authority on Disciplining Prosecutor

1. A prosecutor towards whom a corresponding authority adopted a decision to impose a disciplinary sanction, may appeal this decision to the High Council of Justice within thirty days of the day of handing him/her over or forwarding him/her by post of a copy of the decision.

2. The High Council of Justice may renew the term of appeal against the decision of the relevant authority to impose a disciplinary sanction towards a prosecutor if the deadline was missed for a good reasons.

3. The complaint against the decision of the corresponding authority to discipline the prosecutor shall be reviewed by the High Council of Justice in accordance with the procedure referred to in Article 49 of this Law which governs the disciplinary review against the judge.

4. The High Council of Justice shall review the appeals against the decisions of the corresponding authority to impose a disciplinary sanction on the prosecutor within sixty days of the day of receiving the appeal. This term may be extended by the High Council of Justice by at most sixty days in case of need for an additional verification of the circumstances and/or documents.

5. Following the review of the appeal against the decision of the corresponding authority to impose a disciplinary sanction on the prosecutor, the High Council of Justice may:

- 1) Annul the decision of the corresponding authority in full and terminate the disciplinary proceedings;
- 2) Revoke the decision of the corresponding authority to discipline a prosecutor in part and adopt a new decision;
- 3) Revoke the decision of the corresponding authority not to discipline the prosecutor in part or fully and adopt a new decision,
- 4) Alter the decision of the corresponding authority by imposing a different type of the disciplinary sanction;
- 5) Leave the decision of the relevant authority unchanged.

6. A copy of the decision of the High Council of Justice adopted based on the review of an appeal against the decision of the relevant authority to discipline the prosecutor shall be handed over or forwarded to the prosecutor or his/her representative within seven days of the day of adoption thereof.

Article 54: Appealing Decision of the High Council of Justice Adopted Based on Review of Appeal against Decision of Relevant Authority to Discipline Prosecutor

1. A decision of the High Council of Justice adopted based on the review of an appeal against a decision of the relevant authority to discipline a prosecutor may be appealed and revoked solely on the following grounds:

- 1) The composition of the High Council of Justice that adopted the decision did not have the power to do so;
- 2) The decision was not signed by any of the members of the High Council of Justice who approved it;
- 3) The prosecutor was not properly notified of the session of the High Council of Justice if any of the decisions specified in Article 53 Part 5 Items 2-5 hereof was adopted,
- 4) The decision does not contain references to the statutory grounds for the disciplinary sanctions against the prosecutor and to the reasons based on which the High Council of Justice reached its findings.

2. The right to appeal to a court a decision of the High Council of Justice, which is adopted following a review of the complaint to the decision of the corresponding authority on the imposing of a disciplinary sanction on a prosecutor, shall be held by this prosecutor and the complainant if the complaint led to the decision of the High Council of Justice.

3. The High Council of Justice shall re-consider a corresponding disciplinary case if the court annuls the decision of the High Council of Justice adopted based on the review of an appeal against the decision of the relevant authority on disciplining a prosecutor. The High Council of Justice shall re-consider the case at its plenary session according to the procedure defined in Article 49 of this Law.

Chapter 6: Dismissing Judge**Article 55: Dismissing Judge on General Grounds**

1. The issue of a removal of the judge from the office on the grounds referred to in Article 126 Part 6 Items 1, 4 of the Constitution of Ukraine shall be considered at a session of the High Council of Justice.

2. If a judge submits a letter of resignation, the High Council of Justice shall adopt a decision on the resignation upon clarifying whether the judge acts with his/her free will or whether there is any external influence or use of an unlawful pressure on him/her.

3. The High Council of Justice has the right to suspend the process of dismissing the judge on grounds defined in Article 126 Part 6 Items 1, 4 of the Constitution of Ukraine for the duration of the review of an appeal or complaint which might lead to the judge's removal from the office on grounds defined in Article 126 Part 6 Items 2, 3, 6 of the Constitution of Ukraine.

4. Following consideration of the issue of dismissing the judges on grounds defined in Article 126 Part 6 Items 1, 4 of the Constitution of Ukraine, the High Council of Justice shall adopt a reasoned decision.

Article 56: Dismissing Judge on Special Grounds

1. The issue of dismissing the judge on the grounds defined in Article 126 Part 6 Items 2, 3, 5, 6 of the Constitution of Ukraine shall be considered at a session of the High Council of Justice.

2. The issue of dismissing the judge on the ground defined in Article 126 Part 6 Items 2 of the Constitution of Ukraine (breach of compatibility requirements by the judge) shall be considered by the High Council of Justice in accordance with the procedure defined for reviewing cases in violation of the compatibility requirements by Section II Chapter 3 of this Law.

3. The issue of dismissing the judge on the grounds Article 126 Part 6 Items 3, 6 of the Constitution of Ukraine (a substantive disciplinary offence by a judge, a gross or regular neglect of the judge's duties that is incompatible with the status of the judge or exposes his/her incompetent job performance; a violation of the judge's obligation to confirm a lawful source of his/her assets), shall be examined by the High Council of Justice following the motion of the Disciplinary Chamber on the dismissal of a judge.

The judge whose dismissal is to be considered shall be notified about the session of the High Council of Justice in accordance with the procedure defined by this Law. The failure of the judge to attend the session, regardless of the reasons, does not preclude the session from reviewing the case in absentia.

4. When considering the issue of dismissing the judge on the ground defined in Article 126 Part 6 Items 5 of the Constitution of Ukraine (the judge refuses to be transferred to another court in case of liquidation or reorganization of the court where the judge holds the position), the High Council of Justice shall establish the fact of such refusal (including the fact evading execution of the decision on such transfer) based on the judge's letter or information about such a letter provided by the High Qualifications Commission of Judges of Ukraine, or a notice of the chief judge of a relevant court or his/her deputy of the judge's failure to arrive to the court to administer justice.

5. The High Council of Justice must invite to its session the judge whose removal from the office is under consideration on the grounds defined in Article 126 Part 6 Items 5 of the Constitution of Ukraine. The judge and/or his/her representative is entitled to make a statement and clarifications at the session of the High Council of Justice. Should the judge be unable to attend the session of the High Council of Justice for a good reason, the judge may request to postpone the review of the issue of his/her dismissal. One more failure if the judge to attend the session, regardless of the reasons, shall not preclude the session from reviewing the case in absentia.

6. Following the consideration of the issue of dismissing the judge for the grounds defined in Article 126 Part 6 Items 2, 3, 5, 6 of the Constitution of Ukraine, the High Council of Justice shall adopt a reasoned decision.

Article 57: Appealing Decision of High Council of Justice on Dismissing Judge

1. A decision of the High Council of Justice on dismissing the judges on the grounds defined in Article 126 Part 6 Items 1, 2, 4 of the Constitution of Ukraine may be appealed and revoked on grounded defined by the law.

2. A decision of the High Council of Justice on dismissing the judges on the grounds defined in Article 126 Part 6 Items 3, 6 of the Constitution of Ukraine may be appealed and revoked solely on the following grounds:

- 1) The composition of the High Council of Justice that adopted the decision did not have the power to do so;
- 2) The decision is not signed by any of the members of the High Council of Justice who adopted it;
- 3) The decision does not contain references to the statutory ground for the judge's dismissal or reasons for which the High Council of Justice reached its findings.

3. A decision of the High Council of Justice on dismissing the judges on the grounds defined in Article 126 Part 6 Items 5 of the Constitution of Ukraine may be appealed and revoked on the grounds defined by Part 2 of this Article or if the judge was not duly notified of the session of the High Council of Justice at which the decision was adopted.

Chapter 7: Granting Consent for Taking Judge into Custody, Holding Judge in Detention or under Arrest

Article 58: Motion Requesting Consent for Taking Judge into Custody, Holding Judge in Detention or under Arrest

1. A judge may not be detained or kept into custody or under arrest without consent of the High Council of Justice before a sentence is passed by a court, with the exception of a detention of a judge during or immediately after committing a grave or an especially grave crime.

2. A motion requesting consent to take a judge into custody, detention or arrest shall be submitted for consideration of the High Council of Justice by the Prosecutor General or Deputy Prosecutor General. With regard to a judge of the High Anti-Corruption Court such motion shall be submitted by the Prosecutor General (acting Prosecutor General). Consent for detention, keeping in custody or under arrest of a judge shall comply with the requirements set forth by the Criminal Procedural Code of Ukraine. A separate motion shall be filed regarding each pre-trial restriction.

{Article 58 Part 2 as amended by Law of Ukraine #2447-VIII dated 07 June 2018.}

3. The motion must be reasoned, contain concrete facts and evidence proving that the judge committed a socially dangerous act stipulated by the Criminal Code of Ukraine, and justify the necessity of the detention (keeping in custody).

4. By its reasoned decision, the High Council of Justice shall return a motion that does not meet the criteria of this Article to the Prosecutor General or Deputy Prosecutor General.

Article 59: Procedures for Consideration of Motions Requesting Consent for Taking Judge into Custody, Holding Judge in Detention or under Arrest

1. The High Council of Justice shall consider a motion requesting consent to detain a judge, take him/her into custody or under arrest within five days of the day of receiving the motion.

2. The High Council of Justice shall consider the motion for granting consent for detention, keeping in custody or under arrest of a judge without summoning the judge. The High Council of Justice may summon the judge for providing explanations as a need might be. The notice of the date, time and venue of the consideration of the respective motion shall be sent to the Prosecutor General or his/her deputy without delay.

the High Council of Justice shall consider the motion for granting consent for detention of a judge of the High Anti-Corruption Court, keeping him/her in custody or under arrest with mandatory participation of the judge or his/her representative. A notice of the date, time, and venue of consideration of such motion shall be immediately sent to the Prosecutor General (acting Prosecutor General) and to the judge of the High Anti-Corruption Court.

{Article 59 Part 2 is supplemented with Paragraph 2 pursuant to Law of Ukraine #2447-VIII dated 07 June 2018.}

If the judge of the High Anti-Corruption Court or his/her representative fail to show up at the session of the High Council of Justice, the motion shall be considered without their participation.

{Article 59 Part 2 is supplemented with Paragraph 3 pursuant to Law of Ukraine #2447-VIII dated 07 June 2018.}

3. Failure of the judge, the Prosecutor General, his/her deputy or prosecutor authorized by either of them to attend the session of the High Council of Justice, regardless of the reasons for such a failure, shall not preclude the session from consideration of the motion.

4. The consideration of the motion for granting consent to detention, keeping in custody or under arrest of a judge shall commence with a short report on the grounds for such detention (custody) as provided in the motion by the chairperson of the session of the High Council of Justice.

5. Once the short report on the grounds for the detention of a judge, his/her keeping in custody or under arrest has been delivered, the floor shall be given to the Prosecutor General, his/her deputy or the prosecutor authorized by either of them. If the judge is summoned to the session and he/she attends the session, the floor shall be given also to the judge or his/her representative. Should the judge refuse to provide comments, the High Council of Justice shall review the motion on granting consent for detention, keeping a judge in custody or under arrest without the judge's comments.

Article 60: Decision of the High Council of Justice to Grant Consent for Taking Judge into Custody, Holding Judge in Detention or under Arrest

1. A decision to grant consent for detaining the judge, taking the judge into custody or under arrest shall be announced to those present at the session and immediately handed over to the Prosecutor General, his/her Deputy, or the authorized prosecutor. Such decision regarding a judge of the High Anti-Corruption Court shall be immediately handed over to the Prosecutor General (acting Prosecutor General).

(Article 60 Part 1 as amended pursuant to Law of Ukraine #2447-VIII dated 07 June 2018.)

Article 61: Appealing Decision of the High Council of Justice to Grant Consent for Taking Judge into Custody, Holding Judge in Detention or under Arrest

1. The decision of the High Council of Justice for granting consent for detaining the judge, taking the judge into custody or under arrest may be appealed according to the procedures established by criminal procedure legislation as a part of a complaint challenging the relevant ruling of an investigative judge that the judge be detained, kept in custody, or placed under arrest.

Chapter 8: Suspending Judge from Administration of Justice

Article 62: Grounds for Suspending Judge from Administration of Justice

1. A judge may be suspended from the administration of justice by decision of the High Council of Justice:

- 1) Due to facing criminal charges;
- 2) When undergoing the qualification assessment;
- 3) As a matter of a disciplinary sanction.

2. A judge shall be deemed to be suspended effective the date of adoption of a decision by the Disciplinary Chamber on a disciplinary sanction in the form of a motion to dismiss the judge from the office - without the High Council of Justice adopting a separate decision.

3. The judge may not be suspended from administration of Justice on other grounds.

4. On the date when the High Council of Justice reviews the case of the judge, the notice of the adopted decision on the suspending the judge from administration of justice shall be sent to the court where this judge holds position and the notice shall be posted on the official website of the High Council of Justice and on the official web portal of the judicial power of Ukraine.

Article 63: Suspending Judge from Administration of Justice because of Criminal Charges

1. Suspension of the judge from administering justice due to facing criminal charges shall be effected by the High Council of Justice for a period of time not exceeding two months based on a reasoned motion filed by the Prosecutor General or his/her Deputy, and with regard to a judge of the High Anti-Corruption Court, - based on a reasoned motion filed by the Prosecutor General

(acting Prosecutor General). At the stage of the judicial hearing, the term of suspension shall be set up until the court sentence enters into force or the criminal proceedings are closed.

{Article 63 Part 1 as amended pursuant to Law of Ukraine #2447-VIII dated 07 June 2018.}

2. A motion for the suspension of the judge who is facing criminal charges shall be submitted to the High Council of Justice against the judge who is the suspect or the accused (defendant) at any stage of the criminal proceedings.

3. A motion for the suspension of the judge facing criminal charges, if it is filed without adherence to requirements defined by the law, shall be returned by the High Council of Justice to the Prosecutor General or his/her Deputy.

4. The Prosecutor General or his/her Deputy shall be entitled to authorize a prosecutor to deliver to the judge, except the judge of the High Anti-Corruption Court, a copy of the motion for the suspension of the judge facing criminal charges and the documents that substantiate the motion, as well as to present the respective motion for consideration at a session of the High Council of Justice.

{Article 63 Part 4 as amended pursuant to Law of Ukraine #2447-VIII dated 07 June 2018.}

5. The High Council of Justice shall consider the motion for suspension of the judge facing criminal charges immediately but no later than within seven days of receiving the motion.

6. A notice of the date, time, and venue of the hearing of the relevant motion shall be sent to the judge, who is the subject of the motion, the Prosecutor General or his/her Deputy, the court where the judge sits. It shall be immediately posted on the official website of the High Council of Justice.

7. Failure of the judge, the Prosecutor General, or his/her Deputy, or a prosecutor authorized by either of these to attend the session of the High Council of Justice, provided they have been properly notified of the date, time and venue of the session, shall not preclude the session from considering the motion.

8. Consideration of the motion for suspension of a judge shall commence with a concise report of the reasons for the suspension - as they are provided for in the motion, by a member of the High Council of Justice designated as the rapporteur on the case.

9. Once the reasons for the suspension, as they are provided for in the motion, have been stated, the Prosecutor General or his/her Deputy, or an authorized prosecutor, the judge (or his/her representative), who is the subject of the motion, shall get the floor for comments. If the judge refuses to provide comments, the High Council of Justice shall consider the motion for the suspension of the judge from the administration of justice without his/her comments.

10. Following consideration of the motion for the suspension of a judge from administration of justice, the High Council of Justice shall adopt a decision, a copy of which shall be sent to the Prosecutor General or his/her Deputy and the judge, who is the subject of the motion within seven business days. Besides, it shall be immediately sent to the court where the judge holds the office.

11. The judge shall be suspended from the administration of justice effective day on which the decision to suspend him/her was adopted by the High Council of Justice for a period of time specified in the decision and which may not exceed two months. At the stage of the judicial hearing, the term of suspension shall be set up until the court sentence enters into force or the criminal proceedings are closed.

Article 64: Extending the Term for which the Judges is Suspended from Administration of Justice because of Criminal Charges

1. The term for which the judge is suspended from the administration of justice due to facing criminal charges shall be extended according to the procedures defined in Article 63 of this Law for the suspension of the judge from the administration of justice for a period of time not exceeding

two months, and if the indictment is forwarded to the court, – until the court sentence enters into force or the criminal proceedings are closed.

2. A motion to extend the term for which the judge is suspended from administration of justice shall be filed by the Prosecutor General or his/her Deputy, and regarding the judge of the High Anti-Corruption Court, - by the Prosecutor General (acting Prosecutor General) no later than ten days prior to the end of the period of time for which the judge has been suspended.

{Article 64 Part 2 as amended pursuant to Law of Ukraine #2447-VIII dated 07 June 2018.}

3. A motion to extend the term for which the judge is suspended from administration of justice due to facing criminal charges, if it is filed in breach of the statutory requirements, shall be returned by the High Council of Justice to the Prosecutor General or his/her Deputy without consideration.

4. The motion to extend the term for which the judge is suspended from administration of justice due to facing criminal charges shall be granted provided that:

- 1) The circumstances that served the grounds for the suspension from the administration of justice continue to exist;
- 2) The prosecution was not able to ensure attainment of goals for sake of which the judge was suspended from administration of justice by other means .

5. Should the High Council of Justice adopt the decision to extend the term for which the judge is suspended from the administration of justice due to facing criminal charges, the judge shall be suspended from the office effective the day on which the High Council of Justice passes this decision, for a period of time stipulated in the decision, which may not exceed two months, and if the indictment is forwarded to the court, up until the court sentence enters into force or the criminal proceedings are closed.

6. Re-submission of the motion by the Prosecutor General or his/her Deputy for the suspension of the judge from the administration of justice due to facing criminal charges or submission of motion to extend the suspension as part of the same criminal proceedings shall not be permitted unless the court reversed the previous decision of the High Council of Justice.

7. The suspension of the judge from the administration of justice due to facing criminal charges shall be discontinued once the criminal proceedings against the judge have been closed or the court sentence has entered into force. In this case, the High Council of Justice shall not adopt a separate decision on the termination of the suspension of the judge from administration of justice.

Article 65: Appealing Decision on Suspending Judge from Administration of Justice or Decision on Extending Term of Suspension from Administration of Justice because of Criminal Charges

1. A decision of the High Council of Justice to suspend the judge from the administration of justice due to facing criminal charges or to extend the suspension may be appealed and reversed solely for the following reasons:

- 1) The composition of the High Council of Justice that adopted the decision did not have the power to do so;
- 2) The decision was not signed by any of the members of the High Council of Justice who adopted it;
- 3) The decision does not contain the grounds stipulated by the law for its approval or the reasons based on which the High Council of Justice came to corresponding conclusions.

2. Appealing of the decision of the High Council of Justice shall not suspend execution thereof.

Article 66: Suspending Judge from Administration of Justice when Conducting Qualification Assessment

1. The judge undergoing a qualification assessment shall be suspended from the administration of justice by the High Council of Justice following a motion filed by the High Qualifications Commission of Judges of Ukraine.
2. A motion filed by the High Qualifications Commission of Judges of Ukraine shall be considered immediately by the High Council of Justice within seven days of receiving it.
3. A motion of the High Qualifications Commission of Judges of Ukraine shall be considered by the High Council of Justice without summoning the judge. The High Council of Justice may summon the judge for providing explanations as a need might be.
4. Following the consideration of the motion, the High Council of Justice shall adopt a decision, a copy of which shall be sent within seven days to the High Qualifications Commission of Judges of Ukraine, to the judge who is the subject of the decision, and to the court where the judge holds the office.
5. The judge shall be suspended from the administration of justice effective the day on which the decision on the suspension from the administration of justice is adopted by the High Council of Justice.
6. Once the qualification assessment of the judge, who has been suspended, is over, the High Qualifications Commission of Judges of Ukraine shall inform the High Council of Justice thereof within three days of the day on which the respective decision was adopted.
7. Suspension of the judge from the administration of justice shall be discontinued effective the day on which the High Qualifications Commission of Judges of Ukraine adopts a decision confirming that the judge is qualified to administer justice in the respective court or effective the day on which the judge is dismissed from the office following the failure to confirm the judge's capability to administer justice in the respective court - without adoption of a separate decision on the discontinued suspension of the judge from the administration of justice by the High Council of Justice.

Article 67: Appealing Decision on Suspending Judge from Administration of Justice when Conducting Qualification Assessment

1. A decision by the High Council of Justice to suspend the judge when undergoing a qualification assessment may be appealed and reversed solely for the following reasons:
 - 1) The decision of the High Qualifications Commission of Judges of Ukraine does not refer to the grounds stipulated by the law, or to the reasons based on which the High Qualifications Commission of Judges of Ukraine came to the respective conclusions;
 - 2) The composition of the High Council of Justice that adopted the decision or the composition of the High Qualifications Commission of Judges of Ukraine that adopted the decision to file the motion did not have the power to do so;
 - 3) The decision of the High Council of Justice was not signed by any of the members of the High Council of Justice who adopted it;
 - 4) The decision of the High Qualifications Commission of Judges of Ukraine to file the motion on the basis of which the High Council of Justice passed its decision was not signed by any of the members of the High Qualifications Commission of Judges of Ukraine that adopted the decision to file the motion;
 - 5) The motion filed by the High Qualifications Commission of Judges of Ukraine was not signed by the authorized person.

Article 68: Suspending Judge from Administration of Justice as a Disciplinary Sanction

1. The High Council of Justice shall suspend a judge from administration of justice as a disciplinary sanction on the basis of a decision by the Disciplinary Chamber to apply a disciplinary sanction by the latter's filing a motion for the suspension of the judge from the administration of justice.
2. The judge whose suspension from administration of justices is being considered or his/her representative may be heard at a session of the High Council of Justice.
3. The failure by the judge to attend the session regardless of the reasons for such failure shall not preclude the session from considering the matter in absentia.
4. The High Council of Justice shall adopt a reasoned decision following the consideration of the motion for suspending the judge from the administration of justice as disciplinary sanction.

Article 69: Appealing Decision on Suspending Judge from Administration of Justice as a Disciplinary Sanction

1. A decision by the High Council of Justice to suspend the judge from administration of justice as a disciplinary sanction may be appealed and reversed solely for the following reasons:
 - 1) The composition of the High Council of Justice that adopted the decision did not have the power to do so;
 - 2) The decision was not signed by any of the members of the High Council of Justice who adopted it;
 - 3) The decision does not refer to the grounds stipulated by the law for the suspension from the administration of justice as a disciplinary sanction to the reasons based on which the High Council of Justice came to the respective conclusions.

Chapter 9: Transfer of Judges

Article 70: Transferring a Judge from One Court to Another

1. The High Council of Justice shall transfer a judge from one court to another:
 - 1) Based on and within the recommendations of the High Qualifications Commission of Judges of Ukraine and the documents attached thereto;
 - 2) Based on a motion of the Disciplinary Chamber to transfer a judge to a lower instance court.
2. The secondment as a temporary transfer of a judge to another court of the same level and specialization shall be carried out in accordance with the procedure adopted by the High Council of Justice and at the request of the High Qualifications Commission of Judges of Ukraine as agreed on with the State Judicial Administration of Ukraine.

Article 71: Procedures for Considering a Matter of Transferring a Judge from One Court to Another and Adoption of Decision by the High Council of Justice

1. The matter of transferring a judge from one court to another shall be considered by the High Council of Justice at its session.
2. The judge, in respect of whom the transfer from one court to another is being considered, shall be invited to the session of the High Council of Justice in accordance with the procedure adopted by this Law. The failure by the judge to attend the session, regardless of the reasons for the failure, shall not preclude the session from considering the matter in absentia.
3. Consideration of the transfer of a judge from one court to another shall begin with the announcement of the recommendation of the High Qualifications Commission of Judges of Ukraine or of the motion of the Disciplinary Chamber by the chairperson at the session of the High Council of Justice.

4. The High Council of Justice shall adopt a reasoned decision following the consideration of the matter of transferring the judge from one court to another.

Article 72: Appealing Decision of High Council of Justice on Transferring Judge

1. The decision of the High Council of Justice on transferring a judge may be appealed and reversed solely for the following reasons:

- 1) The composition of the High Council of Justice that adopted the decision did not have the power to do so;
- 2) The decision was not signed by any of the members of the High Council of Justice who adopted it;
- 3) The decision does not refer to the grounds stipulated by the law for the transfer of judges and to the reasons based on which the High Council of Justice came to the respective conclusions.

Chapter 10: Taking Measures to Guarantee Independence of Judges and the Authority of Justice

Article 73. Measures to Guarantee Independence of Judges and Authority of Justice

1. In order to guarantee independence of judges and the authority of justice, the High Council of Justice shall:

- 1) Maintain and post the register of judges' reports concerning the interference in the functioning of a judge regarding the administration of justice on its official website; check such reports; disclose the findings and adopt respective decisions;
- 2) File motions to relevant authorities or officials on identifying and holding liable (as it is envisaged by the law) of persons who committed acts or failed to act in breach of the guarantees of the judicial independence or which undermined the authority of justice;
- 3) File a motion to the assembly of judges of a respective court on the dismissal of a judge from the administrative position in case the judge did not abide by decision of the High Council of Justice;
- 4) Approve and publish public statements and appeals;
- 5) Appeal to holders of the right of legislative initiative and authorities authorized to issue legal acts with proposals regarding the independence of judges and authority of justice;
- 6) File requests to prosecutor's office and the law enforcement agencies for information as to uncover and investigate crimes committed against the court, judges, members of their families, court staff members; crimes against justice committed by judges or court staff members;
- 7) Prepare the annual report on the state of guaranteeing the independence of judges in Ukraine in cooperation with bodies of the judicial self-governance, other bodies and agencies of the justice system, non-government organizations and publish it;
- 8) Take other measures needed to guarantee independence of judges and the authority of justice.

2. The High Council of Justice shall take measures defined in Part 1 of this Article on its own initiative or at the request of a judge, court, bodies and agencies of the system of justice.

3. A statement of a judge on interference in his/her activities in administration of justice by another judge shall be considered in the manner prescribed by this Law for the review of a disciplinary complaint.

4. The High Council of Justice shall cooperate with the Council of Judges of Ukraine, Public Integrity Council, non-government organizations, relevant authorities of other states, international organizations and their bodies with regard to developing and introducing measures to guarantee independence of judges and the authority of justice.

Article 74: Motions of the High Council of Justice

1. A relevant authority or official shall be bound to consider motions of the High Council of Justice on the matters defined in Article 73 Part 1 Items 2, 3 within ten days of receipt thereof unless a different timeframe is set forth by law.
2. The relevant authority or official shall immediately (but no later than within three days) notify the High Council of Justice on the decision adopted following the consideration of the motion of the High Council of Justice and on the measures taken.
3. Should the long-term measures be needed, the High Council of Justice shall be entitled to request the relevant authority or official in its motion to inform the High Council of Justice on the measures taken and the results achieved on a monthly basis.
4. Failure to consider or belated consideration of the motion by the High Council of Justice, failure to provide or belated provision of a reply to the motion shall result in liability as envisaged by law.

Section III: Final and Transitional Provisions

1. This Law shall come into force on the day following the day of publication thereof except for:
 - Section II Chapter 9 Article 3 Part 1 Item 10 which shall come into force two years after the Law of Ukraine "On Amending the Constitution of Ukraine (Concerning Justice)" has come into force";
 - Item 19 Subitem "a" of this section with regard to changing the word combination "Supreme Court of Ukraine" in all cases into "Supreme Court" in corresponding cases which shall come into force effective the first day of the Supreme Court operations according to the operating procedure and in the composition as defined by Law of Ukraine "On Judiciary and Status of Judges" # 1402-VIII dated June 02, 2016;
 - Item 23 Subitem "e" and Subitem "a" Paragraph 3 of this section which shall come into force on the day following the day of publishing this law but no later than on January 01, 2017.
2. To deem the Law of Ukraine "On High Council of Justice" ("Про Вищу раду юстиції") (Vidomosti of Verhovna Rada of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy), 1998 p., № 25, art. 146) as amended.
3. To amend the following legislative acts of Ukraine:
 - 1) in the Code of Ukraine on Administrative Offenses (Vidomosti of the Verkhovna Rada of the USSR, 1984, appendix to № 51, art. 1122):
 - a) in the note to Article 172⁴, the words "members of the High Council of Justice (except those who work in the High Council of Justice on a permanent basis), lay judges and" shall be deleted;
 - b) Article 185³ shall be worded as follows:

"Article 185³. Contempt of court

Disrespect to the court expressed in malicious evasion from the appearance in court of a witness, victim, plaintiff, defendant or in disobedience of these persons and other citizens to the order of the presiding judge or in violation of order during a court hearing, as well committing any actions demonstrating obvious contempt of court or disrespect of rules established in court, -

shall entail the imposition of a fine in the amount of fifty to one hundred and fifty non-taxable minimum incomes of citizens.

The same acts committed repeatedly within a year after the imposition of an administrative penalty -

entail the imposition of a fine of one hundred and fifty to two hundred and fifty non-taxable minimum incomes of citizens, or correctional labor for a period of one to two months with a deduction of twenty percent of earnings, or administrative arrest for up to fifteen days.

Malicious evasion of an expert, translator from appearing in court -

entails the imposition of a fine of twenty to one hundred non-taxable minimum incomes.

Non-fulfillment by the guarantor of the obligations imposed by the court during the proceedings in administrative cases concerning the detention and expulsion of foreigners and stateless persons, -

entails the imposition of a fine of one hundred and fifty to three hundred non-taxable minimum incomes of citizens";

c) Article 188³² shall be worded as follows:

"Article 188³². Failure to comply with the lawful requirements of the High Council of Justice, its body\unit or a member of the High Council of Justice

Failure to comply with the lawful requirements of the High Council of Justice, its body or a member of the High Council of Justice to provide information, court file of the case (its copy) the consideration of which is completed, providing knowingly unreliable information, as well as non-compliance with statutory deadlines for providing information, court file of the case (its copy) the consideration of which is completed to the High Council of Justice, its body or a member of the High Council of Justice -

entail the imposition of a fine of fifty to one hundred and fifty non-taxable minimum incomes.

The same actions committed repeatedly within a year after the imposition of an administrative penalty -

entail a fine of one hundred and fifty to two hundred and fifty non-taxable minimum incomes.

Failure to provide or untimely provided response to the submission of the High Council of Justice on the identifying and making accountable persons who have committed acts or allowed non-action\ omission that violate the guarantees of independence of judges or undermine the authority of justice -

entail the imposition of a fine of two hundred to three hundred non-taxable minimum incomes";

d) in part one of Article 255:

in the paragraph "bodies of the State Border Guard Service of Ukraine (parts two, four and five of Article 85, Article 92, part three of Articles 185³, 185¹⁰, 191, 204-204², 205-206¹)" item 1 the words and figures "part three of Article 185³" shall be replaced by the words and figures "part four of Article 185³";

in the paragraph "territorial bodies and territorial subdivisions of the central executive body that implements state policy in the areas of migration (immigration and emigration), including combating illegal (unlawful) migration, citizenship, registration of individuals (part three of Article 185³)" paragraph 1, the words and figures "part three of Article 185³" shall be replaced by the words and figures "part four of Article 185³";

in paragraph 7¹, the words and figures "parts one and two of Article 185-3" shall be replaced by the words and figures "parts one, two and three of Article 185-3";

in paragraph 9², the words "High Council of Justice" (old Ukrainian name) shall be replaced by the words "High Council of Justice";

2) in part one of Article 67 of the Code of Merchant Shipping of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 1995, №№ 47-52, Art. 349) the words "the Prosecutor General of Ukraine" shall be replaced by the words "the Prosecutor General";

3) in the Criminal Code of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2001, № 25-26, art. 131):

a) the first paragraph of the first part of Articles 112 and 346 after the words "member of the Cabinet of Ministers of Ukraine" shall be supplemented with the words "Chairman or member of the High Council of Justice, Chairman or member of the High Qualification Commission of Judges of Ukraine";

b) the first paragraph of the first part of Article 344 after the words "member of the Cabinet of Ministers of Ukraine" shall be supplemented with the words "Chairman or member of the High Council of Justice, Chairman or member of the High Qualification Commission of Judges of Ukraine";

c) to supplement with Article 351² of the following content:

Article 351². Obstruction of the activity of the High Council of Justice, the High Qualification Commission of Judges of Ukraine

1. Failure to comply with the lawful requirements of the High Council of Justice, its body or member of the High Council of Justice, the High Qualifications Commission of Judges of Ukraine or a member of the High Qualifications Commission of Judges of Ukraine, creation of artificial obstacles in their work -

shall be punishable by a fine of one hundred to one thousand non-taxable minimum incomes, or arrest for a term of up to six months, or restriction of liberty for a term of up to three years";

d) in the text of the Code, the words "Prosecutor General of Ukraine" in all cases shall be replaced by the words "Prosecutor General" in the respective declension/case;

4) in the eleventh paragraph of the first part of Article 24 of the Criminal Executive Code of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2004, № 3-4, Article 21) the words "Prosecutor General of Ukraine" shall be replaced by the words "Prosecutor General";

5) in the Code of Administrative Procedure of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2005, №№ 35-37, Art. 446):

a) in part six and in the first paragraph of part seven of Article 171¹, the words "the High Council of Justice" (old name) shall be replaced by the words "the High Council of Justice, the High Qualification Commission of Judges of Ukraine";

b) in the text of the Code, replace the words "High Council of Justice" (old name) in all cases with the words "High Council of Justice" in the appropriate declination/case;

6) in the Criminal Procedure Code of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2013, №№ 9-13, Art. 88):

a) in part one of Article 3:

in paragraph 8 after the words "body of the State Bureau of Investigation" add the words "body of the State Penitentiary Service of Ukraine";

in paragraph 17 after the words "body of the State Bureau of Investigation" add the words "body of the State Penitentiary Service of Ukraine";

b) in Article 38:

paragraph 1 of the first part to add a new subparagraph "e" as follows:

"e) bodies of the State Penitentiary Service of Ukraine";

part three after the words "bodies exercising control over the observance of tax legislation" shall be supplemented with the words "bodies of the State Penitentiary Service of Ukraine";

c) the second part of Article 131 shall be supplemented with paragraph 4¹ as follows:

"4¹) temporary suspension of a judge from the administration of justice";

d) delete the second sentence of part three of Article 154;

e) to supplement Article 155¹ with the following content:

"Article 155¹. Temporary suspension of a judge from the administration of justice in connection with criminal prosecution and extension of the term of such temporary suspension

1. The decision on temporary suspension of a judge from the administration of justice in connection with criminal prosecution shall be made by the High Council of Justice on the basis of a reasoned request of the Prosecutor General or his deputy in line with the procedure established by law.

2. A request for temporary suspension of a judge from the administration of justice in connection with criminal prosecution shall be submitted to the High Council of Justice in respect of a judge who is a suspect, accused (defendant) at any stage of criminal proceedings.

3. A request for temporary suspension of a judge from the administration of justice in connection with criminal prosecution should meet the requirements of part two of Article 155 of this Code.

4. The Prosecutor General or his Deputy shall have the right to request an extension of the term of temporary suspension of a judge from the administration of justice.

5. A request for extension of the term of temporary suspension of a judge from the administration of justice in connection with criminal prosecution shall be submitted to the High Council of Justice in respect of a judge who is a suspect, accused (defendant) at any stage of criminal proceedings.

6. A request for extension of the term of temporary suspension of a judge from the administration of justice in connection with criminal prosecution shall meet the requirements of part two of Article 155 of this Code";

f) in Article 216:

paragraph 5 of clause 1 of part five shall be worded as follows:

"by a judge, judge of the Constitutional Court of Ukraine, member of the jury (while fulfilling authorities in the court), Chairperson, Deputy Chairperson, inspector of the High Council of Justice, Chairperson, Deputy Chairperson, member, inspector of the High Qualification Commission of Judges of Ukraine";

a new part shall be added after part five as follows:

"6. Investigators of bodies of the State Criminal Enforcement Service of Ukraine shall carry out pre-trial investigation of crimes committed on the territory or in the premises of the State Criminal Enforcement Service of Ukraine".

In view of this, parts six – nine shall be considered as parts seven – ten correspondingly;

g) part six of Article 232 shall be complemented with words “body of the State Criminal Enforcement Service of Ukraine” after words “body that exercises control over compliance with the tax legislation”;

h) in part five of Article 246:

paragraph 4 shall be complemented with words “State Criminal Enforcement Service of Ukraine” after words “State Bureau of Investigations”;

paragraph 5 shall be complemented with words “head of the State Criminal Enforcement Service of Ukraine” after words “head of the State Bureau of Investigations”;

i) clause 2 of part one of Article 480 shall be worded as follows:

“2) judges, judges of the Constitutional Court of Ukraine, as well as member of the jury while fulfilling duties in the court, Chairperson, Deputy Chairperson, member of the High Council of Justice, Chairperson, Deputy Chairperson, member of the High Qualification Commission of Judges of Ukraine”;

j) clause 3 of part one of Article 481 shall be worded as follows:

“3) judges, judges of the Constitutional Court of Ukraine, member of the jury while performing duties in the court, Chairperson, Deputy Chairperson, member of the High Council of Justice, Chairperson, Deputy Chairperson, member of the High Qualification Commission of Judges of Ukraine, employees of the National Anti-Corruption Bureau of Ukraine – by the Prosecutor General or his/her deputy”;

k) part one of Article 482 shall be worded as follows:

“1. Apprehension or detention or arrest of a judge may be carried out upon consent of the High Council of Justice.

Without consent of the High Council of Justice a judge may not be apprehended or detained or arrested before the court adopts a guilty verdict, except for apprehension of the judge during or immediately after committing a severe or especially severe crime.

A judge apprehended upon suspicion of committing an action that envisions criminal responsibility shall be released immediately after verifying his/her identity, except for the following instances:

1) provided that the High Council of Justice has granted consent to detention of the judge in connection with such action;

2) apprehension of the judge during or immediately after committing a severe or especially severe crime if such apprehension is required to prevent committing of a crime, eliminate or prevent consequences of a crime or ensuring of preservation of evidence of such crime. The judge shall be released at once if the purpose of such apprehension (prevention of a crime, prevention of consequences of a crime, or ensuring of preservation of evidence of such crime) has been achieved”;

j) part four of Article 575 shall be complemented with words “body of the State Criminal Enforcement Service of Ukraine” after words “body of the State Bureau of Investigations”;

k) in the text of the Code words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case;

7) in the Law of Ukraine “On Operational Investigative Activities” (Vidomosti Verkhovnoi Rady Ukrainy, 1992, № 22, p. 303, as subsequently amended):

a) in Article 9¹:

part two shall be complemented with words “head of the structural unit of the State Criminal Enforcement Service of Ukraine or his/her authorized deputy” after words “head of the intelligence body of the Ministry of Defense of Ukraine or their deputies”;

part three shall be complemented with words “head of the body of the State Criminal Enforcement Service of Ukraine or his/her authorized deputy” after words “head of the intelligence body of the Ministry of Defense of Ukraine”;

b) in the text of the Law words “Prosecutor General of Ukraine” in all cases shall be complemented with words “Prosecutor General” in a respective case;

8) in the text of the Law of Ukraine “On Organizational and Legal Principles of Fighting Organized Crime” (Vidomosti Verkhovnoi Rady Ukrainy, 1993, No. 35, p. 358, as subsequently amended) words “Prosecutor General of Ukraine” in all cases shall be substituted with “Prosecutor General” in a respective case;

9) in Article 24 of the Law of Ukraine “On State Protection of Employees of the Court and Law-Enforcement Bodies” (Vidomosti Verkhovnoi Rady Ukrainy, 1994, No. 11, p. 50, as subsequently amended) words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

10) in part six of Article 27 of the Law of Ukraine “On State Secret” (Vidomosti Verkhovnoi Rady Ukrainy, 1999, No. 49, p. 428; 2004, No. 23, p. 320; 2008, No. 27-28, p. 252; 2015, No. 36, p. 360) words “Prosecutor General of Ukraine” shall be substituted with “Prosecutor General”;

11) in the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2006, No. 17, p. 146):

a) in Article 18:

part five shall be supplemented with words “on selection and dismissal of members of the High Council of Justice by the Verkhovna Rada of Ukraine” after words “National Council of Television and Radio Broadcasting of Ukraine”;

in part seven words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case;

part nine shall be removed;

b) in clause 5 of part one of Article 25 words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

12) in clause 1 of part one of Article 13, part three of Article 20 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” (Vidomosti Verkhovnoi Rady Ukrainy, 1998, No. 20, p. 99; 2013, No. 21, p. 208) words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

13) paragraph 9 of part one of Article 6 of the Law of Ukraine “On the State Protection of Public Authorities of Ukraine and Officials” (Vidomosti Verkhovnoi Rady Ukrainy, 1998, No. 35, p. 236) shall be worded as follows:

“Prosecutor General”;

14) in part one of Article 8 of the Law of Ukraine “On Pensions for Special Services to Ukraine” (Vidomosti Verkhovnoi Rady Ukrainy, 2000, No. 35, p. 289; 2005, No. 6, p. 142; 2014, No. 6-7, p. 80) words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

15) in paragraph 1 of part one of Article 31 of the Law of Ukraine “On the Status of Deputies of Local Councils” (Vidomosti Verkhovnoi Rady Ukrainy, 2002, No. 40, p. 290; 2015, No. 2-3, p.

12) words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case;

16) in clause 6 of part two of Article 7 of the Law of Ukraine “On Counterintelligence Activities” (Vidomosti Verkhovnoi Rady Ukrainy, 2003, No. 12, p. 89; 2013, No. 21, p. 208) words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case;

17) in part three of Article 24, Article 31 of the Law of Ukraine “On Fighting Terrorism” (Vidomosti Verkhovnoi Rady Ukrainy, 2003, No. 25, Article 180) words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

18) in part four of Article 3 of the Law of Ukraine “On Access to Court Decisions” (Vidomosti Verkhovnoi Rady Ukrainy, 2006, No. 15, p. 128) words “Cabinet of Ministers of Ukraine” shall be substituted with words “High Council of Justice”;

19) in the Rules of Procedure of the Verkhovna Rada of Ukraine adopted by the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine” (Vidomosti Verkhovnoi Rady Ukrainy, 2010, No. 14-17, p. 133, as subsequently amended):

a) in part four of Article 14, part one of Article 34, part one of Article 168, part three of Article 178, title of Chapter 33, Articles 212 and 213 words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case, as well as in the text of the Rules of Procedure words “Supreme Court of Ukraine” in all cases shall be substituted with words “Supreme Court” in a respective case;

b) in clause 1 of part four of Article 88 words “to the Prosecutor General’s Office of Ukraine” shall be substituted with words “to the Prosecutor General”;

c) in part one of Article 140:

in clause 4 words “notification of the Supreme Court of Ukraine, higher specialized courts of Ukraine, Ministry of Justice of Ukraine, Prosecutor General’s Office of Ukraine” shall be substituted with words “notification of the High Council of Justice, Supreme Court, higher specialized courts of Ukraine, Ministry of Justice of Ukraine, Prosecutor General”;

in clause 6 words “explanations of the Supreme Court of Ukraine regarding provisions of the law, if there are any” shall be removed;

d) in part one of Article 168 words “Chairperson of the High Council of Justice” (old name in Ukrainian) shall be substituted with words “Chairperson of the High Council of Justice”;

e) in the title of Chapter 30 and Article 170 word “inability” in all cases shall be substituted with word “lack of capacity” in a respective case;

f) in clause 4 of part three of Article 174 words “(except for judges of the Constitutional Court of Ukraine and judges of courts of the general jurisdiction)” shall be substituted with words “(except for judges and judges of the Constitutional Court of Ukraine)”;

g) Article 208¹ shall be worded as follows:

“Article 208¹. Procedure of Selecting Members of the High Council of Justice and Procedure of Their Dismissal

1. In line with part two of Article 131 of the Constitution of Ukraine the Verkhovna Rada selects members of the High Council of Justice.

2. Not later than in six months prior to the expiration of the term of authorities of a member of the High Council of Justice or within 14 days of the date of early termination of his/her authorities, the Apparatus of the Verkhovna Rada shall publish information at its official website

and shall inform deputies' factions (deputies' groups) about the start of acceptance of suggestions of deputies' factions (deputies' groups) regarding candidates to positions of members of the High Council of Justice. The deputies' faction (deputies' group) may suggest one candidate to the position of a member of the High Council of Justice regardless of the number of vacant positions.

3. The deputies' faction (deputies' group) shall submit a suggestion regarding a candidate to the position of a member of the High Council of Justice along with documents set out by the Law of Ukraine "On the High Council of Justice" to the Apparatus of the Verkhovna Rada of Ukraine within 45 days since the date of announcement about the start of accepting suggestions from deputies' factions (deputies' groups).

4. Information about persons who aspire to be selected to the position of a member of the High Council of Justice shall be published at the official website of the Verkhovna Rada not later than 30 days prior to the consideration by the committee that is responsible for justice issues, issues indicated in part five hereof.

5. The committee responsible for justice issues shall consider documents submitted along with suggestions of deputies' factions (deputies' groups) and preliminarily discuss the issue of their compliance with requirements set out by the Law of Ukraine "On the High Council of Justice" and submit a recommendation with opinions regarding each candidate for consideration of the Verkhovna Rada.

6. The decision of the committee responsible for justice issues and information about candidates to the position of a member of the High Council of Justice shall be provided to people's deputies not later than three days prior to the consideration of the respective issue by the Verkhovna Rada.

7. Each candidate shall have the right to make a speech during the plenary meeting of the Verkhovna Rada before the start of voting.

People's deputies may ask the candidate questions during the plenary meeting regarding any information about the candidate, except for information which is related to his/her private life and with respect to which there are no reasonable grounds to believe that it may be important for determination of the candidate's ability to properly fulfill duties of the member of the High Council of Justice, as well as information that constitutes the state secret.

8. Voting shall take place after speeches of candidates and discussion of candidates.

9. The Verkhovna Rada shall select members of the High Council of Justice with an open preferential voting with respect to each candidate separately.

10. The Verkhovna Rada shall select members of the High Council of Justice with a list determined pursuant to the outcomes of preferential voting pursuant to the number of vacant positions with an open voting by the majority of votes of people's deputies from the constitutional composition of the Verkhovna Rada.

11. In case the Verkhovna Rada fails to select members of the High Council of Justice with the list pursuant to part ten hereof, another selection shall be carried out in line with part nine hereof. Candidates included into such list shall not take part in the second selection. Pursuant to results of the second selection, the Verkhovna Rada shall conduct voting to select members of the High Council of Justice with the list in line with part ten hereof. The second selection and voting shall be carried out until all candidates are exhausted.

12. In case the Verkhovna Rada fails to select any of the candidates to the position of a member of the High Council of Justice, the Apparatus of the Verkhovna Rada shall publish information at the official website of the Verkhovna Rada about new acceptance of suggestions of deputies' factions (deputies' groups) with respect to candidates to positions of members of the

High Council of Justice pursuant to part two hereof. The deputies' faction (deputies' group) may again submit suggestions regarding the person whom the Verkhovna Rada has failed to select with the list in line with part ten hereof.

13. Recommendation about dismissal of a member of the High Council of Justice from the position shall be submitted to the Verkhovna Rada by the High Council of Justice. Documents that confirm existence of grounds for dismissal of a member of the High Council of Justice from the position stipulated by the Law of Ukraine "On the High Council of Justice" shall be submitted together with the written recommendation.

14. The committee responsible for justice issues shall preliminarily consider the recommendation and other documents and prepare a recommendation.

If the committee has revealed that the recommendation does not comply with requirements of the Law of Ukraine "On the High Council of Justice", the committee shall adopt an opinion with a justification of such non-compliance. The committee shall submit such opinion to the Chairperson of the Verkhovna Rada of Ukraine who returns the recommendation to the High Council of Justice together with the opinion of the committee with a view to eliminating shortcomings.

15. Discussion of the issue on dismissal of a member of the High Council of Justice from the position during the plenary meeting of the Verkhovna Rada shall start with the chairperson announcing the recommendation of the High Council of Justice during the plenary meeting of the Verkhovna Rada.

16. The issue on dismissal of a member of the High Council of Justice from the position shall be considered in his/her presence.

17. After announcement of the recommendation of the High Council of Justice, a member of the High Council of Justice with respect to whom the issue of dismissal is being considered shall be given an opportunity to make a speech, he/she shall answer questions of the people's deputies.

18. In case the member of the High Council of Justice with respect to whom the issue of dismissal is being considered fails to appear at the meeting of the Verkhovna Rada again, such issue may be considered in his/her absence.

19. A decision on dismissal of a member of the High Council of Justice from the position shall be taken in an open roll-call voting.

20. In case the decision on dismissal of a member of the High Council of Justice from the position is not taken, it is not allowed to vote again and consider this issue again based on the same grounds.

21. The decision on selection to the position and dismissal from the position of a member of the High Council of Justice shall be executed with a respective ruling of the Verkhovna Rada";

h) Article 212 shall be worded as follows:

"Article 212. The Procedure of Granting Consent to Appointment to the Position and Dismissal from the Position of the Prosecutor General by the President of Ukraine

1. In line with clause 25 of part one of Article 85 of the Constitution of Ukraine, the Verkhovna Rada considers the issue on granting consent to appointment and dismissal from the position of the Prosecutor General by the President of Ukraine.

2. The President of Ukraine shall submit to the Verkhovna Rada a written notice on granting consent to appointment and dismissal from the position of the Prosecutor General. The notice on

granting consent to appointment of the Prosecutor General shall be submitted together with information about the candidate to the position (part two of Article 205 hereof).

3. The Verkhovna Rada shall consider the notice of the President of Ukraine not later than within 10 days of the date of receiving this notice.

4. When the issue on granting consent to appointment to the position of the Prosecutor General is considered, the President of Ukraine shall participate in a plenary meeting of the Verkhovna Rada.

5. A candidate to the position of the Prosecutor General shall be given an opportunity to answer questions of representatives of deputies' factions (deputies' groups), people's deputies. Time allocated for discussion of the candidate to the position of the Prosecutor General and answers to the questions shall be determined by the Verkhovna Rada and shall amount to at least one hour.

6. The committee responsible for the issue on preliminary consideration of the candidate to the position of the Prosecutor General and the issue on dismissal of the Prosecutor General from the position by the President of Ukraine shall draft a respective decision and shall have the right to have its representative make a speech in the process of the Verkhovna Rada considering the issue on granting consent to appointment to the position of the Prosecutor General.

7. The decision about the Verkhovna Rada granting consent to appointment to the position and dismissal from the position of the Prosecutor General by the President of Ukraine shall be taken in an open roll-call voting by the majority of votes of people's deputies from the constitutional composition of the Verkhovna Rada.

8. The decision about granting consent to appointment to the position and dismissal from the position of the Prosecutor General by the President of Ukraine shall be executed with a respective ruling of the Verkhovna Rada";

i) Articles 214, 215, 216, and 216¹ shall be removed;

j) in the title of Chapter 34 words "members of the High Council of Justice" (old name in Ukrainian) shall be substituted with words "members of the High Council of Justice", while words "judges of the Constitutional Court of Ukraine" shall be removed;

k) in Article 217:

part one shall be worded as follows:

"1. The Ukrainian Parliament Commissioner for Human Rights appointed by the Verkhovna Rada, members of the High Council of Justice selected by the Verkhovna Rada, members of the Central Election Commission shall take an oath before the Verkhovna Rada within the term and using the text set out respectively by the laws of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", "On the High Council of Justice", "On the Central Election Commission". The oath shall be taken by the afore mentioned persons personally during the plenary meeting of the Verkhovna Rada";

part two shall be complemented with paragraph 2 that reads as follows:

"A member of the High Council of Justice shall take an oath at once after his/her selection by the Verkhovna Rada";

parts three and four shall be complemented with words "unless stipulated otherwise by these Rules of Procedure";

in part five words "respectively", "selected", "member of the High Council of Justice" (old name in Ukrainian), "or election" shall be removed;

in part six words “member of the High Council of Justice” (old name in Ukrainian) shall be substituted with words “member of the High Council of Justice”, while words “judges of the Constitutional Court of Ukraine” shall be removed;

l) in the title of Chapter 35 words “apprehension or arrest of a judge of the Constitutional Court of Ukraine, judge of the court of general jurisdiction” shall be removed;

m) in Article 218:

in part one words “in line with part three of Article 126, Article 149 of the Constitution of Ukraine – for apprehension or arrest of a judge of the Constitutional Court of Ukraine, judge of the court of general jurisdiction” shall be removed;

part two shall be worded as follows:

“2. Recommendation on granting consent to bringing to criminal responsibility, apprehending, or arresting a people’s deputy shall be initiated by a prosecutor. At the same time, a separate recommendation shall be submitted with respect to each type of interim measure. A recommendation concerning a people’s deputy shall be supported and submitted to the Verkhovna Rada by the Prosecutor General (acting Prosecutor General)”;

in part three words “apprehension or arrest of a judge of the court of general jurisdiction, judge of the Constitutional Court of Ukraine” shall be removed;

in part four words “respectively to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or Chairperson of the Supreme Court of Ukraine” shall be substituted with words “to the Prosecutor General (acting Prosecutor General)”;

n) in Article 220:

part two shall be worded as follows:

“2. The Prosecutor General (acting Prosecutor General) shall participate in meetings of the committee”;

in part four words “respectively to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or President of the Supreme Court of Ukraine” shall be substituted with words “to the Prosecutor General (acting Prosecutor General)”;

o) in Article 221:

in parts one and two words “apprehension or arrest of a judge of the Constitutional Court of Ukraine, judge of the court of general jurisdiction” shall be removed;

in part three:

in clause 1 words “to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or President of the Supreme Court of Ukraine” shall be substituted with words “to the Prosecutor General (acting Prosecutor General)”;

in clause 2 words “judges of the Constitutional Court of Ukraine, judges of the court of general jurisdiction” shall be substituted with words “with respect to whom”;

in clauses 2 and 3 of part seven words “judges of the Constitutional Court of Ukraine, judges of the court of general jurisdiction” shall be removed;

in part nine words “respectively to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or President of the Supreme Court of Ukraine” shall be substituted with words “to the Prosecutor General (acting Prosecutor General)”;

p) in part one of Article 240 words “and judges of courts of general jurisdiction” shall be removed;

20) in the Law of Ukraine “On the Bar and Attorney’s Activities” (Vidomosti Verkhovnoi Rady Ukrainy, 2013, No. 27, p. 282):

a) in paragraph 6 of part one of Article 7 words “members of the High Council of Justice (old name in Ukrainian) (except for those who work full-time in the High Council of Justice (old name in Ukrainian))” shall be removed;

b) in part one of Article 23 words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case;

c) in clause 7 of part one of Article 44 words “the High Council of Justice” (old name in Ukrainian) shall be substituted with “the High Council of Justice”;

d) clause 6 of part seven of Article 54 shall be worded as follows:

“6) selects two members of the High Council of Justice”;

21) Article 37 of the Law of Ukraine “On the Cabinet of Ministers of Ukraine” (Vidomosti Verkhovnoi Rady Ukrainy, 2014, No. 13, p. 222; 2015, No. 2-3, p. 12) shall be worded as follows:

“Article 37. Relationship between the Cabinet of Ministers of Ukraine and Judicial Bodies

1. The Cabinet of Ministers of Ukraine may be a claimant and respondent in courts, in particular, turn to court if it is necessary for fulfillment of its authorities in a manner stipulated by the Constitution and laws of Ukraine.

2. Interests of the Cabinet of Ministers of Ukraine in courts shall be represented by the Ministry of Justice of Ukraine unless stipulated otherwise by the laws of Ukraine or regulations of the Cabinet of Ministers of Ukraine.

3. Upon request of the Cabinet of Ministers of Ukraine or the Ministry of Justice of Ukraine executive bodies, state-owned enterprises, institutions, and organizations shall submit materials required for consideration of cases in courts.

4. The Cabinet of Ministers of Ukraine shall work with the High Council of Justice, other bodies and institutions of the justice system on issues that belong to their scope of competence”;

22) in part five of Article 27 of the Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine” (Vidomosti Verkhovnoi Rady Ukrainy, 2014, No. 47, p. 2051) words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

23) in the Law of Ukraine “On Preventing Corruption” (Vidomosti Verkhovnoi Rady Ukrainy, 2014, No. 49, p. 2056, as subsequently amended):

a) in clause 1 of part 1 of Article 3:

in para. “a” words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

para. “e” shall be worded as follows:

“e) judges, judges of the Constitutional Court of Ukraine, Chairperson, Deputy Chairperson, members, inspectors of the High Council of Justice, officials of the secretariat of the High Council of Justice, Chairperson, Deputy Chairperson, members, inspectors of the High Qualification Commission of Judges of Ukraine, officials of the secretariat of this Commission, officials of the State Judicial Administration of Ukraine, members of the jury (while fulfilling their duties in the court)”;

b) in part five of Article 9:

in paragraph 1 words “Prosecutor General of Ukraine (acting Prosecutor General of Ukraine)” shall be substituted with words “Prosecutor General (acting Prosecutor General)”;

in paragraph 2 words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

c) in paragraph 5 of part one of Article 19 words “the High Council of Justice” (old name in Ukrainian) shall be substituted with words “the High Council of Justice”;

d) in part two of Article 25 words “members of the High Council of Justice (old name in Ukrainian) (except for those who work full-time in the High Council of Justice (old name in Ukrainian)), lay judges, and” shall be removed;

e) in part one of Article 35 words “judges of the Constitutional Court of Ukraine and judges of courts of general jurisdiction” shall be substituted with words “judges, judges of the Constitutional Court of Ukraine”;

f) Article 45 shall be complemented with part five that reads as follows:

“5. Section VII of this Law shall not be applicable to officials of institutions, entities, and organizations who perform main activities in the sphere of providing social services to the population, social and professional rehabilitation of people with disabilities and children with disabilities, social protection of war veterans and participants of the anti-terrorist operation, health care (except for managers of health care institutions of the central, regional, district, city (cities of regional significance, cities of Kyiv and Sevastopol) levels), education (except for managers of higher educational institutions and their deputies), science (except for presidents of the National Academy of Sciences of Ukraine and national specialized academies of sciences, first vice-presidents, vice-presidents, and leading research secretaries of the National Academy of Sciences of Ukraine and national specialized academies of sciences, other members of the Presidium of the National Academy of Sciences of Ukraine and presidiums of national specialized academies of sciences selected by the general meetings of the National Academy of Sciences of Ukraine and national specialized academies of sciences respectively, managers of research institutes and other research institutions), culture, arts, restoration and preservation of the national memory, physical training, sport, national patriotic upbringing”;

g) in the Note to Article 50:

words “member of the Central Election Commission” shall be followed by words “member, inspector of the High Council of Justice, member, inspector of the High Qualification Commission of Judges of Ukraine”;

words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

h) in Article 56:

part two shall be complemented with a new paragraph after paragraph 2 as follows:

“With respect to candidates to the position of a member of the High Council of Justice, member of the High Qualification Commission of Judges of Ukraine, which are selected by the congress of judges of Ukraine, congress of attorneys of Ukraine, all-Ukrainian conference of prosecutors, congress of representatives of legal higher educational institutions and research institutions, the secretariat of the High Council of Justice, secretariat of the High Qualification Commission of Judges of Ukraine respectively shall be responsible for organizing conduct of a special check”.

In view of this, paragraphs 3 and 4 shall be considered as paragraphs 4 and 5 respectively;

in the note:

words "member of the Central Election Commission" shall be followed by words "member of the High Council of Justice, member of the High Qualification Commission of Judges of Ukraine";

words "Prosecutor General of Ukraine" shall be substituted with words "Prosecutor General";

23¹. The first composition of the Ethics Council 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 have been providing Ukraine with international technical assistance in the sphere of judicial reform and/or preventing and counteracting corruption for the last five years. Such international and foreign organizations shall agree on a proposed joint list of candidates.

The Ministry of Foreign Affairs, within five days of the day on which the Law of Ukraine "On Amending Selected Legislative Acts of Ukraine with regard to the Procedure for Election (Appointment) of Members of the High Council of Justice" and Activities Disciplinary Inspectors of the High Council of Justice" comes into force, shall compile a list of international and foreign organizations which according to international or interstate agreements have been providing Ukraine with international technical assistance in the sphere of judicial reform and/or preventing and counteracting corruption for the last five years (hereinafter referred to as the "List of International and Foreign Organizations") and send it to the Chairperson of the High Council of Justice.

No later than on the day following the day of receiving the list of international and foreign organizations, the Chairperson of the High Council of Justice shall request agencies responsible for nominating candidates to the Ethics Council to nominate their candidates. Individuals who have impeccable business reputation, high professional qualities, authority in the society and meet the integrity criterion may be candidates for the position of a member of the Ethics Council.

Judges or retired judges who have successfully passed qualification evaluation may be candidates for the position of a member of the Ethics Council who are judges or retired judges.

Members of the Ethics Commission nominated by the international and foreign organizations which are included in the List of International and Foreign Organizations must have at least ten-year experience including that in other countries in doing procedural management of pre-trial investigation, supporting state prosecution in court or administering corruption-related proceedings.

The entity responsible for formation of the Ethics Council shall provide the Chairperson of the High Council of Justice with the list of candidates to the Ethics Council composition within 30 days of receiving the relevant request from the Chairperson of the High Council of Justice.

The lists of candidates to the Ethics Council composition submitted by the entities responsible for formation thereof shall be posted on the official website of the High Council of Justice and the official web portal of the Judicial Power of Ukraine.

If international and foreign organizations which are included in the List of International and Foreign Organizations failed to nominate individuals to the Ethics Council or nominated a number of individual which is insufficient to form the competent composition of the Ethics Council within the timeframe defined by Paragraph 6 of this Item, then candidates to the Ethics Council composition shall be nominated by the Council of Prosecutors of Ukraine, Ukrainian National Bar Association, and National Academy of Legal Sciences of Ukraine as represented by the Presidium within 15 days of receiving a relevant notice from the Chairperson of the High Council of Justice.

The Chairperson of the High Council of Justice shall appoint members of the first composition of the Ethics Council within five days of the deadline for submitting the lists of recommended candidatures by all the entities responsible for formation of the Ethics Council. Should the Chairperson of the High Council of Justices fails to appoint members of the Ethics

Council by the established deadline, the first three candidates from the list of the Council of Judges of Ukraine and the list of international and foreign organizations shall be deemed to be appointed.

The first composition of the Ethics Council shall commence operations on the condition that at least four members of the Ethics Council have been appointed according to the procedure defined by this Law.

A decision of the Ethics Council shall be adopted by a majority of votes of the members present provided it was supported by two votes of members proposed by international and foreign organizations.

In case of an equal number of "for" and "against" votes, one more voting shall be held.

In the event of an equal number of "for" and "against" votes cast at the re-voting, the votes of the members of the Ethics Council, of whom at least two are proposed by international and foreign organizations, shall be decisive.

23². Members of the Ethics Council proposed by international and foreign organizations who do not reside in the city of Kyiv permanently shall be entitled to reimbursement of the travel and accommodation costs from the State Budget of Ukraine.

The procedure of paying out such reimbursements and caps thereon shall be defined by the Cabinet of Ministers of Ukraine.

23³. The Chairperson of the High Council of Justice shall request the entities responsible for formation of the Ethics Council for nominating candidatures to its composition within five days of termination of powers of the first composition of the Ethics Council.

24) in clause 25 of part one of Article 1 of the Law of Ukraine "On Preventing and Counteracting to Legalization (Laundering) of the Proceeds of Crime, Terrorism Financing, and Financing of Proliferation of Weapons of Mass Destruction" (Vidomosti Verkhovnoi Rady Ukrainy, 2014, No. 50-51, p. 2057; 2015, No. 17, p. 118, No. 39, p. 375; 2016, No. 4, p. 43):

a) in paragraph 7 words "members of the High Council of Justice" (old name in Ukrainian) shall be substituted with words "members of the High Council of Justice";

b) in paragraph 8 words "Prosecutor General of Ukraine" shall be substituted with words "Prosecutor General";

25) in Article 2 of the Law of Ukraine "On Administration of Justice and Criminal Proceedings in Connection with the Conduct of the Anti-Terrorist Operation" (Vidomosti Verkhovnoi Rady Ukrainy, 2014, No. 39, p. 2009) words "Prosecutor General of Ukraine" shall be substituted with words "Prosecutor General";

26) in the Law of Ukraine "On Purification of Power" (Vidomosti Verkhovnoi Rady Ukrainy, 2014, No. 44, p. 2041):

a) in Article 2:

in clause 2 words "Prosecutor General of Ukraine" shall be substituted with words "Prosecutor General";

in clause 4 words "members of the High Council of Justice" (old name in Ukrainian) shall be substituted with words "members of the High Council of Justice", while the word "professional" shall be removed;

b) in Article 5:

in part four:

in paragraphs 1 and 2 the word “professional” shall be removed;

in paragraph 3 words “the High Council of Justice” (old name in Ukrainian) shall be substituted with words “the High Council of Justice”;

in part thirteen the word “professional” shall be removed, while words “the High Council of Justice” (old name in Ukrainian) shall be substituted with words “the High Council of Justice”;

27) in the Law of Ukraine “On the Prosecution Service” (Vidomosti Verkhovnoi Rady Ukrainy, 2015, No. 2-3, p. 12, as subsequently amended):

a) in part two of Article 6, Articles 7, 8, 8¹, 9, part one of Article 15, part four of Article 16, Article 17, paragraph 2 of part five of Article 19, Article 21, paragraph 3 of part three of Article 23, Article 24, part two of Article 25, paragraph 3 of part four of Article 27, part one of Article 34, part two of Article 36, Article 39, Article 40, part one of Article 41, Article 42, part five of Article 46, Articles 49, 51, part two of Article 53, part two of Article 54, part two of Article 56, part two of Article 57, paragraph 2 of part two of Article 58, part two of Article 61, Article 63, clause 1 of part nine of Article 71, part five of Article 81, part one of Article 90, part two of Article 91, part two of Article 94 words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case;

b) part two of Article 40 shall be worded as follows:

“2. The term of authorities of the Prosecutor General shall amount to six years. The same person may not hold the position of the Prosecutor General for two terms in a row”;

c) in clause 2 of part one of Article 42, part five of Article 49, part one of Article 50, Articles 53, 62, part one of Article 63, clause 1 of part one of Article 64 words “the High Council of Justice” (old name in Ukrainian) in all cases shall be substituted with words “the High Council of Justice” in a respective case;

d) in Articles 45-47, clause 4 of part one of Article 77, part three of Article 78 words “complaint (statement)” in all cases and numbers shall be substituted with words “disciplinary complaint” in a respective case and number;

e) in Article 50:

in part one words “to the High Council of Justice” (old name in Ukrainian) shall be substituted with words “to the High Council of Justice”;

in part two words “the Qualification and Disciplinary Commission of Prosecutors” shall be substituted with words “the High Council of Justice”;

part three shall be worded as follows:

“3. Filing of an administrative claim with the court against the decision of the High Council of Justice on bringing a prosecutor to disciplinary responsibility or on inability of the person to further hold the position of the prosecutor shall not suspend validity of such decision, but following the procedure of ensuring the administrative claim the court may suspend validity of the decision of the High Council of Justice on bringing a prosecutor to disciplinary responsibility or on inability of the person to further hold the position by means of adopting a respective ruling”;

f) in part one of Article 66, Articles 67-70, parts one and eight of Article 71, part one of Article 72, part three of Article 73, clause 1 of part one of Article 74 words “all-Ukrainian conference of employees of prosecutorial bodies” in all cases and numbers shall be substituted with words “all-Ukrainian conference of prosecutors” in a respective case and number;

g) in part two of Article 67:

in clause 2 words “appoints members of the High Council of Justice” (old name in Ukrainian) shall be substituted with words “selects members of the High Council of Justice”;

in clause 4 words “Code of Professional Ethics and Code of Conduct for Employees of Prosecutorial Bodies” shall be substituted with words “Code of Professional Ethics and Conduct for Prosecutors”;

h) in Article 78:

paragraph 1 of part eight shall be complemented with words “as well as procedure and term for challenging decisions, including permission for a person who has submitted a disciplinary complaint to challenge a decision in case it has been granted”;

it shall be complemented with part ten that reads as follows:

“10. A person who has submitted a disciplinary complaint on a prosecutor committing a disciplinary offence has the right to challenge the decision of the Qualification and Disciplinary Commission of Prosecutors to the High Council of Justice in case there is a permission from the Qualification and Disciplinary Commission of Prosecutors regarding such challenging”;

i) in clause 2 of Section XII “Final Provisions” words “Until adoption of the Code of Professional Ethics and Conduct for Employees of Prosecutorial Bodies by the all-Ukrainian conference of employees of prosecutorial bodies” shall be substituted with words “Until adoption of the Code of Professional Ethics and Conduct for Prosecutors by the all-Ukrainian conference of prosecutors”;

j) in Section XIII “Transitional Provisions”:

in clause 6¹:

words “all-Ukrainian conference of employees of prosecutorial bodies” shall be substituted with words “all-Ukrainian conference of prosecutors”;

it shall be complemented with paragraph 2 that reads as follows:

“In case it is necessary to dismiss or select a member of the High Council of Justice before respective provisions of this Law come into force, the all-Ukrainian conference of prosecutors shall be convened and conducted for the purpose of selecting or dismissing members of the High Council of Justice following the procedure adopted by the Prosecutor General”;

clause 8 shall be removed;

28) in Article 23 of the Law of Ukraine “On Probation” (Vidomosti Verkhovnoi Rady Ukrainy, 2015, No. 13, p. 93) words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

29) in paragraph 3 of clause 1 of part one of Article 7 of the Law of Ukraine “On the Accounting Chamber” (Vidomosti Verkhovnoi Rady Ukrainy, 2015, No. 36, p. 360) words “the High Council of Justice” (old name in Ukrainian) shall be substituted with words “the High Council of Justice”;

30) in clause 2 of part one of Article 5 of the Law of Ukraine “On the National Agency of Ukraine for Finding, Tracing, and Management of Assets Derived from Corruption and Other Crimes” (Vidomosti Verkhovnoi Rady Ukrainy, 2016, No. 1, p. 2) words “Prosecutor General of Ukraine” shall be substituted with words “Prosecutor General”;

31) in the Law of Ukraine “On Public Service” (Vidomosti Verkhovnoi Rady Ukrainy, 2016, No. 4, p. 43):

a) Article 5 shall be complemented with part four that reads as follows:

“4. Peculiarities of legal regulation of public service in the justice system shall be stipulated by the legislation on the judiciary and status of judges”;

b) in paragraph four of clause 1 of part two of Article 6:

words “Supreme Court of Ukraine” shall be substituted with words “Supreme Court”;

it shall be complemented with words “heads of secretariats of the High Council of Justice, High Qualification Commission of Judges of Ukraine and their deputies, Head of the State Judicial Administration of Ukraine and his/her deputies”;

c) clause 6 of part two of Article 14 shall be removed;

d) in Article 91:

in part one words “Supreme Court of Ukraine” and “the High Council of Justice” (old name in Ukrainian) shall be substituted with words “Supreme Court” and “the High Council of Justice” respectively;

part two shall be complemented with words “and heads of apparatuses (secretariats) of courts, bodies and institutions of the justice system – with peculiarities envisioned by the legislation on the judiciary and status of judges”;

e) part four of Article 92 shall be complemented with paragraph 2 that reads as follows:

“Peculiarities of the executive support service in courts, bodies and institutions of the justice system shall be stipulated by the legislation on the judiciary and status of judges”;

32) in the text of the Law of Ukraine “On the State Bureau of Investigations” (Vidomosti Verkhovnoi Rady Ukrainy, 2016, No. 6, p. 55) words “Prosecutor General of Ukraine” in all cases shall be substituted with words “Prosecutor General” in a respective case;

33) in the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti Verkhovnoi Rady Ukrainy, 2016, No. 31, p. 545):

a) clause 3 of part one of Article 28 shall be worded as follows:

“3) has experience of professionally working as an attorney, including with respect to representation in court and/or defense against criminal accusation for at least seven years”;

b) clause 3 of part one of Article 38 shall be worded as follows:

“3) has experience of professionally working as an attorney, including with respect to representation in court and/or defense against criminal accusation for at least ten years”;

c) clauses 3 and 4 of part six of Article 69 shall be worded as follows:

“3) scholarly degree – scholarly degree in law obtained in a higher educational institution (university, academy, or institute, except for higher military educational institutions) or research institution of Ukraine or similar higher educational institution or research institution of a foreign country. Scholarly degree obtained in a higher educational institution or research institution of a foreign country shall be recognized in Ukraine following the procedure established by the legislation;

4) record of scholarly work – professional activity record in the sphere of law at positions of the faculty in a higher educational institution (university, academy, or institute, except for higher military educational institutions) or research institution of Ukraine or similar higher educational institution or research institution of a foreign country”;

d) part one of Article 88 shall be complemented with paragraph 2 that reads as follows:

“If the Public Integrity Council establishes in its opinion that a judge (judicial candidate) does not comply with the criteria of professional ethics and integrity, the High Qualification Commission of Judges of Ukraine may take a decision on the capacity of such judge (judicial candidate) to administer justice in a respective court being confirmed only provided that such decision is supported by at least eleven of its members”;

e) part four of Article 101 shall be complemented with paragraph 2 that reads as follows:

“the High Qualification Commission of Judges of Ukraine may review decisions taken by the chamber or panel regarding admission to the competition or selection”;

f) Article 103 shall be complemented with part five that reads as follows:

“5. Inspectors of the High Qualification Commission of Judges of Ukraine are not public officials, their status is determined by this Law. Peculiarities of activities are stipulated by the Regulation on the Inspector of the High Qualification Commission of Judges of Ukraine that is adopted by the High Qualification Commission of Judges of Ukraine”;

g) parts three and five of Article 142 shall be worded as follows:

“3. Monthly life-time allowance is paid to a retired judge in the amount of 50 percent of judicial remuneration of a judge holding at a respective position. The monthly life-time allowance shall increase by two percent of the judge’s remuneration for each full year of working at the position of a judge”;

“5. Pension or monthly life-time allowance of the judge shall be paid regardless of revenues (profit) received by the judge after retirement. Monthly life-time allowances shall be paid to judges by bodies of the Pension Fund of Ukraine at the expense of funds from the State Budget of Ukraine”;

h) in part one of Article 150 words “and the National School of Judges of Ukraine” shall be removed;

i) part eight of Article 155 shall be worded as follows:

“8. In courts there may be established divisions, units, sectors that perform their functions based on regulations adopted by the head of the apparatus of the respective court”;

j) in Section XII “Final and Transitional Provisions”:

clause 3 shall be complemented with a new paragraph after paragraph 1 as follows:

“Commercial courts of the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol continue performing their authorities without restrictions in terms of terms until the moment circuit commercial courts, jurisdiction of which covers a respective territory, are established and start working”.

In view of this, paragraph 2 shall be considered as paragraph 3;

clause 22 shall be complemented with paragraph 2 that reads as follows:

“Judges who have passed qualification evaluation and confirmed their capacity to administer justice in a respective court as of the date of this Law coming into force shall receive judicial remuneration stipulated in line with provisions of the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti Verkhovnoi Rady Ukrainy, 2010, No. 41-45, p. 529; 2015, No. 18-20, p. 132, as subsequently amended) until 1 January 2017”;

clause 25 shall be worded as follows:

“25. A judge who has confirmed compliance with the held position (capacity to administer justice in a respective court) pursuant to results of qualification evaluation or who has been

appointed to the position of the judge based on results of the competition conducted after this Law came into effect shall have the right to receive monthly life-time allowance in the amount determined by this Law.

In other instances, when a judge retires after this Law has come into effect, monthly life-time allowance shall amount to 80 percent of the judicial remuneration calculated in line with provisions of the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti Verkhovnoi Rady Ukrainy, 2010, No. 41-45, p. 529; 2015, No. 18-20, p. 132, as subsequently amended). The amount of monthly life-time allowance shall increase for two percent of the judge’s allowance for each full year of working at the position of the judge for over 20 years, but it may not exceed 90 percent of the judge’s judicial remuneration calculated in line with the Law”;

clause 26 shall be complemented with paragraph 2 that reads as follows:

“It is established that until 1 January 2017, the salary of members of the High Qualification Commission of Judges of Ukraine shall amount to 10 minimum salaries increased by 1.3 coefficient and there shall be preserved additional payments and bonuses envisioned by the legislation that was valid until this Law came into effect”;

clause 34 shall be complemented with paragraph 4 that reads as follows:

“Judges appointed or selected to the position before this Law came into effect shall maintain the determined employment record at the position of the judge in line with the legislation that was valid as of the date of their appointment (selection)”;

in para. 1 of clause 46 words “in courts, between courts, between courts and judicial governance bodies” shall be substituted with words “in courts, in judicial governance bodies, between courts, between courts and judicial governance bodies”;

34) in the Law of Ukraine “On Bodies and Persons Who Exercise Enforcement of Court Decisions and Decisions of Other Bodies” (Vidomosti Verkhovnoi Rady Ukrainy, 2016, No. 29, p. 535):

a) in Article 24:

part three shall be complemented with paragraphs 2 – 4 that read as follows:

“Within the first three years of working as a private bailiff the minimum insurance amount under the insurance agreement on civil legal responsibility of the private bailiff may not be lower than the amount collected under enforcement documents by the private bailiff during a year, but not lower than 1 thousand minimum salaries as of the date of the respective calendar year.

The term of working as a private bailiff shall be calculated since the date on which information about the private bailiff is entered into the Unified Register of Private Bailiffs of Ukraine.

The term of working as a private bailiff does not include the term of suspension of private bailiff’s activities”;

part four shall be complemented with the word “minimum” after the word “exceeds”;

b) part one of Article 27 shall be complemented with words “collected amount and” after the words “taking into account”;

35) in the Law of Ukraine “On Enforcement Proceedings” (Vidomosti Verkhovnoi Rady Ukrainy, 2016, No. 30, p. 542):

a) in Article 4:

in part one:

clause 4 shall be complemented with paragraph 2 that reads as follows:

“taxpayer identification number or series and number of passport (for individuals who have refused to accept the taxpayer identification number because of their religious beliefs and have informed the respective controlling body about that and have a mark in their passport) of the debtor (for individuals – taxpayers)”;

in paragraph 9 words “taxpayer identification number or series and number of passport (for individuals who have refused to accept the taxpayer identification number because of their religious beliefs and have informed the respective controlling body about that and have a mark in their passport) of the debtor (for individuals – taxpayers)” shall be removed;

part four shall be complemented with paragraph 13 that reads as follows:

“An advance payment paid by the recoverer shall be repaid to him/her while returning an enforcement document to the recoverer without accepting into enforcement”;

b) part two of Article 5 shall be complemented with paragraphs 13-15 that read as follows:

“During the first year of working as a private bailiff, the private bailiff may not enforce decisions under which the collected amount is equal to or exceeds twenty million hryvnias or the equivalent amount in a foreign currency.

The term of working as a private bailiff shall be calculated since the date on which information about the private bailiff is entered into the Unified Register of Private Bailiffs of Ukraine.

The term of working as a private bailiff does not include the term of suspension of private bailiff’s activities”;

c) part four of Article 15 shall be complemented with paragraph 2 that reads as follows:

“The recoverer under decisions on collecting the court fee, on imposing a fine (as a procedural duress means) is the State Judicial Administration of Ukraine”;

d) in clause 19 of part three of Article 18 words “that has issued an enforcement document” shall be removed;

e) in part two of Article 26:

paragraph one shall be complemented with words “and decisions on ensuring the claim” after the word “character”;

it shall be complemented with paragraph 9 that reads as follows:

“In case of fulfilling the decision of the European Court of Human Rights the advance payment is not paid”;

f) in paragraph 1 of part three of Article 36 the word “state” shall be removed;

g) in clause 2 of part one of Article 37 words “within a year” shall be removed;

h) part three of Article 40 shall be worded as follows:

“3. In case of returning the enforcement document to the recoverer based on grounds set out by clauses 1, 3, 4, 6 of part one of Article 37 hereof, closure of enforcement proceedings based on grounds envisioned by clauses 1, 2, 4, 6, 9 (except for the case envisioned by part nine of Article 27 hereof), 11, 14 and 15 of part one of Article 39 hereof, if the enforcement fee is not collected, the state bailiff adopts a ruling on collection of the enforcement fee, which is enforced following the procedure stipulated by this Law, not later than on the business day following the date on which the enforcement document is returned”;

i) in part three of Article 52 the word “state” shall be removed;

j) in part four of Article 58 words “the property description and arrest certificate” shall be substituted with words “ruling on description and arrest of the debtor’s property (funds)”;

k) in part eight of Article 61 words “initial” and “primary” shall be removed;

l) in paragraph 3 of part three of Article 74 the word “state” shall be removed after the word “or”, while words “by the state bailiff” shall be removed after words “taken within the framework of enforcement proceedings”;

m) Section XIII “Final and Transitional Provisions” shall be complemented with clause 1¹ that reads as follows:

“1¹. Till 1 January 2018, the private bailiff may not enforce decisions under which the collected amount is equal to or exceeds six million hryvnias or the equivalent amount in a foreign currency”;

36) in the Law of Ukraine “On Administrative Services” (Vidomosti Verkhovnoi Rady Ukrainy, 2013, No. 32, p. 409; 2016, No. 3, p. 30):

a) in part seven of Article 11 words “Entity providing administrative services may not” shall be substituted with words “Executive body, other public body, authority of the Autonomous Republic of Crimea, local self-government body, their officials may not”;

b) in part three of Article 18 words “Entities providing administrative services” shall be substituted with words “Executive body, other public body, authority of the Autonomous Republic of Crimea, local self-government body, their officials”;

37) in part one of Article 14 of the Law of Ukraine “On Free Legal Aid” (Vidomosti Verkhovnoi Rady Ukrainy, 2011, No. 51, p. 577; 2013, No. 21, p. 208; 2015, No. 2-3, p. 12; 2016, No. 10, p. 99, No. 27, p. 521):

a) clause 1 shall be worded as follows:

“1) persons who are under the jurisdiction of Ukraine if their average monthly income does not exceed two subsistence level amounts calculated and adopted pursuant to the law for persons who belong to main social and demographic groups of the population, as well as persons with disabilities who receive pension or assistance allocated instead of pension that does not exceed two subsistence level amounts for disabled persons – to all types of legal services envisioned by part two of Article 13 hereof”;

b) it shall be complemented with clauses 2¹ and 2² that read as follows:

“2¹) internally displaced persons – to all types of legal services envisioned by part two of Article 13 hereof;

2²) citizens of Ukraine who have submitted a statement on registering them as internally displaced persons – to legal services envisioned by clauses 2 and 3 of part two of Article 13 hereof with respect to issues related to the receipt of a certificate of registration as an internally displaced person till the moment of receiving the certificate of registration as an internally displaced person”;

c) in clause 9 words “to legal services envisioned by clauses 1-3 of part two of Article 13 hereof with respect to issues related to their social protection” shall be substituted with words “to all types of legal services envisioned by part two of Article 13 hereof”;

d) it shall be complemented with clause 9¹ that reads as follows:

“9¹) persons who are under the jurisdiction of Ukraine and have applied to receive the status of the person subject to the Law of Ukraine “On the Status of War Veterans, Guarantee of Their Social Protection” – to legal services envisioned by clauses 2 and 3 of part two of Article 13 hereof – till the moment of adoption of decision on granting such status”;

38) paragraph 1 of part ten of Article 33 of the Law of Ukraine “On Higher Education” (Vidomosti Verkhovnoi Rady Ukrainy, 2014, No. 37-38, p. 2004; 2015, No. 52, p. 482) shall be complemented with words “central executive body that ensures formation and implementation of the state policy in the sphere of criminal punishments fulfillment” after words “in the sphere of civil protection”.

4. The High Council of Justice shall be established by means of reorganizing the High Council of Justice (old name in Ukrainian).

5. Members of the High Council of Justice (old name in Ukrainian) appointed or selected before the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” comes into force acquire the status of a member of the High Council of Justice and fulfill authorities of members of the High Council of Justice during a term for which they have been appointed or selected, but not longer than till 30 April 2019.

Parts six and nine of Article 6 hereof regarding limitation of the attorney’s right to participate in a professional governance body and duty to stop participation in the bar self-governance bodies shall be applicable to members of the High Council of Justice appointed (selected) after this Law comes into force.

6. The Minister of Justice of Ukraine and Prosecutor General of Ukraine terminate their authorities as members of the High Council of Justice (old name in Ukrainian) since the date on which the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” comes into force. The President of the Supreme Court of Ukraine shall terminate his/her authorities as a member of the High Council of Justice (old name in Ukrainian) after being elected as the President of the Supreme Court.

7. If as of the date of the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” coming into force the respective entity fails to appoint the number of members of the High Council of Justice (old name in Ukrainian) that this entity should have appointed in line with the law, the congress of judges of Ukraine shall elect a member of the High Council of Justice for a vacant position within the number of members of the High Council of Justice elected by the congress of judges of Ukraine stipulated by the Constitution of Ukraine.

Until the moment the Supreme Court is established following the procedure and in the composition stipulated by the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, delegates to the congress of judges of Ukraine shall be elected taking into account the following peculiarities:

1) meeting of judges of the Supreme Court shall elect three delegates;

2) meeting of judges of the Higher Specialized Court of Ukraine on Civil and Criminal Cases, meeting of judges of the Higher Commercial Court of Ukraine shall elect one delegate per twenty judges working in a respective court.

8. Until 1 January 2018, a judge who is elected (appointed) as a member of the High Council of Justice shall have the employment record as a judge of at least 10 years in addition to other requirements stipulated by this Law.

9. It is established that till 1 January 2017, the salary of members of the High Council of Justice shall amount to 10 minimum salaries multiplied by 1.3 coefficient and there shall be preserved additional payments and bonuses envisioned by the legislation that was valid before this Law came into effect.

10. The Chairperson of the High Council of Justice, his/her deputy acquire the status and fulfill authorities of the Chairperson of the High Council of Justice, his/her deputy respectively as stipulated by this Law until the end of the term for which they have been elected.

11. During the term set out by para. 7 of clause 16¹ of Section XV “Transitional Provisions” of the Constitution of Ukraine, the President of Ukraine shall transfer judges upon the recommendation of the High Council of Justice submitted based on and within the framework of the recommendation of the High Qualification Commission of Judges of Ukraine or upon the recommendation of the Disciplinary Chamber of the High Council of Justice.

12. The issue on dismissal of the judge from the position determined by para. 4 of clause 16¹ of Section XV “Transitional Provisions” of the Constitution of Ukraine shall be considered at a plenary meeting of the High Council of Justice following the procedure stipulated by Article 56 hereof. Challenging of the decision on dismissal of the judge pursuant to results of the evaluation shall take place following the procedure stipulated by Article 57 hereof.

13. Materials and recommendations of the High Council of Justice on appointment to the positions of judges that are not considered before the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” comes into effect shall be submitted to the High Council of Justice to decide on the issue of appointing respective judges (submission of respective recommendations).

Judicial candidates with respect to whom materials have been submitted to the High Council of Justice pursuant to paragraph 1 of this clause and who do not comply with requirements for appointment to the judicial position in line with the Constitution of Ukraine on the sixtieth day of the date of the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII shall terminate participation in procedures of appointment to the judicial position.

Judicial candidates with respect to whom materials have been submitted to the High Council of Justice pursuant to paragraph 1 of this clause who comply with requirements for appointment to the judicial position in line with the Constitution of Ukraine and the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII not later than on the sixtieth day of the date of the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, shall undergo a special check and participate in the competition for the position of the judge. If pursuant to results of the qualification examination taken before the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, comes into effect the judicial candidate takes less than 75 percent of the maximum possible score for the qualification exam, such candidate shall take the qualification exam again and participate in the competition for the judicial position.

{Paragraph 3 of clause 13 of Section III in the version of the Law No. 2147-VIII as of 03.10.2017}

The High Council of Justice shall transfer respective materials to the High Qualification Commission of Judges of Ukraine with a view to conducting a special check, qualification exam, and competition for the judicial position.

Materials and recommendations of the High Qualification Commission of Judges of Ukraine on election of judges for an unlimited term with respect to whom the decision is not taken as of the date of the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” coming into effect shall be considered by the High Council of Justice following the procedure stipulated by Chapter 2 of Section II hereof.

Pursuant to results of qualification evaluation a judge appointed to the position for the term of five years till the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” comes into effect, whose authorities are terminated with the expiration of the term for which he/she has been appointed, may be appointed to the position upon the

recommendation of the High Council of Justice provided that he/she confirms compliance with this position in line with para. 2 and 4 of clause 16⁻¹ of Section XV "Transitional Provisions" of the Constitution of Ukraine.

Recommendations of the High Qualification Commission of Judges of Ukraine on appointment of candidates to the position of the judge in courts located in the area of the anti-terrorist operation where it is impossible to administer justice that have not been considered by the High Council of Justice shall be returned to the High Qualification Commission of Judges of Ukraine. These candidates who comply with requirements for appointment to the position of judge in line with the Constitution of Ukraine and the Law of Ukraine "On the Judiciary and Status of Judges" as of 2 June 2016, No. 1402-VIII not later than on the sixtieth day of the date of the Law of Ukraine "On the Judiciary and Status of Judges" as of 2 June 2016, No. 1402-VIII coming into effect shall undergo a special check and participate in the competition for vacant positions of judges in courts of Donetsk and Luhansk regions regardless of results of qualification exam taken before this Law came into effect.

The High Council of Justice shall consider the issue on appointment of judges of the higher specialized court or Supreme Court following the procedure set out by Article 36 hereof. Peculiarities of appointing judges to positions of judges of the higher specialized court or Supreme Court shall be stipulated by Article 81 and part two of Article 82 of the Law of Ukraine "On the Judiciary and Status of Judges".

14. Materials and recommendations of the High Council of Justice on dismissal of judges, with respect to whom the President of Ukraine or Verkhovna Rada of Ukraine fail to take a decision before the Law of Ukraine "On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)" comes into effect, shall be transferred to the High Council of Justice to take a decision on dismissal of judges from the positions based on grounds indicated in the recommendations. Decisions on dismissal of the judge from the position shall be taken by the High Council of Justice during the plenary meeting without inviting a judge with respect to whom the issue on dismissal is being considered. The Rules of Procedure of the High Council of Justice may envision a simplified procedure for consideration of this issue.

A judge with respect to whom the High Council of Justice submits a recommendation on his/her dismissal from the position for a breach of the oath and with respect to whom the President of Ukraine or Verkhovna Rada of Ukraine have not taken a decision before the Law of Ukraine "On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)" comes into effect shall be dismissed from the position of the judge based on clause 3 of part six of Article 126 of the Constitution of Ukraine.

If for any reason a judge has not been dismissed from the position because of reaching the age of 65 before the Law of Ukraine "On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)" comes into effect, his/her authorities shall be terminated since 30 September 2016, except for cases when the judge submits a notice of resignation following the procedure established by the law till 30 September 2016. In case the judge has submitted a notice of resignation, the High Council of Judges shall consider such notice following the procedure stipulated by this Law and shall take one of the following decisions:

1) decision on dismissal of the judge from the position due to submission of the notice of resignation based on clause 4 of part six of Article 126 of the Constitution of Ukraine;

2) decision on refusal to dismiss the judge from the position due to submission of the notice of resignation if the judge does not have employment record at the position of the judge required for retirement in line with the legislation effective as of the date of the judge submitting the notice. In such case authorities of the judge shall be terminated since 30 September 2016.

15. Statements on violation of requirements of the legislation regarding incompatibility, including appeals of the Ministry of Justice submitted in line with the Law of Ukraine "On

Purification of Power”, as well as proceedings regarding violation of requirements of the legislation regarding incompatibility initiated by the High Council of Justice before the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” coming into effect, with respect to which decisions have not been taken, shall be transferred to the High Council of Justice for consideration and decision-making following the procedure stipulated by this Law with respect to consideration of cases on incompatibility.

16. Within 30 days of the date of the Law of Ukraine “On Introducing Amendments into the Constitution of Ukraine (Regarding Justice)” coming into effect, the Verkhovna Rada of Ukraine transfers to the High Council of Justice documents (materials) on transfer of judges for submission of the recommendation to the President of Ukraine.

17. A statement (complaint) concerning conduct of a judge transferred by the High Qualification Commission of Judges of Ukraine for consideration to the High Council of Justice or its Disciplinary Chambers after the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, comes into effect, shall not be considered and shall be attached to the judicial dossier if on the date of the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, there expired the term for bringing the judge to disciplinary responsibility under a fact given in this statement (complaint). The Rules of Procedure of the High Council of Justice may envision a simplified procedure of preliminary check of statements (complaints) submitted to the High Qualification Commission of Judges of Ukraine earlier than in three years before the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, came into effect.

Statements and complaints against actions of judges with respect to which the term of bringing to disciplinary responsibility expired as of 29 September 2016 are not subject to consideration (and in case there has been initiated a proceeding under them, it shall be closed), except for statements and complaints against actions of judges set out in Article 3 of the Law of Ukraine “On Restoring Trust in the Judiciary in Ukraine”. Statements and complaints shall be attached to the judicial dossier.

18. A decision of a respective body on bringing a judge or prosecutor to disciplinary responsibility under cases opened before the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, came into effect, shall be challenged to the High Council of Justice and shall be considered by the latter during a plenary meeting following the procedure stipulated by this Law.

Complaints against decisions of a respective body on bringing a judge or prosecutor to disciplinary responsibility under disciplinary cases that are not considered by the High Council of Justice before the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, comes into effect, shall be considered by the High Council of Justice during a plenary meeting following the procedure stipulated by this Law.

19. Statements (complaints) concerning conduct of judges of local and appellate courts transferred by the High Qualification Commission of Judges of Ukraine to the High Council of Justice shall be considered by the Disciplinary Chambers of the High Council of Justice following the procedure stipulated by this Law. A statement (complaint) shall be checked in terms of its compliance with requirements set out as of the date of its submission by a member of the High Council of Justice individually.

Decisions of the High Qualification Commission of Judges of Ukraine on sending a recommendation to the High Council of Justice to address the issue regarding submission a recommendation on dismissal of a judge from the position taken before the Law of Ukraine “On the Judiciary and Status of Judges” as of 2 June 2016, No. 1402-VIII, coming into effect shall be considered by the High Council of Justice following the procedure stipulated by Chapter 6 of Section II hereof. Pursuant to results of such consideration the High Council of Justice may take

a decision on dismissal of a judge from the position based on clause 3 of part six of Article 126 of the Constitution of Ukraine.

20. Preliminary check of statements (complaints) regarding conduct of judges of the Supreme Court of Ukraine, Higher Specialized Court of Ukraine on Civil and Criminal Cases, Higher Commercial Court of Ukraine, Higher Administrative Court of Ukraine that the High Council of Justice receives before the Law of Ukraine "On the Judiciary and Status of Judges" as of 2 June 2016, No. 1402-VIII, coming into effect shall be carried out by a member of the High Council of Justice determined as a result of automated distribution among members of the High Council of Justice conducted before this Law comes into effect.

21. Disciplinary cases opened by the High Council of Justice before the Law of Ukraine "On the Judiciary and Status of Judges" as of 2 June 2016, No. 1402-VIII, coming into effect shall be considered by the Disciplinary Chambers of the High Council of Justice following the procedure envisioned by clause 32 of Section XII "Final and Transitional Provisions" of the Law of Ukraine "On the Judiciary and Status of Judges" as of 2 June 2016, No. 1402-VIII, taking into account peculiarities specified by the Rules of Procedure of the High Council of Justice.

Statements and complaints transferred for consideration by a member of the High Council of Justice based on results of automated distribution before establishment of disciplinary bodies of the High Council of Justice shall remain with such member and may be considered by a disciplinary body, a member of which such member is, in instances set out by this Law.

22. Before ensuring technical capacities for complete recording of meetings of the High Council of Justice and its bodies with the use of technical devices, but not later than by 1 July 2017, meetings of the High Council of Justice shall be recorded in respective minutes.

23. Within twenty days of the date of this Law coming into effect the High Council of Justice shall:

1) establish the Commission on Reorganization of the High Council of Justice (old name in Ukrainian) and Establishment of the High Council of Justice;

2) develop and adopt the procedure of taking measures related to reorganization of the High Council of Justice (old name in Ukrainian) and establishment of the High Council of Justice.

24. The Cabinet of Ministers of Ukraine shall:

1) within a month of the date of this Law coming into effect prepare and submit for consideration of the Verkhovna Rada of Ukraine suggestions on financing of priority measures required to implement this Law;

2) within three months of the date of this Law coming into effect:

a) bring its regulations into compliance with this Law;

b) ensure that ministries and other central executive bodies bring their regulations into compliance with this Law;

c) envision expenses relating to implementation of this Law in draft laws of Ukraine on the State Budget of Ukraine for 2017 and subsequent years.

President of Ukraine

P.POROSHENKO

Kyiv

21 December 2016

No. 1798-VIII
