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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

COMPARATIVE TABLE:

**DRAFT LAW «ON AMENDMENTS TO CERTAIN LEGISLATIVE ACTS
AS REGARDS CLARIFICATION OF THE INDIVIDUAL CLAUSES ON
THE PROCEDURE FOR THE COMPETITIVE SELECTION OF THE
CANDIDATES FOR THE POSITION OF A JUDGE OF THE
CONSTITUTIONAL COURT OF UKRAINE»**

Comparative Table
to the Draft Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine as Regards
Clarification
of the Individual Clauses on the Procedure for the Competitive Selection of the Candidates for the Position
of a Judge of the Constitutional Court of Ukraine»

Content of the provision (norm) of effective legislative act	Content of the corresponding provision (norm) of the draft act
Code of Administrative Proceedings of Ukraine	
<p>Article 22. Court of First Instance</p> <p>...</p> <p>4. The jurisdiction of the Supreme Court as the court of first instance includes cases regarding establishment of results of the election or all-Ukrainian referendum by the Central Election Commission, cases on the claim for early termination of powers of the Member of Parliament of Ukraine as well as cases to challenge acts, actions or omissions of the Verkhovna Rada of Ukraine, the President of Ukraine, the High Council of Justice, the High Qualification Commission of Judges, decisions, actions or omissions of the authorities that select (designate) and dismiss members of the High Council of Justice, regarding matters of selection (designation) of members of the High Council of Justice, their dismissal from such positions, omission of the Cabinet of Ministers of Ukraine regarding failure to submit to the Verkhovna Rada of Ukraine the draft law in pursuance of the decision of the Ukrainian People to support the matter of national significance at the all-Ukrainian referendum at the people's initiative.</p> <p>.</p>	<p>Article 22. Court of First Instance</p> <p>...</p> <p>4. The jurisdiction of the Supreme Court as the court of first instance includes cases regarding establishment of results of the election or all-Ukrainian referendum by the Central Election Commission, cases on the claim for early termination of powers of the Member of Parliament of Ukraine as well as cases to challenge acts, actions or omissions of the Verkhovna Rada of Ukraine, the President of Ukraine, the High Council of Justice, the High Qualification Commission of Judges, decisions, actions or omissions of the authorities that select (designate) and dismiss members of the High Council of Justice, regarding matters of selection (designation) of members of the High Council of Justice, their dismissal from such positions, to challenge decisions, actions or omissions of the entities responsible for designating judges of the Constitutional Court of Ukraine during the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine, decisions, actions or omissions of the authorities in charge of assessment of candidates for the position of a judge of the Constitutional Court of Ukraine during the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine, omission of the Cabinet of Ministers of Ukraine regarding failure to submit to the Verkhovna Rada of Ukraine the draft law in pursuance of the decision of the Ukrainian People to support the matter of national significance at the all-Ukrainian referendum at the people's initiative.</p>
Rules of Procedure of the Verkhovna Rada of Ukraine approved by the Law	

of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine”

Article 208⁴. Procedure for Appointing to the Position of a Judge of the Constitutional Court of Ukraine

1. In accordance with paragraph 26 of part one of Article 85 and part two of Article 148 of the Constitution of Ukraine, the Verkhovna Rada appoints judges of the Constitutional Court of Ukraine.

2. The selection of candidates for the position of a judge of the Constitutional Court of Ukraine shall be carried out on a competitive basis in accordance with the procedure established by the Law of Ukraine "On the Constitutional Court of Ukraine" and taking into account the peculiarities defined in this Article.

The issue of consideration of candidates for the position of a judge of the Constitutional Court of Ukraine on a competitive basis in the Verkhovna Rada is prepared by the committee in charge of the legal status of the Constitutional Court of Ukraine.

3. Not later than 90 days before the day of expiry of the term of office or reaching the age limit for holding the office of a judge of the Constitutional Court of Ukraine or not later than 20 days from the day of vacancy of a judge of the Constitutional Court of Ukraine if the powers of a judge of the Constitutional Court of Ukraine are terminated or he/she is dismissed from office on the grounds provided for in Article 149¹ of the Constitution of Ukraine, the Secretariat of the Verkhovna Rada, upon the proposal of the committee in charge of the legal status of the Constitutional Court of Ukraine, publishes on the official website of the Verkhovna Rada an announcement about the beginning of the competitive selection of candidates for the position of judge of the Constitutional Court Court of Ukraine.

In case of simultaneous occurrence of more than one vacancy for the position of a judge of the Constitutional Court of Ukraine, a competitive selection of candidates may be announced and conducted for all vacant positions.

4. The Secretariat of the Verkhovna Rada shall, within **ten** days after the announcement of the start of the competitive selection, accept the documents laid down in the second paragraph of Article 10-5 of the Law of Ukraine “On the Constitutional Court of Ukraine” from the persons who

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In case of simultaneous occurrence of more than one vacancy for the position of a judge of the Constitutional Court of Ukraine, a competitive selection of candidates may be announced and conducted for all vacant positions.

4. The Secretariat of the Verkhovna Rada shall, within **thirty** days after the announcement of the start of the competitive selection, accept the documents laid down in the second paragraph of Article 10-5 of the Law of Ukraine “On the Constitutional Court of Ukraine” from the persons who

intend to participate in the competitive selection for the position of a judge of the Constitutional Court of Ukraine, and register them in the chronological order of receipt. Information on the persons who intend to participate in the competitive selection for the position of a judge of the Constitutional Court of Ukraine as well as copies of the documents submitted shall be made public on the official website of the Verkhovna Rada with account of the restrictions prescribed by the law.

Not available

The documents cease to be accepted ~~at 24:00 on the last day of the period prescribed by the first indent of this paragraph if the documents are submitted in soft copy, and~~ at the end of the working hours of the Secretariat of the Verkhovna Rada ~~if the documents are submitted in hard copy~~. The Secretariat of the Verkhovna Rada may not refuse to accept the documents on any grounds other than the missed deadline.

5. The committee the competence of which includes the legal status of the Constitutional Court of Ukraine shall, within twenty days upon expiration of the period prescribed by the first indent of paragraph 4 of this Article, consider the documents submitted by the persons who intend to hold the position of a judge of the Constitutional Court of Ukraine.

Not available

Based on the documents submitted, the committee the competence of which includes the legal status of the Constitutional Court of Ukraine shall establish whether the persons who intend to hold the position of a judge of the Constitutional Court of Ukraine meet the requirements prescribed by the Constitution of Ukraine (regarding citizenship, fluency in the state language, age, education, and length of service), and resolve whether the candidate should be admitted to the competitive selection.

intend to participate in the competitive selection for the position of a judge of the Constitutional Court of Ukraine, and register them in the chronological order of receipt. Information on the persons who intend to participate in the competitive selection for the position of a judge of the Constitutional Court of Ukraine as well as copies of the documents submitted shall be made public on the official website of the Verkhovna Rada with account of the restrictions prescribed by the law.

Documents shall be submitted by the persons who intend to participate in the competitive selection for the position of a judge of the Constitutional Court of Ukraine in hard copy in person or by mail.

The documents shall cease to be accepted at the end of the working day of the Secretariat of the Verkhovna Rada. The Secretariat of the Verkhovna Rada may not refuse to accept the documents on any grounds other than the missed deadline.

5. The committee the competence of which includes the legal status of the Constitutional Court of Ukraine shall, within twenty days upon expiration of the period prescribed by the first indent of paragraph 4 of this Article, consider the documents submitted by the persons who intend to hold the position of a judge of the Constitutional Court of Ukraine.

The committee, which is in charge of the legal status of the Constitutional Court of Ukraine, may address persons who have expressed their intention to hold the position of a judge of the Constitutional Court of Ukraine with a proposal to provide explanations regarding the submitted documents.

Based on the documents submitted, the committee the competence of which includes the legal status of the Constitutional Court of Ukraine, **at its meeting** shall establish whether the persons who intend to hold the position of a judge of the Constitutional Court of Ukraine meet the requirements prescribed by the Constitution of Ukraine (regarding citizenship, fluency in the state language, age, education, and length of service), and resolve whether the candidate should be admitted to the competitive selection

Not available

Errors and inaccuracies detected in the documents submitted by the person shall not be a basis for non-admission to the competitive selection provided that they do not affect understanding of content of such data.

The committee the competence of which includes the legal status of the Constitutional Court of Ukraine shall adopt a reasoned decision to deny admission of the persons who intend to hold the position of a judge of the Constitutional Court of Ukraine, but do not meet the requirements prescribed by the Constitution of Ukraine, to the competitive selection.

If the person who intends to hold the position of a judge of the Constitutional Court of Ukraine has not submitted all the necessary documents prescribed by the law, the committee the competence of which includes the legal status of the Constitutional Court shall resolve not to admit the candidate to the competitive selection.

If the number of the persons admitted to the competitive selection is fewer than two, the new competitive selection shall be announced.

...

16. To determine the ranking of candidates for the position of a judge of the Constitutional Court of Ukraine, the Verkhovna Rada holds an open

Persons who have expressed an intention to hold the position of a judge of the Constitutional Court of Ukraine may be invited to the meeting of the committee, whose subject matter includes issues of the legal status of the Constitutional Court of Ukraine. Failure of such persons to attend the meeting of the committee shall not prevent consideration of their documents.

Errors and inaccuracies detected in the documents submitted by the person shall not be a basis for non-admission to the competitive selection provided that they do not affect understanding of content of such data.

The committee the competence of which includes the legal status of the Constitutional Court of Ukraine shall adopt a reasoned decision to deny admission of the persons who intend to hold the position of a judge of the Constitutional Court of Ukraine, but do not meet the requirements prescribed by the Constitution of Ukraine, to the competitive selection.

If the person who intends to hold the position of a judge of the Constitutional Court of Ukraine, **meets the requirements set forth in the Constitution of Ukraine, but** has not submitted all the necessary documents specified by law or **has submitted them with errors and inaccuracies that are not grounds for refusal of admission to the competitive selection**, the committee in charge of the legal status of the Constitutional Court of Ukraine **shall provide all such persons with an additional term for submission and correction of the relevant documents, which may not exceed ten working days. In case of failure to submit or correct the relevant documents within the additional term, the committee in charge of the legal status of the Constitutional Court of Ukraine shall decide on admission or refusal to admit such persons to the competitive selection**

If the number of persons admitted to the competitive selection is fewer than two for one vacant position, a new competitive selection shall be announced for such vacant position.

...

16. To determine the ranking of candidates for the position of a judge of the Constitutional Court of Ukraine, the Verkhovna Rada holds an open ranking vote separately for each candidate **included by the Advisory Group**

rating vote separately for each candidate who received the "most suitable" rating from the Advisory Group of Experts according to the criterion of recognised level of competence in the field of law.

If no candidate for the position of a judge of the Constitutional Court of Ukraine receives the "most suitable" rating from the Advisory Group of Experts, the voting is conducted in respect of those candidates who received the "suitable" rating.

17. Voting for the appointment of a judge of the Constitutional Court of Ukraine is carried out by the Verkhovna Rada for the candidate who, according to the results of the ranking vote, received the largest number of votes of people's deputies.

If only one candidate receives the "best suited" assessment from the Advisory Group of Experts, the Verkhovna Rada immediately votes on the appointment of such candidate to the position of a judge of the Constitutional Court of Ukraine.

The Verkhovna Rada appoints a candidate for the post of judge of the Constitutional Court of Ukraine by open voting by a majority of the people's deputies from the constitutional composition of the Verkhovna Rada.

18. If, as a result of an open vote, a candidate for the position of a judge of the Constitutional Court of Ukraine does not receive a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, his/her candidacy shall be deemed rejected, and a second open vote shall be held for the next candidate in the ranking.

If, according to the results of the repeated open voting, such a candidate does not receive a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, his candidacy shall be deemed rejected, and a repeated open voting shall be held for the next candidate in the ranking.

19. If, according to the results of voting, no candidate who received the "most suitable" assessment from the Advisory Group of Experts according to the criterion of recognised level of competence in the field of law received a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, the Verkhovna Rada shall vote according to the procedure provided for in parts fifteen to

of Experts in the list of evaluated candidates and receiving 6 votes in favour from the Advisory Group of Experts.

If no candidate for the position of a judge of the Constitutional Court of Ukraine receives this number of votes, voting shall be held on those candidates who received one less vote from the Advisory Group.

17. Voting for the appointment of a judge of the Constitutional Court of Ukraine is carried out by the Verkhovna Rada for the candidate who, according to the results of the ranking vote, received the largest number of votes of people's deputies.

If only one candidate receives 6 votes in favour from the Advisory Group, the Verkhovna Rada immediately holds a vote on the appointment of such candidate to the position of a judge of the Constitutional Court of Ukraine.

The Verkhovna Rada appoints a candidate for the post of judge of the Constitutional Court of Ukraine by open voting by a majority of the people's deputies from the constitutional composition of the Verkhovna Rada.

18. If, as a result of an open vote, a candidate for the position of a judge of the Constitutional Court of Ukraine does not receive a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, his/her candidacy shall be deemed rejected, and a second open vote shall be held for the next candidate in the ranking.

If, according to the results of the repeated open voting, such a candidate does not receive a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, his candidacy shall be deemed rejected, and a repeated open voting shall be held for the next candidate in the ranking.

19. If, according to the results of voting, no candidate who received 6 votes in favour from the Advisory Group of Experts has received a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, the Verkhovna Rada shall vote according to the procedure provided for in parts fifteen to eighteen of this Article on those candidates who received one less vote

<p><i>eighteen of this Article on those candidates who received the "suitable" assessment from the Advisory Group of Experts according to the criterion of recognised level of competence in the field of law.</i></p> <p><i>If only one candidate for the position of a judge of the Constitutional Court of Ukraine received the "suitable" assessment from the Advisory Group of Experts, the Verkhovna Rada shall immediately vote on such candidate for appointment to the position of a judge of the Constitutional Court of Ukraine.</i></p> <p><i>20. If, according to the results of voting, no candidate who received the "meets" assessment from the Advisory Group of Experts receives a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, the Verkhovna Rada shall vote according to the procedure provided for in paragraphs fifteen to eighteen of this Article on those candidates who received the "does not meet" assessment from the Advisory Group of Experts based on the criterion of recognised level of competence in the field of law.</i></p> <p><i>If only one candidate received the "unsuitable" assessment from the Advisory Group of Experts, the Verkhovna Rada shall immediately vote on such candidate for appointment to the position of a judge of the Constitutional Court of Ukraine.</i></p> <p><i>21. If, based on the results of the voting, no candidate who received a "unsuitable" assessment from the Advisory Group of Experts receives a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, a new competitive selection is announced, which is conducted in accordance with the procedure established by the Law of Ukraine "On the Constitutional Court of Ukraine".</i></p> <p>22. The decision on the appointment of a judge of the Constitutional Court of Ukraine is made by a resolution of the Verkhovna Rada.</p>	<p>from the Advisory Group of Experts before the list of candidates evaluated by the Advisory Group is exhausted.</p> <p>21. If, according to the results of the voting, no candidate included in the list of the Advisory Group of Experts receives a majority of votes of the MPs from the constitutional composition of the Verkhovna Rada, a new competitive selection is announced, which is conducted in accordance with the procedure established by the Law of Ukraine "On the Constitutional Court of Ukraine".</p> <p>22. The decision on the appointment of a judge of the Constitutional Court of Ukraine is made by a resolution of the Verkhovna Rada.</p>
<p>Article 208-5. Procedure for appointing a member of the Advisory Group of Experts</p> <p>...</p>	<p>Article 208-5. Procedure for appointing a member of the Advisory Group of Experts</p> <p>...</p>

3. The Secretariat of the Verkhovna Rada, upon submission of the committee in charge of the legal status of the Constitutional Court of Ukraine, publishes on the official website of the Verkhovna Rada an announcement on the start of accepting proposals for candidates to the Advisory Group of Experts from parliamentary factions (parliamentary groups) not later than two months before the expiry of the term for which the member of the Advisory Group of Experts was appointed, ***and in case of early termination of powers of a member of the Advisory Group of Experts - within 10 days from the date of formation of the corresponding vacancy.***

4. Within 10 days from the date of publication of the relevant announcement, the parliamentary factions (parliamentary groups) shall submit to the committee in charge of the legal status of the Constitutional Court of Ukraine proposals for the Advisory Group of Experts together ***with information confirming*** that such candidates meet the requirements of Article 10-2 of the Law of Ukraine "On the Constitutional Court of Ukraine".

A parliamentary faction (parliamentary group) shall propose only one candidate to the Advisory Group of Experts.

The parliamentary factions (parliamentary groups) may agree on a joint proposal for a candidate to the Advisory Group of Experts.

...

16. The results of the voting for the appointment of a person as a member of the Advisory Group of Experts are formalised by a resolution of the Verkhovna Rada.

Not available

3. The Secretariat of the Verkhovna Rada, upon recommendation of the committee in charge of the legal status of the Constitutional Court of Ukraine, publishes on the official website of the Verkhovna Rada an announcement on the start of accepting proposals for candidates to the Advisory Group of Experts from parliamentary factions (parliamentary groups) no later than two months before the expiry of the term for which the member of the Advisory Group of Experts was appointed.

In the case of early termination of powers of a member of the Advisory Group of Experts, the announcement of the start of accepting proposals for candidates to the Advisory Group of Experts from parliamentary factions (parliamentary groups) shall be made public within 10 days from the date of the relevant vacancy. At the same time, if such a member of the Advisory Group of Experts had an elected deputy and the deputy agreed to be appointed to the vacant position of a member of the Advisory Group, such an announcement shall be made public within 10 days from the date of expiration of the term of office of this deputy.

4. Within 10 days from the date of publication of the respective announcement, the parliamentary factions (parliamentary groups) shall submit to the committee in charge of the legal status of the Constitutional Court of Ukraine proposals for the Advisory Group of Experts together with documents confirming that such candidates meet the requirements of Article 10-2 of the Law of Ukraine "On the Constitutional Court of Ukraine".

A parliamentary faction (parliamentary group) shall propose only one candidate to the Advisory Group of Experts.

The parliamentary factions (parliamentary groups) may agree on a joint proposal for a candidate to the Advisory Group of Experts.

...

16. The results of the voting for the appointment of a person as a member of the Advisory Group of Experts are formalised by a resolution of the Verkhovna Rada.

17. The Verkhovna Rada shall consider the election of a deputy for a member of the Advisory Group of Experts in accordance with the rules of this Article.

A parliamentary faction (parliamentary group) may propose only one candidate for deputy member of the Advisory Group of Experts.

Law of Ukraine “On the Constitutional Court of Ukraine”

Article 10-2. Advisory Expert Group

1. The Advisory Expert Group (hereinafter referred to as the “Advisory Group”) is established to assist the entities responsible for designating judges of the Constitutional Court in assessment of the integrity and legal competence of candidates for the position of a judge of the Constitutional Court.

...

17. In case of receipt of information from the Advisory Group on termination of powers of the member of the Advisory Group whom it appointed, the Appointing Authority shall appoint another person to the Advisory Group in accordance with the rules of this Article.

...

19. The main form of work of the Advisory Group shall be meetings convened by the Chairman of the Advisory Group, and in his absence - by the Secretary of the Advisory Group, ~~and in their absence – by the most senior member of the Advisory Group.~~

20. A meeting of the Advisory Group is qualified if it is attended by at least four members.

...

24. The Advisory Group shall make decisions by at least four votes, except as otherwise provided by this Law.

The decision of the Advisory Group shall be drawn up in a protocol and shall be published on the official website of the Constitutional Court within three days from the date of its adoption, unless other terms are established by this Law.

Article 10-2. Advisory Expert Group

1. The Advisory Expert Group (hereinafter referred to as the “Advisory Group”) is established to assist the entities responsible for designating judges of the Constitutional Court in assessment of the integrity and legal competence of candidates for the position of a judge of the Constitutional Court.

...

17. In case of receipt of information from the Advisory Group on termination of powers of the member of the Advisory Group whom it appointed, the Appointing Authority shall appoint another person to the Advisory Group in accordance with the rules of this Article, **unless such member of the Advisory Group of Experts had an elected deputy and the deputy agreed to be appointed to the vacant position of the member of the Advisory Group in accordance with Article 10¹² of this Law.**

...

19. The main form of work of the Advisory Group is meetings convened by the Chairman of the Advisory Group, and in his absence - by the Secretary of the Advisory Group.

20. A meeting of the Advisory Group is qualified if it is attended by at least four members.

...

24. The Advisory Group shall make decisions by at least four votes, except as otherwise provided by this Law.

The decision of the Advisory Group shall be drawn up in a protocol and shall be published on the official website of the Constitutional Court within three days from the date of its adoption, unless other terms are established by this Law, **indicating the results of the roll-call vote.**

...

<p>...</p> <p>30. If a member of the Advisory Group has or has had personal or business relations with a candidate for the position of a judge of the Constitutional Court that can affect his or her objectivity or impartiality as a member of the Advisory Group, and/or where there is another conflict of interest or circumstances that can affect his/her objectivity or impartiality as a member of the Advisory Group, he/she shall submit a recusal within two days after he/she found out or was supposed to find out about such circumstances.</p> <p>A candidate for the position of a judge of the Constitutional Court may seek recusal of a member of the Advisory Group on the same grounds.</p> <p>Self-recusal of a member of the Advisory Group as well as applications for recusal shall be considered by the Advisory Group. The Advisory Group can resolve to dismiss or grant the application for self-recusal or dismiss the application for recusal submitted by the candidate. The respective member of the Advisory Group who has applied for self-recusal or whose recusal is sought shall not participate in the voting.</p> <p><i>If the number of votes of the Advisory Group on a particular issue is reduced to four as a result of satisfying the recusal or disqualification, the Advisory Group shall decide on such issue by a simple majority of votes of the members present.</i></p>	<p>30. If a member of the Advisory Group has or has had personal or business relations with a candidate for the position of a judge of the Constitutional Court that can affect his or her objectivity or impartiality as a member of the Advisory Group, and/or where there is another conflict of interest or circumstances that can affect his/her objectivity or impartiality as a member of the Advisory Group, he/she shall submit a recusal within two days after he/she found out or was supposed to find out about such circumstances, but not later than the beginning of interviews with all candidates for the position of a judge of the Constitutional Court by the Advisory Group in accordance with part one of Article 10⁸ of this Law.</p> <p>A candidate for the position of a judge of the Constitutional Court may seek recusal of a member of the Advisory Group on the same grounds, but not later than the beginning of the interviews with all candidates for the position of a judge of the Constitutional Court by the Advisory Group in accordance with part one of Article 10⁸ of this Law.</p> <p>Self-recusal of a member of the Advisory Group as well as applications for recusal shall be considered by the Advisory Group. The Advisory Group can resolve to dismiss or grant the application for self-recusal or dismiss the application for recusal submitted by the candidate. The respective member of the Advisory Group who has applied for self-recusal or whose recusal is sought shall not participate in the voting.</p> <p>Exclude</p>
<p>Article 10-5. Start of the Competitive Selection</p> <p>1. An announcement of the start of the competitive selection of the candidates for the position of a judge of the Constitutional Court shall be published on the official website of the of the President of Ukraine, the Verkhovna Rada of Ukraine, the Council of Judges of Ukraine respectively at least ninety days before the date of expiration of the authority or</p>	<p>Article 10-5. Start of the Competitive Selection</p> <p>1. An announcement of the start of the competitive selection of the candidates for the position of a judge of the Constitutional Court shall be published on the official website of the of the President of Ukraine, the Verkhovna Rada of Ukraine, the Council of Judges of Ukraine respectively at least ninety days before the date of expiration of the authority or</p>

achievement of the maximum age for the position of a judge of the Constitutional Court of Ukraine, or within twenty days upon occurrence of the vacant position of a judge of the Constitutional Court of Ukraine in case the authority of the judge of the Constitutional Court of Ukraine has been terminated, or the judge has been dismissed on the grounds specified in Article 149-1 of the Constitution of Ukraine.

Where there are several vacant positions of a judge of the Constitutional Court, the competitive selection of candidates may be announced and conducted by the respective entity responsible for designating to the position of a judge of the Constitutional Court for all the vacant positions.

2. The persons who intend to hold the position of a judge of the Constitutional Court and meet the criteria set for the Judge by the Constitution of Ukraine shall furnish the following documents to be considered by the competitive selection commission, the Secretariat of the Verkhovna Rada of Ukraine, and the Council of Judges of Ukraine within *ten* days after the announcement of the competitive selection is published:

...

Article 10-6. Admission to the Competitive Selection

...

2. Based on the documents submitted, the competition commission, the Committee and the Council of Judges of Ukraine shall establish whether the persons who intend to hold the position of a judge of the Constitutional Court meet the requirements for a Judge prescribed by the Constitution of Ukraine and this Law (regarding citizenship, fluency in the state language, age, education, and length of service), and then resolve whether the candidate should be admitted to the competitive selection.

If the person who intends to hold the position of a judge of the Constitutional Court has failed to submit all the necessary documents as prescribed by paragraph 2 of Article 10-5 hereof, the competition commission, the Committee and the Council of Judges of Ukraine shall resolve to deny the person's admission to the competitive selection.

achievement of the maximum age for the position of a judge of the Constitutional Court of Ukraine, or within twenty days upon occurrence of the vacant position of a judge of the Constitutional Court of Ukraine in case the authority of the judge of the Constitutional Court of Ukraine has been terminated, or the judge has been dismissed on the grounds specified in Article 149-1 of the Constitution of Ukraine.

Where there are several vacant positions of a judge of the Constitutional Court, the competitive selection of candidates may be announced and conducted by the respective entity responsible for designating to the position of a judge of the Constitutional Court for all the vacant positions.

2. The persons who intend to hold the position of a judge of the Constitutional Court and meet the criteria set for the Judge by the Constitution of Ukraine shall furnish the following documents to be considered by the competitive selection commission, the Secretariat of the Verkhovna Rada of Ukraine, and the Council of Judges of Ukraine within **thirty** days after the announcement of the competitive selection is published:

...

Article 10-6. Admission to the Competitive Selection

...

2. Based on the documents submitted, the competition commission, the Committee and the Council of Judges of Ukraine shall establish whether the persons who intend to hold the position of a judge of the Constitutional Court meet the requirements for a Judge prescribed by the Constitution of Ukraine and this Law (regarding citizenship, fluency in the state language, age, education, and length of service), and then resolve whether the candidate should be admitted to the competitive selection.

If the person who intends to hold the position of a judge of the Constitutional Court **meets the requirements set forth in the Constitution of Ukraine** but has not submitted all the necessary documents specified in part two of Article 10-5 of this Law or **has submitted them with errors and inaccuracies that are not grounds for refusal of admission to the competitive selection**, the competition commission, the Committee, the Council of Judges of Ukraine **shall grant all such persons an additional**

<p>If fewer than two persons have been admitted to the competitive selection, the competition commission, the Committee and the Council of Judges of Ukraine shall immediately, but in any case within twenty days announce the new competitive selection to be conducted as prescribed by this Law.</p> <p>3. Decisions of the Competition Commission, Committee, Council of Judges of Ukraine on admission or refusal of admission to the competitive selection of persons who have expressed their intention to hold the position of a judge of the Constitutional Court shall be published on the official website of the President of Ukraine, the Verkhovna Rada of Ukraine, the Council of Judges of Ukraine, respectively, no later than the next day after the day of the decision.</p> <p>...</p>	<p>term for submission and correction of the relevant documents, which may not exceed ten working days. In case of failure to submit or correct the relevant documents within the additional period, the competition commission, the Committee, the Council of Judges of Ukraine shall decide to refuse admission to the competitive selection to such persons.</p> <p>If less than two persons are admitted to the competitive selection for one vacant position, the competition commission, the Committee, the Council of Judges of Ukraine shall immediately, but not later than twenty days, announce a new competitive selection for such vacant position, which shall be conducted in accordance with the procedure established by this Law</p> <p>3. Decisions of the Competition Commission, Committee, Council of Judges of Ukraine on admission or refusal of admission to the competitive selection of persons who have expressed their intention to hold the position of a judge of the Constitutional Court shall be published on the official website of the President of Ukraine, the Verkhovna Rada of Ukraine, the Council of Judges of Ukraine, respectively, no later than the next day after the day of the decision.</p> <p>...</p>
<p>Article 10⁸. Completion of the Competitive Selection</p> <p>...</p> <p>2. Within fifteen days from the date of the interview with all candidates, the Advisory Group assesses the moral qualities of each candidate for the position of a judge of the Constitutional Court.</p> <p>Within fifteen days from the date of the decision to assess the compliance of all candidates with the criterion of high moral qualities, the Advisory Group assesses the level of competence in the field of law of each candidate for the position of a judge of the Constitutional Court.</p> <p>The Advisory Group discusses the candidates in a closed session.</p> <p>Not available</p> <p>...</p> <p>4. Based on the results of the assessment of the moral qualities of the candidates for the position of a judge of the Constitutional Court, the Advisory</p>	<p>Стаття 10⁸. Completion of the Competitive Selection</p> <p>...</p> <p>2. Within fifteen days from the date of the interview with all candidates, the Advisory Group assesses the moral qualities of each candidate for the position of a judge of the Constitutional Court.</p> <p>Within fifteen days from the date of the decision to assess the compliance of all candidates with the criterion of high moral qualities, the Advisory Group assesses the level of competence in the field of law of each candidate for the position of a judge of the Constitutional Court.</p> <p>The Advisory Group discusses the candidates in a closed session.</p> <p>The advisory group may decide to assess the candidates' compliance with the criterion of high moral qualities and a recognised level of competence in the field of law at the same time.</p> <p>...</p> <p>4. Based on the results of the assessment of the moral qualities of the candidates for the position of a judge of the Constitutional Court, the Advisory</p>

Group makes a reasoned decision on the assessment of the compliance of each candidate.

~~*A candidate who receives at least four votes in favour from the Advisory Group is rated as "suitable".*~~

~~*A rating of "unsuitable" is given to a candidate who received three or fewer votes in favour from the Advisory Group".*~~

In case the Advisory Group assesses the candidate as "unsuitable" with the criterion of high moral qualities, the candidate is considered to have failed the relevant stage of the competitive selection for the position of a judge of the Constitutional Court from the moment the Advisory Group publishes its decision. In the decision on such a candidate, the Advisory Group states that for the purposes of the competitive selection of candidates for the position of a judge of the Constitutional Court on a competitive basis, the candidate does not meet the criterion of high moral qualities.

~~*If the Advisory Group is unable to adopt a decision on suitability assessment of any candidate within the time frames established by this Article due to the equal number of votes "for" and "against", a repeated interview shall be conducted.*~~

~~*If the number of votes "for" and "against" the candidate's suitability assessment is the same following the repeated interview, the candidate shall be assessed to be "unsuitable". It shall be specified by the Advisory Group in its decision on the candidate that the candidate has been assessed to be "unsuitable" based on the integrity criterion only due to the equal number of votes "for" and "against" the candidate in the Advisory Group.*~~

5. The candidates who have been assessed to be "suitable" by the Advisory Group based on the integrity criterion shall be assessed based on the legal competence criterion.

If the number of the candidates who meet the integrity criterion following the assessment is fewer than two persons *for each* vacant position of a judge of the Constitutional Court, the competition commission, the Committee and the Council of Judges of Ukraine shall immediately, but in

Group makes a reasoned decision on the assessment of the compliance of each candidate.

According to the criterion of moral qualities, candidates receive a score of "suitable" or "unsuitable".

Exclude

In case the Advisory Group assesses the candidate as "unsuitable" with the criterion of high moral qualities, the candidate is considered to have failed the relevant stage of the competitive selection for the position of a judge of the Constitutional Court from the moment the Advisory Group publishes its decision. In the decision on such a candidate, the Advisory Group states that for the purposes of the competitive selection of candidates for the position of a judge of the Constitutional Court on a competitive basis, the candidate does not meet the criterion of high moral qualities.

Exclude

5. The candidates who have been assessed to be "suitable" by the Advisory Group based on the integrity criterion shall be assessed based on the legal competence criterion. **Additional interviews may be held with all such candidates based on the decision of the Advisory Group.**

If the number of the candidates who meet the integrity criterion following the assessment is fewer than two persons **per** vacant position of a judge of the Constitutional Court, the competition commission, the Committee and the Council of Judges of Ukraine shall immediately, but in any case within twenty days announce the new competitive selection to be conducted **for such vacant position** as prescribed by this Law.

any case within twenty days announce the new competitive selection to be conducted as prescribed by this Law.

6. Following the assessment of the legal competence of the candidates for the position of a judge of the Constitutional Court, the Advisory Group shall adopt a **reasoned** decision on assessment of each candidate's suitability and make a general list of all the candidates assessed.

The candidates shall be listed in the alphabetical order subject to the grade they have been granted based on the legal competence criterion: "most suitable", "suitable" and "unsuitable".

The grade "most suitable" is granted to the candidate who has received at least five votes "for" from the Advisory Group.

The grade "suitable" is granted to the candidate who has received at least four votes "for" from the Advisory Group.

The grade "unsuitable" is granted to the candidate who has received three or fewer votes "for" from the Advisory Group".

If the Advisory Group is unable to adopt a decision on suitability assessment of any candidate within the time frames established by this Article due to the equal number of votes "for" and "against", a repeated interview shall be conducted.

If the number of votes "for" and "against" the candidate's suitability assessment is the same following the repeated interview, the candidate shall be assessed to be "unsuitable". It shall be specified by the Advisory Group in its decision on the candidate that the candidate has been assessed to be "unsuitable" based on the legal competence criterion only due to the equal number of votes "for" and "against" the candidate in the Advisory Group.

7. Not available

6. Following the assessment of the legal competence of the candidates for the position of a judge of the Constitutional Court, the Advisory Group shall adopt a **reasoned** decision on assessment of each candidate's suitability and make a general list of all the candidates assessed.

According to the criterion of the level of competence in the field of law, candidates receive a grade of "suitable" or "unsuitable".

Exclude

In case the Advisory Group gives the candidate a "does not meet" score according to the criterion of the level of legal competence, the candidate is considered to have failed the relevant stage of the competitive selection for the position of a judge of the Constitutional Court from the moment the Advisory Group publishes its decision. In the decision on such a candidate, the Advisory Group states that for the purposes of competitive selection of candidates for the position of a judge of the Constitutional Court, the candidate does not meet the criterion of a recognised level of competence in the field of law.

7. The Advisory Group conducts a ranking vote for the candidates who have been assessed as "compliant" based on the criteria of high moral character and recognised legal competence and compiles a general list of all assessed candidates.

Candidates are placed on the list depending on the number of votes received from the Advisory Group, from the highest (6 votes in favour) to the lowest (0 votes in favour).

The Advisory Group shall publish the lists of the candidates assessed and reasoned decisions on each candidate for the position of a judge of the Constitutional Court on the official website of the Constitutional Court, and furnish them to the competition commission, the Committee and the Council of Judges of Ukraine within three days after they are made.

Not available

8. After the list of the assessed candidates for the position of a judge of the Constitutional Court, decisions of the Advisory Group on each candidate's suitability assessment are received, the competition commission, the Committee and the Council of Judges of Ukraine shall interview the candidates.

After the documents and data furnished by the candidates are examined with account of the list of the candidates assessed, decisions of the Advisory Group on each candidate's suitability assessment, and the candidates are interviewed, the competition commission, the Committee and the Council of Judges of Ukraine respectively shall adopt a resolution on recommendation on designation to the position of a judge of the Constitutional Court.

9. All the cases associated with challenging decisions, actions or omissions or the entities responsible for designating judges of the Constitutional Court during the competitive selection of candidates for the position of a Judge as well as assessment of candidates for the position of a judge of the Constitutional Court by the Advisory Group shall be within the jurisdiction of the Supreme Court as a court of first instance and to the Grand Chamber of the Supreme Court as a court of appeal based on the administrative judicial proceedings.

The Advisory Group shall publish the lists of the candidates assessed and reasoned decisions on each candidate for the position of a judge of the Constitutional Court on the official website of the Constitutional Court, and furnish them to the competition commission, the Committee and the Council of Judges of Ukraine within three days after they are made.

The Advisory Group shall publish its decisions regarding candidates who have received a "unsuitable" rating on the criteria of high moral character or recognised level of legal competence without giving the reasons that served as the basis for such a decision. The Advisory Group shall publish such decisions with reasons only at the request of the candidate who received a "unsuitable" grade.

8. After the list of the assessed candidates for the position of a judge of the Constitutional Court, decisions of the Advisory Group on each candidate's suitability assessment are received, the competition commission, the Committee and the Council of Judges of Ukraine shall interview the candidates, **included in the list of evaluated candidates.**

After the documents and data furnished by the candidates are examined with account of the list of the candidates assessed, decisions of the Advisory Group on each candidate's suitability assessment, and the candidates are interviewed, the competition commission, the Committee and the Council of Judges of Ukraine respectively shall adopt a resolution on recommendation on designation to the position of a judge of the Constitutional Court.

9. All the cases associated with challenging decisions, actions or omissions or the entities responsible for designating judges of the Constitutional Court during the competitive selection of candidates for the position of a Judge as well as assessment of candidates for the position of a judge of the Constitutional Court by the Advisory Group shall be within the jurisdiction of the Supreme Court as a court of first instance and to the Grand Chamber of the Supreme Court as a court of appeal based on the administrative judicial proceedings.

Article 10¹¹. Procedure for the Congress of Judges of Ukraine to Designate a Judge of the Constitutional Court

1. The Congress of Judges of Ukraine shall designate a judge of the Constitutional Court by vote by secret ballot.

2. The secret ballot paper regarding designation to the position of a judge of the Constitutional Court shall include the candidates who have been assessed to be “**most** suitable” by the Advisory Group based on the legal competence criterion.

If neither candidate has been assessed as “most suitable” by the Advisory Group, the ballot paper shall include the candidates assessed as “suitable”.

3. If neither candidate has obtained the majority of votes of the elected delegates to the Congress of Judges of Ukraine based on the results of the secret voting, the candidates shall be rejected, and repeated secret voting shall be effected.

4. The repeated secret ballot paper regarding designation to the position of a judge of the Constitutional Court shall include the candidates who have been assessed to be “suitable” by the Advisory Group based on the legal competence criterion.

~~*If neither candidate has obtained the majority of votes of the elected delegates to the Congress of Judges of Ukraine based on the results of the repeated secret voting, the second repeated secret voting shall be effected.*~~

~~*5. The second repeated secret ballot paper regarding designation to the position of a judge of the Constitutional Court shall include the candidates who have been assessed to be “unsuitable” by the Advisory Group based on the legal competence criterion.*~~

6. If neither candidate has obtained the majority of votes of the elected delegates to the Congress of Judges of Ukraine based on the results of the **second repeated secret voting**, a new competition shall be immediately announced and conducted as prescribed by this Law.

Article 10¹¹. Procedure for the Congress of Judges of Ukraine to Designate a Judge of the Constitutional Court

1. The Congress of Judges of Ukraine shall designate a judge of the Constitutional Court by vote by secret ballot.

2. Candidates included in the list of evaluated candidates by the Advisory Group and who received 6 "for" votes from the Advisory Group **are included in the ballot for secret voting on the appointment to the position of judge of the Constitutional Court.**

If no candidate on the list has received this number of votes from the Advisory Group, the ballot shall include the candidates on the list who have received one less vote.

If no candidate receives a majority of votes of the elected delegates to the Congress of Judges of Ukraine, their candidacies are deemed rejected, and a second secret ballot is held for those candidates on the list who received one less vote from the Advisory Group.

4. The ballot for the repeated secret ballot for the appointment of a judge of the Constitutional Court shall include those candidates who are on the list and received one less vote from the Advisory Group.

5. If no candidate receives a majority of votes of the elected delegates to the Congress of Judges of Ukraine, their candidacies shall be deemed rejected, and a second secret ballot shall be held for those candidates who received one less vote until the list of candidates evaluated by the Advisory Group is exhausted.

6. If, based on the results of **repeated secret ballots**, no candidate **included in the list of candidates evaluated by the Advisory Group** receives a majority of votes of the elected delegates to the Congress of Judges of Ukraine, a new competition shall be immediately announced and held in accordance with the procedure established by this Law.

<p>7. The resolution of the Congress of Judges of Ukraine on designation to the position of a judge of the Constitutional Court shall be signed by the chairperson of the Congress and the secretary.</p> <p>8. The procedure for convening and conducting the Congress of Judges of Ukraine is established by the Law of Ukraine “On the Judicial System and the Status of Judges”.</p>	<p>7. The resolution of the Congress of Judges of Ukraine on designation to the position of a judge of the Constitutional Court shall be signed by the chairperson of the Congress and the secretary.</p> <p>8. The procedure for convening and conducting the Congress of Judges of Ukraine is established by the Law of Ukraine “On the Judicial System and the Status of Judges”.</p>
<p>Not available</p>	<p>Article 10¹². Deputy member of the Advisory Group</p> <p>1. At the same time as the appointment of a member of the Advisory Group, the subject of appointment chooses one deputy for such member for the term of his authority.</p> <p>A person who meets the requirements for a member of the Advisory Group can be elected as a deputy.</p> <p>2. The appointing authority shall make a separate decision on the election of a deputy for a member of the Advisory Group in accordance with the rules established by Article 10² of this Law.</p> <p>3. The person elected as an alternate member of the Advisory Group shall have the right to attend all meetings of the Advisory Group and any matters considered by it as an observer.</p> <p>Such persons shall be subject to the restrictions on the use of information provided for by this Law for members of the Advisory Group.</p> <p>4. If a member of the Advisory Panel is self-recusal or recusal and has a deputy, such deputy, with his/her consent and without a separate decision of the appointing authority, shall temporarily perform the powers of the relevant member of the Advisory Panel in terms of consideration of issues and decision-making in respect of which such member is self-recusal or recusal.</p> <p>5. If the powers of a member of the Advisory Group are terminated early and if he/she has a deputy, such deputy, with his/her consent and without a separate decision of the appointing authority, shall be deemed to be appointed to such vacant position of a member of the Advisory Group for the term of office of such member.</p>

Title IV.

TRANSITIONAL PROVISIONS

1. The Constitutional Court shall terminate the constitutional proceedings instituted before the effective date of this Law in the cases based on the constitutional motions for official interpretation of the laws of Ukraine (their individual clauses) and in the cases based on the constitutional motions.

...

4. Within six years from the effective date of the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine as Regards Improvement of the Procedure for Selecting Candidates for the Position of a Judge of the Constitutional Court of Ukraine on a Competitive Basis" (hereinafter the "transitional recruitment period"), the Advisory Expert Group shall be formed with account of the special aspects prescribed by this Title.

...

7. The Advisory Expert Group shall be deemed established provided that at least **four** of its members are designated.

8. Within **thirty** days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine on a Competitive Basis", the President of Ukraine shall appoint a person to the first composition of the Advisory Group of Experts, and issue a decree on this.

9. The Secretariat of the Verkhovna Rada of Ukraine at the request of the committee of the Verkhovna Rada of Ukraine, the subject of which is the issue of the legal status of the Constitutional Court of Ukraine, within fifteen days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Selection of Candidates for Positions" judges of the Constitutional Court of Ukraine on a competitive basis" publishes on the official website of the Verkhovna Rada of Ukraine an announcement about the start of accepting proposals for candidacy for the first member of the Advisory Group of Experts from deputy factions (deputy groups).

10. Within **thirty** days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on

Title IV.

TRANSITIONAL PROVISIONS

1. The Constitutional Court shall terminate the constitutional proceedings instituted before the effective date of this Law in the cases based on the constitutional motions for official interpretation of the laws of Ukraine (their individual clauses) and in the cases based on the constitutional motions.

...

4. Within six years from the effective date of the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine as Regards Improvement of the Procedure for Selecting Candidates for the Position of a Judge of the Constitutional Court of Ukraine on a Competitive Basis" (hereinafter the "transitional recruitment period"), the Advisory Expert Group shall be formed **and operate** with account of the special aspects prescribed by this Title.

...

7. The Advisory Expert Group shall be deemed established provided that at least **four** of its members are designated.

8. Within **190** days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine on a Competitive Basis", the President of Ukraine appoints a person to the first composition of the Advisory Group of Experts, and issues a decree to that effect.

9. The Secretariat of the Verkhovna Rada of Ukraine at the request of the committee of the Verkhovna Rada of Ukraine, the subject of which is the issue of the legal status of the Constitutional Court of Ukraine, within fifteen days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Selection of Candidates for Positions" judges of the Constitutional Court of Ukraine on a competitive basis" publishes on the official website of the Verkhovna Rada of Ukraine an announcement about the start of accepting proposals for candidacy for the first member of the Advisory Group of Experts from deputy factions (deputy groups).

10. Within **190** days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on

Improving the Procedure for Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine on a Competitive Basis", the Council of Judges of Ukraine shall appoint a person to the first composition of the Advisory Group of Experts, and shall decide on.

11. The central executive body that ensures the formation and implementation of the state policy in the field of foreign relations shall, within five days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine on a Competitive Basis", apply to the European Commission "For Democracy through Law" for a proposal for the first composition of the Advisory Group of Experts, and then submit the received proposal to the Cabinet of Ministers of Ukraine.

12. The central executive body that ensures the formation and implementation of the state policy in the sphere of foreign relations, together with the Secretariat of the Cabinet of Ministers of Ukraine, within fifteen days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine on a Competitive Basis", shall compile a list of international organisations.

Within five days from the date of compilation of the relevant list, the central executive body responsible for the formation and implementation of the state policy in the field of foreign relations shall address the international organisations included in such a list to receive proposals from them for the first composition of the Advisory Group of Experts. The proposals are submitted to the Cabinet of Ministers of Ukraine.

If international organisations do not submit their proposals for the Advisory Group of Experts within **thirty** days of receiving the relevant request or if they do not propose an adequate number of candidates, additional proposals for the Advisory Group of Experts may be submitted by the European Commission "For Democracy through Law".

If international organisations have proposed a total number of candidates that exceeds two persons, the Cabinet of Ministers of Ukraine shall decide to appoint two candidates from the proposals submitted.

Improving the Procedure for Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine on a Competitive Basis", the Council of Judges of Ukraine appoints a person to the first composition of the Advisory Group of Experts and makes a decision on this. **Within the same period, the Council of Judges of Ukraine elects one deputy for this member.**

11. The central executive body that ensures the formation and implementation of the state policy in the field of foreign relations shall, within five days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine on a Competitive Basis", apply to the European Commission "For Democracy through Law" for a proposal for the first composition of the Advisory Group of Experts, and then submit the received proposal to the Cabinet of Ministers of Ukraine.

12. The central executive body that ensures the formation and implementation of the state policy in the sphere of foreign relations, together with the Secretariat of the Cabinet of Ministers of Ukraine, within fifteen days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine on a Competitive Basis", shall compile a list of international organisations.

Within five days from the date of compilation of the relevant list, the central executive body responsible for the formation and implementation of the state policy in the field of foreign relations shall address the international organisations included in such a list to receive proposals from them for the first composition of the Advisory Group of Experts. The proposals are submitted to the Cabinet of Ministers of Ukraine.

If international organisations do not submit their proposals for the Advisory Group of Experts within **190** days from the date of receipt of the relevant request or if they do not propose an insufficient number of candidates, additional proposals for the Advisory Group of Experts may be submitted by the European Commission "For Democracy through Law".

...

14. The European Commission "For Democracy through Law" and international organisations may submit **a list of candidates for replacement** along with their proposals for the first members of the Advisory Group of Experts. The list shall include no more than two persons for each seat of the Advisory Group of Experts ~~who will be able to replace the respective member in case of early termination of his/her powers.~~

In the case of early termination of powers of ~~such~~ a member of the Advisory Group of Experts, the Cabinet of Ministers of Ukraine shall appoint a person to replace him/her who is included in the list of candidates proposed by the European Commission "For Democracy through Law" and international organisations, respectively.

If all persons from the respective list refuse to become members of the Advisory Group of Experts, the central executive body responsible for formulating and implementing the state policy in the field of foreign relations shall apply to the European Commission "For Democracy through Law" and international organisations, respectively, *for proposals to the Advisory Group.*

...

19. During the transitional recruitment period, additional experts and professionals from international organisations may be engaged upon request of the Advisory Expert Group to support its operations and work of its members, at the expense of such organisations.

The organisational and technical support of operations of the Advisory Expert Group may be funded with international technical assistance.

Not available.

If international organisations have proposed a total number of candidates that exceeds two persons, the Cabinet of Ministers of Ukraine shall decide to appoint two candidates from the proposals submitted.

...

14. The European Commission "For Democracy through Law", international organisations may submit a list of alternates for the members of the Advisory Group of Experts along with their proposals for the **first members of the Advisory Group of Experts**. The list shall include **one deputy for each position** of a member of the Advisory Group of Experts.

If a member of the Advisory Panel is recused or disqualified and has a deputy, the deputy shall, with the consent of the member, temporarily perform the powers of the relevant member of the Advisory Panel in respect of consideration of issues and decisions in respect of which the member is self-recusal or recusal.

If the powers of a member of the Advisory Group are terminated early and if he/she has a deputy, such deputy shall be appointed to such vacant position of a member of the Advisory Group with his/her consent.

If all the **deputies** refuse to be members of the Advisory Group of Experts, the central executive body that ensures the formation and implementation of state policy in the field of foreign relations shall apply to the European Commission "For Democracy through Law", international organisations, as appropriate, for **additional proposals**.

...

19. During the transitional recruitment period, additional experts and professionals from international organisations may be engaged upon request of the Advisory Expert Group to support its operations and work of its members, at the expense of such organisations.

The organisational and technical support of operations of the Advisory Expert Group may be funded with international technical assistance.

20. During the transitional period of selection, the Advisory Group of Experts takes decisions by at least four votes of its members, of which at least two are nominated by international organisations or the European Commission "For Democracy through Law".

If due to the same number of votes "for" and "against" the Advisory Group of Experts cannot make a decision, a second vote is held.

In the event of an equal number of votes "for" and "against" in such a second vote, the votes of three members of the Advisory Group of Experts, of whom at least two are nominated by international organisations or the European Commission "For Democracy through Law", shall be decisive.

21. From the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Certain Provisions on Competitive Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine", all procedures for selecting candidates for the position of a judge of the Constitutional Court on a competitive basis, initiated by the appointing authorities and not completed as of the date of entry into force, shall be deemed terminated without a separate decision of the appointing authorities.

The subjects of appointment of judges of the Constitutional Court shall immediately, but not later than twenty days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Certain Provisions on Competitive Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine", announce competitive selection for all positions of judges of the Constitutional Court vacant as of the date of its entry into force.