

LAW OF UKRAINE

On the Judiciary and the Status of Judges

(English version: 2 June 2016)

This Law defines the legal grounds for organization of the judiciary power and the administration of justice in Ukraine that functions on the grounds of governance of law under European standards and ensures the right of everyone to fair trial.

Section I

PRINCIPLES OF ORGANISATION OF JUDICIAL POWER

Article 1. The Judicial Power

1. In accordance with the constitutional principles of separation of powers, the judicial power in Ukraine is exercised by independent and impartial courts formed in accordance with the law.

2. The judicial power is exercised by judges and, in cases determined by law, jurors, by the administration of justice within the framework of the respective court procedures.

Article 2. Tasks of Courts

1. A court, in the course of exercise of justice based on the rule of law, shall grant any person the right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine and international treaties ratified by the Verkhovna Rada of Ukraine.

Article 3. The System of Judiciary of Ukraine

1. Courts of Ukraine shall create a uniform system.
2. Creation of extraordinary and special courts shall be prohibited.

Article 4. Legislation on the Judiciary and the Status of Judges

1. The judiciary and status of judges in Ukraine shall be defined by the Constitution of Ukraine and law.

2. Changes to this Law may be made solely by laws on amending the Law of Ukraine “On the Judiciary and Status of Judges”.

Article 5. Administration of Justice

1. Justice in Ukraine shall be administered exclusively by courts and according to stipulated by law judicial procedures.

2. Any delegation of court functions, as well as usurpation of those functions by other bodies and officials shall not be permitted. Any persons that usurp functions of a court shall be responsible as stipulated by law.

3. The people shall be involved in the administration of justice through jurors.

Article 6. Independence of Courts

1. In exercising justice, courts shall be independent of any improper influence. Courts shall administer justice proceeding from the Constitution and laws of Ukraine and on the basis of the rule of law.

2. Appeal to court by citizens, organizations or officials who, under the law, are not parties to a trial, regarding consideration of specific cases, shall not be considered by the court, unless otherwise stipulated by law.

3. Interference with the administration of justice, influence on a court or judges in any manner, contempt of court or judges, collection, storage, use and dissemination of information orally, in writing or otherwise in order to discredit court or influence the impartiality of the court, calls to non-enforcement of court decisions shall be prohibited and entail liability as stipulated by the law.

4. State bodies and local self-government bodies and their officials must refrain from statements and actions which may undermine the independence of the judiciary.

5. In order to protect professional interests of judges and address issues of internal functioning of courts in accordance with this Law, judicial self-government shall operate.

Article 7. The Right to a Fair Trial

1. Every person shall be guaranteed protection of their rights, freedoms and interests within reasonable time frames by an independent, impartial and fair trial, established by law.

2. Foreigners, stateless persons and foreign legal entities shall be entitled to legal protection in Ukraine on the equal basis with the citizens and legal entities of Ukraine.

3. Accessibility of justice for every person shall be ensured under the Constitution and in the manner envisaged by the laws of Ukraine.

Article 8. Right to a Competent Court

1. No person may be denied the right to consideration of their case in court, to which jurisdiction it has been attributed by the law.

2. A judge shall consider the cases received according to the procedure of distribution of cases established by law. The distribution of cases among judges may not be influenced by the wish of the judge or any other persons.

Article 9. Equality Before the Law and the Court

1. Justice in Ukraine shall be exercised on the principles of equality of all parties in a trial before the law and the court, regardless of race, color, political, religious and other beliefs, gender, ethnic or social origin, property status, residence, language and other characteristics.

2. A court shall establish an environment where each party to a trial is guaranteed equality in the exercise of the granted procedural rights and in the performance of judicial duties, as determined by the procedural law.

Article 10. Professional Legal Assistance in the Implementation of the Right to a Fair Trial

1. Every person shall have the right to professional legal assistance. In cases envisaged by law the state shall ensure the provision of professional legal assistance free of charge.

2. Every person shall be free in selection of a defender of their rights and a person who shall provide legal assistance.

3. To provide professional legal assistance the bar shall operate. Ensuring the right to protection from criminal prosecution and representation in court shall be performed by a lawyer except for cases stipulated by law..

4. Costs of parties to a trial for professional legal assistance shall be compensated in the manner stipulated by law.

Article 11. Transparency and Openness of Court Proceedings

1. Court decisions, court hearings and information on cases considered by courts shall be open, except in cases stipulated by law. No one may be restricted in their right to receive in court oral or written information about the results of consideration of their lawsuit. Everyone shall be entitled to free access to the judgment in the manner specified by law.

2. Information about a court hearing the case, the parties to the dispute and the essence of the claim, the date of receipt of the statement of claim, or a statement of appeal, cassation complaint, application for review of court decision, the current status of the proceedings, venue, date and time of the court session, transfer of a case from one court to another, shall be open and immediately published on the official web-portal of the judiciary in Ukraine, except in cases stipulated by law.

3. Consideration of cases in courts shall be open, except in cases stipulated by law. Any person may be present at an open court hearing. In case a person has committed acts demonstrating disrespect to the court or to parties to a case, such person, upon a substantiated decision of the court, may be removed from the courtroom.

4. Persons present in the courtroom, media representatives may take photographs, video and audio recording in the courtroom, using portable video and audio devices, without a specific permission of the court, but subject to the restriction stipulated by law. Broadcasts of court hearing shall be carried out upon permission of the court.

Taking photographs, video recording and broadcasts of court hearings in the courtroom shall be made without obstructing the session and exercise by parties to the trial of their procedural rights. Court may determine a location in the courtroom from which photographs may be taken and video may be recorded.

5. Consideration of a case *in camera* shall be permitted upon a substantiated decision of the court exclusively in cases determined by law.

6. In the course of consideration of cases, the court proceedings shall be recorded by technical means in the manner stipulated by law.

7. Upon a court decision, parties to a trial shall be granted an opportunity to participate in a court hearing by methods of videoconference, in the manner stipulated by law. The duty to ensure the videoconference shall be assigned to the court that received a judgment on the videoconference, regardless of specialization and jurisdiction of the court that made that decision.

8. The court proceedings shall be conducted exclusively in a courtroom specifically equipped for that — in a courtroom suitable to accommodate the parties and other trial participants, and enables them to exercise the granted procedural rights and fulfil procedural obligations.

Article 12. Language of the Judicial Procedure and Management of Records in Courts

1. Judicial procedure and management of records in courts of Ukraine shall be conducted in the official language the country.

2. The courts shall ensure equality of rights of citizens in a trial by language.

3. Courts shall use the official language in the course of the judicial procedure and guarantee citizens' right to use their native language, or the language they speak, in the course proceedings.

Article 13. Binding Court Decisions

1. A judgment that ends consideration of a case in a court shall be approved in the name of Ukraine.

2. Judgments that have become effective shall be binding on all state authorities, bodies of local self-government and their officials and employees, private individuals and legal entities and associations throughout Ukraine. The binding nature of judgments for other courts (*praejudicialis*) shall be defined by law.

3. Control over the enforcement of court decision shall be exercised by court within the powers granted to it by law.

4. Failure to comply with court decisions shall entail legal liability as stipulated by law.

5. Conclusions regarding application of the law provisions specified in resolutions of the Supreme Court shall be mandatory for all government entities that use in their activity a legal act containing the respective legal provision.

6. Conclusions regarding application of the law provisions specified in resolutions of the Supreme Court shall be taken into account by other courts in the application of such legal provisions. A court shall have the right to depart from a legal position set out by the Supreme Court only while providing the respective substantiation.

7. Court decisions may not be reviewed by other bodies or persons beyond the judiciary except decisions on amnesty and pardon.

State bodies and local self-government bodies, and their officials may not make decisions which cancel court decisions or stop their enforcement.

8. Court decisions of other states, decisions of international tribunals, decisions of international judicial institutions and similar decisions of other international organizations regarding dispute resolution shall be binding on the

territory of Ukraine on conditions specified by law and in accordance with international treaties ratified by the Verkhovna Rada of Ukraine.

Article 14. Right to Review a Case and Challenge Court Decision

1. Participants in court proceedings and other persons shall have the right to appellate review of a case and in instances stipulated by law – the right to cassation appeals against a court decision.

Article 15. Personal Composition of the Court and Determining It

1. Cases in courts shall be considered by a judge individually, and in cases prescribed by the procedural law — by a panel of judges, also with the participation of jurors.

2. A judge who considers a case individually shall act as a court.

3. Courts shall operate the Unified Court Information (Automated) system.

4. Assignment of a judge and/or judges to consider a specific case shall be done by the Unified Court Information (Automated) system in the order determined by procedural law.

5. Cases shall be assigned taking into account specialization of judges, caseload of each judge, bans to participate in review of decisions for a judge who participated in rendering court decision in question (except review upon newly discovered circumstances), leaves of judges, absence due to temporary incapacity to work, business trips and in other cases provided for by law when a judge may not render justice or participate in case disposition.

6. In case of trial with participation of jury, the personal composition of such jury and people's assessors shall be defined using the Unified Court Information (Automated) system unless other is stipulated by law.

7. Information on the assignment results shall be stored in the automated system and shall be protected against unauthorized access and interference.

8. Unauthorized interference with the operation of the automated system and the assignment of cases shall be subject to liability in accordance with the law.

9. The automated system is not applied to assignment of a judge (a panel of judges, if the case is considered collectively) for consideration of a case only in circumstances that objectively render impossible its functioning and last for more than five work days. The specifics of distribution of cases in such circumstances shall be determined by the Regulations on the Unified Court Information (Automated) system.

10. The provisions on the Unified Court Information (Automated) system shall be approved by the High Council of Justice [new] upon the proposal of the State Judicial Administration of Ukraine and following consultations with the Council of Judges of Ukraine.

Article 16. Symbols of the Judicial Authorities

1. The symbols of the judiciary power shall be the state symbols of Ukraine — the National Emblem of Ukraine and the State Flag of Ukraine.

2. Judges shall exercise justice wearing a mantle and a lapel badge. Specimens of the mantle gown and the lapel badge shall be approved by the Council of Judges of Ukraine.

3. Court as a state body shall have a seal with the image of the State Coat of Arms and its name.

Section II JUDICIARY

Chapter 1. Organizational foundations of the judiciary

Article 17. The System of the Judiciary

1. The judiciary shall be based on the principles of territoriality, specialization and instance hierarchy.

2. The highest court in the judiciary shall be the Supreme Court.

3. The system of the judiciary shall include:

- 1) trial courts;
- 2) courts of appeal; and
- 3) Supreme Court;

To consider some categories of cases in line with this Law high specialized courts shall operate in the system of the judiciary.

4. The unity of the judiciary shall be provided by:

- 1) the uniform principles of organization and functioning of the courts;
- 2) the uniform status of judges;
- 3) rules of justice, established by law, being mandatory for all courts;
- 4) unity of judicial practice;
- 5) mandatory nature of judgments on the territory of Ukraine;
- 6) the uniform procedures for organizational support of the court functioning;
- 7) financing of courts exclusively from the State Budget of Ukraine;
- 8) decision of matters of internal functioning of courts by bodies of judicial self-government.

Article 18. Specialization of Courts

1. Courts shall specialize in civil, criminal, commercial, administrative cases and cases of administrative offenses.

2. In cases stipulated by law and upon decision of a meeting of judges of a relevant court specialization of judges for consideration of specific categories of cases may be introduced.

3. Trial general courts and appellate courts apply specialization of judges for criminal proceedings in regard of juveniles.

4. Judges (judge) authorized to conduct criminal proceedings in regard of juveniles shall be elected by a meeting of judges among judges of that respective court at the proposal of the Chief Judge of the court or upon a proposal by any judge of that court, if the proposal by the Chief Judge was not supported, for a period not exceeding three years and may be re-elected again.

5. The number of judges authorized to conduct criminal proceedings in regard of juveniles shall be determined separately for each court by a meetings of judges of that court.

6. A judge authorized to conduct criminal proceedings in regard of juveniles may be elected a judge who has at least ten years' experience as a judge, experience in criminal court proceedings and high moral and professional properties. In the absence of a judge at the court who has the necessary work experience, the judge authorized to conduct criminal proceedings in regard of juveniles shall be elected among the judges who have the longest experience as a judge.

7. Judges authorized to conduct criminal proceedings in regard of juveniles shall not be relieved from carrying out duties of a judge of the corresponding instance, but the exercise of such authority shall be taken into account in the assignment of cases and have a priority significance.

Article 19. The Procedures for Establishment and Dissolution of Courts

1. Court shall be established and dissolved by law.

2. Draft law on the establishment and dissolution of court shall be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine after consultations with the High Council of Justice [new].

3. Location, territorial jurisdiction and status of a court shall be determined with account to the principle of territoriality, specialization and instance hierarchy.

4. Reasons for establishment or dissolution of a court shall be a change in the court system defined by this Law, a need to improve access to justice, a need to optimize government expenditures or changes in the administrative-territorial structure.

5. A court may be established through establishment of a new court or reorganization (merger or division) of courts.

6. The number of judges in a court shall be determined by the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new], with account to the judicial workloads and within the funding quotas determined in the State Budget of Ukraine for maintenance of courts and compensation of judges' labour.

7. The maximum number of judges in the Supreme Court shall be determined by this Law.

8. Court shall be a legal entity unless other is stipulated by law.

Article 20. Procedure for Appointment of Judges to Administrative Positions and Dismissal from Administrative Positions

1. The position of the Chief judge and Deputy Chief judges shall be as administrative positions in court.

2. The Chief judge of the trial court, their Deputy, Chief Judge of the appellate court, their Deputies, Chief Judge of the high specialized court and their Deputies shall be elected to their positions by meetings of judges of the relevant court among the judges of that court.

3. The Chief Judge of the trial court, their Deputy, Chief Judge of the appellate court, their Deputies, Chief Judge of the high specialized court and their Deputies shall be elected to their position by meeting of judges by secret ballot by a majority of the judges of a relevant court for a three-year term but not exceeding the term of office of a judge within the procedure established by law.

4. The Chief Judge of the trial court, their Deputy, Chief Judge of the appellate court, their Deputies, Chief Judge of the high specialized court and their Deputies may be dismissed early at the initiative of at least one third of all the judges of the respective court, by secret ballot of at least two-thirds of the judges of this court.

5. A ground for dismissing a judge from administrative office shall be his/her application or continuous unsatisfactory discharge of duties of Chief Judge, Deputy Chief Judge respectively, systematic or gross one-time violation of law while discharging the duties.

6. A judge who was early dismissed from administrative position in court (except the dismissal from administrative position upon his/her application) may not be elected to any administrative position in courts within two years after such early dismissal.

7. Dismissal from a position of judge, termination of his/her powers and expiry of term of the judge's administrative office in court shall terminate such judge's powers on such administrative position.

8. The Chief Justice of the Supreme Court and his/her Deputy shall be elected to the position and dismissed by the Plenum of the Supreme Court following the procedures stipulated by law.

9. A judge elected to an administrative position may not occupy one administrative position in the respective court for more than two consecutive terms unless other is stipulated by law.

10. In courts where the number of judges exceeds ten, a Deputy Chief Judge of the court may be elected, and in courts with more than thirty judges - no more than two Deputy Chief Judges.

11. Election of a judge to an administrative position without compliance with the requirements of law shall not be permitted.

12. A judge's office duties at an administrative position in the court do not relieve them from exercising the powers of a judge of the respective court in accordance with this Law.

Chapter 2. Trial courts

Article 21. Types and Structure of Trial Courts

1. Trial courts shall be circuit court which are established in one or several raions or districts or in a city or in a raion (raions) and city (cities).

2. Trial commercial courts shall be circuit commercial courts.

3. Trial administrative courts shall be the circuit administrative courts and other courts determined by procedural law.

4. A trial court shall consist of trial court judges, one of whom is appointed as Chief Judge of the court and, in cases determined by law, Deputy Chief Judge or Deputy Chief Judges.

5. From among the judges of the local general court, the investigating judge(s) shall be elected to exercise the powers of judicial control over observance

of rights, freedoms and interests of individuals in criminal proceedings, in the manner determined by procedural law.

6. The number of investigating judges shall be determined separately for each court by a meeting of judges of that court.

7. Investigating judge(s) shall be elected by a meeting of judges of that court at the proposal of the Chief Judge of the court or at the proposal of any judge of the court if the proposal by the court Chief Judge was not supported, for a period not exceeding three years, and may be re-elected again. Prior to the election of the investigating judge of the respective court, their powers shall be exercised by the oldest judge of that court.

8. The investigative judge shall not be relieved of their duties of a judge of the court of first instance, however, the exercise of their powers of judicial control over observance of the rights, freedoms and interests of persons in criminal proceedings shall be taken into account in the course of allocation of cases and have a priority significance.

Article 22. Powers of a Trial Court

1. A trial court shall be the court of first instance and administer justice in the manner stipulated by the procedural law.

2. Local general courts shall hear civil, criminal and administrative cases and cases of administrative offenses in the cases and following the procedures stipulated by procedural law.

3. Local commercial courts shall hear cases arising from commercial relations as well as other cases ascribed by law to their jurisdiction.

4. Local administrative courts shall hear cases of administrative jurisdiction (administrative cases).

5. Jurisdiction of trial courts regarding certain categories of, as well as the procedures for their consideration, shall be defined by law.

Article 23. A Judge of a Trial Court

1. A judge of a trial court shall administer justice in the manner stipulated by the law, as well as other powers envisaged by law.

Article 24. The Chief Judge of the Trial Court

1. The Chief Judge of the trial court shall:

1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities;

2) define the administrative responsibilities of Deputy Chief judge of the trial court;

3) monitor the efficiency of the court staff, approve the appointment to the position of chief of staff, deputy chief of staff and make proposals regarding the application of incentives or disciplinary measures to the chief of staff or his/her deputy, in accordance with law;

4) proceeding from an act of appointment of a judge to the office, transfer of a judge, or dismissal of a judge from the office and due to termination or powers of a judge, issue a respective order;

5) notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the judicial authorities, about any vacant positions of judges in the court within three days upon the date of opening of such vacant positions;

6) ensure the implementation of decisions taken by the meetings of the trial court;

7) organize maintenance of judicial statistics and information and analytical support for judges at the court to improve the quality of justice;

8) promote compliance with the requirements regarding qualification upgrading of trial court judges;

9) submit proposals regarding the number and personal composition of investigating judges for consideration of the court meeting;

10) exercise other powers envisaged by law.

2. The Chief judge of the trial court shall issue orders and instructions on matters within their administrative powers.

3. In the absence of the Chief judge of the trial court, their administrative powers shall be exercised by Deputy Chief judge of the court by decision of the court Chief judge, in the absence of such decision by the Deputy Chief judge who has more experience as a judge, and in the absence of the Deputy Chief judge by a judge of the court that has the longest experience as a judge.

Article 25. Deputy Chief Judge of a Trial Court

1. Deputy Chief Judge of a trial court shall exercise administrative powers defined by the Chief judge of the court.

Chapter 3. Courts of Appeals

Article 26. Types and Composition of Courts of Appeals

1. Appellate courts shall operate as courts of appeals and in cases determined by procedural law – as courts of first instance for consideration of civil, criminal, commercial, administrative cases and cases of administrative offenses.

2. The appellate courts formed in the appellate circuits shall be the appellate courts for consideration of civil and criminal cases and cases of administrative offenses.

3. The appellate courts for consideration of commercial cases, and the appellate courts for consideration of administrative cases shall be, respectively, the appellate commercial courts and the appellate administrative courts formed in relevant appellate districts.

4. An appellate court may establish judicial chambers for consideration of different categories of cases.

5. A judicial chamber shall be headed by the Secretary of the judicial chamber, elected from among the judges of that court for a three-year term.

6. The decision on establishment of a judicial chamber, its personal composition and on election of the Secretary of the judicial chamber shall be taken by the meeting of judges of the appellate court upon the proposal by Chief Judge of court.

7. Secretary of the court chamber shall:
 - 1) organize the work of the respective chamber;
 - 2) control analysis and summarizing of the court practices on matters within the competence of the Chamber; and
 - 3) inform the meetings of judges of the appellate court on the activities of the Chamber.

Article 27. Powers of a Court of Appeals

1. An appellate court shall:
 - 1) administer justice in the manner stipulated by the procedural law;
 - 2) analyze judicial statistics, study and generalize the judicial practice, and notify relevant trial courts and the Supreme Court of the results of court practice generalization;
 - 3) provide methodological assistance to trial courts in applying the legislation; and
 - 4) exercise other powers as stipulated by law.

Article 28. A judge of a Court of Appeals

1. A judge of the court of appeal may be a person who meets the requirements to judicial candidates, based on results of qualifications evaluation confirmed his/her capability to render justice in the court of appeals and meets one of the following requirements:
 - 1) has at least five years of experience as a judge;
 - 2) has an academic degree in the field of law and at least seven years of scientific experience in the field of law;
 - 3) has at least seven years of professional experience as a lawyer representing clients in court and/or defending against criminal charges; and
 - 4) has at least seven years on a general record of service (professional experience) according to requirements set forth in points 1-3 of this provision.
2. A judge of an appellate court shall administer justice in the manner stipulated by the law, as well as other powers under the law.

Article 29. Chief judge of a Court of Appeals

1. The Chief judge of the court of appeals shall:
 - 1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities;
 - 2) define the administrative powers of Deputy Chief judges of the appellate court;
 - 3) monitor the efficiency of the court staff, approve appointment of the chief of staff, deputy chief of staff, and make a proposal on the application to the chief of staff and their deputy either incentives or disciplinary measure in accordance with the legislation;
 - 4) proceeding from an Act on the appointing of a judge, transfer of a judge or dismissal of judge from the office and due to the termination of powers of a judge, issue a respective order;
 - 5) notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the

judicial authorities, about any vacant positions of judges in the appellate court within three days upon the date of opening of any such vacant positions;

6) ensure the implementation of decisions taken by meetings of judges of the appellate court;

7) organize accounting and analyses of judicial statistics, organize examination and summarizing of judicial practices, information and analytical support for judges to improve the quality of justice;

8) facilitate fulfilment of the requirements regarding maintenance of the qualification level of judges of the appellate court and improvement of their professional knowledge;

9) exercise the powers of an investigating judge and appoint, from among the judges of the appellate court, judges (judge) to exercise such powers in cases stipulated by the procedural law;

10) exercise other powers envisaged by law.

2. The Chief judge of the appellate court shall issue orders and instructions on matters within their administrative authority.

3. In the absence of the Chief judge of the appellate court, their administrative powers shall be exercised by Deputy Chief judge of the court, by decision of the Court Chief judge, and in the absence of such decision – by the Deputy Chief judge who has more experience as a judge, and in the absence of the Deputy Chief judge — a judge of the court with the longest experience as a judge.

Article 30. Deputy Chief judge of a Court of Appeals

1. Deputy Chief judge of the court of appeals shall exercise administrative powers defined by the Chief judge of the court.

Chapter 4. The high specialized courts

Article 31. Types and Structure of High Specialized Courts

1. Within the system of the judiciary, high specialized courts shall function as courts of first instance for consideration of some categories of cases.

2. The high specialized courts are as follows:

1) the High Court on Intellectual Issues; and

2) the High Anti-Corruption Court.

3. High specialized courts shall consider cases which are under their jurisdiction according to procedural law.

4. Court chambers may be established within a high specialized court.

5. The decision on establishment of the judicial chamber, its composition and on election of the Secretary of the Chamber shall be adopted by the meeting of judges of the relevant high specialized court, upon the proposal of the Chief Judge.

6. Court chamber shall be chaired by a secretary of court chamber who shall be elected from among judges of this court for a three-year term.

7. Secretary of the court chamber shall:

1) organize the work of the respective chamber;

2) supervise analysis and summarizing of the court practices on matters within the competence of the Chamber; and

3) inform the meeting of judges of a relevant high specialized court on the activities of the Chamber.

Article 32. Powers of the High Specialized Court

1. High Specialized Court shall:

- 1) administer justice as a court of first instance in cases determined by procedural law;
- 2) analyze judicial statistics, study and generalize case law;
- 3) inform the Supreme Court about the results of generalization of case law;
- and 4) exercise other powers envisaged by the law.

Article 33. A Judge of a High Specialized Court

1. A judge may be appointed as a judge of a court on intellectual issues if he/she meets the requirements to judicial candidates, if based on results of a qualifications examination he/she has confirmed his/her ability to render justice in the High Court on Intellectual Issues and meets one of the following requirements:

- 1) has at least three years of experience as a judge;
- 2) has at least five years of professional experience as a representative in intellectual property cases (patent attorney);
- 3) has at least five years of professional experience as a lawyer representing clients in court in cases on intellectual property; and
- 4) has at least five years on a general record of service (professional experience) according to requirements set forth in points 1-3 of this provision.

2. A judge may be appointed as a judge of the High Anti-Corruption Court if he/she meets the requirements to judicial candidates, if based on results of a qualifications examination he/she has confirmed his/her ability to render justice in the High Anti-Corruption Court and meets other requirements stipulated by law.

3. A judge of a high specialized court shall administer justice in the manner stipulated by the law, as well as exercise other powers stipulated by law.

Article 34. The Chief Judge of a High Specialized Court

1. The Chief Judge of a high specialized court shall:

- 1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, private individuals and legal entities, as well as the judicial authorities of other countries and international organizations;
- 2) define the administrative responsibilities of Deputy Chief judges of the high specialized court;
- 3) monitor the efficiency of the court staff, approve the appointment of the chief of staff, deputy chief of staff, and make a proposal on the application to the chief of staff and their deputies either incentives or disciplinary measures in accordance with the law;
- 4) proceeding from the Act on the appointment, transfer or dismissal of a judge from the office and due to the termination of powers of a judge, issue a respective order;
- 5) notify the High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the

judicial authorities, about any vacancies within three days upon the date of opening of any such vacant positions;

6) ensure implementation of resolutions by meetings of judges of the high specialized court;

7) organize accounting and analysis of judicial statistics, organize examination and summarizing of court practices, information and analytical support for judges to improve the quality of justice;

8) facilitate fulfilment of the requirements regarding the maintenance of the qualification level of judges of the high specialized court and improvement of their professional knowledge; and

9) exercise other powers envisaged by the law.

2. On matters within their administrative authority, the Chief judge of a high specialized court shall issue orders and instructions.

3. In the absence of the Chief judge of the high specialized court, their administrative powers shall be exercised by one of the Deputy Chief judges of the court, by decision of the Chief Judge, and in the absence of such decision – by the Deputy Chief judge who has more experience as a judge, and in the absence of the Deputy Chief judge — a judge of that court with the longest experience as a judge.

Article 35. Deputy Chief Judge of the High Specialized Court

1. Deputy Chief judge of a high specialized court shall exercise administrative powers defined by the Chief judge of the Court.

Chapter 5. The Supreme Court

Article 36. The Supreme Court – the highest court in the system of the judiciary of Ukraine.

1. The Supreme Court shall be the highest court in the system of the judiciary of Ukraine, which shall ensure the sustainability and uniformity of case law following the procedures and in the manner specified by the procedural law.

2. The Supreme Court shall:

1) administer justice as a court of cassation instance and in cases stipulated by procedural law – as a court of first or appellate instance within the procedure established by procedural law;

2) analyze judicial statistics and generalize case law;

3) issue conclusions on draft laws concerning the judicial system, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the system of the judiciary;

4) issue an opinion on presence or absence in actions charged against the President of Ukraine of signs of treason or other crimes; upon request of the Verkhovna Rada of Ukraine, present a written motion on incapability of the President of Ukraine to exercise their powers for health reasons;

5) address the Constitutional Court of Ukraine regarding constitutionality of laws and other legal acts, as well as regarding the official interpretation of the Constitution of Ukraine;

6) ensure uniform application of the law provisions by courts of different specializations following the procedure and in the manner stipulated by the procedural law; and

7) exercise other powers envisaged by the law.

Article 37. The Composition and Structure of the Supreme Court

1. The Supreme Court shall consist of not more than two hundred judges.

2. Within the Supreme Court there shall be:

1) Grand Chamber of the Supreme Court;

2) Administrative Cassation Court;

3) Commercial Cassation Court;

4) Criminal Cassation Court; and

5) Civil Cassation Court.

3. Each cassation court shall include judges of the respective specialization.

4. In each cassation court chambers on the adjudication of certain case categories shall be established taking into account specialization of judges.

The number and specialization of court chambers shall be determined by decision of the meeting of judges of a cassation court taking into account requirements of paragraphs five – six of this Article and judicial workload.

5. In the Administrative Cassation Court separate court chambers must be established. These chambers shall adjudicate cases on:

1) taxes, fees and other mandatory payments;

2) protection of social rights; and

3) election process and referendum and protection of political rights of citizens.

6. In the Commercial Cassation Court separate court chambers must be established. These chambers shall adjudicate cases on:

1) bankruptcy;

2) protection of intellectual property rights and rights related to anti-corruption and competition law; and

3) corporate disputes, corporate rights and securities.

7. Other chambers shall be established in cassation courts upon a decision of the meeting of judges of a cassation court.

8. The Supreme Court shall have the Plenum of the Supreme Court to address issues, stipulated by the Constitution of Ukraine and this Law. The personal composition and procedure of activities of the Plenum of the Supreme Court are defined by this Law.

Article 38. A Judge of the Supreme Court

1. A person may be appointed as a judge of the Supreme Court if he/she meets the requirements to judicial candidates, if based on results of a qualifications examination he/she has confirmed his/her ability to render justice in the Supreme Court and meets one of the following requirements:

1) has at least ten years of experience as a judge;

2) has an academic degree in the field of law and at least ten years of scientific experience in the field of law;

- 3) has at least ten years of professional experience as a lawyer representing clients in court and/or defending against criminal charges; and
 - 4) has at least ten years on a general record of service (professional experience) according to requirements set forth in points 1-3 of this provision
2. The Justice of the Supreme Court shall:
 - 1) render justice within the procedure established by procedural law;
 - 2) participate in the consideration of issues to be considered at meetings of the Plenum of the Supreme Court;
 - 3) analyze case law and take part in its generalizing; and
 - 4) participate in considering the issues raised at a meeting of judges of a relevant cassation court and exercise other powers as stipulated by law.

Article 39. The Chief Justice of the Supreme Court

1. The Supreme Court shall be chaired by the Chief Justice of the Supreme Court who shall be elected to the office and dismissed from the office by secret ballot by the Plenum of the Supreme Court from among Supreme Court justices within the procedure established by this Law.

2. The Chief Justice of the Supreme Court shall:

1) represent the Supreme Court as the highest court within the system of judiciary of Ukraine in relations with bodies of state power, bodies of local self-government, private individuals and legal entities, as well as the judicial authorities of other countries and international organizations;

2) define the administrative powers of Deputy Chief Justice of the Supreme Court;

3) convene the Plenum of the Supreme Court; make proposals for consideration by the Plenum regarding election of Secretary of the Plenum; submit matters for consideration by the Plenum and preside at its meetings;

4) monitor the efficiency of the court staff of the Supreme Court, approve the appointment of the Chief of staff, and make proposal on the application to the Chief of staff either incentives or disciplinary measure in accordance with the legislation;

7) inform the Plenum of the Supreme Court on the activities of the Supreme Court; and

8) exercise other powers stipulated by law.

3. On matters within their administrative authority, the Chief Justice of the Supreme Court shall issue orders and instructions.

4. The Chief Justice of the Supreme Court shall ex officio be a member of the High Council of Justice [new].

4. In the absence of the Chief Justice of the Supreme Court his/her administrative powers shall be exercised by Deputy Chief Justice of the Supreme Court. In the absence of the Deputy Chief Justice of the Supreme Court, the administrative powers of the Chief Justice of the Supreme Court shall be exercised by a judge who has the longest experience as a judge of the Supreme Court.

Article 40. The Procedure for Election of the Chief Justice of the Supreme Court

1. The Chief Justice of the Supreme Court shall be elected to the office and dismissed from the office by the Plenum of the Supreme Court by a majority vote of the total membership of the Plenum, by secret ballot.

2. The Chief Justice of the Supreme Court shall be elected from among Supreme Court justices for a four-year term with a right to hold a position of Chief Justice of the Supreme Court not more than for two consecutive terms.

3. The Chief Justice of the Supreme Court may not hold any other administrative positions at the same time². A Plenum of the Supreme Court on the election of the Chief Justice of the Supreme Court shall be convened not later than one month from the date of termination of powers of the previous Chief Justice of the Supreme Court.

4. A Plenum of the Supreme Court on the election of the Chief Justice of the Supreme Court shall be convened not later than one month from the date of termination of powers of the previous Chief Justice of the Supreme Court.

5. The dismissal of the Chief Justice of the Supreme Court from the office and termination of his/her powers, and termination of a term for which he/she was elected as Chief Justice of the Supreme Court shall terminate his/her powers as Chief Justice of the Supreme Court.

7. The procedure for election of the Chief Justice of the Supreme Court and his/her dismissal from office shall be established by Rules of Procedure of the Plenum of the Supreme Court, to be approved by the Plenum. Changing the Rules of Procedure earlier than six months before the expiry of the term of office of the Chief Justice of the Supreme Court shall not be permitted.

Article 41. Procedure for Early Dismissal of the Chief Justice of the Supreme Court

1. The Chief Justice of the Supreme Court may be dismissed early on grounds, stipulated by law.

2. The procedure for early termination of powers of the Chief Justice of the Supreme Court following the no-confidence vote by the Plenum of the Supreme Court shall be determined exclusively by this Article. Rules of Procedure of the Plenum of the Supreme Court shall not apply to that procedure.

3. The issue of no-confidence to the Chief Justice of the Supreme Court shall be considered by the Plenum of the Supreme Court on the proposal of at least one fifth of the judges of the Supreme Court, confirmed by their signatures. The proposal must be substantiated.

4. In order to hold a Plenum of the Supreme Court on the issue of no confidence to the Chief Justice of the Supreme Court, the judges, specified in part three of this Article, shall establish an organizing committee and appoint its Chief Justice and their Deputy, which is registered in a minute record.

5. The organizing committee shall ensure preparation and holding of the Plenum of the Supreme Court on the issue of no-confidence vote to the Chief Justice of the Supreme Court within twenty days from the date of its establishment. The participants in the meeting of the Plenum of the Supreme Court shall be notified by the organizing committee of the date and time of convening the Plenum of the Supreme Court and the issues submitted for its consideration, with communication of relevant materials in the manner stipulated by this Law. Adding

other issues to the agenda of the Plenum of the Supreme Court, apart from the no-confidence vote to the Chief Justice of the Supreme Court, shall be prohibited.

6. A meetings of the Plenum of the Supreme Court on the no-confidence vote to the Chief Justice of the Supreme Court shall be competent if attended by more than one half of the judges of the Supreme Court. The meeting of the Plenum of the Supreme Court shall be presided by the Chief Justice of the organizing committee, and in their absence — by the Deputy Chief Justice of the organizing committee.

7. The Chief Justice shall proposals for approval by the Plenum of the Supreme Court regarding the Secretary of the meeting of the Plenum of the Supreme Court, the personal composition of the counting commission and the form of the ballot and voting record, approved by an open ballot.

8. The issue of no-confidence vote to the Chief Justice of the Supreme Court shall be considered either in presence of the Chief Justice of the Supreme Court or in their absence. The Chief Justice of the Supreme Court may provide written explanations on the essence of any issues raised, which they or their authorized representatives may present at the meeting of the Plenum of the Supreme Court.

9. The organizing committee shall determine the procedure of the meeting and the voting procedure, with account to the requirements of this Law, and exercise control over their implementation.

10. The decision on the no-confidence vote to the Chief Justice of the Supreme Court shall be taken by a secret ballot by the majority vote of the Supreme Court.

11. The decision on the no-confidence vote to the Chief Justice of the Supreme Court shall be registered by a Resolution of the Plenum of the Supreme Court, signed by the Chief Justice and Secretary of the meeting, elected by the Plenum of the Supreme Court upon proposal of the Chief Justice.

12. No-confidence to the Chief Justice of the Supreme Court shall not deprive them of powers of a justice of the Supreme Court of Ukraine. In the event of early termination of powers of the Chief Justice of the Supreme Court, election of the Chief Justice of the Supreme Court shall take place in accordance with the procedures stipulated by this Law.

13. The issue of no-confidence vote to the Chief Justice of the Supreme Court may not be raised again for one year after its consideration at a meeting of the Plenum of the Supreme Court.

14. Procedures for dismissal of the Chief Justice of the Supreme Court on grounds other than the no-confidence vote by the Plenum of the Supreme Court shall be determined by law and the Rules of Procedure of the Plenum of the Supreme Court.

Article 42. Chief Judge of a Cassation Court

1. A cassation court shall be chaired by its Chief Judge.

2. The Chief Judge of a cassation court shall be elected by secret ballot by the meeting of judges of a relevant cassation court from among judges of this court.

3. The Chief Judge of a cassation court shall be elected for a four-year term with a right to hold a position of Chief Judge of such cassation court not more than for two consecutive terms.

4. The Chief Judge of a cassation court may be early dismissed from the office upon the initiative of at least one third of the total number of judges of a relevant cassation court by secret ballot by majority of votes of judges of a relevant cassation court.

5. The dismissal of a judge from the office and termination of his/her powers, and termination of a term for which he/she was elected as Chief Judge of a relevant cassation court shall terminate his/her powers as Chief Judge of this court.

6. The Chief Judge of a cassation court shall:

1) represent the cassation court before state authorities, local self-government authorities, and physical and legal entities on the issues related to the operations of this court;

2) determine administrative powers of Deputy Chief Judges of a cassation court;

3) exercise control over the performance of a structural unit of the Supreme Court apparatus which provides organizational support to the operations of a relevant cassation court, approve the appointment to and dismissal from the office of a head of this unit – deputy chief of staff of the Supreme Court, and submit a proposal on inciting or imposing a disciplinary sanction on him/her in line with law;

4) inform the High Qualifications Commission of Judges of Ukraine and State Judicial Administration of Ukraine about judicial vacancies in a cassation court within three days after such vacancy appeared, in particular, via the web-portal of the judiciary;

5) convene the meeting of judges of a cassation court; submit issues to be considered at the meeting and Chairperson the meetings;

6) inform the meeting of judges of a cassation court about the status of justice in a relevant court specialization and case law in adjudicating some case categories;

7) ensure the enforcement of decisions of the meeting of judges of a cassation court;

8) organize record-keeping and analysis of judicial statistics in a cassation court, studying case law, and information and analytical support to judges in order to increase the quality of judicial proceedings;

9) facilitate meeting the requirements for maintaining the qualifications of judges of a cassation court and increasing their professional level; and

10) exercise other powers as stipulated by law.

7. The Chief Judge of a cassation court shall issue orders and assignments on the issues which are within his/her administrative powers.

8. When the Chief Judge of a cassation court is absent his/her administrative powers shall be exercised by one of his/her deputies assigned by the Chief Judge of a cassation court, and when such assignment was not made – by the Deputy Chief Judge of a cassation court with a larger record of service as a judge, and when the who has more professional experience as a judge.

9. The Deputy Chief Judge of a cassation court shall exercise administrative powers determined by the Chief Judge of a cassation court.

Article 43. Deputy Chief Justice of the Supreme Court

1. The Plenum of the Supreme Court may elect Deputy Chief Justice of the Supreme Court upon the proposal of the Chief Justice of the Supreme Court.

Deputy Chief Justice of the Supreme Court shall be elected for a term of four years and dismissed by the Plenum of the Supreme Court. The decision on their election and dismissal shall be taken by a majority vote of the total membership of the Plenum of the Supreme Court by secret ballot.

Deputy Chief Justice of the Supreme Court may be dismissed early in the manner established by the Rules of Procedure of the Plenum of the Supreme Court.

2. The dismissal of a judge from the office and termination of his/her powers, termination of a term for which he/she was elected as Deputy Chief Justice of the Supreme Court shall terminate his/her powers as Deputy Chief Justice of the Supreme Court.

3. The meeting of judges of a cassation court may elect the Deputy Chief Judge of a cassation court. The Deputy Chief Judge of a cassation court shall be elected for a four-year term upon the proposal of the Chief Judge of a cassation court from among secretaries of court chambers of a relevant cassation court and dismissed from the office by the meeting of judges of such cassation court.

Decision on electing the Deputy Chief Judge of a cassation court to the office and dismissing him/her from the office shall be adopted by majority of votes of judges of a relevant cassation court by secret ballot.

4. The Deputy Chief Judge of a cassation court may be early dismissed from the office upon the proposal of the Chief Judge of a cassation court or at least one third of a total number of judges of a relevant cassation court by secret ballot by majority of votes of judges of a relevant cassation court.

5. The dismissal of a judge from the office and termination of his/her powers, and termination of a term for which he/she was elected as Deputy Chief Judge of a cassation court shall terminate his/her powers as Deputy Chief Judge of this court.

Article 44. Court Chambers of the Cassation Court

1. Court Chambers of the cassation court shall:

- 1) administer justice in the manner stipulated by the procedural law;
- 2) analyze judicial statistics and study case law; and
- 3) exercise other powers stipulated by law.

2. Personal composition of court chambers and number of judges in court chambers shall be determined by the meeting of judges of a relevant cassation court.

3. A court Chamber shall be headed by the Secretary of the court Chamber who shall:

- 1) organize work of the respective Judicial Chamber and preside over its meetings;
- 2) organize the analysis of judicial statistics, studying case law;

3) inform the meeting of judges of cassation court on the activities of the judicial chamber; and

4) exercise other powers stipulated by law.

4. The Secretary of the court chamber shall be elected for a four-year term dismissed from the office by majority of votes of judges of a relevant court chamber by secret ballot.

5. In the absence of the Secretary of the judicial chamber, their duties shall be performed by the judge of the chamber who has the longest experience as a judge of the relevant cassation court.

Article 45. The Grand Chamber of the Supreme Court

1. The Grand Chamber of the Supreme Court shall be a standing collegial body of the Supreme Court which shall be comprised of twenty one justices of the Supreme Court.

2. The Grand Chamber of the Supreme Court shall:

1) act as a cassation court in instances stipulated by law in order to ensure the uniform application of the norms of law by cassation courts;

2) act as a court of appeals in cases adjudicated by the Supreme Court as a first instance court;

3) analyze judicial statistics and study and generalize case law; and

4) exercise other powers as stipulated by law.

3. Justices of the Supreme Court shall be elected to the Grand Chamber by meetings of judges of relevant cassation courts from among judges of such cassation courts.

4. Each cassation court within the Supreme Court shall elect five judges to the Grand Chamber of the Supreme Court. The Grand Chamber of the Supreme Court shall also include Chief Justice of the Supreme Court ex officio.

5. The justice of the Supreme Court elected to the Grand Chamber shall exercise powers of justice of the Grand Chamber of the Supreme Court for three years (except the Chief Justice of the Supreme Court), but not longer than for two consecutive terms.

6. The justice of the Supreme Court elected to the Grand Chamber and the Chief Justice of the Supreme Court shall not render justice in a relevant cassation court.

7. The justice of the Supreme Court elected to the Grand Chamber may not be elected to any administrative position except the position of Secretary of the Grand Chamber of the Supreme Court.

8. The Secretary of the Grand Chamber of the Supreme Court shall be elected from among justices of the Grand Chamber for three years and dismissed from the office by the Grand Chamber by secret ballot by majority of votes.

9. The dismissal of a justice from the office and termination of his/her powers, and termination of a term for which he/she was elected as Secretary of the Grand Chamber of the Supreme Court shall terminate his/her powers as Secretary of the Grand Chamber of the Supreme Court.

10. The Secretary of the Grand Chamber shall:

1) organize the work of the Grand Chamber and Chairperson its plenary meetings;

2) organize analysis of case law, and study and generalize case law;

- 3) inform the Plenum of the Supreme Court about the operations of the Grand Chamber; and
 - 4) exercise other powers as stipulated by law.
11. The meeting of the Grand Chamber of the Supreme Court shall be deemed competent if attended by not less than two-thirds of its members.

Article 46. The Plenum of the Supreme Court

1. The Plenum of the Supreme Court shall be a collegial body composed of all the judges of the Supreme Court.
2. The Plenum of the Supreme Court shall:
 - 1) elect and dismiss the Chief Justice of the Supreme Court and Deputy Chief Justice of the Supreme Court in the manner stipulated by this Law;
 - 2) elect, from among the judges of the Supreme Court upon proposal of the Chief Justice of the Supreme Court, and dismiss the Secretary of the Supreme Court;
 - 3) hear reports of the Chief Justice of the Supreme Court on his/her activities, Secretary of the Grand Chamber of the Supreme Court on the operations of the Chamber;
 - 4) issue conclusions on draft laws concerning the judicial system, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the system of judiciary of Ukraine;
 - 5) take decisions on addressing the Constitutional Court of Ukraine regarding constitutionality of laws and other legal acts and on the official interpretation of the Constitution;
 - 6) issue an opinion on presence or absence in actions charged against the President of Ukraine of signs of treason or other crimes; upon request of the Verkhovna Rada of Ukraine, present a written motion on incapability of the President of Ukraine to exercise their powers for health reasons;
 - 7) approve the Rules of Procedure of the Plenum of the Supreme Court;
 - 8) approve the Regulation on the Scientific Advisory Board under the Supreme Court and its composition;
 - 9) approve the composition of the editorial board of the official publication of the Supreme Court;
 - 10) consider and make decisions on other issues ascribed by law to his authority.
3. Meetings of the Plenum of the Supreme Court shall be competent if attended by at least two-thirds of members of the Plenum, except for cases envisaged this Law.
4. A Plenary Session may invite representatives of the bodies of state power, academia, NGOs, mass media and other persons.
5. A Plenum of the Supreme Court shall be convened by the Chief Justice of the Supreme Court as may be necessary or on demand of at least one fourth of the justices of the Supreme Court, but not less than one time every three months. In the absence of the Chief Justice of the Supreme Court, a Plenum shall be convened by the Deputy Chief Justice of the Supreme Court.

6. The day and time of convening the Plenum of the Supreme Court and issues that are brought for its consideration shall be communicated to the participants in the Plenum no later than five working days before the meeting. Within the same period, materials on issues submitted for consideration by the Plenum shall be distributed.

7. A Plenum shall be conducted by the Chief Justice of the Supreme Court. In the absence of the Chief Justice of the Supreme Court, the Plenum shall be conducted by the Deputy Chief Justice of the Supreme Court.

8. The work procedure of the Plenum of the Supreme Court shall be established under this Law and adopted according to the Rules of Procedure of the Plenum of the Supreme Court of Ukraine.

9. The Plenum of the Supreme Court shall pass resolutions on the issues considered. Resolutions of the Plenum of the Supreme Court shall be signed by the Chief Justice of the meeting of the Plenum and the Secretary of the Plenum, and published in the official printed journal and at the website of the Supreme Court.

10. The Secretary of the Plenum of the Supreme Court shall organize work of the Secretariat of the Plenum, preparation for the Plenum, ensure record-keeping and control the implementation of resolutions passed by the Plenum of the Supreme Court.

11. Any specific features of holding of a Plenum of the Supreme Court on individual issues, including those regarding procedures for convening, competence of a meeting, the order of, procedures for voting procedures, decision making and signing the resolutions passed by the Plenum of the Supreme Court, shall be established by law.

Article 47. Scientific Advisory Board and the Official Publication of the Supreme Court

1. The Scientific Advisory Board shall be formed by the Supreme Court of highly qualified professionals in the area of law for the purpose of preparation of scientific conclusions on matters of activities by the Supreme Court, the preparation of which requires scientific support.

2. The procedures for the organization and activities of the Scientific Advisory Board shall be determined by the Provisions approved by a Plenum of the Supreme Court.

3. The Supreme Court shall have an official publication to publish materials on the case law of the Supreme Court and other materials. The official publication may be issued electronically.

Section III JUDGES AND JURORS

Chapter 1. General Provisions on the Status of Judges

Article 48. Independence of a Judge

1. In their work for the administration of justice, judges shall be independent of any improper influence, pressure or intervention.

2. Judges shall administer justice proceeding from the Constitution and laws of Ukraine, being guided by the rule of law principle. Interference in the exercise of justice by a judge shall be prohibited and entail liability under the law.

3. The judge shall not be required to provide any explanations regarding the merits of cases under their consideration, except in cases envisaged by law.

4. The judge shall be obligated to report interference in their work as a judge for the administration of justice to High Council of Justice [new] and Prosecutor General.

4. Independence of judges shall be ensured by:

1) special procedure for their appointment, prosecution, dismissal and termination of powers;

2) inviolability and immunity of judges;

3) The irremovability of judges;

4) the procedures for administration of justice, defined by the procedural law, and the secret of adjudication;

5) prohibition of interference in the administration of justice;

6) liability for contempt of court or a judge;

7) a separate procedure for funding and organizational support of activities by courts, stipulated by law;

8) adequate material and social support of judges;

9) functioning of bodies of the bodies of judicial governance and self-government;

10) law-defined means to ensure personal safety of a judge and members of their family, property, and other means of legal protection;

11) the right of judges to retirement.

6. The bodies of state power, bodies of local self-government and their officials and officers, as well as private individuals and legal entities and their associations shall be obligated to respect the independence of judges and not infringe on it.

7. In the course of adoption of new laws or amendment of the effective laws, the content and scope of guarantees of judicial independence, as stipulated by the Constitution of Ukraine and law, may not be diminished.

Article 49. Inviolability and Immunity of Judges

1. A judge shall be inviolable. A judge may not be detained or arrested without consent of the High Council of Justice [new] until a verdict of guilty is rendered except for detention of a judge during or immediately after committing a grave or especially grave crime.

A judge may not be brought to liability for court decision adopted by him/her except for committing a crime or disciplinary offence.

2. A judge detained on suspicion of having committed an act entailing criminal or administrative liability shall be released immediately after their identity has been confirmed, except:

1) the High Council of Justice [new] gave its consent to detain a judge with regard to such act; and

2) a judge was detained during or immediately after committing a grave or especially grave crime if such detention is necessary to prevent a crime, avoid or prevent implications of a crime or to ensure the preservation of evidence of this crime.

3. A judge may not be subjected detention or forcible delivery to any institution or body, other than a court, except for cases set forth in paragraph two of this Article.

4. A judge may be notified of suspicion of having committed a criminal offence only by the Prosecutor General or his/her Deputy.

5. A judge may be suspended from rendering justice for not more than two months in connection with criminal prosecution following a substantiated request of the Prosecutor General or his/her Deputy in the manner stipulated by law. Decision on suspending a judge from rendering justice shall be approved by the High Council of Justice [new].

6. Extension of the period for suspension of a judge from rendering justice in connection with the criminal prosecution shall be carried out in the same manner for a period not to exceed two months. A request for extension of the suspension of a judge from rendering justice shall be submitted by the Prosecutor General or his/her Deputy not later than ten days prior to the expiration of the term for removal of the judge. Requirements to the petition on suspension of a judge from rendering justice in connection with criminal prosecution shall be established by procedural law.

7. If a body which considers cases on judicial discipline makes a decision on imposing on a judge a disciplinary sanction in a form of a proposal to dismiss the judge from the office, such judge shall be automatically suspended from rendering justice until a decision on his/her dismissal from the office is adopted by the High Council of Justice [new].

8. For the duration of suspension from rendering justice, the judge shall lose the right to receive bonuses to the base salary of a judge.

9. Operational and search or investigative actions regarding a judge, which may be carried out only upon permission of a court, may be carried out on the basis of a judgment adopted on petition of the Prosecutor General or his/her deputy, the Head of the regional prosecutor's office or his/her deputy.

10. Criminal prosecution proceedings against a judge on charges of a criminal offence, as well as decisions on carrying out search operations or investigative actions, or imposition of restrictive measures, may not be implemented by the court in which the accused person occupies or occupied the position of a judge.

If, according to the general rules of adversarial proceedings, criminal proceedings in relation to a judge must be carried out, or the decision on search operations or investigative actions or restrictive measures must be taken by the same court which the accused person occupies or occupied the position of a judge, criminal proceedings or decision to conduct search operations or investigative actions shall be carried out by a court geographically nearest the court in which the accused person occupies or occupied the position of a judge, in another administrative-territorial area (the Autonomous Republic of Crimea, Oblast, cities of Kyiv or Sevastopol).

11. The state shall be responsible for any damage inflicted by the court, on the grounds and in the manner stipulated by law.

Article 50. Responsibility for Contempt of Court or Judge

1. Display of contempt of court or a judge by persons who are parties to proceedings or are present in court session, shall entails liability stipulated by law.

Article 51. The credentials of a judge

1. Judges, Chief Judges of courts and their deputies and retired judges shall have credentials, samples of which shall be approved by the Council of Judges of Ukraine.

2. Credentials of a judge, Chief Judge, Deputy Chief Judge, retired judge shall be signed by the President of Ukraine.

3. Credentials of the Chief Justice of the Supreme Court and Deputy Chief Justice of the Supreme Court shall be signed by the Secretary of the Plenum of the Supreme Court.

4. Credentials shall be served by the person who signed it, or another person on their behalf.

Chapter 2. Judge

Article 52. Status of a Judge

1. A judge is a citizen of Ukraine who, according to the Constitution of Ukraine and this Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and administers justice on the professional basis.

2. Judges in Ukraine shall have the uniform status regardless of the place that the court occupies in the system of the judiciary or the administrative position that the judge occupies in the court.

Article 53. The Irremovability of Judges

1. The judges shall be guaranteed irremovability until they reach the age of sixty-five, except for dismissal or termination of his/her powers in accordance with the Constitution of Ukraine and this Law.

2. A judge may not be transferred to another court without their consent, except a transfer:

- 1) following reorganization, liquidation or termination of the court;
- 2) as a disciplinary measure or in connection with deprivation of the minimum rank that is required for a court of the respective level.

Article 54. Requirements regarding incompatibility

1. Holding a position of a judge shall be incompatible with holding a position in any other body of state power, body of local self-government and a representative mandate. Occupying a position of a judge is also incompatible with the effective prohibition for such a person to hold office that are subject to the

cleansing of power in the manner stipulated by the Law of Ukraine "On Cleansing of Power."

2. A judge may not combine his/her activities with entrepreneurial activities, legal practice, hold any other paid positions, perform other paid work (except for teaching, research or creative activities), or be a member of the governing body or a supervisory board in a company or organization that is aimed at making profit.

3. Persons who are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interests in the operations of any legal entity the operations of which are aimed at getting income, shall be obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third person (without a right of giving instructions to such person regarding disposition of such shares, corporate or other rights or regarding exercise of rights which arise therefrom) for the term of judicial office. A judge may receive interest, dividends and other unearned income from the property he/she owns.

4. A judge may not belong to a political party or a trade union, demonstrate affiliation to them, and participate in political campaigns, rallies, strikes. While in office, a judge may not be a candidate for elective positions in bodies of the state power (other than judicial) and bodies of local self-government, as well as participate in the election campaigning.

5. In case of appointment of a judge to membership in the High Council of Justice [new], the High Qualifications Commission of Judges of Ukraine, they will be assigned for work with those bodies on a permanent basis. Judges who are members of those bodies retain guarantees of material, social and household support that is envisaged as for judges by law.

6. A judge, upon their application, may be seconded for work at the National School of Judges of Ukraine, and a judge elected as Chairperson or deputy Chairperson of the Council of Judges of Ukraine – at the Council of Judges of Ukraine, with the preservation of the judicial remuneration size at the main job and any bonuses envisaged by law.

7. A judge shall comply with the requirements regarding incompatibility, as stipulated by law for the prevention of corruption. Secondment for work at the High Council of Justice [new], the High Qualifications Commission of Judges of Ukraine, the National School of Judges of Ukraine and Council of Judges of Ukraine shall not be regarded as plurality.

Article 55. Secondment as a Temporary Transfer of a Judge to Another Court of the Same Level and Specialization

1. If it is impossible to render justice in a relevant court, excessive judicial workload in a relevant court was identified, and court terminated its operations due to natural calamity, military actions, actions to fight terrorism or other extraordinary circumstances, upon the decision of the High Council of Justice [new] approved based on the proposal of the High Qualifications Commission of Judges of Ukraine, a judge may be, upon his/her consent, seconded to another court of the same level and specialization to render justice.

2. A judge shall be seconded to another court of the same level and specialization for a term determined by the High Council of Justice [new] but not

more than one year. A judge whose secondment is over shall return to the court from which he/she was seconded.

3. If a court terminates its operations due to natural calamity, military actions, actions to fight terrorism or other extraordinary circumstances, a judge who was seconded from such court must be transferred to a permanent position by the end of the term of secondment.

4. A judge who is seconded to another court of the same level and specialization shall render justice and receive judicial remuneration in the court to which he/she was seconded.

5. The procedure of seconding a judge to another court of the same level and specialization shall be approved by the High Council of Justice [new] upon the proposal of the High Qualifications Commission of Judges of Ukraine agreed upon with the State Judicial Administration of Ukraine.

Article 56. Rights and Duties of a Judge

1. The rights of a judge, associated with the administration of justice, shall be defined by the Constitution of Ukraine, procedural and other laws.

2. A judge shall have the right to participate in judicial self-government.

3. Judges may form public associations and participate in them for the purposes of protection of their rights and interests, and professional qualification upgrading.

4. A judge may be a member of national and international associations and other organizations aimed at protecting the interests of judges, strengthening the authority of the judiciary in the society and development of the legal profession and science.

5. A judge shall have the right to improve his/her qualification level and undergo the respective training for that purpose.

6. A judge must observe their oath.

7. A judge shall be obligated to:

1) fairly, impartially and timely consider and resolve lawsuits according to law, in compliance with the principles and rules of judicial practice;

2) comply with the rules of judicial ethics, including manifest and maintain high standards of conduct in any activity in order to strengthen public trust in court, and ensure public confidence in judicial integrity and incorruptibility;

3) submit a declaration of judicial integrity and declaration of family relations of a judge;

4) demonstrate respect to parties in a case;

5) not to disclose information that constitutes a secret protected by law, including the secret deliberations and hearings *in camera*;

6) comply with and adhere to restrictions established by law for the prevention of corruption;

7) submit a declaration of a person authorized to perform functions of the state or local self-government;

8) systematically develop his/her professional knowledge (skills), maintain his/her qualification at the proper level required for duties in the court where he/she is employed;

9) report interference in their work as a judge related to administration of justice to the High Council of Justice [new] and Prosecutor General within five days after they became aware of such intervention; and

10) certify the legality of a source of property due in relation to undergoing qualifications evaluation or under disciplinary proceedings against a judge if circumstances which may result in judicial discipline raise doubt as to the legality of the source of property or integrity of judicial conduct.

8. A judge shall undergo a training at the National School of Judges of Ukraine not less than once every three years.

9. Prior to dismissal or termination of his/her powers, a judge may not be awarded any state awards, as well as any other rewards, honorary signs, diplomas. A judge may be awarded state awards only for personal courage and heroism in life-threatening circumstances.

Article 57. Judicial Oath of Office

1. A person appointed to judicial position shall assume judicial powers after taking the judicial oath of office as follows:

"I, (full name), occupying this position of a judge, do solemnly swear to Ukrainian people to administer justice objectively, fairly, impartially, independently, justly and in a highly qualified manner in the name of Ukraine, following the principle of the rule of law, subject only to the law, honestly and in good faith exercise powers and perform duties of a judge, observe ethical principles and rules of conduct of a judge, not to perform any actions that discredit the title of a judge or undermine the authority of justice. "

2. The judge shall be sworn in at a ceremony in the presence of the President of Ukraine. The Chief Justice of the Supreme Court, Chairperson of the Council of Judges of Ukraine, Chairperson of the High Council of Justice [new] and Chairperson of the High Qualifications Commission of Judges of Ukraine shall be invited to the ceremony.

3. The text of the oath shall be signed by the judge and kept in his/her judicial dossier.

Article 58. Judicial Ethics

1. Matters of judicial ethics shall be defined by the Code of Judicial Ethics, to be approved by the Congress of Judges of Ukraine upon the proposal of the Council of Judges of Ukraine.

Article 59. Monitoring the Lifestyle of a Judge

1. In order to verify whether the level of life of the judge corresponds to the property owned and income received by the judge and his/her family, the judge's lifestyle shall be monitored under the law.

2. Monitoring the lifestyle of a judge may be performed upon the request of the High Qualifications Commission of Judges of Ukraine and High Council of Justice [new] and in other cases stipulated by law.

3. The body which, according to the law, performs monitoring of the lifestyle of a judge shall be obligated to send relevant information based on monitoring results immediately after the monitoring is completed but not later than thirty days after a relevant request was received.

4. Results of monitoring of the lifestyle of a judge may be also used to evaluate the compliance of a judge with judicial ethics rules.

5. Information received based on results of monitoring of the lifestyle of a judge shall be attached to judicial dossier.

Article 60. The Complete Check of a Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Governance

1. The complete check of a declaration of a person authorized to perform the functions of the state or local self-governance which is submitted by a judge shall be performed according to the law by a central executive body with a special status which ensures forming and implements state anticorruption policy. The check shall involve verifying the accuracy of declared information, accuracy of evaluation of declared assets, and checking the availability of a conflict of interests and signs of illicit enrichment.

2. The complete check of a declaration of a person authorized to perform the functions of the state or local self-governance shall be conducted with regard to each judge at least once every five years and upon a relevant request of the High Qualifications Commission of Judges of Ukraine or High Council of Justice.

Article 61. Declaration of Family Relations of a Judge

1. A judge shall be obligated to submit a declaration of family relations in a form determined by the High Qualifications Commission of Judges of Ukraine by filling it out on the official website of the Commission annually by February 1.

2. The following data shall be mentioned in a declaration of family relations:

1) last name, first name, patronymic of a judge, place of employment and position;

2) last names, first names, patronymics of persons with whom a judge has family relations, their place of employment (service) and positions if such persons have been or were during last five years:

a) members of the High Council of Justice [old], High Council of Justice [new], employees of the Secretariat of the High Council of Justice [old] and High Council of Justice;

b) members of the High Qualifications Commission of Judges of Ukraine, employees of the Secretariat or inspectors of the High Qualifications Commission of Judges of Ukraine;

c) members of the Interim Special Commission for Vetting of Judges of General Jurisdiction Courts;

d) judges and court staff;

e) judges of the Constitutional Court of Ukraine, employees of the Secretariat of the Constitutional Court of Ukraine;

f) members of the Public Council for Integrity;

- g) prosecutors, employees of law enforcement bodies, lawyers and notaries;
- h) officials of the State Judicial Administration of Ukraine and its territorial departments;
- i) President of Ukraine;
- j) Chairperson of the Administration of the President of Ukraine or his/her deputies;
- k) Secretary of the National Security and Defense Council of Ukraine or his/her deputies;
- l) members of Parliament of Ukraine, members of Parliament of the Verkhovna Rada of the Autonomous Republic of Crimea, oblast, raion, city, district, village and settlement council;
- m) members of the Cabinet of Ministers of Ukraine, heads or deputy heads of central executive bodies, including bodies with a special status, members of the Council of Ministers of the Autonomous Republic of Crimea;
- n) heads or deputy heads of the National Anti-Corruption Bureau of Ukraine, members of the National Agency for Prevention of Corruption;
- o) Ombudsman;
- p) members of the Accounting Chamber;
- q) members of the Central Election Commission;
- r) members of the Board or Council of the National Bank of Ukraine;
- s) members of the Anti-Monopoly Committee of Ukraine, national commissions on the regulation of natural monopolies, and National Commission for State Regulation of Communications and Informatization, National Commission for State Regulation of Financial Services Markets and National Commission on Securities and Stock Market;
- t) heads or deputy heads of local state administrations; and
- u) city, village and settlement heads or deputy heads.

3. Declaration of family relations of a judge shall be made publicly available by publishing it on the official website of the High Qualifications Commission of Judges of Ukraine.

4. Unless there are any other evidence, data submitted by a judge in a declaration of family relations shall be deemed as credible.

5. In case of getting information which may indicate the unreliability (including incompleteness) of data submitted by a judge in a declaration of family relations, the High Qualifications Commission of Judges of Ukraine shall verify the mentioned declaration.

6. Non-submission, untimely submission of a declaration of family relations by a judge or submission of knowingly unreliable (including incomplete) data shall result in disciplinary liability as stipulated by this Law.

7. Disciplining a judge for non-submission, untimely submission of a declaration of family relations or submission of knowingly unreliable (including incomplete) data shall not relieve a judge from an obligation to submit a relevant declaration with reliable data.

8. Persons with whom a judge has family relations, for the purposes of this Article shall include:

- 1) persons who live together, have common household and mutual rights and obligations with a judge (except persons whose mutual rights and obligations with

a judge are not of a family nature), including persons who live together but are not married to a judge;

2) regardless of conditions mentioned in point 1– spouse and relatives of each of the spouses or relatives of persons who live together but are not married to a judge (father, mother, step-father, step-mother, son, daughter, step-son, step-daughter, brother, sister, grandfather, grandmother, great grandfather, great grandmother, grandson, granddaughter, great grandson, great granddaughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, nephew, niece, uncle, aunt, cousin, adoptive parent, adoptee).

Article 62. Declaration of Judicial Integrity

1. A judge shall be obligated to submit a declaration of integrity in a form determined by the High Qualifications Commission of Judges of Ukraine by filling it out on the official website of the Commission annually by February 1.

2. The declaration of judicial integrity shall comprise a list of statements the truthfulness of which a judge must declare by confirming or not confirming them.

3. The declaration of judicial integrity shall contain last name, first name, patronymic of a judge, place of employment, position and statements of:

1) the congruity of the level of life of a judge with the property owned and income received by the judge and his/her family;

2) timely and complete submission of declarations by a person authorized to perform the functions of the state or local self-governance and reliability of data declared there;

3) non-commitment of corrupt offences;

4) lack of grounds to discipline a judge;

5) diligent fulfillment of judicial obligations and observance of the oath;

6) non-interference with justice rendered by other judges;

7) undergoing vetting of judges in line with the Law of Ukraine “On the Restoration of Trust in the Judiciary in Ukraine” and its results; and

8) lack of bans determined by the Law of Ukraine “On the Purification of Government”.

Declaration of judicial integrity may contain other statements which are aimed at checking judicial integrity.

4. Declaration of judicial integrity shall be made publicly available through its publication on the official website of the High Qualifications Commission of Judges of Ukraine.

5. Unless there are any other evidence, data submitted by a judge in a declaration of judicial integrity shall be deemed as credible.

6. In case of getting information which may indicate the unreliability (including incompleteness) of data submitted by a judge in a declaration of judicial integrity, the High Qualifications Commission of Judges of Ukraine shall verify the mentioned declaration.

7. Non-submission, untimely submission of a declaration of judicial integrity by a judge or submission of knowingly unreliable (including incomplete) data shall result in disciplinary liability as stipulated by this Law.

Chapter 3. Juror

Article 63. The Status of a Juror

1. A juror is a citizen of Ukraine who, in cases envisaged by the procedural law and upon his/her consent, considers cases in court or is engaged in rendering justice.

2. Jurors shall carry out the duties specified in points 1, 2, 4–6 of paragraph seven of Article 56 of this Law.

Article 59. The List of Jurors

1. For approval of the list of jurors, a territorial branch of the State Judicial Administration of Ukraine shall submit a request to the relevant local councils, which form and approve, in the number stated in the request, a list of citizens who permanently reside in the territories under the jurisdiction of the circuit court, meet the requirements of Article 65 of this Law, and gave their consent to be jurors.

2. The list of jurors for consideration of commercial cases shall be approved within the procedure stipulated by law from among persons who meet the requirements of Article 65 of this Law, and gave their consent to be jurors.

3. In case of failure by the local council to pass the decision on approval of the list of jurors within two months of receipt of the request, the territorial branch of the State Judicial Administration of Ukraine shall submit the request regarding approval of the list of jurors to the respective Oblast Council.

4. A list of jurors shall be approved for three years and revised as necessary to replace the people who dropped out of the list, upon the proposal of the territorial branch of the State Judicial Administration of Ukraine.

5. Upon approval of the list of jurors, that list is passed to the relevant circuit court, including in an electronic form. The information in the above list may not be used for any purposes that are not related to the selection of the jurors.

Article 65. Requirements to Jurors

1. A juror may be a citizen of Ukraine who has reached the age of thirty and is a resident in the territory under the jurisdiction of the relevant circuit court unless other is stipulated by law.

2. The following citizens may not be included in the list of jurors:

1) those recognized by court to be partially legally capable or incapable;
2) those who have chronic mental or other diseases that prevent them from performance of duties of a juror;

3) those who have an unexpunged or not annulled conviction;

4) People's Deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, judges, public prosecutors, officers of internal affairs bodies and other law enforcement agencies, members of the armed forces, court staff, other public servants, local self-government officials, lawyers, notaries, members of the High Qualifications Commission of Judges of Ukraine, High Council of Justice [new];

5) persons who, during the past year, have been imposed administrative penalties for corruption offenses;

6) citizens over sixty-five years;

7) persons who do not speak the national language.

3. A person included in the list of jurors shall be obligated to inform the court of any circumstances that make it impossible for them to administer justice, if any.

Article 66. Grounds and Procedure for Relief of Duties of a Juror

1. In presence of circumstances referred to in paragraph two of Article 65 of this Law, the Chief judge of the court must relieve the person who was included in the list of jurors from the duties of a juror.

2. The Chief judge of the court shall also relieve from the duties of a juror:

1) a person who is on leave for pregnancy and childbirth, on maternity leave, and a person has children of preschool or primary school age, or who has dependent disabled children or elderly family members;

2) head or deputy head of a body of local self-government;

3) a person who finds it impossible to participate in the administration of justice due to their religious beliefs ;

4) any other person, if the Chief judge of the court finds reasons that they cite to be substantial.

3. Any person mentioned in part two of this Article shall be relieved from the duties of a juror in upon their statement submitted prior to performance of those duties.

4. Relief from duties of a juror due to challenge (disqualification of self) in a particular case shall be carried out as stipulated by the procedural law or upon a proposal of a presiding judge.

Article 67. Engagement of Jurors to Performance of Their Duties in Court

1. A court shall engage jurors in the administration of justice in order of priority for a period not exceeding one month per year, unless an extension of that period is required by the need to complete the consideration of a case that began with their participation.

2. Selection of persons for invitation for participation in a trial as jurors shall be carried using the automated system.

3. A written invitation to participate in the administration of justice shall be sent by the court to the juror not later than seven days before the hearing. The invitation shall contain information on the rights and duties of juror, requirements to them, and grounds for dismissal from duty. The invitation shall be accompanied by a written notice to the employer of the person regarding engagement of the person as a juror.

3. Engagement of jurors to performance of their duties in court and their summoning shall be carried out in the manner stipulated by procedural law.

4. An employer shall be obligated to grant a leave for the juror for the period of performance of their duties in administration of justice. Refusal to grant the leave shall be regarded as contempt of court.

5. A juror must arrive in time for participation in a court hearing. Failure to arrive in a court hearing without a valid reason shall be regarded as contempt of court.

Article 68. Guarantees of Rights of Jurors

1. For the performance of duties in court jurors shall be paid compensation calculated proceeding from salary rate of a judge of a trial court taking into account actual time of work within the procedure determined by the State Judicial Administration of Ukraine. Jurors shall be reimbursed for travel and accommodation expenses, as well as paid per diem allowance. The said payments shall be made at the expense of the state program for rendering justice by territorial departments of the State Judicial Administration of Ukraine from the State Budget of Ukraine.

2. For the duration of performance of their duties in court, jurors shall retain all guarantees and privileges at their place of work, stipulated by law. The time of performance of duties of the juror in court shall be added to records of all types of employment. Dismissal of a people's assessor or juror from work or transfer to another job without their consent during the performance of their duties in court shall not be permitted.

3. The jurors shall be subject to the guarantees of independence and immunity of judges established by law for the duration of performance of duties of administration of justice. Upon a substantiated request of a juror, safety measures may be applied to them after the termination of their duties.

Section IV

PROCEDURES FOR OCCUPATION OF POSITION OF JUDGE

Article 65. Requirements to Judicial Candidates

1. A citizen of Ukraine who is at least thirty years old and at most sixty five years old, has a higher education in law and at least five years of record of professional activity in the field of law, is competent and honest and speaks the state language, may be appointed to the position of a judge.

2. The following citizens may not be appointed to judicial position:

- 1) recognized by court as partially capable or incapable;
- 2) those with chronic mental or other diseases that prevent them from performing the functions of the administration of justice;
- 3) those who have an unexpunged or unspent conviction.

3. An individual subjected to a prohibition to hold a specific position under applicable law may not be a candidate for this position.

4. An individual who was earlier dismissed from a position of judge due to committing a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with a status of judge or which has revealed his/her incompatibility with the office, violation of incompatibility requirements, violation of a duty to certify the legality of the source of property or in connection with entry into force of a conviction regarding such person, unless the decision on dismissal for the said reasons was declared illegal by court or a conviction was cancelled by court, may not be a candidate for a position of judge.

5. A person who was previously dismissed from judicial position based on results of qualifications evaluation may not be a candidate for a position of judge.

6. For the purposes of this Law, the following shall be assumed:

1) higher legal education is higher legal education to the master's degree (or equivalent higher education by for the training and qualification of the specialist), acquired in Ukraine, as well as higher legal education of the respective degree received in foreign countries and recognized in Ukraine in accordance with the procedures envisaged by law ;

2) record of professional activity in the field of law shall be the person's experience of work in the professional field after obtaining higher legal education;

3) academic degree – academic degree in the field of law obtained in a higher educational institution of Ukraine (university, academy or institute, except higher military educational institutions) or equivalent higher educational institution of a foreign state. Academic degree obtained in a higher educational institution of a foreign state must be recognized in Ukraine within the procedure stipulated by law; and

4) record of scientific work – record of professional activity in the field of law on positions of research (research and pedagogical) officers in an educational institution of Ukraine (university, academy or institute, except higher military educational institutions) or equivalent higher educational institution of a foreign state.

Article 70. Procedure for Selecting and Appointing to Position of Judge

1. Appointment of a judge to the position shall be carried out in accordance with the procedure stipulated by this Law, and include the following stages:

1) decision of the High Qualifications Commission of Judges of Ukraine on announcement of selection of candidates to the position of a judge, with account to the forecast number of vacant judicial positions;

2) placement by the High Qualifications Commission of Judges of Ukraine of an announcement on its official website regarding the selection of judicial candidates, and publication of that announcement in a selected printed mass medium.

The announcement shall specify the final term for submission of documents to the High Qualifications Commission of Judges of Ukraine, which may not be less than 30 days from the date of placement of the announcement, as well as the forecast number of judicial vacancies for the following year;

3) submission by persons who intend to be a judge of a respective application and documents, specified in Article 71 of this Law, to the High Qualifications Commission of Judges of Ukraine;

4) Verification by the High Qualifications Commission of Judges of Ukraine that the persons, who submitted applications to participate in the selection, meet the requirements established in this Law to a candidate for position of judge, on the basis of the documents submitted;

5) admission by the High Qualifications Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the eligibility assessment;

- 6) undergoing the eligibility assessment by a person who was qualified to participate in the selection;
- 7) determination of the results of the eligibility assessment by the High Qualifications Commission of Judges of Ukraine and publication of such assessment results at the official website of the High Qualifications Commission of Judges of Ukraine;
- 8) holding a special verification procedure regarding the persons who have successfully passed the eligibility assessment, in accordance with the Anti-Corruption Law, taking into account the provisions contained in Article 74 of this Law;
- 9) completion of special training by the candidates who have passed the eligibility assessment and passed the special verification procedure; receipt of a certificate of special training completion;
- 10) undergoing of a qualifications examination by the candidates who have been trained and determining its results;
- 11) entering the candidates for positions of judges by the High Qualifications Commission of Judges of Ukraine, based upon the results of their qualifications examinations, to the reserve for filling the vacancies of judges; determining their ratings; publication of the list of candidates for positions of judges included in the reserve and the rating list at the official website of the High Qualifications Commission of Judges of Ukraine;
- 12) announcement by the High Qualifications Commission of Judges of Ukraine, in accordance with the number of vacant positions of a judge in trial courts of a competition for filling such positions;
- 13) holding by the High Qualifications Commission of Judges of Ukraine of a competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice [new] regarding appointment of a candidate for a position of a judge;
- 14) consideration by the High Council of Justice [new] of recommendation of the High Qualifications Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge;
- 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice [new] makes a proposal on appointing a judge to the office.

2. Selection of judicial candidates with at least three years of record of service on position of judicial assistant shall be conducted with specifics determined by decision of the High Qualifications Commission of Judges of Ukraine.

Article 71. Application of Judicial Candidate to the High Qualifications Commission of Judges of Ukraine

1. In order to participate in the selection procedure, a candidate for position of judge shall submit:

- 1) written application for participation in the selection of candidates for a position of a judge;
- 2) copy of the passport of a citizen of Ukraine;

- 3) personal data form of a candidate for a position of a judge containing information about them;
- 4) motivation letter with motivation for being a judge;
- 5) declaration of family relations of judicial candidate;
- 6) copies of diplomas in Law (with appendices) issued by universities in Ukraine, copies of diplomas in Law issued by foreign universities along with copies of documents confirming recognition of such universities in Ukraine, as well as copies of documents confirming academic degrees (if available);
- 7) copy of the employment record book or service record credentials (if any);
- 8) medical institution certificate on the candidate's health condition with a conclusion regarding their suitability to work on a position related to performance of state functions;
- 9) written consent to the collection, storage, processing and use of information on the candidate for the purposes of evaluation their readiness to work on the position of a judge;
- 10) consent to a special verification procedure in relation to them, in accordance with the law;
- 11) declaration of a person authorized to act as a state or local self-government official, in accordance with the procedures stipulated by the Anti-Corruption Law;
- 12) copy of military card (for military personnel or obligated reservists);
- 13) application on the verification procedure, as stipulated by the Law of Ukraine "On the Purification of Government".

2. The form and content of the application to participate in the selection of candidates for a position of a judge and of the personal details form of candidates for a position of a judge shall be approved by the High Qualifications Commission of Judges of Ukraine and posted on its official website.

3. Any documents not specified in this Article may not be requested from the candidate.

4. Acceptance of documents is completed on the day specified in the announcement as the final term for submission. Applications received after the final term shall not be considered.

5. Persons who submitted the necessary documents stipulated in part one of this Article and meet the requirements established by paragraph one of this Article to a candidate for position of judge as of the day of submission of an application to participate in selection shall be admitted to the selection of candidates for a position of a judge.

6. Persons who have not submitted all the required documents and/or submitted documents that do not meet the requirements, shall not be admitted to the selection. In case of non-admission of a person to the selection of candidates for a position of a judge, the High Qualifications Commission of Judges of Ukraine shall pass a substantiated decision.

Article 72. Procedure for Selection of Candidates for Position of Judge

1. Selection of candidates for a position of a judge consists of passing an eligibility assessment by the persons admitted to the selection, organization of a special verification procedure regarding the persons by the High Qualifications Commission of Judges of Ukraine in accordance with the laws on prevention of corruption, with account to the specifics stipulated by this Law; special training and preparation for the qualifications examination.

2. The High Qualifications Commission of Judges of Ukraine shall be obligated to ensure transparency of the eligibility assessment and qualifications examination. Mass media, NGOs, judges, lawyers, representatives of bodies of judicial self-government, and any candidate for the position of judge who participated in passing the relevant assessment, may be present at each stage and in the course of the review of works.

Article 73. Selection Examination

1. A selection examination shall be conducted by the High Qualifications Commission of Judges of Ukraine in the form of anonymous testing to check the general theoretical knowledge of a candidate in law, their command of the official language of the country, personal moral and psychological qualities of the candidate.

2. The High Qualifications Commission of Judges of Ukraine shall, at its official website, inform candidates to judicial positions admitted to the selection examination, and the assessment's date, time and venue not later than ten days prior to the date of the assessment.

3. Immediately upon the selection examination, the High Qualifications Commission of Judges of Ukraine, in the presence of candidates to judicial positions, shall ensure review of the works and identify, with account to the forecast number of vacant positions, the passing score, which may not be less than 75 percent of the maximum possible score of the respective selection examination.

4. The results of the selection examination shall be published at the official website of the High Qualifications Commission of Judges of Ukraine not later than on the next day following the assessment.

5. Following the selection examination, the High Qualifications Commission of Judges of Ukraine shall approve a preliminary decision on the admission of persons who have passed the selection examination to the next stage of selection and publish the decision at the official website of the High Qualifications Commission of Judges of Ukraine.

6. The procedure for passing the selection examination and the methodology of evaluation shall be governed by the regulation approved by the High Qualifications Commission of Judges of Ukraine.

Article 74. Conducting Special Verification Procedures Concerning a Candidate for the Position of Judge

1. In order to carry out a special verification procedure, the High Qualifications Commission of Judges of Ukraine shall, not later than within three working days following the approval of a preliminary decision on admission of persons who have successfully passed the selection examination to the next stage of selection, send to the competent authorities its requests for verification of the respective information about those persons. The requests shall be signed by the

Chairperson or Deputy Chairperson of the High Qualifications Commission of Judges of Ukraine.

2. Proceeding from the information received, the High Qualifications Commission of Judges of Ukraine shall prepare a report on the results of the special verification procedure.

3. Private individuals and legal entities may submit information on candidates to the position of judges to the High Qualifications Commission of Judges of Ukraine.

4. Following the special verification procedure, the High Qualifications Commission of Judges of Ukraine shall approve a decision on referring the persons who meet the requirements for a candidate for a position of a judge for special training at the National School of Judges of Ukraine.

5. Upon receipt of any information that may indicate non-conformity of the candidate for a position of a judge to the requirements stipulated by this Law, the High Qualifications Commission of Judges of Ukraine shall consider it at its meeting, in presence of that candidate. A candidate to the judicial position shall have the right to access that information, provide appropriate explanations, refute and deny it.

6. Upon review of the information, the High Qualifications Commission of Judges of Ukraine shall take a motivated decision on terminating further participation of the candidate in the selection.

Article 75. Complete Check of Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Governance Submitted by Judicial Candidate

1. Complete check of a declaration of a person authorized to perform the functions of the state or local self-governance submitted by judicial candidate shall be performed according to the law by a central executive body with a special status which ensures forming and implements the state anti-corruption policy. The check involves verifying the accuracy of declared information, accuracy of evaluation of declared assets, and checking the availability of a conflict of interests and signs of illicit enrichment.

2. Complete check of such declaration shall be performed within thirty days after it was submitted by judicial candidate.

Article 76. Declaration of Family Relations of Judicial Candidate

1. The judicial candidate shall be obligated to submit a declaration of family relations in a form determined by the High Qualifications Commission of Judges of Ukraine by filling it out on the official website of the Commission.

2. Declaration of family relations of judicial candidate shall contain information determined by paragraph two of Article 61 of this Law.

3. Declaration of family relations of judicial candidate shall be made publicly available through its publication on the official website of the High Qualifications Commission of Judges of Ukraine.

4. Unless there are any other evidence, data submitted by a judicial candidate in a declaration of family relations shall be deemed as credible.

5. In case of getting information which may indicate the unreliability (including incompleteness) of data submitted by a judicial candidate in a declaration of family relations, the High Qualifications Commission of Judges of Ukraine shall verify the mentioned declaration and consider it at its meeting. The Commission shall invite such candidate to this meeting. The judicial candidate shall have a right to access to that information, provide appropriate explanations, refute and deny it.

6. If based on results of consideration of information the High Qualifications Commission of Judges of Ukraine makes a conclusion on the unreliability (including incompleteness) of information submitted by a judicial candidate in a declaration of family relations, the Commission shall adopt a motivated decision on terminating further participation in judicial selection and appointment to judicial position.

7. Persons who have family relations with the judicial candidate are listed in paragraph eight of Article 61 of this Law.

Article 77. Special Training of a Candidate for a Position of Judge

1. Special training of a candidate for a position of a judge shall include theoretical and practical training of a judge at the National School of Judges of Ukraine.

2. The program, curriculum and the procedures for special training of candidates for a position of a judge shall be approved by the High Qualifications Commission of Judges of Ukraine upon recommendation of the National School of Judges of Ukraine.

3. Special training shall be conducted for twelve months (unless another term was determined by decision of the High Qualifications Commission of Judges of Ukraine) at the expense of the State Budget of Ukraine.

4. For the training period, the candidates shall retain their main job, be paid a scholarship in the amount of the salary of a judicial assistant of a trial court. The term of special training at the National School of Judges of Ukraine shall be added to the record of professional activity in the field of law.

5. Following the special training, the candidates shall receive a certificate of a standard format approved by the High Qualifications Commission of Judges of Ukraine. Successful completion of the training program shall be regarded as completion of the special training by the candidate.

6. The National School of Judges of Ukraine shall send materials on the candidates who have completed the special training to the High Qualifications Commission of Judges of Ukraine for undergoing an selection examination.

7. In case a candidate for a position of a judge has deviated from the procedures for the special training that entailed their expulsion, suspension by a candidate of such training on their own initiative, failed completion for the special training by the candidate for a position of a judge, they shall be obligated to reimburse the funds spent on their training. Also, candidates for a position of a judge shall reimburse the funds spent on their special training in case they fail to come, without a valid reason, to undergo an selection examination, or, within three years after the transfer to the reserve, have not submitted an application for

participation in a competition to occupy a vacant position of a judge, or if they have been excluded from the reserve upon their request.

Article 78. Qualifications Examination

1. The qualifications examination is an evaluation of a person who took training and expressed an intention to be recommended for appointment to a position of a judge.

2. The qualifications examination is aimed at identifying the level of theoretical knowledge and professional skills of a candidate to a position of a judge, including those gained in special training, and a degree of their preparedness to administering justice.

3. The qualifications examination shall be passed by a candidate for a position of a judge taking a written anonymous test and doing an anonymous written practical task to identify the level of knowledge and practical skills in application of law and the conduct of a court session.

4. The qualifications examination shall be conducted by the High Qualifications Commission of Judges of Ukraine in premises specially equipped for that purpose. The course of the qualifications examination shall be recorded by video and audio recording equipment. Mass media and representatives of trade unions and human rights organizations may be present at any stage of the assessment and evaluation of results.

5. The procedure for undergoing the qualifications examination and methods of the evaluation of candidates shall be established by regulation approved by the High Qualifications Commission of Judges of Ukraine.

6. The results of the qualifications examination shall be valid for three years upon the date of the assessment.

7. If a person has scored less than 75 percent of the maximum possible score in the qualifications examination, he/she shall be deemed as having failed the qualifications examination.

8. A person who has failed the qualifications examination may be admitted to the repeated qualifications examination not earlier than one year thereafter. A person who has not passed the qualifications examination again may be admitted to the next assessment not earlier than two years thereafter.

9. The High Qualifications Commission of Judges of Ukraine shall rank the candidates for a position of a judge according to the points scored by the candidates in the qualifications examination. The ranking shall separately display points scored on the tasks that test the candidate's ability to be a judge by respective specializations.

10. The High Qualifications Commission of Judges of Ukraine shall add to the reserve for filling the vacant judge positions those candidates who have scored at least 75 percent of the maximum possible score in the qualifications examination.

11. Information on the results of the qualifications examination and a candidate's place in the ranking for a position of a judge shall be publicly available

and published at the official website of the High Qualifications Commission of Judges of Ukraine.

12. Violation of the procedure for the qualifications examination of a candidate for a position of a judge may be competitioned in the manner stipulated by the Code of Administrative Proceedings of Ukraine.

Article 79. Holding a Competition to Occupy a Vacant Position of a Judge

1. A competition to occupy a vacant position of a judge shall be conducted according to this Law and regulation on conducting the competition.

2. The Regulation on Conducting the Competition for Filling a Vacant Position of Judge shall be approved by the High Qualifications Commission of Judges of Ukraine.

3. In order to hold a competition to occupy a vacant position of a judge, the High Qualifications Commission of Judges of Ukraine shall approve a decision on its announcement, placement of relevant information on its website and web-portal of the judiciary and publishing it in selected print media, not later than one month before the day of the competition.

4. The general procedure for applying for the competition and its terms and conditions shall be determined by the High Qualifications Commission of Judges of Ukraine.

5. Information about applying for participation in the competition by each applicant for a specific vacant position of a judge shall be published on the official website of the High Qualifications Commission of Judges of Ukraine.

6. The competition announcement shall indicate the name of the court where positions of judges are open, the number of such positions, terms and conditions of competition, its date, time and venue.

7. Applications to participate in a competition to occupy a vacant position of a judge shall be submitted to the High Qualifications Commission of Judges of Ukraine within the timeline established by the Commission.

8. The High Qualifications Commission of Judges of Ukraine shall conduct a competition for filling a vacant position of judge of a trial court based on a rating of judicial candidates and judges who want to be transferred to another trial court based on results of qualifications examinations passed under the procedure of judicial selection or under the procedure of qualifications evaluation respectively.

9. The High Qualifications Commission of Judges of Ukraine shall hold a competition to fill the vacant positions of judges of a court of appeals or justices of the Supreme Court based on the ranking of participants based on the results of the qualifications evaluation.

10. Competition for filling a vacant position of Supreme Court justice shall be conducted with regard to a vacant position in a relevant cassation court.

11. The High Qualifications Commission of Judges of Ukraine shall conduct a competition for filling a vacant position of judge of a high specialized court based on a rating of participants following the results of qualifications evaluation.

12. The competition for filling a vacant position of judge shall involve determining a participant of competition who has the highest position on a rating.

13. In case of identical ranking positions among judicial candidates and judges who want to be transferred to another trial court preference shall be given to a participant who scored more points for doing the practical task during

qualifications examination, and in case of an equal score – to a participant who is a judge. In case of equal results in a competition of participants who are judges, preference shall be given to a participant who has more experience as a judge. In case participants have no experience as a judge or have identical record of service as a judge, preference shall be given to the participant who has more professional experience in the field of law.

14. In case of identical ranking positions determined based on results of qualifications evaluation to participate in a competition for a vacant position of judge of a court of appeals or Supreme Court justice, preference shall be given to the participant who has scored more points for doing the practical task during examination conducted under the procedure of qualifications evaluation and in case of an equal score – to the participant who has more record of service as a judge. In case participants have no experience as a judge or have identical record of service as a judge, preference shall be given to the participant who has more professional experience in the field of law.

15. In case of identical ranking positions determined based on results of qualifications evaluation to participate in a competition for a vacant position of a judge of the High Court on Intellectual Issues, preference shall be given to the participant who has scored more points for doing the practical task during examination conducted under the procedure of qualifications evaluation, and in case of an equal score – to the participant who has more record of service as a judge.

16. Criteria for determining a winner of the competition for a vacant position of judge of the High Anti-Corruption Court shall be stipulated by law.

17. Following the competition selection, the High Qualifications Commission of Judges of Ukraine shall send to the High Council of Justice [new], in accordance with the number of vacant positions of a judge, its recommendations on the appointment of candidates to judge positions.

18. In accordance with the recommendations given by the High Qualifications Commission of Judges of Ukraine, the High Judicial Council [new] shall consider at its meeting the appointment of a candidate to a position of a judge and, in case of the positive decision, make a proposal to the President of Ukraine on the appointment of a judge to the office.

19. The High Council of Justice [new] may refuse to submit a proposal to the President of Ukraine regarding appointment of a judge to the office solely on the following grounds:

1) availability of reasonable doubt as to the compliance of a candidate with the criterion of integrity or professional ethics or other circumstances which may have a negative impact on public trust in the judiciary with regard to such appointment;

2) violation of the statutory procedure for appointment to a position of a judge.

The High Council of Justice [new] shall determine grounds set forth in point 1 of this Article being governed by its own evaluation of circumstances related to a judicial candidate and his/her personal qualities.

20. In case of refusal to make the proposal to the President of Ukraine regarding appointment of a judge to the office, the High Council of Justice [new] shall take a substantiated decision that may be appealed to the Supreme Court in the manner stipulated by the law.

21. Decision of the High Council of Justice [new] on the refusal to submit a proposal to the President of Ukraine on appointing a judge to the office may be challenged and cancelled solely on the following grounds:

1) members of the High Council of Justice [new] who adopted a relevant decision did not have powers to adopt it;

2) decision was not signed by a member of the High Council of Justice [new] who participated in its adoption; and

3) decision has no reference to stipulated in law grounds for refusing to submit a proposal to the President of Ukraine on appointing a judge to the office or motivation of the High Council of Justice [new] for making relevant conclusions.

22. Candidates for a position of a judge, whose applications for appointment to a position of a judge were declined by the High Council of Justice [new], may not be re-entered to the reserve without a new selection procedure.

Article 80. Appointment to a Position of Judge

1. Appointment to a position of a judge shall be done by the President of Ukraine on the grounds and within the proposal of the High Council of Justice [new], without verification of the requirements for candidates for a position of a judge, established by this Law, and procedure for the selection or qualifications evaluation of candidates for the position of a judge.

Any enquiries regarding a candidate for a position of a judge shall not prevent their appointment to the office. Facts stated in those enquiries may serve as grounds for the President of Ukraine to raise an issue with the competent authorities of conducting an inquiry into those facts following a procedure envisaged by law. 2. The President of Ukraine shall issue a decree on the appointment of a judge within thirty days of receipt of the proposal of the High Council of Justice.

Article 81. The Procedure of Appointing a Judge of a High Specialized Court or Justice of the Supreme Court under a Special Procedure

1. A special procedure of appointing a judge of a high specialized court or justice of the Supreme Court for the purposes of this Law shall be a procedure of appointing to judicial office persons who meet one of requirements determined by paragraph one or two of Article 33, paragraph one of Article 38 of this Law respectively.

2. A person may be appointed to the position of Supreme Court justice under a special procedure if he/she meets the requirements to judicial candidates, based on results of qualifications evaluation confirmed his/her ability to render justice in the Supreme Court and meets one of the requirements set forth in paragraph one of Article 38 of this Law.

3. A person may be appointed to the position of judge of a relevant high specialized court under a special procedure if he/she meets the requirements to judicial candidates, based on results of qualifications evaluation confirmed his/her

ability to render justice in a relevant court of relevant specialization and meets one of the requirements set forth in paragraph one or two of Article 33 of this Law.

4. In order to be admitted to qualifications evaluation to participate in a competition for judicial position at a high specialized court or the Supreme Court under a special procedure, a judicial candidate shall submit to the High Qualifications Commission of Judges of Ukraine:

- 1) a written application on conducting a qualifications evaluation;
- 2) documents determined in points 2-13 of paragraph one of Article 71 of this Law; and
- 3) documents which certify the compliance with one of the requirements set forth in paragraph one or two of Article 33 of this Law and paragraph one of Article 38 of this Law respectively.

5. The High Qualifications Commission of Judges of Ukraine shall:

- 1) based on submitted documents determine the compliance of a person with requirements to a candidate for judicial position in the high specialized court or the Supreme Court and form his/her dossier;
- 2) conduct background check within the procedure stipulated by law with regard to persons who meet the requirements to judicial candidate of the high specialized court or the Supreme Court;
- 3) conduct qualifications evaluation of a candidate for judicial position in the high specialized court or the Supreme Court who has successfully passed background check; and
- 4) based on results of qualifications evaluation of a judicial candidate of the high specialized court or the Supreme Court, approves a decision on acknowledging or not acknowledging the capability of such candidate to render justice in a relevant court and determine his/her rating for competition.

6. If based on results of competition for a vacant position of judge in the high specialized court or the Supreme Court the High Qualifications Commission of Judges of Ukraine adopts a decision on making a proposal to the High Council of Justice [new] on appointing a candidate to judicial position, such recommendation together with relevant materials shall be submitted to the High Council of Justice [new] for consideration.

7. The High Council of Justice [new] shall consider the issue on submitting to the President of Ukraine a proposal on appointing a candidate to judicial position in a high specialized court or the Supreme Court and approve a relevant decision.

Article 82. Transfer of a Judge to Another Court

1. A judge may be transferred, included temporarily by secondment, to a position of a judge in another court by the High Council of Justice [new] in the manner stipulated by law.

2. A transfer of a judge to a position of a judge in another court shall be carried out on the grounds and within the recommendation of the High Qualifications Commission of Judges of Ukraine made based on the results of a competition for vacant positions of a judge conducted following the procedure stipulated by Article 79 of this Law.

3. A transfer of a judge to a position of a judge to another court of the same level may be made without competition only in cases of reorganization, liquidation or termination of the court where that judge holds the position of a judge.

4. A transfer of a judge to another court as a disciplinary measure shall be done based on proposal of a body that approved the decision on bringing the judge to disciplinary liability.

Section V **QUALIFICATIONS LEVEL OF A JUDGE**

Chapter 1. Qualification evaluation of judges

Article 83. Objectives of and Grounds for the Qualifications Evaluation

1. Qualifications evaluation shall be conducted by the High Qualifications Commission of Judges of Ukraine in order to identify the capability of a judge (judicial candidate) to render justice in a relevant court according to criteria determined by law.

The criteria of qualifications evaluation shall be:

- 1) competence (professional, personal, social, etc.);
- 2) professional ethics; and
- 3) integrity.

3. Qualifications evaluation based on criterion of professional competence shall be conducted taking into account the principles of instances and specialization.

4. Grounds for qualifications evaluation of a judge shall be as follows:

- 1) An application by a judge (judicial candidate) for qualifications evaluation including for participation in competition;
- 2) decision by the High Qualifications Commission of Judges of Ukraine on the appointment of a qualifications evaluation of a judge in cases stipulated by law.

5. The procedure and methodology for qualifications evaluation, indicators of the compliance with criteria of qualifications evaluation and means of determining them shall be approved by the High Qualifications Commission of Judges of Ukraine.

Article 84. Qualifications Evaluation Procedure

1. The High Qualifications Commission of Judges of Ukraine within three months upon receipt of the relevant written application shall approve a decision on appointing a qualifications evaluation, unless the qualifications evaluation is initiated in connection with a disciplinary sanction or other cases stipulated by law.

2. Based on the results of the qualification evaluation, the High Qualifications Commission of Judges of Ukraine shall approve on of decisions determined by this Law.

3. A judge (judicial candidate) may address the High Qualifications Commission of Judges of Ukraine with the respective application to conduct his/her qualification evaluation not earlier than one year upon the decision by the Commission, based on the results of most recent evaluation.

4. Qualifications evaluation shall be conducted transparently and publicly, in presence of a judge (judicial candidate) who is being evaluated, and any interested

persons. Representatives of the respective bodies of judicial self-government may be present during the consideration of matters related to the judge's qualification evaluation.

5. In case facts which may result in disciplinary liability of a judge are found during a qualifications evaluation, the High Qualifications Commission of Judges of Ukraine may apply to the body which conducts disciplinary proceedings against judges to resolve the issue of opening a disciplinary case or refusing to open it.

In case an application to the body which conducts disciplinary proceedings against a judge to resolve the issue of opening a disciplinary case or refusing to open it is made or in case during qualifications evaluation the body which conducts disciplinary proceedings against a judge receives a complaint against judicial conduct which may result in disciplinary liability of a judge, the High Qualifications Commission of Judges of Ukraine shall have a right to terminate the qualifications evaluation of this judge.

6. If in the course of qualifications evaluation of a judge the High Qualifications Commission of Judges of Ukraine becomes aware of circumstances which may evidence violation of law in the field of preventing corruption by a judge, the Commission shall immediately inform authorized subjects in the field of preventing corruption about this.

7. In case criminal proceedings are initiated with regard to a judge, the High Qualifications Commission of Judges of Ukraine shall have a right to terminate the qualifications evaluation of this judge until a court verdict comes into force or the criminal proceedings are completed.

Article 85. Stages of Qualifications Evaluation

1. Qualifications evaluation shall comprise of the following stages:

- 1) taking examination; and
- 2) review of the judicial dossier and interview.

Decision on the order of the stages of qualifications evaluation shall be approved by the High Qualifications Commission of Judges of Ukraine.

2. The examination shall be a major mean to identify the compliance of a judge (judicial candidate) with the criterion of professional competence and shall be conducted by way of a written anonymous test and performance of a practical task to identify the level of knowledge and practical skills law application, and ability to administer justice in a relevant court with relevant specialization.

The procedure of administering examination and methodology of determining its results shall be approved by the High Qualifications Commission of Judges of Ukraine.

Test items and practical tasks for the examination shall be prepared with account to the principles of instance hierarchy and specialization.

The High Qualifications Commission of Judges of Ukraine shall ensure the transparency of the assessment. Any interested persons may be present at any stage of the examination and in the course of evaluation of the results.

3. For the purposes of forming a judicial dossier (dossier of judicial candidate) the High Qualifications Commission of Judges of Ukraine may approve

a decision on introducing and conducting other tests in order to check personal moral and psychological qualities, general abilities and on using other means to identify the compliance of a judge (judicial candidate) with the criteria of qualifications evaluation.

Decision of the Commission on introducing and conducting other tests may not be made with regard to an individual judge or a group of judges.

4. A dossier of a judge must contain the following:

1) copies of all statements of the judge related to his/her carrier and any documents attached thereto;

2) copies of all decisions made in connection with the judge by the High Qualifications Commission of Judges, High Council of Justice [new], High Council of Justice [old], judicial self-government bodies, President of Ukraine, or other bodies which made relevant decisions;

3) information about the judge's participation in competitions for filling any vacant judge's positions;

4) information about the results of taking by the judge of any special courses for candidate judges or judge training courses at the National School of Judges of Ukraine while holding the office;

5) information about the results of qualification evaluation of the judge and regular evaluation of the judge during his/her term in the office;

6) information about any lecturing activity;

7) information about any administrative positions held by the judge, including copies of relevant decisions;

8) information about the judge's election (appointment) to bodies of judicial self-governance, High Qualifications Commission of Judges, High Council of Justice [new], and High Council of Justice [old];

9) information about the efficiency of the justice administration by the judge, in particular:

a) total number of cases considered;

b) number of cancelled court decisions and the reasons for their cancellation;

c) number of decisions that gave grounds to issuance of resolutions by international judicial institutions and other organizations that established violation by Ukraine of its international legal obligations;

d) number of modified court decisions and reasons for their modification;

e) observance of time limits for consideration of cases;

f) average duration of a preparation of a substantiated decision text;

g) judicial workload compared with other judges in the respective court and region, with account to the instance hierarchy, specialization of the court and the judge;

10) information about the disciplinary responsibility of the judge, in particular:

a) number of complaints against any actions of the judge;

b) number of disciplinary measures and results of such measures;

11) information about the judge's compliance with the rules of professional ethics:

a) correspondence between the expenditures and property of the judge and members of their family, as well as any affiliated persons, and the declared

incomes, including copies of relevant declarations submitted by the judge under the anti-corruption laws;

b) other information related to compliance with the requirements of anti-corruption laws;

c) information related to the judge's observance of the judicial ethics rules;

12) information on the compliance of a judge with the criterion of integrity, in particular congruity of the property owned and income received by the judge and his/her family with declared incomes, including copies of relevant declarations submitted by a judge in line with this Law and law in the field of preventing corruption;

13) declaration of family relations of a judge and declaration of judicial integrity;

14) results of testing the compliance of a judge with the criteria of qualifications evaluation (if it was conducted);

15) results of applying other means of checking the compliance of a judge with the criteria of qualifications evaluation (if they were applied);

16) opinion of the Public Council for Integrity (if any); and

17) other information and data based on which the compliance of a judge with criteria of qualifications evaluation may be found and any other information regarding a judge which is deemed by decisions of the High Qualifications Commission of Judges of Ukraine as such which is subject to including into judicial dossier.

5. The dossier of judicial candidate must contain:

1) documents submitted by judicial candidate in line with paragraph four of Article 81 of this Law;

2) information on the compliance of judicial candidate with the criterion of professional ethics;

3) materials of background check and other information on the compliance of judicial candidate with the criterion of integrity, in particular, congruity of the property owned and income received by the judicial candidate and his/her family with declared incomes, including copies of relevant declarations submitted by a judicial candidate in line with this Law and law in the field of preventing corruption; and

4) other information and materials set forth in points 6, 13-17 of paragraph four of this Article.

6. Forming and maintaining judicial dossier (dossier of judicial candidate) shall be performed in an automated system. Originals of certain documents may be additionally stored in hard copy upon the decision of the High Qualifications Commission of Judges of Ukraine.

Forming and maintaining judicial dossier (dossier of judicial candidate) shall be performed within the procedure established by the High Qualifications Commission of Judges of Ukraine upon consultation with the Council of Judges of Ukraine.

7. Judicial dossier (dossier of judicial candidate) shall be made accessible for the public on the official website of the High Qualifications Commission of Judges of Ukraine, with the exception of:

1) information about place of residence or stay, date of birth of physical entities, their addresses, telephone numbers or other means of communication, e-mails, registration numbers of registration forms of tax payers, series and numbers of passports, military service cards, location of property (except oblast, raion, settlement where the object is), and registration numbers of vehicles;

2) information about the results of testing aimed at checking personal moral and psychological qualities of a judge (judicial candidate), general abilities of a judge (judicial candidate) and medical data;

3) any information and data on minors, except information about property, proprietary rights, assets and other objects of declaration which are in their ownership according to the declaration of a person authorized to perform the functions of the state and local self-governance, which is submitted by a judge (judicial candidate); and

4) information which contains state secret.

Access to materials of judicial dossier (except those mentioned above in paragraph seven of this Article) as public information shall be allowed only through the website of the High Qualifications Commission of Judges of Ukraine.

8. Members and authorized employees of secretariats of the High Qualifications Commission of Judges of Ukraine and High Council of Justice [new] as well as authorized employees of the State Judicial Administration of Ukraine shall have full and direct access to judicial dossier (dossier of judicial candidate).

Judges (judicial candidates) shall have access to view their dossier in full.

9. The interview shall be in form of discussion of the results of the review of the dossier

10. Based on results of one round of qualifications evaluation of a judge, the High Qualifications Commission of Judges of Ukraine shall approve a decision on admitting a judge to another round of qualifications evaluation.

Article 86. Getting Information during Qualifications Evaluation

1. To form a judicial dossier (dossier of judicial candidate) and conduct qualifications evaluation of a judge (judicial candidate) the High Qualifications Commission of Judges of Ukraine shall have a right to obtain information and copies of documents and materials (including those with limited access) regarding a judge (judicial candidate) and his/her family members or relatives for free from any persons who are owners or managers of requested information (documents and materials). Such persons shall be obligated to provide requested information (documents and materials) within ten days after getting a request.

2. In case the owner (manager) of information (documents and materials) keeps it in an electronic form, it shall be submitted to the High Qualifications Commission of Judges of Ukraine in an electronic form (if it is technically feasible).

3. The High Qualifications Commission of Judges of Ukraine shall have a right to coordinate the requests, issue joint orders with owners or managers of requested information.

4. A person who received a request of the High Qualifications Commission of Judges of Ukraine (except state body) may refuse to provide information (documents) which contain state and professional secret, secret of pre-trial

investigation, bank secret or health secret. Such secrets are disclosed upon the request of the Commission based on court decision within the procedure and on the grounds stipulated by law.

5. In case it is necessary to send a request mentioned in paragraph one of this Article, the High Qualifications Commission of Judges of Ukraine shall have a right to suspend the qualifications evaluation for the period necessary to obtain relevant information. Depending on the significance of information, which was found incomplete or inaccurate during qualifications evaluation, the High Qualifications Commission of Judges of Ukraine may submit a proposal to the High Council of Justice [new] on suspending a judge from rendering justice until the end of qualifications evaluation.

6. In case the High Qualifications Commission of Judges of Ukraine submits a proposal mentioned in paragraph five of this Article, it shall be subject to immediate consideration by the High Council of Justice [new].

7. Non-provision of information to the High Qualifications Commission of Judges of Ukraine and providing knowingly inaccurate information shall result in holding those who are responsible liable as stipulated by law.

Article 87. Public Council of Integrity

1. The Public Council of Integrity is established with the purpose of assisting the High Qualification Commission of Judges of Ukraine in determining the eligibility of a judge (a judicial candidate) in terms of the criteria of professional ethics and integrity with the view of qualification evaluation.

2. The Public Council of Integrity shall consist of twenty members.

3. The members of the Public Council of Integrity may be representatives of human rights civic groups, law scholars, attorneys, journalists who are known specialists in the sphere of their professional activity, have a high professional reputation and match the criterion of political neutrality and integrity.

4. The following persons may not be members of the Public Council of Integrity:

1) persons, who have been acknowledged by a court to be legally incapable;

2) persons, who have a conviction that is unspent or unexpunged in accordance with the law;

3) persons, who have been imposed an administrative penalty in the course of the previous year for an offense, related to corruption;

4) persons, who have been working (serving) in the prosecution authorities, the Ministry of Internal Affairs of Ukraine, the police, other law authorities (law enforcement bodies), the tax police, the State Security Service of Ukraine, the customs authorities, the National Anti-Corruption Bureau of Ukraine, the National Agency for Prevention of Corruption in the course of the last five years;

5) persons, who have been in civil service for the last five years;

6) persons, who are judges or judges emeritus.

5. The Public Council of Integrity shall conduct its activity in four panels, each of them consisting of five Council members.

The Panel of the Public Council of Integrity shall act on behalf of the Council.

6. The Public Council of Integrity shall:

1) collect, check, and analyze the information about a judge (a judicial candidate);

2) provide the High Qualification Commission of Judges of Ukraine with the information about a judge (a judicial candidate);

3) with justifiable reasons, provide the High Qualification Commission of Judges of Ukraine with the conclusion on the non-eligibility of a judge (a judicial candidate) in terms of professional ethics and integrity, which shall be included in the record of a judicial candidate or the record of a judge;

4) delegate the authorized representative for the participation in the meeting of the High Qualification Commission of Judges of Ukraine regarding the qualification evaluation of a judge (a judicial candidate);

5) have a right to create an information portal to collect information about professional ethics and integrity of judges and judicial candidates.

7. To fulfill the duties, stipulated in this Article, the members of the Public Council of Integrity shall be provided with the right of free and complete access to open state registers.

8. A member of the Public Council of Integrity shall be obliged to recuse himself/herself from considering the issue of the conclusion on the non-eligibility of a judge (a judicial candidate) in terms of the criteria of professional ethics and integrity in the following cases:

1) if he/she is on friendly terms or in other personal relations with a judge or a judicial candidate;

2) if he/she has been involved in cases, considered or being considered by this judge;

3) in case of any other conflict of interests or circumstances, which raise doubts about his/her being unbiased.

9. The members of the Public Council of Integrity shall be appointed by the meeting of representatives of civic organizations for the term of two years and may be re-appointed.

10. The meeting of the representatives of civic organizations shall be called by the Head of the High Qualification Commission of Judges of Ukraine. The announcement about the meeting shall be posted at the official web-site of the Commission.

11. Civic organizations or civic unions, which conduct their activity with the purpose of fighting corruption, protecting human rights, supporting institutional reforms, including their realization of projects in these spheres in the course of at least the last two years as of the day of the meeting, shall participate in the meetings of the representatives of civic organizations.

12. Civic organizations or civic unions, which have conducted or conduct their activity involving international technical aid, the donors of which are state authorities, local authorities, institutions, organizations, or enterprises of the country, which has been acknowledged as an aggressor by the Verkhovna Rada of Ukraine or has been financed by it, shall not have a right to participate in the meeting of the representatives of civic organizations.

13. To participate in the meeting, civic organizations shall submit the following documents within fifteen days since the day of posting the announcement about the meeting of the representatives of civic organizations:

- 1) a letter of application, signed by the head of the civic organization, specifying the name of a person, authorized to represent the civic organization at the meeting;
- 2) a copy of the statute and the excerpt from the Unified State Register of Legal Entities and Individual Entrepreneurs;
- 3) copies of reports in completion of the projects, involving international technical aid (if applicable);
- 4) a recommendation letter from the international organization with unchallenged reputation about the successful experience of cooperation or from the executing agency in the project of international technical aid;
- 5) copies of reports on completion of the financial audit of at least two implemented projects, involving international technical aid or a copy of the report on completion of the audit of the activity of a civic organization;
- 6) curriculum vitae of the representative of the civic organization;
- 7) curriculum vitae of a candidate (candidates) for the Public Council of Integrity, nominated by the civic organization, and the motivational letter of a candidate and the declaration of a person, authorized to fulfill the functions of the state or local authorities, regarding this candidate.

14. The issue of the eligibility of a civic organization in terms of requirements for the participation in the meeting of the representatives of civic organizations shall be solved by the High Qualification Commission of Judges of Ukraine within the period of ten days since the day of receiving the application and the documents, attached thereto.

15. The list of civic organizations, meeting the criteria for the participation in the meeting of the representatives of civic organizations, the copies of the documents, submitted by them, and the list of candidates for the Public Council of Integrity shall be disclosed at the official web-site of the High Qualification Commission of Judges of Ukraine.

16. The time and place of holding the meeting of representatives of civic organizations shall be determined by the Head of the High Qualification Commission of Judges of Ukraine, who shall send the corresponding invitations to participate in the meeting to civic organizations. The announcement about the time and place of holding the meeting of the representatives of civic organizations shall be posted at the official web-site of the High Qualification Commission of Judges of Ukraine at least ten days prior to the meeting.

17. The meeting of the representatives of civic organizations shall be considered legitimate on condition of at least five civic organizations participating therein.

The meeting of the representatives of civic organizations shall be open.

18. The procedure of holding the meeting of the representatives of civic organizations shall be determined by the decision of the meeting.

19. The Public Council of Integrity shall be considered legitimate on condition of the appointment of at least ten members.

20. The list of the appointed members of the Public Council of Integrity shall be sent to the Secretariat of the High Qualification Commission of Judges of Ukraine for its subsequent posting at the official web-site of the Commission within the period of five days since the day of completing the work of the meeting of the representatives of civic organizations.

Article 88. Decision of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall pass a motivated decision on the confirmation or non-confirmation of the capability of a judge (judicial candidate) to administer justice in a relevant court.

2. A judge (judicial candidate) who disagrees with the decision of the High Qualifications Commission of Judges of Ukraine about his/her qualification evaluation may competition the decision in the manner stipulated by the Code of Administrative Justice of Ukraine.

3. Decision of the High Qualifications Commission of Judges of Ukraine approved based on results of qualifications evaluation may be challenged and cancelled only on the following grounds:

1) members of the High Qualifications Commission of Judges of Ukraine who conducted qualifications evaluation did not have powers to conduct it;

2) decision was not signed by a member of the High Qualifications Commission of Judges of Ukraine who conducted qualifications evaluation;

3) a judge (judicial candidate) was not duly informed about qualifications evaluation – if decision on not acknowledging the capability of a judge (judicial candidate) to render justice in relevant court on the grounds of a failure to attend qualification evaluation was approved; and

4) decision has no reference to stipulated in law grounds of refusing to submit a proposal on appointing a judge to the office for the President of Ukraine or motivation of the Commission in making relevant conclusions.

Chapter 2. Training and regular evaluation of judges

Article 89. Ongoing Training of Judges

1. Judges shall take ongoing training at the National School of Judges of Ukraine.

2. A judge shall take an ongoing training at least once every three years. Such training shall be at least 40 academic hours in every three years of holding the position of judge.

3. The National School of Judges of Ukraine shall provide onsite training for judges as required to improve their knowledge, skills and abilities depending on the experience, level and specialization of their courts, taking into account their individual needs.

With this purpose, the National School of Judges shall organize trainings that are mandatory as part of the training course, and trainings that a judge may choose as an option depending on his/her needs.

Article 90. Objectives and Procedure for Regular Evaluation of Judge

1. Regular evaluation of the judge during his/her term in the office is aimed at identification of the judge's individual needs in improvement and incentives for maintaining his/her qualification at the proper level and for professional growth.

2. The regular evaluation of judge shall be conducted by:

- 1) lecturers (trainers) of the National School of Judges of Ukraine based on the results of training and completion of a questionnaire;
- 2) other judges of the relevant court by offering to fill in a questionnaire;
- 3) the judge himself/herself by filling in a self-estimation questionnaire;
- 4) public associations by independent evaluation of the judge's work in court sessions.

3. Upon completion of every training course, the lecturer (trainer) shall fill in the judge evaluation questionnaire including:

- 1) grade of:
 - a) the judge's knowledge, skills and abilities;
 - b) accuracy and timeliness of performance of tasks;
 - c) analytical abilities and ability to evaluate information;
 - d) team playing (negotiating skills, team working, working under pressure etc);

e) communication skills (document execution skills, speaking skills, etc.);
and

- f) strong points of the judge;
- 2) recommendations of the judge on areas for self-improvement or need in additional training.

4. The National School of Judges of Ukraine shall provide the questionnaire to the judge for review not later than five days upon completion of the relevant training course. The judge may provide his/her objections to the evaluation results within ten days upon receiving the questionnaire. Having reviewed the objections, the lecturer (trainer) may complete a new evaluation questionnaire within five days. The judge's evaluation questionnaire upon completion of each training course, judge's objections to the evaluation results and revised evaluation questionnaire shall be included into the judge's dossier.

5. Public associations may organize independent evaluation of the judge's work in open court sessions. Results of independent evaluation of the judge's work in a court session shall be recorded in the questionnaire that includes such information as duration of the trial, observance of the judicial rules and respect to rights of the trial participants by the judge, communication culture, level of the judge's impartiality, level of satisfaction of the trial's participants with the judge's conduct, objections to the trial conduct and other information. The completed questionnaire of independent evaluation of the judge's work in court session may be attached to the judge's dossier.

8. Procedure and methodology of the judge's evaluation and self-estimation shall be approved by the High Qualifications Commission of Judges of Ukraine.

Article 91. Importance of Regular Evaluation

1. Results of regular evaluations shall be taken into consideration for making a decision in connection with the competition for vacancy filling in the relevant court.

Chapter 3. The High Qualifications Commission of Judges of Ukraine

Article 92. Status of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall be a state judicial self-government body which operates on a standing basis within the system of justice in Ukraine.

2. The High Qualifications Commission of Judges of Ukraine shall be a legal entity having a seal with the State Emblem of Ukraine and its designation, maintain its own balance and accounts with the State Treasury Service of Ukraine.

3. The procedures of operations of the High Qualifications Commission of Judges of Ukraine shall be determined by this Law.

4. The High Qualifications Commission of Judges of Ukraine, by a majority vote of its members, as stipulated by law, shall adopt Rules of Procedure defining the procedures of the operations of the Commission within the scope established by this Law.

5. The High Qualifications Commission of Judges of Ukraine shall have an official website and an official printed journal, which are the official sources of information about the work of the Commission. The official printed journal may be issued electronically.

Article 93. The Powers of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall:

1) maintain records on the number of judicial positions in courts, including vacant ones;

2) select candidates for appointment to a position of a judge, organizing, *inter alia*, special verification in relation to the candidates in accordance with the law, and conducts the qualifications examination;

3) submit to the High Council of Justice [new] its recommendations on the appointment of a candidate;

4) provide recommendations on transferring a judge in accordance with this Law, except transfer as a disciplinary sanction;

5) identify the need in the state order on training of candidates to a position of a judge in the National School of Judges of Ukraine;

6) approve the form and content of the application on participation in selection of judicial candidates, application form of judicial candidate, procedure of passing selection examination and methodology of evaluating its results, procedure of undergoing special training of judicial candidates, procedure of passing qualifications examination and methodology of assessing candidates, regulation on the competition for a vacant position of judge, procedure and methodology of qualifications evaluation, procedure of forming and maintaining judicial dossier (dossier of judicial candidate) and other procedures aimed at performing the functions of the Commission;

7) conduct qualification evaluation of judges;
8) ensure maintenance of judicial dossiers and dossiers of judicial candidate;
9) within the scope of its competence, take part in international cooperation, including establishment of ties with foreign institutions, agencies and organizations, and projects of international technical assistance, is a beneficiary, and recipient of international technical aid, principal administrator of international aid received from foreign countries, banks and international financial organizations; and

10) exercise other powers envisaged by law.

3. Members and authorized employees of the secretariat of the High Qualifications Commission of Judges of Ukraine shall have direct access to automated information and reference systems, registries and databases, the holder (administrator) of which are state bodies or local self-government bodies, use state (including governmental) communication means, special communication network and other technical means.

4. Information shall be processed by members and authorized employees of the Commission in line with the law on personal data protection and ensuring secret protected by law.

5. Access to information which contains state secret shall be provided within the procedure established by law on the protection of state secret.

Article 94. Composition of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall consist of sixteen elected (appointed) members who are citizens of Ukraine, have a full university degree and at least fifteen years of professional activity in the field of law.

2. To the High Qualifications Commission of Judges of Ukraine shall be elected (appointed):

1) by the Congress of Judges of Ukraine — eight members of the Commission from among judges who have at least ten years of experience as a judge or retired judges;

2) by the Congress of Representatives of law schools and research institutions — two members of the Commission;

3) by the Congress of Lawyers of Ukraine — two members of of the Commission;

4) by the Commissioner of the Verkhovna Rada of Ukraine for Human Rights — two members from among persons who are not judges;

5) by the Head of State Judicial Administration of Ukraine — two members of the Commission from among persons who are not judges.

3. The organizational forms of the operations of the High Qualifications Commission of Judges of Ukraine shall be meetings in the composition of boards, chambers or in a plenary composition as stipulated by this Law and Rules of Procedures of the Commission.

4. Board of the High Qualifications Commission of Judges of Ukraine shall comprise at least three members of the Commission.

5. Two chambers shall operate within the High Qualifications Commission of Judges of Ukraine. Each chamber shall comprise eight members of the Commission. Each chamber shall have equal representation of members of the Commission who are judges or retired judges.

6. The Chairperson of the Commission and his/her deputy may not be members of one chamber at the same time.

7. If necessary, the Commission may approve a decision on engagement of members of one Chamber to work of the other Chamber.

8. The term of office of a member of the High Qualifications Commission of Judges of Ukraine shall be four years from the date of appointment (election). One and the same person may not exercise the powers for two consecutive terms.

9. A member of the High Qualifications Commission of Judges of Ukraine who is a judge or a public servant shall retain his/her position, status and place of employment for the period of the exercise of powers.

10. For the duration of exercise of their powers, members of the High Qualifications Commission of Judges of Ukraine shall be assigned to the Commission and may not be engaged in any other gainful occupation except teaching, research and creative work.

Members of the High Qualifications Commission of Judges of Ukraine, elected by the Congress of Judges of Ukraine, may not administer justice.

Members of the High Qualifications Commission of Judges of Ukraine who are lawyers shall be obligated to suspend law practice and participation in the bodies of advocates' self-government for the duration of the exercise of powers of a member of the Commission.

11. Members of the High Qualification Commission of Judges of Ukraine shall be subject to the requirements and restrictions established by law for the prevention of corruption.

12. In their activities and beyond, members of the High Qualifications Commission of Judges of Ukraine must adhere to the highest standards of ethical conduct, including ethical principles and rules that applicable to judges.

13. Members of the High Qualifications Commissions of Judges of Ukraine may not combine their office with any positions in bodies of the state power and local self-government, bodies of professional self-government, with the status of a People's Deputy of Ukraine, Deputy to the Supreme Council of the Autonomous Republic of Crimea, Oblast, District, City, District in a city, village or town councils, entrepreneurial activities, any other gainful occupation, or receive remuneration (except teaching, research and creative activities and receiving compensation for it), and be a member of the governing body or a supervisory board of a legal entity aimed at profit-making.

14. Persons who are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interest in the operations of any legal entity which is aimed at profit-making, shall be obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third person (without a right of giving instructions to such person on the disposition of such shares, corporate or other rights or on exercise of rights which arise therefrom) for the tenure of a member of the High Qualifications Commission

of Judges of Ukraine. A member of the High Qualifications Commission of Judges of Ukraine may receive interest, dividends and other unearned income from the property he/she owns.

15. Influencing members of the High Qualifications Commission of Judges of Ukraine in any manner shall be prohibited.

16. The following may not be members of the High Qualifications Commission of Judges of Ukraine:

- 1) persons declared by a court to be legally incapable or partially capable;
- 2) persons who have been convicted that was not cancelled or removed in the manner stipulated by law;
- 3) persons who were subjected to administrative penalties for offences related to corruption over the past year;
- 4) persons who were members of the High Qualifications Commission of Judges of Ukraine or the High Council of Justice before the Law of Ukraine “On the Restoration of Trust in the Judiciary in Ukraine” entered into force;
- 5) persons on administrative positions in courts;
- 6) persons who do not meet the requirements of this Law regarding incompatibility with other activities and did not eliminate that discrepancy within a reasonable period of time, not to exceed thirty days from the date of emergence of circumstances that caused inconsistency with the incompatibility requirements.

Holding the position of a member of the High Qualifications Commission of Judges of Ukraine shall also be incompatible with the existence of a prohibition for that person to hold positions that are subject to the cleansing of power in the manner stipulated by the Law of Ukraine “On the Purification of Government”.

17. The High Qualifications Commission of Judges of Ukraine may engage into its activities judicial self-government bodies, judges, retired judges, lawyers, researchers upon their consent to provide assistance and perform consultative functions pro bono without delegating the powers of the High Qualifications Commission of Judges of Ukraine or its members.

Article 95. The Procedures for Formation of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall be based on principles of the rule of law, publicity and political neutrality in the manner set forth in this Law.

2. In case of necessity to elect of a member of the High Qualifications Commission of Judges of Ukraine by the Congress of Judges of Ukraine, or the Congress of Advocates of Ukraine or the Congress of law schools and research institutions, the body that convenes the Congress shall, not later than in forty-five days, notify the secretariat of the Commission of the date and venue of the Congress.

3. Not later than on the following business day after receipt of the notice of the date and venue of the Congress, the secretariat of the Commission shall publish an announcement on its website stating the following:

- 1) the date and venue of the congress;

2) information about the opening of registration of candidates for the position of a member of the High Qualifications Commission of Judges of Ukraine.

4. A person who meets the requirements set forth by this Law for members of the High Qualifications Commission of Judges of Ukraine, and intends to be elected member of the High Qualifications Commission of Judges of Ukraine Congress of Judges of Ukraine, or the Congress of Advocates of Ukraine or the Congress of law schools and research institutions, shall address the secretariat of the High Qualifications Commission of Judges of Ukraine, not later than thirty days before the date of the respective Congress, with an application to be registered as a candidate for election as a member of the Commission by the respective Congress.

The application form shall be approved by the High Qualifications Commission of Judges of Ukraine.

5. Along with the application on intention to be elected as a member of the High Qualifications Commission of Judges of Ukraine, the relevant person shall submit:

- 1) curriculum vitae;
- 2) a cover letter outlining motives for election as a member of the High Qualifications Commission of Judges of Ukraine;
- 3) a copy of a personal identity document and proof of citizenship of Ukraine;
- 4) a copy of the work record book (if any);
- 5) a declaration of the person authorized to perform functions of the state or local self-government;
- 6) copies of documents on education, academic titles and degrees;
- 7) certificate of a medical institution on the applicant's health condition with a conclusion as to his/her suitability to occupy a position related to performance of governmental functions;
- 8) a copy of military card (for military personnel or obligated reservists);
- 9) a written consent to the processing of personal data and disclosure of document copies specified in this Article, except for copies of the documents listed in paragraphs 3, 7 and 8 of this part;
- 10) a written statement on absence of restrictions regarding membership in the High Qualifications Commission of Judges of Ukraine, as well as on compliance with the incompatibility requirements, or obligation to comply with the incompatibility requirements, in case of election as a member of the Commission;
- 11) an application for carrying out an inspection determined by the Law of Ukraine "On the Purification of Government"; and
- 12) a consent to the special verification procedure in accordance with the law.

6. If the person has expressed a wish to be elected as a member of the High Qualifications Commission of Judges of Ukraine by the Congress of Judges of Ukraine, for the registration of such person the Secretariat of the High Qualifications Commission of Judges of Ukraine shall also establish the presence of the status of a judge.

7. The Secretariat of the High Qualifications Commission of Judges of Ukraine shall accept documents in chronological order of receipt of applications

and, not later than on the following work day, disclose the received information along with copies of the documents submitted, except the documents listed in paragraphs 3, 7 and 8 of part three of this Article, on its website.

8. The acceptance of documents shall end at midnight on the last day of the period specified in part four of this Article.

The Secretariat of the High Qualifications Commission of Judges may not refuse to accept documents for grounds other than the end of the established timeline.

9. Not later than on the day following the completion of document acceptance, the Secretariat of the High Qualifications Commission of Judges of Ukraine shall form:

- 1) a list of candidates who are judges and retired judges;
- 2) a list of candidates who are not judges or retired judges.

These lists shall be immediately published on the official website of the High Qualifications Commission of Judges of Ukraine and in the *Holos Ukrainy* (“Voice of Ukraine”) newspaper, and promptly sent to the body that convenes the respective Congress.

10. The Secretariat of the High Qualifications Commission of Judges of Ukraine shall ensure carrying out a special verification procedure regarding the candidates.

11. Voting at the respective Congress shall be held exclusively in relation to the candidates for the election as members of the High Qualifications Commission of Judges of Ukraine who submitted documents in the manner stipulated by this Law and were elected by delegates of such Congress.

Voting shall also be conducted in relation to the candidates for the election as members of the High Qualifications Commission of Judges of Ukraine who submitted documents in the manner stipulated by this Law and were nominated directly at the Congress by at least 20 percent of the elected delegates of the Congress.

12. Each of the candidates for election as a member of the High Qualifications Commission of Judges of Ukraine shall have the right to address the respective Congress delegates with a speech before the vote. The decision of the respective Congress may set a reasonable time limit for the speech, equal for all candidates. A candidate shall provide the respective Congress delegates, at their request, any information about themselves, except information related to his/her private life or where there are no reasonable grounds to believe that it may be essential for identification of the candidate’s ability to duly act as a member of the High Qualifications Commission of Judges, and information which contains a state secret.

13. After the candidates' speeches and discussion of the candidates, voting shall be held. A candidate who received a majority of votes by the elected delegates of the respective Congress by the secret ballot results shall be regarded as elected to the position of the High Qualifications Commission of Judges of Ukraine.

If based on voting results a member of the High Qualifications Commission of Judges of Ukraine was not elected, a repeated voting regarding two candidates

who got the most number of votes as compared with other candidates shall be conducted with regard to each vacant position of member of the High Qualifications Commission of Judges of Ukraine.

14. Based on the voting results, the Chairperson and the Secretary of the respective Congress shall sign a resolution on the election of members of the High Qualifications Commission of Judges of Ukraine.

15. The procedures for convocation of the Congress of Judges of Ukraine shall be determined by this Law. The procedures for holding the Congress of Judges of Ukraine shall be determined by the Council of Judges of Ukraine and by resolutions of the Congress.

16. The procedures for convocation of the Congress Lawyers of Ukraine shall be determined by the Law of Ukraine "On the Bar and the Practice of Law". The procedures for holding the Congress of Advocates of Ukraine shall be determined by the Council of Advocates of Ukraine and by resolutions of the Congress.

17. The Congress of law schools and research institutions shall be attended by two representatives from each of the said educational and research institutions.

18. For the purposes of this Law the following representatives shall be admitted to the congress of the representatives of law schools and research institutions to elect members of the High Qualifications Commission of Judges of Ukraine:

1) higher educational institutions (universities, academies or institutes, except higher military educational institutions) which have in their composition educational units which as of the day of conducting a congress have conducted training of specialists with a higher education degree of a Master for at least ten years and have licensed scope for training specialists with a higher education degree of a Master of at least seventy five persons;

2) scientific and research institutions which as of the day of conducting a congress are under the scope of purview of the National School of Judges of Ukraine and national specialized academies of sciences, have passed state assessment and have performed scientific activity in the field of law as major activity for at least ten years.

19. The time and venue of the congress of representatives of law schools and research institutions shall be determined by the High Qualifications Commission of Judges of Ukraine, and if the Commission is unable to approve a decision due to insufficient number of elected members of the Commission, by the central body of executive power in the sphere of education and science.

A notice of the time and venue of the Congress shall be published in the *Holos Ukrainy* ("Voice of Ukraine") newspaper, not later than forty-five days of its holding, and published on the website of the Commission or the central body of executive power in the sphere of education and science, if it has determined the time and venue of the Congress, and shall be immediately sent to educational and research institutions that delegate their representatives to the Congress.

20. A Congress must be held in the premises of an educational or research institution.

21. The procedures for the holding of a Congress shall be defined by a decision of the Congress.

22. For decision on organizational and technical matters of preparation for a Congress of representatives of law schools and research institutions, an organization committee may be established by their representatives, of up to ten persons. Invitations to participate in the organization committee shall be sent by the body that convenes the Congress. Officials employed with the central executive body in the field of education and science may not be members of the organizing committee.

23. The Commissioner of the Verkhovna Rada of Ukraine for Human Rights, Chairperson of the State Judicial Administration of Ukraine shall appoint a member of the High Qualifications Commission of Judges of Ukraine from among retired judges or other persons who are not judges, proceeding from the results of a public competition.

24. People's Deputies of Ukraine of the current convocation of the Verkhovna Rada of Ukraine, members of the Cabinet of Ministers of Ukraine, Chief judges of courts and their Deputies, Secretaries of judicial chambers, their deputies, members of the Council of Judges of Ukraine, the High Council of Justice [new], the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, persons who were brought to responsibility for committing acts of corruption, as well as those who were members of the High Qualifications Commission of Judges of Ukraine or the High Council of Justice to the Law of Ukraine prior to enactment of the Law "On restoration of trust in the judiciary in Ukraine" may not be elected (appointed) to the High Qualifications Commissions of Judges of Ukraine.

25. The High Qualifications Commission of Judges of Ukraine shall be deemed competent if composed of at least eight members.

Article 96. Dismissal of a Member of the High Qualifications Commission of Judges of Ukraine

1. Grounds for dismissal of a member of the High Qualifications Commission of Judges of Ukraine shall be:

1) submission of an application on voluntary dismissal of a member of the Commission;

2) inability to exercise his/her powers due to health reasons upon the availability of a medical opinion certified by court;

3) identification of circumstances of his/her failure to meet the requirements set out in part one of Article 34 of this Law;

4) substantial violation of requirements set by legislation on prevention of corruption;

5) non-participation in work of the Commission for one calendar month in a row without valid reasons, or repeated refusal to vote on the issues proposed for voting.

2. The decision on the dismissal of a member of the High Qualifications Commission of Judges of Ukraine on the grounds determined by points 1 and 2 of part one of this Article shall be approved by the Commission at its next meeting after receipt of an application or court decision respectively.

The procedure of consideration and decision-making by the High Qualifications Commission of Judges in connection of dismissal of the Commission's member shall be initiated by the Chairperson and Deputy Chairperson of the High Qualifications Commission of Judges according to the Rules of Procedure.

3. Decision on dismissing a member of the High Qualifications Commission of Judges of Ukraine from the office on the grounds set forth in points 3-5 of paragraph one of this Article shall be approved by the body which has elected (appointed) this member of the Commission.

4. In case grounds for dismissing a member of the High Qualifications Commission of Judges of Ukraine from the office set forth in points 3-5 of paragraph one of this Article are found, the Commission in its decision may submit a proposal to the body which has elected (appointed) this member of the Commission to dismiss him/her. From the date of approval of the decision to submit the mentioned proposal such member of the Commission shall be suspended from the office and his/her powers shall be suspended until a decision of a relevant body is made.

5. A member of the High Qualifications Commission of Judges of Ukraine with regard to whom a decision on dismissing from the office or on submitting a proposal to dismiss from the office was approved, shall not participate in voting with regard to such decision.

Article 97. Terminating the Powers of a Member of the High Qualifications Commission of Judges of Ukraine

1. The powers of a member of the High Qualifications Commission of Judges of Ukraine shall be terminated in case:

- 1) the term for which he/she was elected (appointed) terminates;
- 2) a court verdict of guilty comes into force;
- 3) citizenship of Ukraine is terminated or citizenship of another state is obtained;
- 4) he/she was deemed missing or announced dead, incapable or with limited capability;
- 5) of his/her death; and
- 6) he/she was dismissed from judicial position (except retirement) or his/her judicial powers are terminated on the grounds stipulated by the Constitution of Ukraine.

2. On the grounds determined in paragraph one of this Article, powers of a member of the High Qualifications Commission of Judges of Ukraine shall terminate with the onset of a relevant event.

Article 98. Organization of Work and Meetings of the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine, in its plenary composition, shall elect by a secret voting by a majority vote of the total composition, the Chairperson of the High Qualifications Commission of Judges of Ukraine and the Deputy Chairperson Chairpersoning the chambers, and the Secretaries of chambers of the High Qualifications Commission of Judges of Ukraine. The meeting shall be presided by a member of the High Qualifications

Commission of Judges of Ukraine with the longest length of professional service in the field of law.

2. The Chairperson of the High Qualifications Commission of Judges of Ukraine shall organize the work of the Commission, determine the duties of the Deputy Chairperson, preside at the meetings of the Commission, prepare the meetings of the High Qualifications Commission of Judges of Ukraine and organize the record keeping.

3. The duties of the Chairperson of the High Qualifications Commission of Judges of Ukraine in his absence shall be performed by the Deputy Chairperson of the Commission, and in the absence of the Deputy Chairperson – by the Commission member elected under the quota of the Congress of Judges of Ukraine with a longer length of service as a judge.

4. The Chairperson of the High Qualifications Commission of Ukraine shall issue binding orders, assignments and instructions.

5. The Secretaries of chambers of the High Qualifications Commission of Judges of Ukraine shall prepare the meetings of chambers and bear responsibility for the organization of record keeping in the chambers.

6. In order to provide for the distribution of cases in the High Qualifications Commission of Judges of Ukraine there is an automated system for determining a member of the High Qualifications Commission of Judges of Ukraine to prepare for the review and report of the case.

The regulation on the automated system for determining the members of the Commission to prepare for the review and report of cases shall be approved by the High Qualifications Commission of Judges of Ukraine.

7. The Chairpersons of the chambers of the High Qualifications Commission of Judges of Ukraine shall organize the work of chambers and preside at meetings. The duties of the Chairpersons of chambers, in their absence, shall be performed by the members appointed under the quota of the Congress of Judges of Ukraine with a longer length of service as a judge.

8. The High Qualifications Commission of Judges of Ukraine shall approve the Rules, which regulate, under this Law, the procedural issues of activity of the Commission.

9. The meetings of the High Qualifications Commission of Judges of Ukraine and its chambers shall be held in public except in cases stipulated by law.

10. The meetings of the Commission, its chambers shall be considered duly constituted if attended by the majority of the composition of the Commission or chamber, respectively.

Meeting of the board shall be valid if attained by all members of the board.

11. The Chairperson of the High Qualifications Commission of Judges of Ukraine shall determine the date, time, place and agenda of the meeting of the Commission, and not later than in ten days prior to the meeting notify the person in respect of which the issue is to be reviewed, as well as publish this information on the official web site of the High Qualifications Commission of Judges of Ukraine (except for the meetings on organizational issues).

12. The Chairpersons of chambers of the Commission shall determine the date, time, place and agenda of meetings of the respective chambers, and not later than in ten days prior to the meeting notify the persons in respect of which the issues are to be reviewed, as well as publish this information on the official web site of the High Qualifications Commission of Judges of Ukraine.

13. The Secretariat of the High Qualifications Commission of Judges of Ukraine shall inform persons with regard to whom issues will be considered about the date, time and venue of the meeting of a relevant board not later than in ten days before such meeting and publish this information on the official website of the High Qualifications Commission of Judges of Ukraine.

Article 99. Rights of Members of the High Qualifications Commission of Judges of Ukraine

1. A member of the High Qualifications Commission of Judges of Ukraine shall have the right to:

1) review the materials submitted for the consideration to the Commission, the respective chamber, of which he/she is the member, and board to participate in their study and verification;

2) present his/her motives and considerations, and submit additional documents on issues considered;

3) make suggestions on the draft decisions of the High Qualifications Commission of Judges of Ukraine with respect to any issues, and vote 'for' or 'against' any resolutions;

4) express written dissenting opinion on the resolutions of the High Qualifications Commission of Judges of Ukraine; and

5) exercise other powers prescribed by law.

Article 100. Recusal of the Member of the High Qualifications Commission of Judges of Ukraine

1. A member of the High Qualifications Commission of Judges of Ukraine shall have no right to participate in the review of issues and approval of resolutions, and shall be subject to the recusal (self-recusal) if there are data on the conflict of interest or the circumstances that call his impartiality into question.

In the presence of such circumstances, the member of the High Qualifications Commission of Judges of Ukraine shall announce his self-recusal. For the same grounds, the recusal of a member of the Commission may be announced by persons in respect of which or following whose submission the issues are reviewed.

2. The recusal must be motivated and submitted prior to the review of issues in the form of a written application. The presiding at the meeting shall inform of a challenge of the member of the Commission, which was challenged.

3. The decision on the recusal (self-recusal) shall be approved by a majority vote of the members of the High Qualifications Commission of Judges of Ukraine participating in the meeting. The voting shall be conducted in the absence of the member of the Commission in respect of which the issue related to the challenge (self-disqualification) is considered.

Article 101. Decisions of the High Qualifications Commission of Judges of Ukraine

1. Decisions of the High Qualifications Commission of Judges of Ukraine shall be approved in a plenary composition by a majority of the composition of the Commission established by this Law. Voting shall be conducted in the absence of the person in respect of which the issue is considered, as well as other persons who are not members of the Board.

2. Decisions of the chamber of the High Qualifications Commission of Judges of Ukraine shall be approved by a majority of the composition of the chamber, taking into account members of any other chamber, if involved in the consideration of a relevant issue.

3. Decisions of the board of the High Qualifications Commission of Judges of Ukraine shall be approved by majority of votes.

4. The chambers and boards of the High Qualifications Commission of Judges of Ukraine shall approve their decisions on behalf of the High Qualifications Commission of Judges of Ukraine, noting the composition of the chamber or board that considered the particular case.

5. The decision of the High Qualifications Commission of Judges of Ukraine, chambers and boards of the Commission shall be issued in writing. The decision shall state the date and place of approval, the composition of the Commission (chamber and board), the issues under consideration and the motives of the approved decision.

The decision shall be signed by the Chairperson and the members of the Commission (chamber and board) that participated in the approval of the decision.

6. In case there is a dissenting opinion of a member of the High Qualifications Commission of Judges of Ukraine, it shall be issued in writing and attached to the case, as reported by the presiding at the meeting.

7. The decision of the High Qualifications Commission of Judges of Ukraine may be appealed to the court on the grounds established by this Law.

8. Decisions of the High Qualifications Commission of Judges of Ukraine regarding giving recommendations may be challenged only together with decision approved based on the relevant recommendation.

9. In case of a dissenting opinion of two or more members of the chamber of the High Qualifications Commission of Judges of Ukraine who participated in consideration of the issue and decision-making by the relevant chamber, the Chairperson of the High Qualifications Commission of Judges of Ukraine may propose this issue for discussion by the High Qualifications Commission of Judges of Ukraine which shall approve a final decision in the manner established by the rules of procedure.

Article 102. Support to the Operations of the High Qualifications Commission of Judges of Ukraine

1. The organizational support to the operations of the High Qualifications Commission of Judges of Ukraine shall be ensured by the Secretariat.

2. The regulation on the Secretariat of the High Qualifications Commission of Judges of Ukraine shall be approved by the High Qualifications Commission of Judges of Ukraine.

3. To ensure the exercise of powers by the members of the High Qualifications Commission of Judges of Ukraine within secretariat of the High Qualifications Commission of Judges of Ukraine a service of forty-eight inspectors shall operate.

4. The maximum number of the employees of the High Qualifications Commission of Judges of Ukraine including the determined by this Law number of members of the Commission and inspectors shall be approved by the High Qualifications Commission of Judges of Ukraine.

5. The staff of the Secretariat of the High Qualifications Commission of Judges of Ukraine shall be appointed and dismissed by the Chairperson of the High Qualifications Commission of Judges of Ukraine in the manner prescribed by the law on the civil service taking into account specifics determined by this Law.

6. The inspectors of the High Qualifications Commission of Judges of Ukraine shall be appointed and dismissed by the Chairperson of the High Qualifications Commission of Judges of Ukraine following the proposal of the respective member of the High Qualifications Commission of Judges of Ukraine.

7. The salary rate of the member of the High Qualifications Commission of Judges of Ukraine who is a judge shall equal the amount of his/her judicial remuneration if such amount exceeds the salary rate of a Supreme Court justice with a coefficient of 1.5.

8. The payment of remuneration to members of the High Qualifications Commission of Judges of Ukraine and salaries to the employees of the secretariat and inspectors of the Commission shall be performed at the cost of funds of the State Budget of Ukraine.

Article 103. Service of Inspectors of the High Qualifications Commission of Judges of Ukraine

1. The service of inspectors of the High Qualifications Commission of Judges of Ukraine shall be formed of individuals with a complete law degree and more than five years of professional activity in the field of law.

If a retired judge is appointed as inspector of the Commission he/she shall retain pension or lifetime monetary allowance and other guarantees determined by this Law.

2. The inspectors of the High Qualifications Commission of Judges of Ukraine shall act exclusively on behalf of the member of the High Qualifications Commission of Judges of Ukraine according to the acts that regulate the operations of the Commission.

3. On behalf of the member of the Commission the inspectors shall:

1) preliminarily analyze the case files concerning the qualifications evaluation; and

2) perform other tasks within powers of the member of the Commission determined by this Law.

4. The service of inspectors of the High Qualifications Commission of Judges of Ukraine shall be headed by a Chairperson of the service of inspectors of

the Commission who shall be subordinated directly to the Chairperson of the High Qualifications Commission of Judges of Ukraine.

Chapter 4. National School of Judges of Ukraine

Article 104. The Status and Structure of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine shall be a state institution with a special status within the system of justice which shall ensure training of highly qualified staff for the system of justice and conduct research and scientific activity. Law on the higher education shall not apply to the National School of Judges of Ukraine.

2. The National School of Judges of Ukraine shall be established under the High Qualifications Commission of Judges of Ukraine and perform its activity in line with this Law and statute approved by the High Qualifications Commission of Judges of Ukraine.

3. The National School of Judges of Ukraine shall be chaired by the rector who shall be appointed to and dismissed from the office by the High Qualifications Commission of Judges of Ukraine.

4. Vice-rectors of the National School of Judges of Ukraine shall be appointed to and dismissed from the office by the High Qualifications Commission of Judges of Ukraine upon the proposal of the rector of the National School of Judges of Ukraine. The rector of the National School of Judges of Ukraine shall submit to the High Qualifications Commission of Judges of Ukraine proposals regarding candidates for relevant vacant positions of vice-rectors.

5. Salary rate of employees of the National School of Judges of Ukraine may not be less than relevant salary rates of the employees of the High Qualifications Commission of Judges of Ukraine.

6. The National School of Judges of Ukraine shall be a legal entity, have a seal with an image of the State Coat of Arms of Ukraine and its name, self-dependent balance and accounts in the bodies of the State Treasury Service of Ukraine and may have regional departments.

Article 105. The Tasks of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine shall:

- 1) perform special training of judicial candidates;
- 2) train judges, including those who were selected to administrative positions in courts;
- 3) perform regular ongoing training of judges aimed at increasing their level of qualifications;
- 4) conduct training courses as determined by a qualifications or disciplinary body to increase the qualifications of judges who are suspended from rendering justice;
- 5) train court staff and increase their qualifications;

- 6) conduct research in the field of improving the judiciary, status of judges, and judicial proceedings;
- 7) study international experience of court organization and operations; and
- 8) provide scientific and methodological support to the operations of courts, High Qualifications Commission of Judges of Ukraine and High Council of Justice [new].

Section VI DISCIPLINARY LIABILITY OF A JUDGE

Article 106. Grounds for Disciplinary Liability of a Judge

A judge may be brought to disciplinary liability within the procedure of disciplinary proceedings on the following grounds:

- 1) intentional or caused by negligence:
 - a) illegitimate denial of access to justice (including illegitimate refusal to accept a claim on the merits, an appeal, cassation claim, etc.) or other substantial violation of the norms of procedural law during the administration of justice which has made it impossible for litigants to exercise procedural rights granted to them and fulfill procedural duties, or caused violation of rules regarding the jurisdiction or composition of court;
 - b) failure to specify in a court decision motives for sustaining or rejecting arguments of the parties on the merits of a dispute;
 - c) violation of the principles of publicity and openness of a trial;
 - d) violation of the principles of equality of all litigants before law and court, adversarial procedures between parties and freedom in providing court with their evidence and in proving their strength to the court;
 - e) failure to ensure a right to protection for a defendant, interference with the exercise of the rights of other litigants; and
 - f) violation of the rules for recusal (self-recusal);
- 2) unreasonable delay or failure to take actions on considering an application, complaints or case within a timeline established by law, delays in drafting a motivated court decision, untimely submission of a copy of court decision by a judge to be entered into a Unified State Registry of Court Decisions;
- 3) conduct which disgraces a status of judge or undermines the authority of justice, in particular, on the issues of moral, integrity, incorruptibility, congruence of the lifestyle of a judge with his/her status, compliance with other norms of judicial ethics and standards of conduct which ensure public trust in court, manifestation of disrespect to other judges, lawyers, experts, witnesses or other litigants;
- 4) intentional or caused by obvious negligence violation of human rights and fundamental freedoms by a judge who participated in adopting a court decision;
- 5) disclosure of a secret which is protected by law, including a secret of deliberation room or information which became known to a judge during the consideration of a case at a closed court session;
- 6) failure of a judge to inform the High Council of Justice [new] and Prosecutor General about an instance of interference into the activity of a judge aimed at rendering justice, including about the application of other litigants or other persons, including persons authorized to perform the functions of the state

with regard to specific cases which are under consideration of a judge, if such application took place in any other way than provided for by procedural law within five days after he/she became aware of such instance;

7) failure to inform or untimely informing of the Council of Judges of Ukraine about an actual or potential conflict of interests of a judge (except cases when the conflict of interests is regulated within the procedure stipulated by procedural law);

8) interference into the process of rendering justice by other judges;

9) non-submission or untimely submission of a declaration of a person authorized to perform the functions of the state or local self-governance within the procedure stipulated by law in the field of preventing corruption;

10) mentioning in a declaration of a person authorized to perform the functions of the state or local self-governance knowingly inaccurate information or deliberate omission of information stipulated by law;

11) using a status of a judge with the aim of illegitimate receipt of material benefits or other benefits by him/her or third persons if such offence does not contain the signs of a crime or criminal offence;

12) judicial misconduct including making expenditures by the judge or members of his/her family in excess of incomes of the judge and his/her family; finding an incongruence of the level of life of a judge with declared income; failure to certify the legality of the source of the property;

13) failure to provide information or providing knowingly inaccurate information following a legitimate request of a member of the High Qualifications Commission of Judges of Ukraine and/or member of the High Council of Justice [new];

14) failure to pass ongoing training at the National School of Judges of Ukraine upon a referral made by a body which conducts disciplinary proceedings with regard to judges or failure to pass further qualifications evaluation to confirm the capability of a judge to render justice in a relevant court or failure to confirm the capability of a judge to render justice in a relevant court based on results of such qualifications evaluation;

15) finding a judge guilty of committing a corruption offence or offence related to corruption in cases stipulated by law;

16) non-submission or untimely submission of a declaration of family relations by a judge within a procedure determined by this Law;

17) submission of knowingly inaccurate (including incomplete) data in a declaration of family relations;

18) non-submission or untimely submission of a declaration of judicial integrity within a procedure determined by this Law; and

19) submission of knowingly inaccurate (including incomplete) statements in a declaration of judicial integrity.

2. Cancellation or change of a court decision shall not result in disciplinary liability of a judge who participated in its adoption except cases when a cancelled or changed decision was adopted in the result of deliberate violation of the norms of law or mistreatment of duty.

Article 107. Application with a Disciplinary Complaint against a Judge

1. Any person shall have a right to apply with a complaint against disciplinary offence of a judge (disciplinary complaint). Citizens shall exercise this right in person or via a lawyer, and legal entities – via a lawyer, state bodies and local self-government bodies – via their Chairpersons or representatives.

A lawyer shall be obligated to verify the facts which may result in disciplinary liability of a judge before submitting a relevant disciplinary complaint.

2. A disciplinary complaint shall be submitted in writing and must contain the following data:

1) last name, first name, patronymic (name) of a complainant, his/her place of residence (stay) or location, postal code and contact numbers;

2) last name, first name, patronymic of a judge (judges) with regard to whom a complaint was filed;

3) specific information about the signs of disciplinary offence in judicial conduct, which, according to paragraph one of Article 106 of this Law may constitute grounds for disciplinary liability of a judge; and

4) reference to actual data (testimony, evidence) which confirm the data mentioned by a complainant.

A disciplinary complaint shall be signed by a complainant and contain a date of signing.

3. The High Council of Justice [new] shall approve and place on the official web-portal of the judiciary a sample of a disciplinary complaint.

4. Abuse of the right to apply to the body authorized to conduct disciplinary proceedings including initiating the issue of judicial liability without sufficient grounds, and usage of such right as a means of pressure on a judge with regard to his/her administration of justice shall not be allowed.

5. A lawyer may be brought to disciplinary liability as prescribed by law for filing a knowingly unjustified disciplinary complaint.

6. A disciplinary case against a judge may not be opened based on a complaint which does not contain data on the availability of signs of a disciplinary offence of a judge as well as based on anonymous applications and notifications.

7. In case there are circumstances which cast doubt on the existence or authenticity of a signature of a person who has filed a disciplinary complaint, a relevant body of the High Council of Justice [new] shall have a right to invite such person to acknowledge the complaint.

8. In case of repeated filing of obviously unjustified disciplinary complaints by a person, the High Council of Justice [new] shall have a right to approve a decision on leaving all subsequent complaints from this person without consideration for one year.

Article 108. The Body Which Conducts Disciplinary Proceedings against a Judge

1. Disciplinary proceedings against a judge shall be conducted by disciplinary chambers of the High Council of Justice [new] within the procedure established by the Law of Ukraine “On the High Council of Justice [new]” taking into account the requirements of this Law.

Article 109. Disciplinary Sanctions against a Judge

1. The following sanctions may be imposed on judges:

- 1) admonishment;
- 2) reprimand – with deprivation of a right to receive bonuses to judicial salary during one month;
- 3) censure – with a deprivation of a right to receive bonuses to judicial salary during three months;
- 4) proposal to temporarily (from one to six months) suspend a judge from the administration of justice – with deprivation of a right to receive bonuses to judicial salary and compulsory referral of a judge to the National School of Judges of Ukraine to pass an ongoing training course determined by the body which conducts disciplinary proceedings against judges and further qualifications evaluation to confirm the capability of a judge to render justice in a relevant court;
- 5) proposal to transfer a judge to a court of a lower level; and
- 6) proposal to dismiss a judge from the office.

2. During the selection of the type of disciplinary sanction against a judge a nature of a disciplinary offence, its implications, judicial personality, the extent of his/her guilt, availability of other disciplinary sanctions, other circumstances which influence the possibility of disciplining a judge shall be taken into account. A disciplinary sanction shall be imposed taking into account the principles of proportionality.

3. A disciplinary sanction determined by point 1 of paragraph one of this Article shall not be imposed in cases when a judge has committed offences determined by points 16-19 of paragraph one of Article 106 of this Law.

4. Disciplinary sanctions determined by points 1-3 of paragraph one of this Article shall not be imposed in case when a judge has committed offences determined by points 3, 10, 11, 12, 14 and 15 of paragraph one of Article 106 of this Law.

5. In case a decision on imposing a disciplinary sanction on a judge is approved, which does not allow a judge to render justice in a relevant court, the judge shall be suspended from the administration of justice in this court starting from the day the decision on imposing a disciplinary sanction was adopted.

6. In case a judge has outstanding disciplinary sanctions, a more severe disciplinary sanction must be imposed on him/her.

7. A judge who has an outstanding disciplinary sanction may not participate in a competition for a vacancy in another court.

8. A disciplinary sanction in a form of a proposal to dismiss a judge from the office shall be imposed in case:

- 1) a judge commits a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with a status of a judge or which has revealed his/her incompatibility with the office; and

- 2) a judge violates the duty to confirm the legality of the source of property.

9. A substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with a status of a judge or which has revealed his/her incompatibility with the office may be, in particular, any of the following facts:

1) a judge has allowed conduct which disgraces the title of a judge or undermines the authority of justice, including in the issues of moral, integrity, incorruptibility, congruence of the lifestyle of a judge with his/her status, compliance with other ethical norms and standards of conduct which ensure public trust in court;

2) a judge has committed a disciplinary offence having an outstanding disciplinary sanction (except admonishment or reprimand) or has two outstanding disciplinary sanctions;

3) a fact of judicial misconduct was found, including a judge or his/her family members making expenses which exceed income of such judge and income of his/her family members and the legality of sources of which is confirmed; incongruence of the level of life of a judge with declared income was found; using the status of a judge with the aim of illegal receipt of material benefits or other benefits by him/her or by third persons;

4) a judge was found guilty of committing a corruption offence or offence related to corruption;

5) a judge did not fulfill the requirements of decision of the body which conducts disciplinary proceedings against the judge approved based on point 4 of paragraph one of this Article or, based on results of qualifications evaluation prescribed according to point 4 of paragraph one of this Article, a judge did not confirm his/her capability to render justice in a relevant court;

6) a judge has deliberately failed to submit a declaration of integrity or declaration of family relations within the established timelines or has deliberately declared inaccurate (including incomplete) statements in the declaration of integrity; and

7) a judge has committed another gross violation of law, which undermines public trust in court.

10. Decision on submitting a proposal to the High Council of Justice [new] on dismissing a judge on the grounds set forth in point 2 of paragraph eight of this Article may be approved if, following the request of the body which conducts disciplinary proceedings, the judge has not confirmed the legality of a source of his/her property.

11. A disciplinary sanction shall be imposed on a judge not later than three years after the offence excluding the time of temporary incapacity to work or leave, or relevant disciplinary proceedings.

12. If a decision of the European Court of Human Rights has found the facts which may constitute grounds for imposing a disciplinary sanction on a judge, the mentioned period shall be calculated starting from the date when such decision of the European Court of Human Rights becomes final.

13. Information on disciplining a judge shall be published on the official website of the High Council of Justice [new] and website of the court where the judge works. This information must contain data on the disciplined judge, imposed disciplinary sanction and copy of decision of the body which conducts disciplinary proceedings against judges on imposing such sanction.

Article 110. Satisfying Disciplinary Sanctions

1. A judge shall be considered as such who has no disciplinary sanctions if:

1) within six months from the date of approving a decision on imposing a disciplinary sanction in a form of admonishment a new disciplinary sanction will not be imposed on him/her and there will be no grounds for imposing a new sanction during the mentioned period;

2) within one year from the date of approving a decision on imposing a disciplinary sanction in a form of reprimand a new disciplinary sanction will not be imposed on him/her and there will be no grounds for imposing a new sanction during the mentioned period;

3) within eighteen months from the date of approving a decision on imposing a disciplinary sanction in a form of censure a new disciplinary sanction will not be imposed on him/her and there will be no grounds for imposing a new sanction during the mentioned period;

4) within two years from the date of approving a decision on imposing a disciplinary sanction in a form of a proposal to temporarily suspend a judge from the administration of justice a new disciplinary sanction will not be imposed on him/her and there will be no grounds for imposing a new sanction during the mentioned period, and on condition of successful ongoing training prescribed by the body which conducts disciplinary proceedings against judges and further confirmation of capability to render justice in a relevant court based on qualifications examination;

5) within three years from the date of approving a decision on imposing a disciplinary sanction in a form of proposal to transfer a judge to a court of a lower level a new disciplinary sanction will not be imposed on him/her and there will be no grounds for imposing a new sanction during the mentioned period; however, a judge cannot be returned to the office in the previous court only as a result of satisfying such disciplinary sanction.

Article 111. Challenging a Judicial Disciplinary Decision

1. A judge may challenge a disciplinary decision on the grounds and within the procedure stipulated in the Law of Ukraine “On the High Council of Justice [new]”.

Section VII DISMISSAL OF A JUDGE FROM THE OFFICE AND TERMINATION OF HIS/HER POWERS Chapter 1. Dismissal of a judge from the office

Article 112. General Conditions of Dismissing a Judge From the Office

1. A judge may be dismissed from the office solely on the grounds determined by part six of Article 126 of the Constitution of Ukraine.

2. Decision on dismissal of a judge from the office shall be approved by the High Council of Justice [new] within the procedure established by the Law of Ukraine “On the High Council of Justice [new]”.

Article 113. Dismissal of a Judge from the Office due to Health Reasons

1. The judge shall be dismissed in case of failure to exercise powers for health reasons upon availability of a medical opinion provided by the medical board established by a specially authorized central executive health authority based on the request of the High Council of Justice [new].

2 Having recognized that the health status does not allow a judge to permanently or for a long time exercise his powers, the High Council of Justice [new] shall approve a decision on dismissing a judge from the office.

Article 114. Dismissal of a Judge in Case of Violation of the Requirements for the Incompatibility

1. The judge shall be dismissed from the office in case of violation of the requirements for the incompatibility based on decision approved by the High Council of Justice [new].

Article 115. Dismissal of a Judge in Case of Committing a Substantial Disciplinary Offence, Gross or Systematic Neglect of Duties

1. In accordance with point 3 of part six of Article 126 of the Constitution of Ukraine, committing a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with a status of judge or which has revealed his/her incompatibility with the office shall constitute grounds for dismissing a judge from the office.

2. The facts that prove the commitment of a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with a status of judge or which has revealed his/her incompatibility with the office must be established by the High Council of Justice [new] (its relevant body).

Article 116. Dismissal of Judges for Resignation or Voluntary Termination of Service

1. The judge, the length of service of which is at least twenty years, as determined in accordance with Article 137 of this Law, shall have the right to submit a resignation.

2. The judge shall have the right, at any period in office, regardless of the motives, to apply for voluntary termination of service.

3. The application for resignation, voluntary termination of service shall be submitted by the judge to the High Council of Justice [new], which within one month as of the date of receipt of the relevant application shall approve a decision to dismiss a judge from the office.

4. The judge shall exercise his/her powers until the approval of decision on his/her dismissal.

5. The judge dismissed under his/her resignation letter shall retain the justiceship and guarantees of immunity provided for such judges before the resignation.

Article 117. Dismissing a Judge from the Office due to Refusal to be Transferred to Another Court in Case of Dissolution or Reorganization of a Court Where the Judge Holds a Position

1. Refusal to be transferred to another court (including evasion of enforcing a decision on transfer) in case of dissolution or reorganization of a court where the

judge holds a position shall be a ground for dismissing a judge based on decision approved by the High Council of Justice [new].

Article 118. Dismissing a Judge from the Office due to the Violation of a Duty to Confirm the Legality of the Source of Property

1. According to point 6 of paragraph six of Article 126 of the Constitution of Ukraine judicial violation of a duty to confirm the legality of the source of his/her property shall constitute a ground for dismissing a judge from the office.

2. Judicial violation of a duty to confirm the legality of the source of his/her property may be found:

1) within disciplinary proceedings against judges – by the High Council of Justice [new] (its bodies);

2) within qualifications evaluation of a judge – by the High Qualifications Commission of Judges of Ukraine; and

3) by a court during the adjudication of a relevant case.

Chapter 2. Terminating judicial powers

Article 119. Terminating Judicial Powers

1. The powers of a judge shall be terminated solely on the grounds stipulated in paragraph seven of Article 126 of the Constitution of Ukraine.

Article 120. Terminating Judicial Powers due to his/her Reaching of the Age of Sixty Five

1. The powers of a judge shall be terminated the following day after his/her reaching the age of sixty five.

2. The Chief Judge of the court where a judge held the position shall notify the High Council of Justice [new], High Qualifications Commission of Judges of Ukraine and State Judicial Administration of Ukraine of the availability of a ground to terminate the powers of this judge. The documents certifying the fact of reaching of the age of sixty five by a judge shall be attached to the notification.

3. A judge may not render justice starting from the following day after his/her reaching of the age of sixty five.

Article 121. Terminating Judicial Powers due to the Termination of Citizenship of Ukraine or Obtaining Citizenship of another State

1. The powers of a judge shall be terminated in case of the termination of his/her citizenship according to the Law of Ukraine “On the Citizenship of Ukraine” or obtaining citizenship of another state – from the day of termination of citizenship of Ukraine or obtaining citizenship of another state.

2. Obtaining the citizenship of another state for the purposes of this Article shall mean:

1) obtaining a status of a citizen of another state by a judge as a result of actions taken by such judge or on his/her behalf by proxy or upon his/her consent to create relevant legal consequences;

2) in case a judge has obtained a status of a citizen of another state by operation of law or in another way without his/her consent – failure to take actions to be deprived of a status of a citizen of another state within ten days after the judge became aware of obtaining such status.

Article 122. Terminating Judicial Powers due to Entry into Force of a Court Decision on Recognizing a Judge Missing or Announcing Him/her Dead, Recognizing Incapable or with Limited Capability

1. A court which rendered a decision on recognizing a person who is a judge as missing or announcing him/her dead, recognizing incapable or with limited capability shall immediately inform the High Council of Justice [new], High Qualifications Commission of Judges of Ukraine and State Judicial Administration of Ukraine about this.

2. The powers of a judge shall be terminated on the day when such decision comes into force.

Article 123. Termination of Powers of a Judge due to his/her Death

1. The powers of the judge shall terminate in the event of his death.

2. The presence of grounds for termination of powers of the judge shall be reported by the head of the court in which the judge held the position to the High Council of Justice [new], High Qualifications Commission of Judges of Ukraine and the State Judicial Administration of Ukraine. The report shall be annexed with documents on confirmation of death.

Article 124. Terminating Judicial Powers due to Entry into Force of a Verdict of Guilty of Committing a Crime

1. A court which rendered a verdict of guilty regarding a person who is a judge shall immediately inform the High Council of Justice [new], High Qualifications Commission of Judges of Ukraine and State Judicial Administration of Ukraine about this.

2. The powers of a judge shall be terminated on the day when such verdict of guilty enters into force. Such judge shall forfeit the determined by law guarantees of judicial independence and immunity, right to monetary, including judicial, remuneration, and other support.

Article 125. Terminating Labor Relations with a Judge as a Result of Termination of Powers

1. Termination of judicial powers shall be a ground for terminating labor relations of a judge with a relevant court. The Chief Judge shall issue an order on this.

Section VIII JUDICIAL SELF-GOVERNANCE

Chapter 1. General principles of judicial self-governance

Article 126. Objectives of the Judicial Self-Governance

1. In order to protect professional interests of judges and address the issues related to domestic activity of the courts in Ukraine the judicial self-governance –

independent collective resolution of the indicated issues by the judges shall be established.

2. The judicial self-governance is one of the guarantees of ensuring the independence judges. The activity of self-governance bodies should promote the establishment of appropriate organizational and other conditions for the adequate operation of courts and judges, maintain the independence of the judiciary, protect the judges from interference in their activity and raise the level of work with staff within the court system.

3. The issues of domestic activity of the courts shall include organizational support for the courts and activity of judges, social protection of judges and their families as well as other issues, which are not directly related to the administration of justice.

4. The objectives of the judicial self-governance shall include the resolution of issues regarding:

- 1) ensuring of the organizational unity of operation of the judiciary;
- 2) strengthening of the independence of courts, judges, the protection of professional interests of courts including protection against interference in their activity;
- 3) participation in identifying the needs of personnel, financial, logistical and other support of the courts and monitoring of compliance with the established standards of such support;
- 4) election of judges to administrative positions in courts in the manner prescribed by this Law;
- 5) appointment of judges of the Constitutional Court of Ukraine;
- 6) election of judges to the High Council of Justice [new] and the High Qualifications Commission of Judges of Ukraine in the manner prescribed by law.

Article 127. Organizational Forms of Judicial Self-Governance

1. The organizational forms of judicial self-governance shall be the meetings of judges, the conferences of judges, the Council of Judges of Ukraine, the Congress of Judges of Ukraine.

2. The judicial self-governance in Ukraine shall be ensured through:

- 1) meetings of judges of trial courts, courts of appeal, high specialized court, the Plenum of the Supreme Court;
- 2) Council of Judges of Ukraine;
- 3) Congress of Judges of Ukraine.

3. The procedure for implementation of the judicial self-governance shall be determined, in accordance with the Constitution of Ukraine, by this Law, other laws as well as rules and provisions adopted by the bodies of judicial self-governance under the Constitution of Ukraine and this Law.

Chapter 2. Judicial self-government bodies

Article 128. Meetings of Judges

1. The meeting of judges is the meeting of judges of a respective court, at which they shall discuss issues related to the internal operation of the court and adopt collective decisions on the issues discussed.

2. The meeting of the judges shall be convened by the Chairperson of the respective court on his/her own initiative or at the request of at least one-third of the total number of judges of this court.

3. The meeting of judges shall be convened as necessary but at least once every three months.

4. The meeting of judges shall be considered duly constituted if attended by at least two thirds of the number of judges of this court.. Only the judges of the given court shall be eligible to vote.

To the meetings of judges the court staff, retired judges, representatives of civil society associations, journalists and other persons may be invited

5. The meeting of judges shall:

1) discuss the issues concerning the internal operation of the court or the work of individual judges or court staff, and adopt decisions on these issues that are binding on judges and staff of the given court;

2) determine the specialization of judges on consideration of specific categories of cases;

3) determine the burden on judges of the relevant court considering the performance of administrative and other duties;

4) hear the reports of judges holding administrative positions in the given court, and the head of staff of the court;

5) make a request to discipline a lawyer, prosecutor, official of a state body or local self-government body for actions or inactivity which violate the guarantees of independence of court and judge; and

6) exercise other powers determined by this Law.

6. Meeting of judges of every court (except trial general courts) shall elect, by secret voting, delegates for Congress of Judges of Ukraine.

7. Meeting of judges of every local general court shall elect, by secret voting, delegates for joint meeting of judges of local general courts in the Autonomous Republic of Crimea, every region, and cities of Kyiv and Sevastopol under the principle 'one delegate from ten judges'. If the court has less than ten judges, one delegate shall be delegated from such court.

Joint meeting of judges of local general courts in the Autonomous Republic of Crimea, every region, and cities of Kyiv and Sevastopol shall be held to elect delegates for the Congress of Judges of Ukraine by secret voting.

The procedure of convocation and holding the joint meetings of judges of local general courts shall be defined by the Council of Judges of Ukraine.

A judge holding an administrative position in court may not be elected as a delegate for joint meeting of judges of local general courts.

8. Meeting of judges shall submit proposals on issues related to the activity of the court to state authorities and local governments that are required to consider these proposals within fifteen days and provide substantive response.

9. The meeting of judges shall discuss the issues related to the practices of application of law, develop respective proposals for improving such practices and the legislation. The meeting of judges of the trial or appellate court, high

specialized court may submit respective proposals for the review to the Supreme Court.

10. The meeting of judges of the local general courts shall elect the investigating judges in the manner prescribed by this Law.

11. The meeting of judges shall adopt the decisions by a majority of the judges present at the meeting through an open voting, unless there is a decision to conduct secret voting. The decisions on the election of delegates to the joint meeting of judges of local general courts shall be adopted by secret voting.

12. The implementation of decisions of the meeting of judges, under the commission of the meeting, shall be vested in the head or deputy head of the respective court.

Article 129. The Congress of Judges of Ukraine

1. The supreme body of the judicial self-governance shall be the Congress of Judges of Ukraine.

2. The Congress of Judges Ukraine shall:

1) hear reports of the Council of Judges of Ukraine on the implementation of objectives of judicial self-governance on ensuring the independence of courts and judges, the organizational and financial support of the courts;

2) hear reports of the High Qualifications Commission of Judges of Ukraine on its activity;

3) hear reports from the Chairperson of the State Judicial Administration of Ukraine on its activity, including the organizational, financial and technical maintenance of judicial bodies;

4) appoint the judges of the Constitutional Court of Ukraine in accordance with the Constitution and laws of Ukraine;

5) elect the members of the High Council of Justice [new] and decide on their dismissal from the office of member of the High Council of Justice [new] in accordance with the Constitution and laws of Ukraine;

6) elect the members of the High Qualifications Commission of Judges of Ukraine and make decision to dismiss them from the office under this Law;

7) submit proposals on the operation of courts to state authorities and respective officials;

8) elect the Council of Judges of Ukraine;

9) consider other issues related to judicial self-governance under the law.

3. The Congress of Judges Ukraine shall adopt decisions that are binding on all bodies of judicial self-governance and all the judges.

Article 130. The Procedure for Convocation of the Congress of Judges of Ukraine

1. The regular Congress of Judges of Ukraine shall be convened by the Council of Judges of Ukraine once every two years. An extraordinary Congress of Judges of Ukraine may be convened under the resolution of the Council of Judges of Ukraine.

2. If necessary, the meetings of judges shall apply to the Council of Judges of Ukraine with a proposal to convene an extraordinary Congress of Judges of Ukraine. The Council of Judges of Ukraine shall be obliged to convene an extraordinary Congress of Judges of Ukraine at the request of the meetings of judges of not less than one-fifth of all courts or at the request of the Conference of Judges.

3. The Council of Judges of Ukraine, which convenes the Congress of Judges of Ukraine in the manner determined in part one of this Article, shall approve the preliminary list of issues submitted for consideration of the Congress, and determine the date and venue of the Congress. In case the Congress of Judges of Ukraine is convened at the request of the meeting or conference of judges, the preliminary list of issues shall include all the issues that constitute a subject of the given request.

4. To the Congress of Judges of Ukraine other persons, besides the delegates, shall be invited. The invited persons shall not participate in the voting in the course of adoption of decisions of the Congress of Judges of Ukraine.

5. In case if the Council of Judges of Ukraine does not convene the Congress of Judges of Ukraine within the term determined by parts one and two of this Article, such Congress shall be convened at the request of the meeting of judges of not less than one-fifth of all courts without the participation of the Council of Judges of Ukraine.

In this case, the initiators of the convocation of the Congress of Judges of Ukraine shall establish an organizing committee to convene the Congress of Judges of Ukraine, which shall have the powers of the Council of Judges of Ukraine in respect to the convocation of the Congress. The organizing committee shall immediately publish the information on its establishment in the newspapers 'Holos of Ukraine' and 'Uryadovyi Courier', and determine the date of the Congress of Judges not later than in two months as of the date of establishment of the organizing committee.

6. An announcement of convocation of the Congress of Judges of Ukraine and agenda of the Congress shall be published in the 'Golos of Ukraine' and 'Uryadovyi Courier' Newspapers not later than thirty days prior to the Congress, and in cases of convocation, under part two of this Article, of an extraordinary Congress at the request of the meeting or conference of judges –fifteen days prior to the Congress.

7. If the Congress of Judges is convened for election of members of the High Council of Justice [new] or High Qualifications Commission of Judges of Ukraine, the announcement shall be published not later than forty-five days prior to the Congress.

Article 131. Election of Delegates to the Congress of Judges of Ukraine

1. The meetings of judges of every court (except trial general court, high specialized court and the Supreme Court) shall elect to the Congress of Judges of Ukraine one candidate from twenty judges employed in each court. If the court has less than twenty judges, the court shall delegate one delegate.

2. Delegates to the Congress of Judges of Ukraine from judges of local general courts shall be elected by joint meetings of judges in every region, Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol following

the principle 'one delegate from twenty judges' of the total number of judges of local general courts in every region, Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol.

3. The meeting of judges of high specialized courts shall elect three delegates to the Congress of Judges of Ukraine each, from among the judges of these courts.

4. The Plenum of the Supreme Court shall elect twelve delegates to the Congress of Judges of Ukraine from among justices of the Supreme Court.

5. The delegates to the Congress of Judges of Ukraine shall be elected by secret ballot on an alternative basis with free nomination of candidates for election from among judges of relevant courts or retired judges regardless of their place of employment before retirement.

6. The delegates to the Congress of Judges of Ukraine shall not be elected from among the judges holding administrative positions in courts, the judges that are members of the High Council of Justice [new] or the High Qualifications Council of Judges of Ukraine.

Article 132. Procedure for Holding the Congress of Judges of Ukraine

1. The Congress of Judges Ukraine shall be considered duly constituted if attended by at least two-thirds of the total number of the elected delegates.

2. The Congress of Judges Ukraine shall be opened by the Chairperson of the Council of Judges of Ukraine, and in his absence – by the eldest member of the Council of Judges of Ukraine.

3. The Congress of Judges Ukraine shall elect, by an open voting, the Congress Presidium with quantitative composition determined by the decision of the Congress. The Presidium shall organize the work of the Congress of Judges of Ukraine.

4. The Congress of Judges Ukraine shall discuss and approve the agenda and rules of the Congress, elect a counting commission, Secretariat and other working bodies of the Congress.

5. The work of the Congress of Judges of Ukraine shall be recorded.

6. The decision of the Congress of Judges of Ukraine shall be adopted by the majority vote of the elected delegates in the open or secret voting. The decisions on issues referred to in paragraphs 4 – 6, 8 of part two of Article 129 of this Law shall be adopted by secret voting.

7. The other issues included in the agenda of the Congress of Judges of Ukraine shall be regulated by the rules of the Congress of Judges of Ukraine adopted by the Congress.

Article 133. The Council of Judges Ukraine

1. In between the Congresses of Judges of Ukraine, the supreme body of judicial self-governance shall be the Council of Judges of Ukraine.

2. The Council of Judges of Ukraine shall elect the Congress of Judges of Ukraine. The Council of Judges of Ukraine shall include:

1) eleven judges of local general courts;

- 2) four judges of local administrative courts;
- 3) four judges of local commercial courts;
- 4) four judges of the courts of appeal for civil, criminal cases and cases on administrative offences;
- 5) two judges of administrative courts of appeal;
- 6) two judges of the commercial courts of appeal;
- 7) one judge of the high specialized courts;
- 8) four judges of the Supreme Court.

3. The proposals for nominations to the Council of Judges of Ukraine shall be submitted by judges participating in the Congress of Judges of Ukraine.

4. The judges who hold administrative positions in courts or are members of the High Council of Justice [new] or the High Qualifications Commission of Judges of Ukraine shall not be elected to the Council of Judges of Ukraine. In the event of election of a member of the Council of Judges of Ukraine to the administrative position in court, his powers in the Council of Judges of Ukraine shall be terminated.

5. The members of the Council of Judges of Ukraine, at the meeting of the Council, shall elect, by a secret voting, from among its members the Chairperson of the Council of Judges of Ukraine, his deputy and secretary.

6. The Council of Judges of Ukraine, in between the Congresses of Judges of Ukraine, shall ensure the implementation of decisions of the Congress and implementation monitoring, as well as decide on the convocation of the Congress of Judges of Ukraine.

7. The powers and order of work of the Council of Judges of Ukraine shall be defined by this Law and the regulation on the Council of Judges of Ukraine approved by the Congress of Judges of Ukraine.

8. The Council of Judges of Ukraine shall:

- 1) develop and provide for the implementation of measures to ensure the independence of courts and judges, improvement of the organizational support of the activity of courts;

- 2) consider the issues related to the legal protection of judges, social security of judges and their families, adopt respective decisions on these matters;

- 3) oversee the organization of activity of the courts, hear the reports on these issues of the Chairperson of the State Judicial Administration of Ukraine, his deputies, heads of departments and territorial departments of the State Judicial Administration of Ukraine;

- 4) submit proposals on issues related to the activity of courts to state authorities and local governments;

- 5) approve the sample certificates of judges, retired judges;

- 6) exercise control over the compliance with legislation on the settlement of the conflict of interests in the activity of the judges, the Chairperson or members of the High Qualifications Commission of Judges of Ukraine, Chairperson of the State Judicial Administration of Ukraine or his deputies; adopt decisions on the settlement of an actual or potential conflict of interest in the activity of the above persons (if such a conflict cannot be settled in the manner prescribed by procedural law);

- 7) exercise other powers determined by this Law.

9. Decisions of the Council of Judges of Ukraine adopted within the scope of powers defined by this Law shall be published at the official web-portal of the judiciary on the next day upon adoption.

Decisions of the Council of Judges of Ukraine adopted within the scope of powers defined by this Law shall be binding for all bodies of judicial self-governance. The decision of the Council of Judges of Ukraine may be cancelled by the Congress of Judges of Ukraine or by court.

10. If a judge (except when the conflict of interest is governed by procedural law), the Chairperson or Deputy Chairperson of the High Qualifications Commission of Judges of Ukraine, Chairperson of the State Judicial Administration of Ukraine and his deputy has any real or potential conflict of interest, such person shall notify the Council of Judges of Ukraine of the same in writing not later than on the next business day upon the emergence of such conflict of interest.

11. A governmental body, local self-governance body, including officials employed in such bodies and heads of companies, institutions and organizations and public associations that received a letter of the Council of Judges of Ukraine related to the safety of judges, shall consider such letter within ten days upon receipt and take measures to eliminate any threats to the judges' safety.

Article 134. Support to the Operations of the Bodies of Judicial Self-Governance

1. The ensuring of the work of the Congress of Judges of Ukraine and joint meetings of judges of local general courts, the activity of the Council of Judges of Ukraine shall be carried out by the State Judicial Administration of Ukraine and its regional departments at the cost of the State Budget of Ukraine according to the requirements set forth in Section XI of this Law.

Section IX SUPPORT TO JUDGES

Article 135. Remuneration of Judges

1. The remuneration of judges shall be regulated by this Law and cannot be determined by other legal and regulatory acts.

2. Judicial remuneration shall be paid to a judge starting from the date when he/she was taken on the staff of a relevant court unless other is stipulated by this Law. The remuneration of judges shall consist of the official salary and surcharges for:

- 1) years of service;
 - 2) holding of an administrative position in court;
 - 3) degree; and
 - 4) work that envisages the access to state secrets.
3. Basic amount of judicial salary shall equal:
- 1) 30 minimum salaries – judges of a trial court;

2) 50 minimum salaries – judges of a court of appeals, high specialized court;

3) 75 minimum salaries – justices of the Supreme Court.

4. The basic amount of a salary determined by paragraph three of this Article shall additionally include the following regional coefficients:

1) 1,1 – if a judge renders justice in a court which is located in a settlement with the number of population of at least one hundred thousand persons;

2) 1,2 – if a judge renders justice in a court which is located in a settlement with the number of population of at least five hundred thousand persons;

3) 1,25 – if a judge renders justice in a court which is located in a settlement with the number of population of at least one million persons.

5. The judges shall receive a monthly surcharge for the years of service as follows: for work experience of more than 3 years - 15 percent, more than 5 years - 20 percent, more than 10 years - 30 percent, more than 15 years - 40 percent, more than 20 years - 50 percent, more than 25 years - 60 percent, more than 30 years - 70 percent, more than 35 years - 80 percent of the official salary.

6. The judges who hold positions of Deputy Chief Judge of the court, Secretary of the court chamber, secretary of the Plenum of the Supreme Court and secretary of the Grand Chamber of the Supreme Court shall receive a monthly surcharge of 5 percent of the official salary of a judge of the respective court, the Chief Judge of the court - 10 percent of the official salary of the judge of the respective court.

7. The judges shall receive a monthly surcharge for the degree of Ph.D. or Doctor of the respective major in the amount of 15 and 20 percent of the official salary of the judge of the respective court.

8. The judges shall receive a monthly surcharge for work that envisages the access to state secrets depending on the degree of secrecy of the information: the data and media having a degree of secrecy 'Top Secret' - 10 percent of the official salary of the judge of the respective court; the data and media having a degree of secrecy 'Secret' - 5 percent of the official salary of the judge of the respective court.

9. The expenditures on the payment of remuneration to judges shall be allocated under a separate code of economic classification of expenditure.

10. A judge that does not administer justice (except for the reasons of temporary incapacitation, annual paid leave) shall not be entitled to receive the surcharges to the official salary.

Article 136. Leave

1. The judges shall be granted an annual paid leave of 30 working days with remuneration, other than remuneration of judges, allowance for recreation in the amount of the official salary. The judges that have the length of service of more than 10 years shall be provided with an additional paid leave of 15 days.

Article 137. The length of Service of Judges

1. The length of service as a judge shall include the service in the position of:

1) judge of the courts of Ukraine, the arbitrator (judge) of the arbitration courts of Ukraine, the state arbitrator of the former State Arbitration of Ukraine,

the arbitrator of departmental arbitrations of Ukraine and judges of the Constitutional Court of Ukraine;

2) member of the High Council of Justice [new], the High Qualifications Commission of Judges of Ukraine;

3) judge in courts and the arbitrators in the state and departmental arbitrations of the former USSR and its republics.

Article 138. Provision of Housing for Judges

1. After the appointment to the position, a judge who needs improvement of the housing conditions shall be provided with the service housing at the location of the court by the local authorities in the manner specified by the Cabinet of Ministers of Ukraine.

Article 139. Addressing the Needs of Judges Related to Their Activity

1. The judge, at the cost of the State Budget of Ukraine, shall be provided with the judicial gown and lapel badge.

2. The judge shall be provided with a separate room, work space and necessary facilities.

Article 140. State Protection of Judges and Their Families

1. The judges, their families and property shall be under special protection of the state. The Service of Court Security and law enforcement agencies shall be required to take the necessary measures to ensure the safety of judges, members of their families, their property, in case if the judge submits a relevant application.

2. The infringement, in connection with official duties of the judge, on the life and health, the destruction or damage to property, threats of murder, violence or destruction of property of the judge, insult or slander against him, as well as the infringement on the lives and health of family members of the judge (parents, spouse, children), threat of their murder, destruction of property shall entail a liability under the law.

3. The judge shall have the right to be provided with means of protection by the Service of Court Security established according to this Law.

Article 141. Social Insurance of Judges

1. Mandatory state insurance of life and health of judges shall be performed at the expense of the Fund of social insurance against accidents at work and occupational diseases of Ukraine according to the Law of Ukraine On mandatory state social insurance.

Section X
THE STATUS OF RETIRED JUDGES

Article 142. Pension or Monthly Permanent Allowance for Retired Judges

1. The judges that retired after reaching the age of 62 years for men, and for women – the retirement age established by Article 26 of the Law of Ukraine On

mandatory state pension insurance, shall receive a pension under the conditions envisaged by the mentioned Law or at the judge's choice, a monthly permanent allowance. Prior to reaching the indicated age, the right to age pension or monthly permanent allowance shall be granted to men born in 1955 and older, upon reaching the following age:

1) 61 years - born on January 1, 1954 to December 31, 1954;

2) 61 years and 6 months - born on January 1, 1955 to December 31, 1955.

2. A retired judge that has not reached the age specified in part one of this Article shall receive a monthly permanent allowance. Upon reaching by the judge of the age specified in part one of this Article, he shall retain the right to receive the monthly permanent allowance or, at his choice, a pension under the conditions envisaged by the Law of Ukraine On mandatory state pension insurance.

3. Monthly lifetime allowance shall be paid to the judge in the amount of 50 percent of the remuneration of judge holding the respective position. For each full year of service as a judge for over 20 years, the amount of the monthly permanent allowance shall be increased by two percent of the salary.

4. In case of change of components of remuneration of judges holding the respective position, the amount of the previously designated monthly lifetime allowance shall be recalculated.

5. In case of change of remuneration of the judges of the Constitutional Court of Ukraine the previously designated monthly permanent allowance shall be recalculated. The recalculation of the monthly permanent allowance shall be made based on the full amount of salary of judges of the Constitutional Court of Ukraine as of the date of emergence of the right to respective recalculation.

5. The pension or monthly permanent allowance of the judge shall be paid regardless of the income (profit) received by the judge after the resignation. The monthly lifetime allowance shall be paid to the judges by the bodies of the Pension Fund of Ukraine at the cost of the State Budget of Ukraine.

Article 143. Compensation of a Judge due to Retirement

1. A judge who has retired shall be paid compensation in the amount of 3 monthly judicial remunerations on the last position.

2. If a judge whose retirement was terminated due to repeated appointment to the office submits another application on retirement, he/she shall not be paid compensation due to retirement.

Article 144. Medical Care and Sanatorium Treatment of Judges and Their Family Members

1. A judge and his/her family members shall have a right to free medical care in state health care institutions. Family members of a judge may use the services of medical institutions where the judge is served.

Article 145. Termination of Resignation of a Judge

1. The resignation of a judge shall be terminated in case of:

1) repeated appointment to the position of judge;

2) entry into force of a verdict of guilty for committing an intentional crime;

3) termination of citizenship or obtaining citizenship of another state; and

4) recognition of the judge missing or presumed dead.

2. The termination of resignation of the judge shall constitute the grounds for termination of payment of a monthly permanent allowance that was assigned due to resignation.

3. In the event of termination of resignation of the judge on the grounds envisaged in paragraph 2 of part one of this Article, the pension of the judge shall be assigned based on general grounds.

3. The decision on the termination resignation of the judge shall be adopted by the High Council of Justice [new].

Section XI

ORGANIZATIONAL SUPPORT TO THE OPERATIONS OF COURTS

Chapter 1. General issues of support of courts

Article 146. Special Aspects of Ensuring the Operations of the Judiciary

1. The state shall provide the funding and proper conditions for the functioning of courts and activity of the judges in accordance with the Constitution of Ukraine.

2. The support of functioning of the judiciary shall envisage:

1) a separate determination in the State Budget of Ukraine of expenses for the support of courts not below the level that ensures full and independent administration of justice according to law;

2) legal guaranteeing of the full and timely funding of courts;

3) ensuring a sufficient level of social security of judges.

3. Expenses for the support of court shall be determined taking into account the proposals of the High Council of Justice [new].

Article 147. System for Ensuring the Operations of the Judiciary

1. In Ukraine there shall be a unified system of ensuring the operations of the judiciary – courts, judicial self-government bodies, other state bodies and judicial bodies.

2. The High Council of Justice [new], High Qualifications Commission of Judges of Ukraine, State Judicial Administration of Ukraine and the National School of Judges of Ukraine, and other state bodies and local self-government bodies shall participate in providing organizational support to the operations of courts in cases and within the procedure stipulated by this and other laws.

3. The State Judicial Administration of Ukraine shall ensure the implementation of decisions on creating or dissolving courts.

4. The State Judicial Administration of Ukraine may establish shorter terms for procedures of dissolving courts as legal entities provided that it fulfils civil liabilities of the dissolved court based on requirements of creditors made during the period stipulated by law.

5. To perform actions on registering a newly created court as a legal entity and representing such court as a state body in relations with other state bodies, local self-government bodies, and physical and legal entities, the State Judicial

Administration of Ukraine shall adopt a decision on appointing an acting chief of staff of the newly created court. The acting chief of staff shall exercise the mentioned powers of Chief Judge of a court as a legal entity until at least one judge is appointed, elected or transferred to judicial position in such court and shall continue exercising the duties of chief of staff until a relevant chief of staff is appointed according to the procedures determined by the law on the civil service taking into account specifics determined by this Law.

6. If a court which renders justice in the territory of a relevant administrative and territorial unit (relevant administrative and territorial units) is dissolved and a new court which renders justice in this territory is created, the dissolved court shall stop rendering justice starting from the date when the Chief Judge of the newly created court publishes a notice of the commencement of the operations of the newly created court in the newspaper “Holos Ukrainy”.

7. Due to natural calamity, military actions, actions aimed at fighting terrorism or other extraordinary circumstances, the operations of a court may be terminated following the decision of the High Council of Justice [new] which shall be approved based on the proposal of the Chief Justice of the Supreme Court.

Article 148. The principles of Funding of Courts

1. The funding of all the courts in Ukraine shall be ensured at the expense of the State Budget of Ukraine.

2. The expenditures of the general fund of the State Budget of Ukraine for the maintenance of courts shall be included in the protected items of expenditure of the State Budget of Ukraine.

3. The functions of the key spending unit of the State Budget of Ukraine concerning the financial support of the courts shall be exercised by:

1) the Supreme Court of Ukraine - providing the funding for its activity;

2) the State Judicial Administration of Ukraine – with regard to financial support of the activity of all other courts, the activity of the High Qualifications Board of Judges of Ukraine, bodies of judicial self-governance, the National School of Judges of Ukraine, Service of Court Security and the State Judicial Administration of Ukraine;

3) High Council of Justice [new] – with regard to financial support to its operations.

4. The functions of a spending unit of budget funds with regard to trial courts shall be performed by territorial departments of the State Judicial Administration of Ukraine.

3. The expenditures on the maintenance of courts shall be allocated in the State Budget of Ukraine by a separate line item with regard to Supreme Court, High Council of Justice [new], and in general for courts of appeals, trial and high specialized courts.

6. The expenditures of each trial and appellate court of all types and specialization, high specialized court, High Qualifications Commission of Judges of Ukraine, judicial self-government bodies, National School of Judges of Ukraine, Service of Court Security and State Judicial Administration of Ukraine shall be defined in the State Budget of Ukraine in a separate annex.

7. The expenditures on maintenance of the courts in the State Budget of Ukraine shall not be reduced during the current fiscal year.

8. The monitoring of compliance with the provisions of this Law concerning the funding of courts shall be carried out in the manner prescribed by law.

9. The special aspects of preparation and review of the draft law on the State Budget of Ukraine with regard to the funding of courts and other bodies and institutions of the system of justice shall be determined by law.

Article 149. Procedure of Courts Funding

1. The courts shall be funded under the estimates and monthly allocations of expenditures approved in accordance with this Law, within the amount of annual expenditures determined in the State Budget of Ukraine for the current fiscal year in the order established by the Budget Code of Ukraine.

Article 150. Civil Service in the System of Justice, Remuneration of Labor and Social Guarantees

1. The appointment of civil servants and support staff to the office, remuneration of labor and social guarantees of court staff of trial courts, courts of appeals, high specialized courts and National School of Judges of Ukraine, court staff of the Supreme Court, secretariats of the High Council of Justice [new] and High Qualifications Commission of Judges of Ukraine, State Judicial Administration of Ukraine shall be regulated by the norms of law on civil service taking into account the specifics stipulated by this Law.

2. The Commission on the Issues of the Higher Corps of Civil Service in the System of Justice which is established in line with the law shall operate under the High Council of Justice [new].

The Commission on the Issues of the Higher Corps of Civil Service in the System of Justice shall exercise the powers of the Commission on the Issues of the Higher Corps of Civil Service determined by the Law of Ukraine “On the Civil Service” regarding the issues of civil service in the system of justice.

3. Specifics of conducting competitions for appointing to positions of civil servants in courts, bodies and institutions of the system of justice shall be determined by the Regulation which shall be approved by the High Council of Justice [new] based on proposal of the State Judicial Administration of Ukraine following consultations with a central executive body which ensures the forming and implements public policy in the field of civil service.

The mentioned Regulation shall set forth the specifics of appointing civil servant to the office in cases determined by this Law.

4. The amount of salary of a court staff member whose position is classified as the lowest in terms of remuneration of civil service position shall be established in the amount determined by law on the civil service.

The amount of salaries of other employees of court staff shall be increased by a relevant coefficient in proportion to salaries of employees whose positions are classified as preceding in the ranking of civil service positions in such court in terms of remuneration taking into account jurisdictions of state bodies.

5. The amount of salary of the employee of the secretariat of the High Council of Justice [new], High Qualifications Commission of Judges of Ukraine,

State Judicial Administration of Ukraine whose position is classified as the lowest position of civil service in terms of remuneration, shall be established at the level of a relevant employee of court staff of the Supreme Court, and salary of an employee of the territorial department of the State Judicial Administration of Ukraine - at the level of a relevant court staff member of a court of appeals.

6. A scheme of salaries with coefficients for civil servants of courts, bodies and institutions of the system of justice shall be approved by the Cabinet of Ministers of Ukraine based on proposal of the State Judicial Administration of Ukraine.

7. Key spending units of the State Budget of Ukraine in terms of financial support to court operations shall cover expenditures of courts on funerals and memorializing judges, including retired judges, within expenditures envisaged for courts in the state budget for a relevant year.

8. Budgets of the Supreme Court, High Council of Justice [new], High Qualifications Commission of Judges of Ukraine and State Judicial Administration of Ukraine shall include funds for the cost of representation.

Chapter 2. The State Judicial Administration of Ukraine

Article 151. The Status of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall be the state body in the system of justice, which shall provide organizational and financial support of the judiciary within the authority prescribed by law.

2. The State Judicial Administration of Ukraine shall be accountable to the High Council of Justice [new] within the limits established by this Law.

3. The State Judicial Administration of Ukraine shall have territorial departments. Decision on establishment of territorial departments and determination of their number shall be made by the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new].

4. The legal status of officials of the State Judicial Administration of Ukraine, its regional departments shall be determined by the Law of Ukraine "On the Civil Service".

5. The State Judicial Administration of Ukraine shall be a legal entity, have a seal with the State Emblem of Ukraine and its name, its own balance sheet and accounts in the State Treasury of Ukraine.

6. The Regulation on the State Judicial Administration of Ukraine and model regulation on its territorial department shall be approved by the High Council of Justice [new] following the consultations with the Council of Judges of Ukraine.

Article 152. Powers of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall:

1) represent the courts in the relations with the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine during the preparation of the draft law on the State Budget of Ukraine for the respective year, within the powers prescribed by this Law;

2) ensure proper conditions of the activity of courts, the High Qualifications Commission of Judges of Ukraine, the National School of Judges of Ukraine and the bodies of judicial self-governance within the powers prescribed by this Law;

- 3) study the practices related to the organization of the activity of courts, develop and submit in the prescribed manner the proposals for improvements;
- 4) examine the court staff issues, estimate the need for specialists, submit requests for the respective specialists;
- 5) provide the necessary conditions for training of the court staff, establish a system for professional development;
- 6) organize the keeping of court statistics, record keeping and archiving; monitor the status of record keeping in the courts of general jurisdiction;
- 7) prepare budget request;
- 8) provide for the computerization of courts for court proceedings, record keeping, information and regulatory support of judicial activity and operation of the Unified Court Information (Automated) System; provide the courts with necessary equipment for recording of trials within the funds allocated by the State Budget of Ukraine for the funding of respective courts;
- 9) ensure the implementation of the e-court; take measures for the exchange of electronic documents between the courts and other state bodies and institutions;
- 10) ensure the maintenance of the Unified State Register of court decisions and the Register of email addresses of state bodies, their officials and staff, maintain a system of video-communication for participation in the hearings through the videoconference;
- 11) interact with the relevant authorities and agencies, including of other states in order to improve the organizational support of the courts;
- 12) develop and approve, in consultation with the High Council of Justice [new], the Model Regulations on the court staff;
- 13) organize the activity of the Court Bailiffs Service;
- 14) exercise control over the operations of the Service of Court Security;
- 15) approve regulations on the court library;
- 16) administer state property in the scope of governance of the State Court Administration of Ukraine; and
- 17) exercise other powers prescribed by law.

Article 153. The Chairperson of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall be chaired by the Chairperson of the State Judicial Administration of Ukraine.

2. The Chairperson of the State Judicial Administration of Ukraine shall be appointed to and dismissed from the office by the High Council of Justice [new].

The appointment of the Chairperson of the State Judicial Administration of Ukraine shall be made on a competition basis.

3. The Chairperson of the State Judicial Administration of Ukraine shall have the right to concurrently perform other work, other than teaching, research and creative activity in the off time, be a member of the governing body or a supervisory board of a business entity working for profit.

4. The Chairperson of the State Judicial Administration of Ukraine shall:

1) supervise the activity of State Judicial Administration of Ukraine, be responsible for the performance of its tasks;

- 2) organize the work of the State Judicial Administration of Ukraine;
- 3) submit for the review to the High Council of Justice [new] the proposals on determining the maximum number of staff of the State Judicial Administration of Ukraine, including its regional departments;
- 4) create relevant competition commissions to conduct a competition for filling vacant positions of categories “B” and “C” of civil service in courts, bodies and institutions of the system of justice;
- 5) appoint and dismiss the staff of the State Judicial Administration of Ukraine; appoint, based on the proposals of the heads of the respective courts, the heads of staff of the courts of appeal, high specialized courts, the Supreme Court and their deputies, and dismiss them from office;
- 6) upon the proposal of a Chief Judge of a relevant court apply incentives for the heads of staff of the courts of appeal, the high specialized court, the Supreme Court, their deputies, or impose disciplinary penalties;
- 7) upon the proposal of a Chief Judge of a relevant court assign to the heads of staff of the courts of appeal, the high specialized court, the Supreme Court of Ukraine, their deputies the ranks of public servants in accordance with legislation on the public service;
- 8) approve the Regulation on the regional departments of the State Judicial Administration of Ukraine and regulations on the structural divisions of the State Judicial Administration of Ukraine;
- 9) establish official salaries of staff of the State Judicial Administration of Ukraine, assign the ranks of public servants, apply incentives and impose disciplinary penalties as prescribed by law;
- 10) report on the activity of the State Judicial Administration of Ukraine to the High Council of Justice [new], the activity of the State Judicial Administration of Ukraine to the Congress of Judges of Ukraine and Council of Judges of Ukraine on issues related to organizational and financial support of courts of respective judicial specialization;
- 11) participate in the preparation of proposals to the draft law on the State Budget of Ukraine concerning the funding of the judiciary;
- 12) approve the structure, staff chart of the State Judicial Administration of Ukraine and its regional departments;
- 13) exercise other powers determined by law.

5. The Chairperson of the State Judicial Administration of Ukraine shall issue orders on matters within his authority.

6. The Chairperson of the State Judicial Administration of Ukraine shall have the deputies who are appointed to and dismissed from the office by the High Council of Justice [new] according to the law on the civil service.

The deputy Chairperson of the State Judicial Administration of Ukraine shall be appointed on a competition basis.

7. The deputy Chairpersons of the State Judicial Administration of Ukraine shall perform the functions defined by the Chairperson of the State Judicial Administration of Ukraine. The Chairperson of the State Judicial Administration of Ukraine shall distribute the powers between the deputies of the Chairperson of the State Judicial Administration of Ukraine.

8. The Chairperson of the State Judicial Administration of Ukraine shall submit for the review to the High Council of Justice [new] the proposals to

determine the maximum number of staff of the State Judicial Administration of Ukraine, including its regional departments.

Article 154. Territorial Departments of the State Judicial Administration of Ukraine

1. The area branches of the State Judicial Administration of Ukraine shall be area departments of the State Judicial Administration of Ukraine.

2. The area department of the State Judicial Administration of Ukraine shall be chaired by a head appointed to the office on a competition basis and dismissed from the office by the Chairperson of the State Judicial Administration of Ukraine.

3. The head of the territorial department of the State Judicial Administration of Ukraine shall have a deputy to be appointed to the office on a competition basis and dismissed from the office by the Chairperson of the State Judicial Administration of Ukraine.

4. The head of the territorial department of the State Judicial Administration of Ukraine, based on the approval of the Chief Judge of the trial court, shall appoint the chief of staff of the trial court, the deputy chief of staff of the trial court and dismiss them; based on the proposal of the head of the trial court, shall apply incentives or impose disciplinary penalties in accordance with law; assign to the chief of staff of a trial court, his deputy the ranks of the public servants in accordance with legislation on the public service.

5. The structure and staff chart of the area departments of the State Judicial Administration of Ukraine shall be approved by the Chairperson of the State Judicial Administration of Ukraine based on the proposal of the head of the regional department of the State Judicial Administration of Ukraine.

6. The area department of the State Judicial Administration of Ukraine shall be a legal entity with a seal with the State Emblem of Ukraine and its name, its own balance sheet and accounts in the State Treasury of Ukraine.

7. The area departments of the State Judicial Administration of Ukraine shall operate in accordance with the relevant regulations approved by the Chairperson of the State Judicial Administration of Ukraine based on a model regulation on the territorial department Chairperson of the State Judicial Administration of Ukraine.

Chapter 2. Court Staff, Services for the Organizational Support to the Operations and Security of Court

Article 155. The Court Staff

1. The organizational support of the court shall be ensured by court staff headed by the Chief of Staff.

2. The regulations on the court staff shall be developed based on the standard regulation on the court staff and approved by the meeting of judges of a respective court.

The model regulation on the court staff shall be approved by the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new].

3. The chief of staff shall be responsible for the proper organizational support of the court, judges and the judicial process, the operation of the Unified Court Information (Automated) System, shall inform the meeting of judges on his/her activity. Meetings of judges may express no distrust to the chief of staff, which shall result into his/her dismissal.

4. The chief of staff of the trial court, his/her deputy shall be appointed upon the approval of the Chief Judge of a relevant court and dismissed by the head of the respective regional department of the State Judicial Administration of Ukraine, and the chiefs of staff of the courts of appeal, the high specialized court, the Supreme Court, their deputies shall be appointed upon the approval of the Chief Judge of a relevant court and dismissed from the office by the Chairperson of the State Judicial Administration of Ukraine.

5. The chief of the court staff shall appoint and dismiss the court staff, and apply incentives and disciplinary penalties. The selection of the court staff shall be performed on a competitive basis.

6. The legal status of the court staff shall be determined by the Law of Ukraine "On the Civil Service" taking into account the specifics determined by this Law.

7. The structure and staffing level of staff of the trial courts, in consultation with the head of the court, shall be approved by the relevant regional department of the State Judicial Administration of Ukraine, the staff of appellate courts, high specialized courts – the State Judicial Administration of Ukraine in consultation with the head of the court, within the funding allocated for the respective court.

8. Within the office staff of courts the departments, divisions performing their functions under the provisions approved by the chief of staff of the respective court shall be established.

9. The court staff shall provide for the keeping of personal records of judges in the manner specified by the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine.

10. Within the court staff, the administrative office shall be established for daily registration documents submitted to the respective court. The administrative office shall also perform other tasks determined by the provisions approved by the chief of staff of the respective court.

11. The staff of the court shall also include the secretaries of the trial, scientific advisors and registrars. The scientific advisors should have an academic degree.

Article 156. Special Aspects Related to the Court Staff of the Supreme Court

1. The organizational support to the operations of the Supreme Court shall be carried out by the court staff of the Supreme Court.

2. The Regulations on the court staff, structure and payroll of the Supreme Court shall be approved by Plenum of the Supreme Court based on the proposal of the Chief Justice of the Supreme Court.

3. The court staff of the Supreme Court shall be headed by the chief of staff. Deputy chiefs of staff of the Supreme Court shall head structural units of the court staff of the Supreme Court which ensure organizational support to the operations of cassation court.

4. The chief of staff of the Supreme Court shall represent the Supreme Court as a legal entity.

5. The materials related to the activity of the Supreme Court shall be filed in its archive.

Article 157. Judicial Assistants

1. Every judge shall have an assistant, whose status and conditions of work shall be determined by this Law and the Regulation on the Judicial Assistants approved by the Council of Judges of Ukraine.

2. The judicial assistant shall be a citizen of Ukraine having a degree in Law and fluent in the official language. Assistants of justices of the Supreme Court should also have at least three years of professional activity in the field of law.

3. Judges shall independently conduct the selection of assistants. The assistant of judge shall be appointed and dismissed by the chief of staff of the respective court based on the proposal of the judge.

4. The assistants of judges involved in preparation of cases for the review shall be accountable to the respective judge only.

Article 158. Library of the Court

1. In order to provide the courts with regulations, specialized literature, judicial records, in each court a court library may be established. The library stock shall be formed by the publications and computer databases.

2. The regulation on the library of the court shall be approved by the State Judicial Administration of Ukraine.

Article 159. Court Bailiffs Service

1. Each court shall have the service of court bailiffs. The court bailiffs shall ensure the observance by persons present in court of the rules, the compliance with orders of the presiding in the hearing.

2. The court bailiffs shall be appointed and dismissed by the chief of staff of the respective court.

3. The court bailiffs shall be provided with uniforms, the samples of which are approved by the Chairperson of the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine.

4. The court bailiffs in their work shall be guided by this Law, the requirements of the procedural law, the relevant rules and regulations, orders of court heads and judges.

5. The establishment and operation of the service of court bailiffs shall be established by the regulation approved by the Chairperson of the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new].

Article 160. Ensuring Security and Maintaining Public Order in Courts

1. The Service of Court Security shall maintain public order in court, stop the manifestations of contempt of court and ensure security of court facilities, facilities of bodies and institutions of the system of justice, exercise the functions

of state support to personal security of judges and their family members, court staff, and ensure security of litigants.

2. The Service of Court Security shall be established and operate according to the Regulation approved by the High Council of Justice [new] based on proposal of the State Judicial Administration of Ukraine.

The Regulation on the Service of Court Security shall be approved by the High Council of Justice [new] following consultations with the Ministry of Internal Affairs of Ukraine.3. The employees of the Service of Court Security shall be provided with uniforms and insignia at the expense of the state.

4. The Service of Court Security shall be funded from the State Budget of Ukraine.

5. The employees of the Service of Court Security on duty shall have a right to use weapon, force and special means within the procedure and in cases determined by the Law of Ukraine “On the National Police” and Law of Ukraine “On Security Activity”.

Section XII

FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come into force on the day following the day of its publication but not earlier than the Law of Ukraine “On Amending the Constitution of Ukraine (Regarding Justice)” comes into force, except points 39 and 48 of this Section which shall come into force on the day following the day of publication of this Law.

2. The Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41 – 42, N0 43, No 44 – 45, p. 529; 2015, No 18, No 19 – 20, p. 132 with subsequent changes) shall be deemed as null and void upon the entry into force of this Law, except provisions set forth in points 7, 23, 25 and 36 of this Section.

3. Raion, interraion, district, city, city-raion courts shall continue to exercise their powers until a trial circuit courts the jurisdiction of which covers relevant territory are established and start their operations.

Appellate courts, created before this law came into force, shall continue to exercise their powers until appellate courts in relevant appellate districts are established. Such appellate courts in relevant appellate districts shall be created and start their operations not later than three years from the day this law came into force.

4. Within six months after this Law comes into force:

1) the Supreme Court shall be established within the procedure and in a composition determined by this Law;

2) justices shall be appointed to the Supreme Court based on results of competition held in line with this Law.

5. The Supreme Court shall be established on material and technical base of the Supreme Court of Ukraine, High Specialized Court of Ukraine for Civil and Criminal Cases, High Commercial Court of Ukraine, and High Administrative Court of Ukraine.

6. The Supreme Court of Ukraine, High Specialized Court of Ukraine for Civil and Criminal Cases, High Commercial Court of Ukraine, and High

Administrative Court of Ukraine shall operate within their powers determined by procedural law until the Supreme Court starts its operations in the composition determined by this Law and until relevant procedural law which regulates the procedure of case disposition by the Supreme Court in the composition determined by this Law comes into force.

7. Starting from the day of commencement of the operations of the Supreme Court in the composition determined by this Law, the Supreme Court of Ukraine, High Specialized Court of Ukraine for Civil and Criminal Cases, High Commercial Court of Ukraine, and High Administrative Court of Ukraine shall cease their operations and shall be dissolved within the procedure stipulated by law. Until termination of the operations the status, structure, powers and procedure of the operations, status, rights and guarantees of judges of these courts shall be determined by the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41 – 42, NO 43, No 44 – 45, p. 529; 2015, No 18, No 19 – 20, p. 132 with subsequent changes).

8. The day of commencement of the operations of the Supreme Court in the composition determined by this Law shall be determined by decision of its Plenum which shall be published on the web-portal of the judiciary and in the newspaper “Holos Ukrainy”.

9. The Supreme Court shall start its operations provided that at least sixty five justices of the Supreme Court are appointed based on results of competition conducted according to this Law.

10. The number of positions in each of the cassation courts shall be determined taking into account the requirements of this Law regarding chambers which must be created in a cassation court, procedure of forming the Grand Chamber of the Supreme Court and taking into account other requirements stipulated by law.

11. Not later than in five days after the sixty fifth justice of the Supreme Court is appointed the organizational committee shall be established based on the principle of equal representation from each cassation court. The committee shall convene the Plenum of the Supreme Court within thirty days.

12. Not later than in ten days after the commencement of the operations of the Supreme Court, justices of each cassation court shall conduct a meeting to address the issues of internal operations of the cassation court according to this Law and to elect justices to the Grand Chamber of the Supreme Court.

13. The competition for the positions of justices of the Supreme Court in relevant cassation courts must start not later than two months after this Law comes into force.

14. Justices of the Supreme Court of Ukraine, judges of the High Specialized Court of Ukraine for Civil and Criminal Cases, High Commercial Court of Ukraine, and High Administrative Court of Ukraine shall have a right to participate in the competition for vacant positions of justices of the Supreme Court in relevant cassation courts within the procedure established by this Law.

In case of identical ranking positions among judicial candidates determined based on results of qualifications evaluation to participate in the competition for

the position of justice of the Supreme Court and in case of other identical conditions, preference shall be given to a judge who has more experience in courts of cassation instance or the Supreme Court of Ukraine

15. The High Court on Intellectual Issues shall be established and a competition for positions of judges in this court must be announced within twelve months after this Law comes into force.

16. The High Anti-Corruption Court shall be established and a competition for positions of judges in this court must be announced within twelve months after this Law which determines special requirements to judges of this court comes into force.

17. The powers of judges appointed to the office for a five-year term before this Law came into force shall be terminated when the term for which they were appointed expires. Judges whose powers have terminated due to the expiry of such term may be appointed to judicial position following the results of competition conducted within the procedure established by this Law.

18. Judges elected to positions of Chief Judge or Deputy Chief Judge before this Law came into force shall exercise powers of Chief Judge, Deputy Chief Judge until the term for which they were elected expires.

19. Participation of judicial candidates, who as of the sixtieth day after this Law came into force do not comply with requirements for appointment to judicial position according to the Constitution of Ukraine, in selection or appointment procedures shall be terminated.

20. Compatibility of a judge who was appointed to the position for five years or who was elected as a judge for an unlimited term before the Law of Ukraine "On Amending the Constitution of Ukraine (Regarding Justice)" came into force with the position held by him/her shall be evaluated by the boards of the High Qualifications Commission of Judges of Ukraine within the procedure established by this Law.

Incompatibility of a judge with the position held by him/her based on criteria of competence, professional ethics or integrity identified in the result of such evaluation shall constitute a ground for dismissing the judge from the office following a decision of the High Council of Justice [new] based on a proposal of a relevant board of the High Qualifications Commission of Judges of Ukraine.

21. The High Qualifications Commission of Judges of Ukraine shall complete the procedures of qualifications evaluation commenced before this Law came into force based on the rules which were in effect as of the day of commencement of such qualifications evaluation in a relevant court. Judges who, based on results of these procedures, confirmed their capability to render justice in a relevant court shall not undergo the procedure of qualifications evaluation to confirm the compatibility with the held position.

22. Judges who, based on results of these procedures, have confirmed their compatibility with the position held by them (capability to render justice in a relevant court) or who were appointed to the office based on results of competition conducted after this Law came into force shall have a right to receive judicial remuneration in the amount determined by this Law.

23. Until he/she undergoes qualifications evaluation, a judge shall receive judicial remuneration determined according to the provisions of the Law of Ukraine "On the Judiciary and Status of Judges" (Vidomosti of the Verkhovna

Rada of Ukraine, 2010, No 41 – 42, No 43, No 44 – 45, p. 529; 2015, No 18, No 19 – 20, p. 132 with subsequent changes).

24. The amount of salary of a judge, except mentioned in point 23 of this Section, shall equal:

1) since January 1, 2017:

a) for a judge of a trial court – 15 minimum salaries;

b) for a judge of a court of appeals and high specialized court – 25 minimum salaries;

c) for a justice of the Supreme Court – 75 minimum salaries;

2) since January 1, 2018:

a) for a judge of a trial court – 20 minimum salaries;

b) for a judge of a court of appeals and high specialized court – 30 minimum salaries;

3) since January 1, 2019:

a) for a judge of a trial court – 25 minimum salaries;

b) for a judge of a court of appeals and high specialized court – 40 minimum salaries;

4) since January 1, 2020:

a) for a judge of a trial court – 30 minimum salaries;

b) for a judge of a court of appeals and high specialized court – 50 minimum salaries;

25. A judge who based on results of these procedures, has confirmed his/her compatibility with the held position (capability to render justice in a relevant court) or who was appointed to judicial office based on results of competition conducted after this Law came into force and has worked on judicial position for at least three years after a relevant decision based on results of such evaluation or competition was adopted with regard to him/her shall have a right to receive monthly lifetime allowance in the amount determined by this Law.

In other cases when a judge retires after this Law comes into force, the amount of monthly lifetime allowance shall equal 80 per cent of judicial remuneration calculated according to the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41 – 42, No 43, No 44 – 45, p. 529; 2015, No 18, No 19 – 20, p. 132 with subsequent changes). For each full year of service on judicial position for over 20 years the amount of monthly lifetime allowance shall increase by two per cent of judicial allowance but may not exceed 90 per cent of judicial remuneration calculated in line with the mentioned Law.

26. Members of the High Qualifications Commission of Judges of Ukraine elected (appointed) to positions before this Law came into force shall continue to exercise their powers until the expiry of a term for which they were elected (appointed).

27. Within thirty days after this Law came into force the Ombudsman of the Verkhovna Rada of Ukraine and Chairperson of the State Judicial Administration of Ukraine shall appoint additionally one member of the High Qualifications Commission of Judges of Ukraine each.

28. Within forty five days after this Law came into force the High Qualifications Commission of Judges of Ukraine must adopt a decision on the creation and composition of its chambers.

29. Judicial candidates who were included into a reserve list for filling vacant judicial positions and into a rating list, in case the termination of a three-year term falls on the period of one year before this Law comes into force, and candidates with regard to whom recommendations of the High Qualifications Commission of Judges of Ukraine were made as of the day when this Law comes into force but who were not appointed to judicial position shall have a right to participate in judicial selection within the procedure established by this Law without taking a selection examination and undergoing special training. Such candidates shall repeatedly take qualifications examination and participate in a competition for judicial position according to results of such examination.

30. Materials and recommendations of the High Qualifications Commission of Judges of Ukraine on electing judges for an unlimited term with regard to whom decision of the Verkhovna Rada of Ukraine was not adopted as of the day when this Law came into force shall be submitted by the Verkhovna Rada of Ukraine to the High Council of Justice [new] within ten days after it came into force. At its meeting the plenary composition of the High Council of Justice [new] shall address the issue regarding each judge and his/her appointment or refusal to be appointed and concurrently return the materials to the High Qualifications Commission of Judges of Ukraine.

31. Applications regarding (complaints against) conduct of judges of trial courts and courts of appeals received by the High Qualifications Commission of Judges of Ukraine before this Law came into force shall be submitted to the High Council of Justice [new] for consideration if no decision on opening or refusing to open a disciplinary case was adopted by the Commission as of the day when this Law came into force.

If as of the day when this Law came into force the High Qualifications Commission of Judges of Ukraine made a decision on opening a disciplinary case, such case shall be considered by the boards of the Commission determined following its decisions within the procedure which was in effect as of the day when the disciplinary case was opened. In approving decisions based on results of consideration of such disciplinary cases the High Qualifications Commission of Judges of Ukraine shall impose disciplinary sanctions determined by this Law.

32. Applications regarding (complaints against) conduct of justices of the Supreme Court of Ukraine, judges of the High Specialized Court of Ukraine for Civil and Criminal Cases, High Commercial Court of Ukraine, and High Administrative Court of Ukraine and disciplinary cases initiated by the High Council of Justice [old] before this Law came into force with regard to which no decisions were adopted, shall be transferred to the disciplinary bodies of the High Council of Justice [new] for consideration and adopting decision. In approving decisions based on results of consideration of such disciplinary cases the disciplinary bodies of the High Council of Justice [new] shall impose disciplinary sanctions determined by this Law. Disciplinary cases opened before this Law came into force shall be considered by the disciplinary bodies of the High Council of Justice [new] within the procedure which was in effect as of the day when the disciplinary case was opened.

33. The disciplinary bodies of the High Council of Justice [new] shall consider the applications transferred by the Interim Special Commission on Vetting of Judges of General Jurisdiction Courts to the High Council of Justice [old] according to paragraph five of Article 2 of the Law of Ukraine “On the Restoration of Trust in the Judiciary in Ukraine” within the procedure and timelines established by law for disciplinary proceedings. Based on results of consideration of such applications disciplinary sanctions set forth by this Law shall be imposed.

34. Point 10 of Section II “Final and Transitional Provisions” of the Law of Ukraine “On Ensuring the Right to Fair Trial” (Vidomosti of the Verkhovna Rada of Ukraine, 2015, No 18, № 19 – 20, p. 132) shall be deemed null and void as of the day when this Law comes into force.

A judge who was attached to another court based on decision of the High Qualifications Commission of Judges of Ukraine shall have a right to receive salary for the period from the end of the term of such attachment to the day when the High Qualifications Commission of Judges of Ukraine adopts decision on his/her secondment.

A judge who was attached to another court based on decision of the High Qualifications Commission of Judges of Ukraine according to point 10 of Section II “Final and Transitional Provisions” of the Law of Ukraine “On Ensuring the Right to Fair Trial” shall be deemed as attached to such court until the High Qualifications Commission of Judges of Ukraine adopts a decision on his/her secondment. The term of such attachment may not exceed six months after the entry into force of this Law.

35. The Chairperson of the State Judicial Administration of Ukraine, Deputy Chairpersons of the State Judicial Administration of Ukraine shall continue to exercise their powers until the Chairperson of the State Judicial Administration of Ukraine and his/her deputies are appointed according to this Law.

36. Starting from the day when this Law comes into force and until relevant changes are made in the legislation on the Constitutional Court of Ukraine financial support to the operations and activity of the Constitutional Court of Ukraine, amount of remuneration of judges of the Constitutional Court of Ukraine and amount of monthly lifetime allowance of judges of the Constitutional Court of Ukraine shall be determined according to the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41 – 42, NO 43, No 44 – 45, p. 529; 2015, No 18, No 19 – 20, p. 132 with subsequent changes).

The record of service which gives a judge of the Constitutional Court of Ukraine a right to retirement and payment of compensation due to retirement shall include the record of other professional practical, scientific, pedagogical work and civil service record.

37. The lists of jurors must be formed according to the procedure provided for by this Law within six months after it comes into force. The lists of jurors may include citizens who were elected by people’s assessors.

38. Until an automated system of forming and maintaining judicial dossiers (dossiers of judicial candidates) starts its operations such dossiers may be formed and maintained in a paper form.

39. Temporarily, for the period until the Service of Court Security starts to exercise its powers in full, the units of the National Police of Ukraine and National Guard of Ukraine shall maintain public order in court, stop the manifestation of contempt of court and ensure security of facilities of courts, bodies and institutions of the system of justice, perform the functions of the state related to ensuring personal security of judges, their family members and court staff, and ensure security of litigants.

40. The provisions of this Law shall be applied taking into account the provisions of Section XV “Transitional Provisions” of the Constitution of Ukraine.

41. The High Qualifications Commission of Judges of Ukraine shall:

1) approve the forms of declarations of family relations of a judge and judicial candidate, form of declaration of judicial integrity and publish the approved forms of declarations on the official website of the Commission within thirty days after this Law comes into force;

2) take organizational and technical actions necessary to fill in declarations of family relations of a judge (judicial candidate) and declaration of judicial integrity on the official website of the Commission according to this Law within six months after this Law comes into force;

3) ensure the commencement of the operations of the automated system of forming and maintaining judicial dossiers (dossiers of judicial candidates) within two months after this Law comes into force.

42. Judges shall be obligated to submit to the High Qualifications Commission of Judges of Ukraine a declaration of family relations of a judge and declaration of judicial integrity:

1) justices of the Supreme Court of Ukraine, judges of high specialized courts – within sixty days after this Law comes into force;

2) judges of courts of appeals – within ninety days after this Law comes into force;

3) judges of trial courts – within six months after this Law comes into force;

43. Until the High Qualifications Commission of Judges of Ukraine implements sub-point 2 of point 41 of this Section, declarations of family relations of a judge (judicial candidate) and declarations of judicial integrity shall be submitted in a paper form.

44. The High Council of Justice [new] shall:

1) approve an interim procedure of ensuring security of courts and judicial institutions and maintaining public order there within one month after this Law comes into force together with the Ministry of Internal Affairs of Ukraine, upon the proposal of the State Judicial Administration of Ukraine;

2) approve the Regulation on the Service of Court Security upon the proposal of the State Judicial Administration of Ukraine following consultations with the Ministry of Internal Affairs of Ukraine and appoint the Chairperson of the Service of Court Security upon the proposal of the State Judicial Administration of Ukraine within two months after this Law comes into force.

45. The Cabinet of Ministers of Ukraine shall:

1) ensure the accommodation of the Supreme Court in facilities which are released due to the dissolution of the Supreme Court of Ukraine, High Specialized Court of Ukraine for Civil and Criminal Cases, High Commercial Court of Ukraine, and High Administrative Court of Ukraine within one year after this Law comes into force;

2) within three months after this Law comes into force:

a) bring its legal and regulatory acts in compliance with this Law;

b) ensure that ministries and other central executive bodies bring their legal and regulatory acts in compliance with this Law;

3) provide for expenses related with the implementation of provisions of this Law in draft laws of Ukraine on the State Budget of Ukraine for 2017 and subsequent years; and

4) approve an exhaustive list of courts, bodies and institutions of the system of justice the security of which is ensured by the units of the National Police of Ukraine and National Guard of Ukraine within two months after this Law comes into force.

46. The State Judicial Administration of Ukraine shall:

1) ensure the creation of the Unified Judicial Information (Automated) System which shall ensure automated case management in court, between courts, between courts and judicial self-government bodies, State Judicial Administration of Ukraine, protected storage and automated analytical processing of statistical information about the work of a judge, operations of a court, courts of relevant levels and jurisdictions, data regarding judges who are included into judicial dossier, etc.;

2) ensure full exercise of powers by the Service of Court Security provided for by this law not later than by January 1, 2018.

47. Until the commencement of the operations of the Unified Judicial Information (Automated) System the assignment of a specific case to a judge or panel of judges shall be performed by the automated case management system of court.

48. Starting from the day following the day of publication of this Law:

1) the High Council of Justice [old] may refuse to submit to the President of Ukraine a proposal on appointing a judge to the office solely on the grounds which it determines being governed by its own evaluation of circumstances related to judicial candidate and his/her personal qualities:

a) availability of a reasonable doubt as to the compatibility of a candidate with the criteria of integrity or professional ethics or other circumstances which may have a negative impact on public trust in the judiciary due to such appointment; and

b) violation of the established by law procedure of appointment to judicial office;

2) in case of refusal to submit to the President of Ukraine a proposal on appointing a judge to the office the High Council of Justice [old] shall adopt a motivated decision which may be challenged within the procedure stipulated by procedural law;

3) decision of the High Council of Justice [old] on refusal to submit to the President of Ukraine a proposal on appointing a judge to the office may be challenged and cancelled solely on the following grounds:

a) members of the High Council of Justice [old] who approved a relevant decision did not have powers to approve it;

b) decision was not signed by a member of the High Council of Justice [old] who participated in its approval; and

c) decision does not have reference to determined by law grounds for refusal to submit to the President of Ukraine a proposal on appointing a judge to the office or motivation of the High Council of Justice [old] for making relevant conclusions;

4) decisions of the High Qualifications Commission of Judges of Ukraine shall be challenged according to Article 88 of this Law.

President of Ukraine

Kyiv

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P.Poroshenko