



Strasbourg, 4 December 2006

CDL(2006)097
Engl. only

Opinion no. 402/2006

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT LAW ON THE
STATUS OF JUDGES
OF UKRAINE**

DRAFT
approved by
the National Commission on Strengthening Democracy
and the Rule of Law
July 11, 2006

© Translated by USAID/Ukraine Rule of Law Project, 2006

The Law of Ukraine
"On the Status of Judges"

(New draft)

This Law defines the status of judges, people's assessors, jurors and regulates relations dealing with support of independence of judges, regulates procedures of appointment (election) of judges, qualification examination, bringing judges to disciplinary measures and dismissing them from their posts, and also guaranties financial and other support of judges.

Section I. Fundamentals

Chapter 1. General provisions

Article 1. A judge – bearer of judicial power

1. Professional judges are representatives of people, involved in execution of justice in the manner prescribed by the law, shall be bearers of judicial power in Ukraine, who execute justice independently from legislative and executive powers.

Article 2. Legislation of status of judges

1. Status of judges shall be defined by the Constitution of Ukraine, this Law, and the Law of Ukraine "On Judiciary of Ukraine" and other laws.

Article 3. Independence of judges

1. Judges in their operation regarding administering justice shall be independent from any influence, shall not report to anyone and shall only abide to the Constitution of Ukraine and the laws of Ukraine. Interference in operation of judges in administering justice shall not be permitted and shall entail liability defined by the law.

2. Judges shall consider cases received according to the procedure of distribution of trial cases, pursuant to the law. Distribution of cases shall not be influenced by the desire of judges or any other persons, interested results of its resolution.

3. A judges shall not provide any information regarding the essence of cases, which are under his consideration, except for those pursuant to this Law.

4. Independence of judges shall be provided by:

1) special procedure of appointment, election, bringing to liability and dismissal of judges;

- 2) judicial immunity;
- 3) unchangeable nature of professional judges;
- 4) procedure of justice execution pursuant to the procedural law, secrecy of rendition proceedings;
- 5) prohibition of interference in execution of justice;
- 6) liability for contempt of court or a judge pursuant to the law;
- 7) special procedure of funding and organizational support of court operation pursuant to the law;
- 8) adequate material and social support of judges;
- 9) functioning of judicial self-government authorities;
- 10) means of personal protection of judges, their families, property, defined by the law, and other means of their legal protection;
- 11) right of a judge to retire.

5. All state authorities, institutions and organizations, local self-government authorities, citizens and their unions shall be bind to respect the independence of judges and not infringe on it.

6. Should the new laws or amendments to current laws be accepted, narrowing of the content and guarantees of judges' independence pursuant to the Constitution of Ukraine shall not be permitted.

Article 4. Immunity of judges

1. Judges are immune. Immunity of a judge shall spread upon his/her housing, office premises, transport and means of communication, correspondence, his/her property and documents.

2. A judge can not be arrested or taken into custody till the conviction by the court without approval of Verkhovna Rada of Ukraine.

2. A judge arrested on suspicion of committing a misdemeanor entailing criminal or administrative liability, shall be immediately released after identification of his/her person. Any ground or cause to take to any institution or body, except for court, shall not be applied to a judge.

3. A criminal case concerning a judge shall be initiated only by the General Prosecutor of Ukraine or his/her deputy.

4. Intrusion in housing or other property of a judge, his/her office premises, personal or work transport, their examining, search and seizure, interception of his/her phone calls, personal search of a judge, as well as search and seizure of his/her correspondence, belongings and documents shall be carried out only pursuant to the court decision.

5. Regional jurisdiction of a case regarding prosecution of a professional judge for committing a crime shall be determined by the affirmation of a judge of the Supreme Court of Ukraine. A case shall not fall into jurisdiction of the court, where the judge occupies or occupied before the post of judge.

Article 5. Liability for contempt of judge (court)

1. Display of contempt of judge (court) from persons participating in case consideration or present at the trial proceedings, as well as committing actions out of court that speak for an evident contempt of judge in relation to his/her judicial activities shall entail liability pursuant to the law.

Article 6. State protection of judge and his/her family

1. Judges, members of their families and their property shall be under a special protection of the State.

2. A professional judge shall have a right to store, carry and use weapon and other special means of defense in the manner pursuant to the law.

3. Security of judge, members of his/her family, protection of their property shall be provided according to the Law of Ukraine "On the State Protection of Employees of Court and Other Law Enforcement Authorities".

Chapter 2. Professional judge

Article 7. Status of professional judge

1. Professional judge shall be a citizen of Ukraine, who according to the Constitution of Ukraine appointed or elected to a post of judge, shall occupy a position of judge in one of the courts and administer justice on professional basis.

2. Professional judges in Ukraine shall have unitary status independent from the place of court in the system of courts of general jurisdiction or administrative position occupied by a judge in court.

Article 8. Unchangeable nature of judges

1. Judge shall occupy their posts without term limitation, excluding judges of the Constitutional Court of Ukraine and judges of court of general jurisdiction appointed to this position for the first time.

2. Judges that occupy positions without term limitation shall be guaranteed occupying the post of judge until they reach sixty five years of age.

3. A judge shall not be transferred to a different position or a different court without his/her consent.

Article 9. Incompatibility requirements

1. Occupying the post of judge shall not be compatible with occupation of a post in any other body of state power, local self-government or representative mandate.

2. A judge shall not have a right to combine his/her activity with business activity, attorney activity, any other work (except for educational, scientific and creative work in the free time from execution of powers of judge), and also be a member of steering body or supervisory board of a for profit enterprise or organization.

3. A judge shall not belong to any political party or professional union, publicly speak about or display sympathy to them, take part in political actions of political parties, meetings, strikes.

4. Pursuant to an application of judge, he/she may be sent to work in the High Council of Justice, qualifications commissions of judges, the Discipline Commission of Judges of Ukraine, judicial inspectors' service, the National School of Judges of Ukraine, preserving their salary of primary employment.

Article 10. Rights and responsibilities of judge

1. The right of a judge regarding administering of justice shall be determined by the Constitution of Ukraine, procedural and other laws.

2. A judge shall have a right to take part in judicial self-government for resolving matters of internal activities of courts in the manner pursuant to the law. Judges may establish unions and participate in them with the purpose of protection of their rights and interests, professional development.

3. A judge shall have a right to raise his/her professional skills, take appropriate training with this purpose. A judge shall be required to take:

1) annual two-weeks training – during five years after the first time appointment to a position of judge;

2) two-weeks training – not less than once in three years after judge is elected to the post without term limitation;

3) two-weeks training – in case of deprivation of a qualification rank.

4. A judge shall be required to:

1) timely, fairly and impartially consider and resolve legal cases pursuant to the law in accordance with fundamentals and rules of judicature;

2) show respect to participants of proceedings;

3) not perform actions that may cause doubts of his/her independence and impartiality, and other actions, which discredit him/her as a carrier of judicial power;

4) not disclose information, which are secret protected by the law, in particular secret of jury room and closed court trial;

5) keep with the incompatibility requirements.

Article 11. Oath of judges

1. A person elected to the post of judge for the first time shall assume office after taking the oath of the following content:

«I, (name and last name), assuming office of a professional judge, swear to execute justice impartially and unbiased pursuant to the Constitution of Ukraine and laws of Ukraine, on principals of rule of law, fairly and drudgingly perform the responsibilities of a judge in accordance with the rules of judicial ethics».

2. A judge shall swear during the solemn ceremony in the presence of the President of Ukraine. The text of the oath shall be signed by the judge and stored in the personal file.

Article 12. Judicial ethics

1. Judge shall be obliged to comply with the rules of judicial ethics, approved by the Congress of Judges of Ukraine.

Chapter 3. People's assessors and jurors.

Article 13. Status of people's assessor

1. People's assessor shall be a citizen of Ukraine, who according to the procedural law shall consider cases in court together with a professional judge, providing direct participation of people in execution of justice pursuant to the Constitution of Ukraine.

2. People's assessors during consideration and solving the case shall exercise powers of judge. People's assessors shall have responsibilities determined by the items 1-4, part 4, Article 10 of this Law.

Article 14. List of people's assessors

1. A list of people's assessors shall include, in the quantity stated in the proposal of the chair of the court, citizens, who continuously live on the territory under jurisdiction of this court, comply with all requirements of Article 15 of this Law and give consent to be people's assessors.

2. A list of people's assessors shall be approved by the decision of a respective council for four years and reviewed if necessary, but at least in two years.

3. A list of people's assessors shall be published in printed mass media of a respective local council.

Article 15. Requirements for people's assessors

1. People's assessor shall be a citizen of Ukraine, who reached 20 years of age and constantly lives on the territory under jurisdiction of a respective court.

2. The following citizens shall not be included in the list of people's assessors:

1) determined by court as restrictedly capable or legally incapable;

2) those, who have chronic psychic or other diseases, which discount execution of duties of people's assessor;

3) those, who are a subject to inquiry, pre-trial investigation of legal consideration of criminal case or who are not discharged or who's conviction is not cancelled;

4) people's deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, judges, prosecutors, employees of bodies of internal affairs and other law enforcement authorities, military servants, employees of State Judicial Administration and court staff, other state servants, attorneys, notary officers.

5) citizens older 65 years of age;

6) persons, who do not speak the state language.

3. A person included in the list of people's assessors shall be obliged to inform the court about circumstances, which exclude his/her ability to take part in execution of justice.

Article 16. Reasons and procedure for terminating people's assessor from execution of duties

1. Persons, which can not be included in the list of people's assessors according to the Law, but were included, shall be dismissed from execution of duties of people's assessor by the chair of a respective court.

2. The following persons shall be dismissed from execution of duties of people's assessor by the chair of a respective court:

1) persons who are on maternity leave, child-care leave, or have children of pre-school age or younger school age, or care after disabled children, other sick persons or members of family of senior age;

2) heads and deputy heads of local self-government authorities;

3) persons, who can not participate in execution of justice because of their religious believes;

4) other persons if the chair of the court acknowledges the reasons they provide as justifiable.

3. Persons identified in the second part of this Article shall be released from execution of duties of people's assessor on their request filed prior to engagement in execution of these duties.

4. Dismissal from execution of duties of people's assessor as a result of withdrawal (self withdrawal) in a specific case shall be executed duly pursuant to the procedural law.

Article 17. Status of a juror

1. A juror shall be a citizen of Ukraine, who according to the procedural law shall consider cases in court together with a professional judge, providing direct participation of people in execution of justice pursuant to the Constitution of Ukraine.

2. A juror shall be required to take part in consideration of the legal case and solve issues under jurors' consideration fairly and unbiased. Jurors shall have responsibilities determined by the items 2-4, part 4, Article 10 of this Law.

3. A jury trial shall be conducted for consideration of cases in the first instance determined by the procedural law.

Article 18. List of jurors

1. A list of jurors shall be compiled based on the candidate lists by the commission, composition of which is approved respectively by the Verkhovna Rada of the autonomous Republic of Crimea, regional council, and Kyiv and Sevastopol city councils. The composition of the commission shall include plenipotentiary representatives of court, justice authorities and respective council. A list of jurors shall include citizens, who continuously live on the territory of the jurisdiction of the respective court, and comply with the criteria stated in Article 19 of this Law.

2. A list of jurors shall be approved by the decision of a respective council for four years and reviewed if necessary, but at least in two years.

3. A list of jurors shall be published in printed mass media of a respective local council.

Article 19. Requirements for jurors

1. A juror can be a citizen that reached the age of thirty.

2. The persons mentioned in the second part of Article 15 of this Law can not be jurors.

3. The very same person can not be included at the same time to a list of people's assessors and a list of jurors.

Article 20. Reasons and procedure of exonerating from execution of duties of juror

Exonerating from execution of duties of juror shall be performed by a professional judge, who is considering the case for the reasons prescribed by the Article 16 of this Law and other grounds and duly pursuant to the procedural law.

Article 21. Attraction of people's assessors and jurors to execution of duties of judge

1. A court shall attract people's assessors to execution of justice in the order of priority for the term not more than one month per year, except cases when prolonging this term is necessary to finish consideration of a case, which was started with their participation.

2. A court shall attract jurors for consideration of a specific case.

3. A written invitation to participate in execution of justice shall be sent by court to assessor or juror not later than two weeks prior to session of the court. The following shall be indicated in the invitation: rights and responsibilities of people's assessor and juror accordingly, set of requirements for people's assessors and jurors, as well as grounds for releasing them from execution of mentioned duties. Together with the invitation a written message for employer regarding attraction of a person as a people's assessor or a juror shall be sent.

4. The employer shall be obliged to release a people's assessor or a juror from his/her works for the time of execution of his/her duties in court. Refusal to release a person from work shall be viewed as a contempt of court.

5. A people's assessor or a juror shall be obliged to appear on the invitation of court on time to participate in the court session. Default of appearance in court without a justifiable reason shall be viewed as a contempt of court.

6. Procedure of selection of jurors for consideration of a case, procedure of their swear and the content of this oath shall be determined by the procedural law.

Article 22. Guaranties of rights of people's assessors and jurors

1. People's assessors and jurors for the time of their execution of duties of a judge shall be paid compensation in the amount of their average monthly salary or pension, but not less than the living wage for an able-bodied person. They shall also receive compensation for transportation and housing rent, as well as per diem. The stated payments shall be executed by the regional department of the State Judicial Administration of Ukraine backed by the State Budget of Ukraine.

2. Dismissal of a people's assessor or a juror from work or transfer to a different job without his/her consent during execution of his/her duties in court shall not be permitted.

3. Guaranties of independence and immunity of judges pursuant to the law shall apply to people's assessors and jurors for the term of execution of justice by them. On a justified request of a people's assessor or a juror security measures may be applied to him/her even after.

Section II. PROCEDURE FOR ASSUMING THE POSITION OF PROFESSIONAL JUDGE OF COURT OF GENERAL JURISDICTION

Chapter 1. General provisions

Article 23. Requirements for candidates for a position of judge

1. A citizen of Ukraine that reached the age of twenty five, who has higher juridical education and work experience in the legal field of minimum three years, resides in Ukraine for at least ten years and fluently speaks the state language may be recommended for a position of judge.

2. A citizen of Ukraine that reached the age of thirty, who has higher juridical education and work experience in the legal field of minimum five years, resides in Ukraine for at least ten years and fluently speaks the state language may become a judge of a circuit court.

3. Additional requirements to candidates for positions of judge of court of high level shall be provided by this Law.

4. The higher juridical education for this Article shall be considered the higher juridical education received in Ukraine with educational-qualification rank "Master".

5. Work experience in the legal field for this Article shall be considered experience of person's occupational work after this person receives the higher juridical education with the educational-qualification rank of at least "Specialist".

6. Residing in Ukraine for at least ten years for the purposes of this Article shall be considered the total amount of time of residing in Ukraine of minimum ten years not depending on the breaks in this period.

Article 24. Selection of candidates for a position of judge

1. Selection of candidates for a position of judge shall be done on basis of competition from the number of persons that comply with the criteria set by the Constitution of Ukraine and Article 23 of this Law, and who passed work training for a position of judge, based on results of examination according to the requirements of this Law.

2. During the selection of candidates they shall be provided with equal rights regardless of their origin, social and material status, ethnic and race affiliation, sex, political and religious beliefs and other circumstances.

3. Every person, who complies with the requirements to the candidate for a position of judges and took appropriate training in the National School of Judges of Ukraine, shall have a right to address the High Qualifications Commission of Judges of Ukraine with a proposal to recommend him/her for appointing or electing him/her for a position of a professional judge.

4. A judge, whose term of powers ended, on his/her proposal shall be recommended for electing him/her without term limitation, if there are no grounds under the law, which discount this.

Article 25. Preparation for work on the post of judge

1. Training for work on the post of judge shall be done by the National School of Judges of Ukraine during two years. The term of such preparation shall be included in the work experience in the legal field. For attorneys, prosecutors, assistants of judges, and scientific consultants with work experience on a respective post more than five years, and persons with scientific rank of PhD or Doctor of Juridical Science the term of preparation for working on the position of judge in the National School of Judges of Ukraine shall be only one year.

2. Entrance to the National School of Judges of Ukraine shall be executed on basis of competition. The competition shall be held by the state examination commission, composition of which is approved by the High Qualifications Commission of Judges of Ukraine.

3. Entrance competition shall be conducted in the manner of anonymous test, written task and interview in accordance with the regulations on procedures of entrance to the National School of Judges of Ukraine, approved by the High Qualifications Commission of Judges of Ukraine on the proposal of the National School of Judges of Ukraine.

Article 26. Announcement of competition for a position of judge

1. In order to conduct the competition for vacant posts of judge the High Qualifications Commission of Judges of Ukraine shall publish an announcement in the official printed periodical, assigned by the Cabinet of Ministers of Ukraine, not later than two months prior to the competition.

2. The competition announcement shall indicate:

1) titles of courts, where there are or will be vacant posts of judge, and the quantity of these posts;

2) qualification requirements to a candidate for a post of judge;

- 3) set of documents according to the first part of Article 27 of this Law and term of application;
- 4) title, location and postal address of the High Qualifications Commission of Judges of Ukraine;
- 5) conditions of conducting the competition;
- 6) date, place and time of the competition;

Article 27. Filing documents by the candidate to the High Qualifications Commission of Judges of Ukraine

1. In order to take part in the competition a person shall provide:

- 1) written application of a candidate, personally written;
- 2) copy of passport of a citizen of Ukraine;
- 3) special paper from the personnel inventory and curriculum vitae of a candidate;
- 4) copy of education diploma, present science-degree or academic rank;
- 5) abbreviate from employment history;
- 6) medical certificate on the state of health of a candidate;
- 8) written consent of a candidate for collection, storage and use of information about him/her with the purpose of further evaluation of his preparedness to work on the post of judge;
- 9) document with the results of the training in the National School of Judges of Ukraine;
- 10) if available – other documents certifying candidate's readiness to work on the post of judge.

2. Acceptance of documents shall be closed two day prior to the conduction of the competition. Applications that arrived after the stated term shall not be reviewed. A judge, whose term of appointment is ending, must file application regarding recommending him/her for a position of judge not later than three months prior to termination of his term on the position of judge.

3. Competition shall be open to the persons stated in Articles 23, 24 of this Law, who managed to provide all necessary documents. A justified decision regarding rejection of admittance to the competition shall be made by the High Qualifications Commission of Judges of Ukraine.

Article 28. Examination for the position of judge

1. Examination for the position of judge shall be performed in the following way: a candidate shall take a qualification exam and interview. When results of the examination are determined, data that proves the person's ability to work on the post of judge shall be taken into consideration.

2. Examination for positions of judge in local courts shall be conducted at least twice a year in the form of competition separately to district and circuit courts of every specialized jurisdiction.

3. Examination for positions of judge in courts of appeal, high courts and the Supreme Court of Ukraine shall be conducted in the form of competition separately for each position. Examination with the purpose of solving issue of election of a judge without term limitation to the position, which he/she occupied before the termination of the term of appointment, shall be conducted without a competition.

4. For conducting the examination the High Qualifications Commission of Judges of Ukraine shall have a right to collect information about a candidate, assign other state authorities collection of such information. Organization and citizens shall have a right to provide the High Qualifications Commission of Judges of Ukraine with the information about the candidate they possess.

Article 29. Qualification exam

2. Qualification exam shall involve screening of the knowledge and level of professional preparation of a judicial candidate, level of his/her readiness to execute justice on the issues under the jurisdiction of a relevant court, personal and moral characteristics.

3. Qualification exam shall be conducted by the state examination commission, created by the High Qualifications Commission of Judges of Ukraine.

4. Composition and operating procedure of the state examination commission under the High Qualifications Commission of Judges of Ukraine, as well as procedures of taking the qualification exam shall be determined by the Regulations approved by the High Qualifications Commission of Judges of Ukraine and the Chief Justice of the Supreme Court of Ukraine on approval of the High Council of Justice and the Council of Judges of Ukraine.

5. Results of the qualification exam shall be valid during the next three years.

6. A person that fails the qualification exam can be admitted to the examination for the position of judge not sooner than in one year. A person that fails the qualification exam for the second time may be admitted to the next examination in two years.

8. Complaint of a candidate on results of the qualification exam shall be reviewed at the session of the High Qualifications Commission of Judges of Ukraine, and the person who filed the complaint shall be invited to this session. The High Qualifications Commission of Judges of Ukraine following the results of administration of complaint may cancel results of the qualification exam completely or in regard to this person and assign a new examination or a new exam accordingly.

Article 30. Additional exam

1. Additional exam – is a secondary examination of the person, who did not agree with the results of the exam, determined by the state examination commission.

2. Additional exam may be assigned by the High Qualifications Commission of Judges of Ukraine based on the complaint of the candidate for the post of judge in case of his dissent with the results of the qualification exam.

3. Additional exam shall be taken in front of the High Qualifications Commission of Judges of Ukraine in a one month term from the day a decision permitting taking the additional exam was made.

4. A person who fails to pass the additional exam shall be admitted to the competition for a position of judge not earlier than in three years.

Article 31. Decision of the High Qualifications Commission of Judges of Ukraine regarding recommendation of the candidate for a position of judge

1. A decision regarding recommendation of a candidate for a position of judge shall be made after hearing him at the session of the High Qualifications Commission of Judges of Ukraine.

2. Issues on recommendation of a candidate for appointing (electing) him/her for a post of judge shall be made by the High Qualifications Commission of Judges of Ukraine based on results of interview, qualification exam, medical certificate of the person's state of health and other information about the candidate; both professional skills of the candidate and his/her personal and moral qualities shall be taken into consideration.

3. The primary right for occupying the vacant post of judge shall be provided to the candidate, who passed the qualification exam with the best results.

Chapter 2. Appointment for the post of judge

Article 32. Procedure of appointing for a post of judge

1. Procedure of appointing for a post of judge shall be the following:

1) The High Qualifications Commission of Judges of Ukraine shall announce a competition for a position of judge (Article 26 of this Law);

2) A candidate shall address the High Qualifications Commission of Judges of Ukraine to recommend him/her for appointing for a post of judge (Article 27 of this Law);

3) The High Qualifications Commission of Judges of Ukraine shall conduct a competition, make a decision regarding recommendation of a candidate for a position of judge and send this decision to the High Council of Justice (Articles 28-31, 33 of this Law);

4) The High Council of Justice shall review the recommendation and make decision regarding making a proposal to the President of Ukraine on appointment of the candidate for a post of judge (pursuant to the Law of Ukraine «On the High Council of Justice»);

5) The President of Ukraine shall make a decision on appointment of a judge (Article 34 of this Law).

Article 33. Consideration of the matter of appointment for a post of judge by the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine may make a decision on recommending appointing a candidate only for a vacant position of judge.

2. Should there be two or more vacant positions of judge the primary right of choice shall belong to the candidate, who showed the best result at the qualification examination.

3. Persons that passed the qualification exam but temporary were not recommended for a post of judge because of the lack of vacant positions, shall have a right to take part in the competition for occupying the vacant post during the next two years, if they don't withdraw their applications. A competition shall be announced and conducted by the High Qualifications Commission of Judges of Ukraine. The primary right of choice shall belong to the candidate, who passed the qualification examination with the best result.

4. Should there be two or more vacant positions of judge the primary right of choice shall belong to the candidate, who showed the best result at the qualification examination. If there are two similar results of the examination, the priority shall be given to a working judge.

Article 34. Appointment for a post of judge

1. The President of Ukraine shall appoint for a post of judge:

1) A person, who did not occupy a post of judge before – for the term of five years;

2) A person, who occupied a post of judge before for a period less than five years – in the boundaries of five years term;

2. Appointment for the position of a professional judge shall be executed by the President of Ukraine based on the recommendation of the High Qualifications Commission of Judges of Ukraine on the proposal of the High Council of Justice.

3. Should the proposal of the High Council of Justice be rejected, the President of Ukraine shall issue a relevant decree, which has to be justified.

4. A person appointed for the position of judge shall acquire a status of a professional judge of a respective court.

Article 35. Transfer of a judge to a different court in the limits of a five year term of appointment

1. A judge in the limits of the five year term may be transferred to a different local court on his/her written application to the High Qualifications Commission of Judges of Ukraine to recommend him/her for a post of judge of a respective court.

2. Transfer of a judge from one court to another shall be executed according to the procedure of appointing a judge determined by this Law. A judge may be transferred to a different court based on results of a competition, conducted for filling vacant positions.

3. Should a judge take part in a competition for filling a vacant post of judge in a different court of the same level and same specialization, according to his/her wish the judge's results of previous qualification exam may be taken into consideration, if the exam was taken not more than three years ago. In this case the judge shall not take the qualification exam.

4. Should the results of the competition be the same, the priority shall be given to those candidates, who have a longer working experience on the position of judge.

Chapter 3. Election of judge

Article 36. Procedure of election for the position of judge

1. A procedure of election for a position of judge without term limitation shall be the following:

1) The High Qualifications Commission of Judges of Ukraine shall announce a competition for a post of judge (Article 26 of this Law), except for the case, when the matter concerns election of a person for a post of judge, whose terms of powers on the position of judge ended;

2) A candidate shall address the High Qualifications Commission of Judges of Ukraine to recommend him/her for election for a post of judge (Article 27 of this Law);

3) The High Qualifications Commission of Judges of Ukraine shall inform about preparation of materials on election of candidate for a post of judge in local mass media, newspaper "Voice of Ukraine";

4) The High Qualifications Commission of Judges of Ukraine shall conduct a competition, make a decision regarding recommendation of a candidate for a position of judge and send this decision along with a proposal to the Verkhovna Rada of Ukraine (Articles 28-31, 37, 38 of this Law);

5) The Committee of the Verkhovna Rada of Ukraine, to whose jurisdiction belong issues of election and dismissal of judges elected without term limitation (further – the Committee of the Verkhovna Rada of Ukraine) shall review proposals for election of a candidate for a post of judge without term limitation, make decisions regarding recommending or not recommending a candidate for a post of judge without term limitation and bring this decision for consideration to the Verkhovna Rada of Ukraine (Articles 39-41, 44 of this Law);

6) The Verkhovna Rada of Ukraine shall make a decision regarding election of a candidate or denial of electing him/her for a post of judge without term limitation (Articles 42, 43 of this Law).

Article 37. Consideration of the matter of election of a candidate for a post of judge without term limitation by the High Qualifications Commission of Judges of Ukraine

1. The High Qualifications Commission of Judges of Ukraine shall review issues concerning election of a candidate for a post of judge without term limitation not later than two months prior to termination of the term of occupying the post of judge.

2. People's deputies of Ukraine shall have a right to participate in the session of the High Qualifications Commission of Judges of Ukraine during consideration of matters concerning election of a candidate for a post of judge.

3. The High Qualifications Commission of Judges of Ukraine based on results of the qualification exam and studied materials may decide to deny a candidate in recommendation for a post of judge and send this decision to the Verkhovna Rada of Ukraine.

4. A decision of the High Qualifications Commission of Judges of Ukraine concerning recommendation of a judge, whose term of appointment is ending, shall be sent to the

Verkhovna Rada of Ukraine not later than one month prior to completion of the term of holding the position of judge.

Article 38. Requirement to recommendation concerning election of a candidate for a post of judge without term limitation

1. A recommendation of the High Qualifications Commission of Judges of Ukraine concerning election of a candidate for a post of judge without term limitation shall include last name, name, and patronymic name of a candidate, title and location of a court, to which a candidate should be elected.

2. Personal files of a candidate for election to a post of judge without term limitation shall be attached to the proposal and include the following:

- 1) A written application of a candidate, personally written;
- 2) A decision regarding recommendation by the High Qualifications Commission of Judges of Ukraine for election of a candidate for a post of judge without term limitation with obligatory notice of abiding by the candidate of all requirements, determined by the Article 127 of the Constitution of Ukraine, or denial of candidate's recommendation for a post of judge;
- 3) Protocol and materials of qualification exam;
- 4) Copy of passport of a citizen of Ukraine;
- 5) Special paper from the personnel inventory and curriculum vitae of a candidate;
- 6) Copy of educational diploma, present science-degree or academic rank;
- 7) Abbreviate from employment history;
- 8) Record of standard of performance as a judge for the last five years, signed by the chair of the respective court and head of the regional department of the State Judicial Administration. The record shall include: information regarding number of cases considered by years and categories, number of cancelled, changed judicial decisions; grounds for canceling, changing legal decisions, number of open disciplinary proceedings and number of decisions on bringing to the disciplinary liability;
- 9) Document with results of training in the National School of Judges of Ukraine;
- 10) Copies of resolutions of the authorized state bodies concerning appointment (election) of a judge for the posts;
- 11) Medical certificate on the state of health of a candidate;
- 12) Income declaration for the last year according to the form set by the Ministry of Finance of Ukraine;
- 13) If available – other documents certifying candidate's readiness to work on the stated post of judge in court.

Article 39. Review of citizens' addresses and other material concerning activity of a candidate for a post of judge without term limitation by the Committee of the Verkhovna Rada of Ukraine

1. The Committee of the Verkhovna Rada of Ukraine shall perform check-up of abidance of the candidate for a post of judge without term limitation by all requirements, determined in the Article 127 of the Constitution of Ukraine and Articles 23 and 47 of this Law, as well as examination of addresses of citizens, community organizations, enterprises, institutions, bodies of state power and local self-government authorities (further – addresses) regarding activity of the candidate.

2. In case consideration of addresses requires additional examination, the Committee of the Verkhovna Rada of Ukraine shall make a decision on sending them to the Supreme Court of Ukraine, relative high specialized court, High Council of Justice, State Judicial Administration of Ukraine, the Council of Judges of Ukraine or the Discipline Commission of Judges of Ukraine.

3. The term of consideration of such addresses and provision the Committee of the Verkhovna Rada of Ukraine with the response shall be calculated according to the Regulations pursuant to the Law of Ukraine "On Addresses of Citizens".

4. If necessary, the Committee of the Verkhovna Rada of Ukraine shall have a right to conduct a direct examination of addresses, assigning execution of it to a member of the Committee (on his consent).

5. A candidate elected to the post of judge without term limitation shall have a right to study the materials of addresses regarding his/her activity, inquiries of the Committee of the Verkhovna Rada of Ukraine concerning them and responses, provided to the Committee of the Verkhovna Rada of Ukraine.

6. The secretariat of the Committee of the Verkhovna Rada of Ukraine in a three day term from the day of receiving proposal shall spread among the people's deputies of Ukraine through the apparatus of the Verkhovna Rada of Ukraine the lists of candidates, proposed for election for posts of judge without term limitation, with a notice of the date and time of a session of the Committee of the Verkhovna Rada of Ukraine.

7. Authorized representatives of the Supreme Court of Ukraine, high specialized courts, the High Council of Justice, High Qualifications Commission of Judges of Ukraine, the Discipline Commission of Judges of Ukraine, State Judicial Administration of Ukraine, the Council of Judges of Ukraine, as well as the candidate for a post of judge, whose presence is obligatory shall be invited to the session of the Committee of the Verkhovna Rada of Ukraine.

8. On request of the people's deputies of Ukraine representatives of bodies of state government, local self-government authorities and community may be invited to the session of the Committee of the Verkhovna Rada of Ukraine.

9. Persons mentioned in the part seven of this Article shall be informed about the date and time of the session in writing not later than three days prior to its beginning.

Article 40. Consideration of proposal on election of a candidate to the post of judge without term limitation at the session of the Committee of the Verkhovna Rada of Ukraine

1. The Committee of the Verkhovna Rada of Ukraine shall consider a proposal on election of a candidate to the post of judge without term limitation in a one month term from the day of receiving the proposal. In case when it is necessary to examine the facts, which disable decision making, this term may be prolonged by the Committee, but not more than for two months, with exception when the term of examining coincide with the inter-session period of work of the Verkhovna Rada of Ukraine.
2. Consideration of proposal on election of a candidate to the post of judge without term limitation shall be executed at the session of the Committee of the Verkhovna Rada of Ukraine collectively concerning each candidate separately.
3. During a discussion, members of the Committee of the Verkhovna Rada of Ukraine, invited persons shall have a right to question presenter and the candidate directly.
4. A decision of the Committee of the Verkhovna Rada of Ukraine on recommending or not recommending a candidate for election for a post of judge without term limitation, after discussing the candidate and review of provided addresses regarding his/her activity, shall be announced in the presence of the candidate.
5. A decision of the Committee of the Verkhovna Rada of Ukraine on not recommending a candidate for election for a post of judge without term limitation shall not preclude from considering this matter at the plenary session of the Verkhovna Rada of Ukraine.

Article 41. Requirement for a decision of the Committee of the Verkhovna Rada of Ukraine

1. In case of availability of the decision on recommending or not recommending a candidate for election for a post of judge without term limitation, the Committee of the Verkhovna Rada of Ukraine shall table a motion regarding including the matter of electing these judges to the procedure of the plenary session of the Verkhovna Rada of Ukraine.
2. The Verkhovna Rada of Ukraine at the plenary sessions shall elect or reject election of judges without term limitation, given a decision of a respective Committee of the Verkhovna Rada of Ukraine.

Article 42. Procedure for considering the issue of election of a candidate for a post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine

1. Consideration of the issue of election of a candidate for a post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine shall start from a report of a spokesperson, assigned by the Committee of the Verkhovna Rada of Ukraine.
2. If during consideration of the issue of election of a candidate for a post of judge without term limitation in a respective Committee of the Verkhovna Rada of Ukraine some comments were made on the candidate for a post of judge without term limitation, the spokesperson shall have to inform the people's deputies of Ukraine about this fact.
3. Every people's deputy of Ukraine shall have a right to question the spokesperson and the candidate directly, who is elected to the post of judge without term limitation, express his/her opinion concerning this candidate.

4. If there are remarks or comments on the candidate elected to the post of judge without term limitation, expressed at the plenary session of the Verkhovna Rada of Ukraine, which require additional examination by the respective Committee of the Verkhovna Rada of Ukraine, voting on this candidate shall not be conducted. Secondary consideration of a proposal regarding him/her shall be executed by the Verkhovna Rada of Ukraine if the decision was made by that Committee according to the requirements of the Article 40 of this Law.

5. Questions may also be addressed to the authorized representative of the High Qualifications Commission of Judges of Ukraine.

Article 43. Procedure for decision making on election of a candidate for a post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine

1. The Verkhovna Rada of Ukraine shall elect a judge without term limitation:

1) a person, whose term on the post of judge has ended;

2) a person, who has previously occupied a position of judge not less than for five years, but who does not occupy a post of judge at the time of consideration of the issue of election.

2. A decision on election of a candidate for a post of judge without term limitation shall be made by an open fixed vote by the majority of the constitutional composition of the Verkhovna Rada of Ukraine.

3. A decision on election of a candidate for a post of judge without term limitation shall be formalized by a decree of the Verkhovna Rada of Ukraine.

4. A person elected to a post of judge without term limitation shall obtain status of a professional judge of the court of a relevant level.

5. In case a candidate, whose term of powers on the post of judge has ended, was not elected without term limitation, the High Council of Justice shall file a proposal to the President of Ukraine regarding dismissal of this candidate from the post of judge.

Article 44. Recurrent recommendation of a candidate for the post of judge without term limitation

1. If a candidate was not elected to the post of judge without term limitation at the plenary session of the Verkhovna Rada of Ukraine in regard of new circumstances, reported in speeches of the people's deputies of Ukraine, the Committee of the Verkhovna Rada of Ukraine shall make a decision on addressing the High Council of Justice, the Discipline Commission of Judges of Ukraine, the High Qualifications Commission of Judges of Ukraine with request for examination of these circumstances or assign people's deputies of Ukraine – members of this Committee to make proposal on conducting such examination, approve terms of its execution and based on results of examination shall issue a decision regarding recurrent proposal of previously rejected candidates for the plenary session of the Verkhovna Rada of Ukraine.

2. Results of the conducted examination shall be reviewed at the session of the Committee of the Verkhovna Rada of Ukraine pursuant to the requirements determined by the Article 40 of this Law.

3. Proposal of candidates for election for a post of judge without term limitation, which were rejected twice by the Verkhovna Rada of Ukraine, shall not be permitted.

Article 45. Transfer of a judge elected without term limitation to a different court

1. Transfer of a judge from one court to another court of the same level shall be executed on his/her submission by the Council of Judges of Ukraine pursuant to recommendations of the High Qualifications Commission of Judges of Ukraine based on results of the competition determined by this Law. Transfer of a judge from a court of upper level to a court of lower level shall be executed without competition on his/her submission.

2. If a judge participates in a competition for a position of judge in court of the same level and specialization, results of previous qualification exam can be taken into consideration on the wish of a judge, if it has not yet been three years from the time of the exam.

3. Transfer of a judge from one court to another court of the upper level shall be executed according to the procedure of election of judge pursuant to this Law, based on results of the competition.

Section III. QUALIFICATION RANKS AND QUALIFICATION ATTESTATION

Article 46. Objectives and grounds of qualification attestation

1. Qualification attestation shall involve evaluation of professional level of judge and making a decision by the qualification commission on assigning to a judge, or confirming by him/her of a relevant qualification rank.

2. Grounds for assigning a qualification attestation to a judge shall be:

1) completion of the term of judge's tenure in a relevant qualification category pursuant to the Law;

2) submission of judge for reinstatement of qualification rank;

3) decision of a body, authorized to execute disciplinary proceedings towards a judge, on assigning the qualification attestation for confirmation of the qualification rank.

Article 47. Qualification ranks of judges

1. Qualification ranks shall be assigned to:

1) judges of local courts - fifth, fourth, third and second qualification ranks;

2) judges of court of appeal – third, second and first qualification ranks;

3) judges of high specialized courts – second, first and higher qualification ranks;

4) judges of the Supreme Court of Ukraine – higher qualification rank.

2. In order to occupy the post of judge of a court of appeal, a judge must possess at least the fourth qualification rank, post of judge of the high specialized court – at least third qualification ranks, post of judge of the Supreme Court of Ukraine – at least the first qualification rank.

3. Reduction of qualification rank or exemption a judge of qualification rank, which disable him/her to occupy a position in the court, where he/she works, shall terminate the powers of judge and bind him/her during the three months to take a special training in the National School of Judges of Ukraine and pass qualification attestation for a respective qualification rank.

Article 48. Terms of judge's tenure in a qualification category

1. A judge appointed to the post in district or circuit court for the first time shall pass qualification attestation in a year from the day of appointment and he/she may be assigned the fifth qualification rank.

2. The term of judge's tenure of a qualification rank, which shall give a right to receive the next qualification rank, shall be: in fifth qualification rank – two years, fourth and third – three years, second – five years. After completion of this term a judge must pass a qualification attestation to confirm previously assigned to him qualification rank or assigning to him the fourth qualification rank. Avoidance of qualification attestation shall result into exemption of qualification rank of judge, regarding which a relevant qualification commission shall issue a decision.

3. The terms of judge's tenure of first and high qualification ranks shall not be limited.

4. A judge, dismissed from his/her post shall preserve assigned to him/her qualification rank. A judge shall lose the qualification rank in case he/she is dismissed from the post on grounds, determined by items 5, 6 of part five, Article 126 of the Constitution of Ukraine.

Article 49. Procedure of conducting the qualification attestation

1. A qualification attestation shall be conducted in the form of a written test and interview. During the qualification attestation the results of training of a judge in the National School of Judges of Ukraine shall be taken into consideration.

2. The next qualification attestation of judge shall be conducted not later than in one month from the day of completion of his/her term or tenure of assigned to him/her qualification rank with the purpose to confirm the judge's qualification rank or assign to him/her the next qualification rank.

3. The pre-term qualification attestation of judge shall be conducted during the two months from the day of receiving judge's request for reinstatement of a qualification rank or a decision, made by the body, authorized to apply disciplinary proceedings to a judge, regarding assigning of qualification attestation for confirming the qualification rank.

4. Qualification test shall involve screening of the knowledge of a professional judge, identifying the level of qualification preparedness of judge, his/her ability to develop professional level and execute justice, including the courts of high level.

5. Qualification interview shall be conducted orally and concern the actual execution of justice by a judge and his/her official duties.

6. Qualification interview with a judge, who claims a qualification rank, which gives a right to occupy a post in a court of high level, shall concern the knowledge in the field of legislation, judicial practice and legal analytics, the level of which is sufficient for adequate execution of powers of judge in court of high level.

Article 50. Decisions of the qualification commission on assigning of a qualification rank

1. A qualification commission of judges, depending on the level of professional knowledge, term of service, experience of a judge under attestation shall issue a decision on:

- 1) assigning a relevant qualification rank to a judge;
- 2) remaining of a judge in the previously assigned qualification rank;
- 3) postponing attestation (in case of insufficient level of professional knowledge of judge) for the term not more than six months;
- 4) exemption a judge of qualification rank and sending him/her to the National School of Judges of Ukraine for special training in case he/she fails to confirm the qualification rank.

Article 51. Appeal against decision of the qualification commission of judges on issues of qualification attestation

1. A judge, who does not agree with the decision of the regional qualification commission of judges regarding his/her attestation, shall have a right to appeal this decision in the High Qualifications Commission of Judges of Ukraine in a 15 days term from the day of receiving a copy of the decision.

2. A complaint shall be filed through the regional qualifications commission of judges, which issued a decision. The regional qualifications commission of judges, which issued a decision, receiving the complaint shall send it not later than in three day term along with the materials of the case to the High Qualifications Commission of Judges of Ukraine.

3. The High Qualifications Commission of Judges of Ukraine shall process a complaint on the decision regarding qualification attestation during a month from the day of filing the complaint and materials of attestation. A person, who filed a complaint, may be called for review of the complaint.

4. The High Qualifications Commission of Judges of Ukraine shall have a right to:

- 1) Leave a complaint without redress;
- 2) Change a decision and assign a relevant qualification rank to a judge;
- 3) Leave a judge with a previously assigned qualification rank.

5. A decision of the High Qualifications Commission of Judges of Ukraine shall be sent during the ten days to the person, who filed the complaint, and the chair of the court, where the judge works.

6. A decision of the High Qualifications Commission of Judges of Ukraine on issues of qualification attestation may be appealed in court only in case of violation of the procedure of consideration of the matter, determined by the law.

Section IV. DISCIPLINARY LIABILITY OF A PROFESSIONAL JUDGE

Article 52. Grounds for disciplinary liability of a professional judge

1. A judge may be brought to a disciplinary liability in the order of disciplinary proceedings on the following grounds:

- 1) intentional violation of norms of procedural law during execution of justice or evidently unqualified solution of case;
- 2) creation of obstacles for person's access to justice, not prescribed by the law;
- 3) intentional delay of consideration of an application, complaint or case;
- 4) evident display of partiality or disrespect to any of the participants of the process;
- 5) committing an immoral deed in or out of the court;
- 6) systematical or severe violation of rules of judicial ethics;
- 7) use of his/her position for obtaining personal benefits, not provided by the status of judge;
- 8) avoidance of a required training at the National School of Judges of Ukraine;
- 9) disclosure of confidential information about a specific person out of court;
- 10) disclosure of a secret, which became known to a judge during consideration of case in a closed trial;
- 11) systematical ignoring of position of high level courts regarding application of legal norms in consideration of cases;
- 12) receiving gifts from the participants of the process or persons connected with them.

2. Canceling or changing of a court decision shall not entail disciplinary liability of a professional judge, who participated in its issuing, if intentional violation of legal norms or evidently unqualified application of them did not take place.

Article 53. Disciplinary proceedings regarding a judge

1. Disciplinary proceedings – is a procedure of consideration by the authority determined by the law of address, which includes information about violation of requirements to judge's status, official duties or oath of judge.

2. Abuse of a right to address the body, authorized to apply disciplinary proceedings to a judge, in particular initiate an issue of liability of a judge without sufficient grounds and use of this right as means to pressure a judge executing justice, shall not be permitted.

3. A disciplinary case can not be initiated on submission or addresses, which do not include information about features of disciplinary misbehavior of a judge, as well as anonymous submissions and addresses.

Article 54. Bodies that execute disciplinary proceedings

Disciplinary proceedings shall be executed by:

- 1) The Discipline Commission of Judges of Ukraine – concerning judges of local and appeal court;
- 2) The High Council of Justice – concerning judges of high specialized courts and judges of the Supreme Court of Ukraine.

Article 55. Procedure of disciplinary proceedings in regard to a judge

1. Disciplinary proceedings shall involve execution of examination of information on presence of circumstances for bringing a judge to disciplinary liability, initiation of a disciplinary case and consideration of a disciplinary case, and issuing a decision by the body, which executes disciplinary proceedings.

2. Examination of information on presence of circumstances for bringing a judge of local or appeal court to disciplinary liability shall be executed by the judicial inspector during one month on the written assignment of the board of three members of the Discipline Commission of Judges of Ukraine. If such circumstances are not evident in a person's claim, the board shall leave the claim without consideration, except for a case, if at least one of the members of the board came to a different conclusion.

3. During execution of examination, the judicial inspector shall have a right to study materials of legal cases, make copies of them, question judges and other persons aware of the circumstances of the deed, which has features of a disciplinary misconduct, request from the State Judicial Administration and staff of local and appeal courts necessary information.

4. A judicial inspector, based on results of the examination, shall send materials along with his/her justified resolution to the Discipline Commission of Judges of Ukraine.

5. Issues on initiating a disciplinary case shall be solved by the Discipline Commission of Judges of Ukraine at its session. A decision is made by the majority of votes of members of the Discipline Commission of Judges of Ukraine present at the session.

6. Consideration of a disciplinary case shall be executed at the session of the Discipline Commission of Judges of Ukraine, with the following persons invited to the session: a judicial inspector, who conducted the examination, a person, who filed a claim that resulted into initiating of this case, a judge, which is a subject to this case, other persons if necessary. Absence of invited persons without justified reasons, as well as in case they did not inform about the reasons of their absence, shall not interfere with consideration of the case.

7. Consideration of a disciplinary case shall be conducted on basis of competition. The following persons shall present at the session of the Discipline Commission of Judges of Ukraine: judicial inspector, who conducted the examination, a judge, who is a subject of the case under consideration, as well as other interested persons.

8. For review of the issue regarding initiating of the disciplinary case, as well as for consideration of the disciplinary case, the Discipline Commission of Judges of Ukraine shall have a right to request necessary documents concerning the issues under consideration.

9. The High Council of Justice shall conduct disciplinary proceedings in regard to the judges of the Supreme Court of Ukraine and judges of high specialized court duly pursuant to the Law of Ukraine "On the High Council of Justice" .

10. The process of consideration of case and announcement of results shall be recorded by technical means.

Article 56. Decision in a disciplinary case of a judge

1. A decision in a disciplinary case of a judge shall be made by the majority of vote of members of the Discipline Commission of Judges of Ukraine present at the session, in absence of a judge, who is a subject of the case under consideration, and other interested persons.

2. A decision in a disciplinary case must include:

1) name of the body authorized to conduct the disciplinary proceedings;

2) last name, name and patronymic name of a judge, being brought to the disciplinary liability;

3) identified by the body circumstances of the case with reference to evidences;

4) motives of the body's decision;

5) essence of the decision on results of consideration with mention of type of disciplinary punishment if the latter is applied;

6) procedure and term of appeal against a decision.

3. When a judge is imposed with a disciplinary penalty the following shall be taken into account: nature of misconduct, its impacts, person of judge, and extent of his/her fault, circumstance, which influence selection of measure of disciplinary punishment.

4. If the Discipline Commission of Judges of Ukraine made a decision about absence of grounds for bringing a judge to disciplinary liability, the Commission shall close the disciplinary proceedings and inform about it all interested persons.

5. A disciplinary punishment shall be applied to a judge not later than six months from discovering the disciplinary offence, excluding the time of temporary working disability of the judge or his/her vocation time, as well as the time of examining the information regarding presence of circumstance for bringing the judge to the disciplinary liability.

6. Based on results of disciplinary proceedings, the Discipline Commission of Judges of Ukraine may issue a decision on assigning a pre-term qualification attestation for confirming the qualification rank or send recommendation to the High Council of Justice for resolving the matter of filing a proposal on dismissal of a judge from the post, if there are grounds for it.

Article 57. Types of disciplinary punishments

1. The following disciplinary punishments shall be applied to professional judges:

- 1) admonition;
- 2) reduction of qualification rank;
- 3) exemption of qualification rank.

2. Each disciplinary offence entails application of one disciplinary punishment.

3. Taking into consideration gravity of the disciplinary offence, the Discipline Commission of Judges of Ukraine may make a decision regarding publishing information concerning application of a disciplinary punishment to a judge in the official printed media of the Supreme Court of Ukraine and on the official web portal of the judicial power of Ukraine.

Article 58. Appeal against decision of the disciplinary case of judge

1. A judge of local or appeal court may dispute a decision of the Discipline Commission of Judges of Ukraine on bringing him/her to the disciplinary liability in the High Council of Justice not later than one month from the next day of receiving a copy of the decision by him/her. A complaint shall be filed through the Discipline Commission of Judges of Ukraine.

2. The Discipline Commission of Judges of Ukraine not later than in three days from receiving the complaint shall send it along with the materials of the disciplinary case to the High Council of Justice.

3. Procession of complaints by the High Council of Justice shall be executed duly pursuant to the Law of Ukraine "On the High Council of Justice".

4. A decision of a disciplinary case may be disputed in court only in regard to violation of the procedure of execution of disciplinary proceedings.

5. Submission of a complaint on a decision regarding bringing a judge to disciplinary liability to the High Council of Justice shall terminate application of a disciplinary punishment.

SECTION V. DISMISSAL OF A PROFESSIONAL JUDGE OF A COURT OF GENERAL JURISDICTION FROM THE POST. TERMINATION AND SUSPENSION OF HIS/HER POWERS**Chapter 1. General provisions****Article 59. General conditions for dismissal of a judge from the post**

1. A judge of a court of general jurisdiction shall be dismissed from the post by the authority, which appointed or elected him/her, only on grounds of part five, Article 126 of the Constitution of Ukraine on the proposal of the High Council of Justice.

Article 60. Dismissal of a judge in case of completion of his/her term of appointment

1. The High Council of Justice shall submit a proposal to the President of Ukraine on dismissal of a judge from the post in case of completion of term of his/her appointment, if:

- 1) a judge submitted a request for dismissal from the post on these grounds;
 - 2) a judge was not elected for the post without term limitation after completion of the term of his/her appointment;
 - 3) a judge, according to the information from the High Qualifications Commission of Judges of Ukraine, did not submit a proposal on electing him/her for a post without term limitation on time without justified reasons.
2. The High Council of Justice shall submit a proposal on dismissal of a judge from post on the authority of completion of the term of appointment with a reference to the date, from which a judge shall be fired.
 3. A judge shall be dismissed from the post by the President of Ukraine by his/her decree from the following day after completion of the term of judge's appointment.
 4. If a judge is not dismissed from the post, on the following day after completion of the term of judge's appointment he/she shall not be able to execute powers concerning administering of justice.

Article 61. Dismissal of a judge in virtue of age

1. A judge shall be dismissed from the post if reached the age of 65 on the following day after reaching the age of 65.
2. The State Judicial Administration of Ukraine not later than one month prior to the day, mentioned in part one of this Article, shall inform the High Council of Justice about presence of a reason for dismissal of a judge.
3. The High Council of Justice shall submit a proposal on dismissal of a judge in virtue of reaching the age of 65 years to the body, which elected or appointed the judge, not later than fifteen days prior to the day, mentioned in part one of this Article.
4. If a judge is not dismissed from the post, on the following day after reaching the age of 65 he/she shall not be able to execute powers concerning administering of justice.

Article 62. Dismissal of a judge in virtue of state of health

1. A judge shall be dismissed from the post in regard to his/her incapability to execute powers in virtue of health status in case of available medical reference, provided by the medical commission, created by a specially authorized central body of the executive power on matters of health protection, or court decision on disqualifying a judge, which came into force.
2. Acknowledging that the health status of a judge shall not allow him during a long time or permanently execute his/her powers, the High Council of Justice shall submit a proposal on dismissal of a judge to the body, which elected or appointed the judge.

Article 63. Dismissal of a judge in virtue of breach of incompatibility requirements by the judge

1. A judge shall be dismissed from the post, in case he/she violates the incompatibility requirements, on the proposal of the High Council of Justice, which it shall submit to the

body that elected or appointed the judge, duly pursuant to the Law of Ukraine “On the High Council of Justice”.

Article 64. Dismissal of a judge for violation of oath

1. A judge may be dismissed from the post in virtue of forswear in case if he/she commits violations, determined in part 1, Article 52 of this Law, which had systematic nature or entailed serious consequences.
2. Facts that may witness the breach of oath by the professional judge may be established by the Discipline Commission of Judges of Ukraine or the High Council of Judges of Ukraine in result of the disciplinary proceedings concerning this judge.
3. Dismissal of a judge from the post in virtue of forswear shall be conducted on the proposal of the High Council of Justice after consideration of this matter at its session according to the Law of Ukraine “On the High Council of Justice”.

Article 65. Dismissal of a judge in virtue of entry of judgment of conviction regarding a judge into legal force

1. A judge, who approved a judgment of conviction regarding a judge, shall immediately inform the State Judicial Administration of Ukraine about it.
2. In case of entry of judgment of conviction regarding a judge into legal force, the State Judicial Administration of Ukraine shall inform about it the High Council of Justice, which shall submit a proposal on dismissal of a judge from the post.
3. In case of entry of judgment of conviction regarding a judge into legal force, the judge can not continue performing his/her powers and loses guarantees of independence and immunity, as well as the right for support of judges, provided by the law.

Article 66. Dismissal of a judge in virtue of revocation of his/her citizenship

1. A judge shall be dismissed from the post on the proposal of the High Council of Justice in case of revocation of his/her citizenship according to the Law of Ukraine “On the Citizenship of Ukraine”.
2. From the moment of revocation of citizenship, a judge can not continue performing his/her powers.

Article 67. Dismissal of a judge in virtue of being listed as missing or dead

1. A court, which issued a decision on announcing a person of judge dead or missing, shall immediately inform about the decision the State Judicial Administration of Ukraine. In case of entry of such judgment into legal force, the State Judicial Administration of Ukraine shall inform about it the High Council of Justice, which shall submit a proposal on dismissing the judge from the post.
2. If a person listed as missing or dead appears before the decision regarding his/her dismissal was made by the body, which appointed or elected him/her, the High Council of Justice shall withdraw the proposal. If a person listed as missing or dead appears after the decision regarding his/her dismissal was made, he/she shall have a right to occupy the post of judge on general basis.

Article 68. Dismissal of a judge on his/her resignation or voluntary withdrawal from the post

1. A judge, whose term of work on the post of judge is not less than twenty five years, determined according to the Article 79 of this Law, shall have a right to file in resignation. The right to file in resignation shall also be provided to a judge, whose health status according to the medical conclusions, which are provided by the medical commission, created by a specially authorized central body of the executive power on matters of health protection, interferes with execution of judicial powers of judge.

2. A judge shall have a right in any time of tenure of office despite the motives to submit a request for voluntary withdrawal from the post to the High Council of Justice for submission of a relevant proposal.

3. A judge shall continue executing his/her powers until the decision on his/her dismissal is issued, except a case, when the state of health interferes with execution of judicial powers.

Article 69. Requirements to the proposal on dismissal of a judge from the post

1. A proposal of the High Council of Justice on dismissal of a judge shall include:

1) the date of submission;

2) full name, date of birth of a judge;

3) information on occupation of the post of judge and the name of the court;

4) grounds for filing a proposal on dismissal, determined by the part five, Article 126 of the Constitution of Ukraine;

5) practical circumstances (in case of submitting a proposal on dismissal of a judge under special circumstances, determined by the Article 32 of the Law of Ukraine "On the High Council of Justice").

2. A personal record with the materials revealing the grounds for dismissal shall be attached to the proposal of the High Council of Justice on dismissal of a judge from the post.

Chapter 2. Peculiarities of consideration of the proposal on dismissal of a judge, elected without term limitation, from the post by the Verkhovna Rada of Ukraine

Article 70. Preliminary consideration of a proposal on dismissal of a judge, elected without term limitation, by the Committee of the Verkhovna Rada of Ukraine

1. A proposal on dismissal of a judge, elected without term limitation, shall be preliminary considered by the Committee of the Verkhovna Rada of Ukraine during a one month term from the day of its submission. This term may be prolonged by the Committee of the Verkhovna Rada of Ukraine for examination of circumstances, which are of essence for decision making, but not more than for one month.

2. The secretariat of the Committee of the Verkhovna Rada of Ukraine during the three day term shall spread among the people's deputies of Ukraine through the apparatus of the Verkhovna Rada of Ukraine a list of judges, proposed for dismissal from their posts,

including the date and the time of the session of the Committee of the Verkhovna Rada of Ukraine.

3. The Committee of the Verkhovna Rada of Ukraine shall perform examination of addresses of citizens or other messages regarding the activity of a judge, received by the Committee of the Verkhovna Rada of Ukraine.

4. The Committee of the Verkhovna Rada of Ukraine may send a request for additional examination to the Supreme Court of Ukraine, the High Council of Justice, the Discipline Commission of Judges of Ukraine, a respective high specialized court, the State Judicial Administration of Ukraine, the Council of Judges of Ukraine.

5. The respective authorities shall inform the Committee of the Verkhovna Rada of Ukraine about results of examination in a term established by the Committee, but not later than in 15 day from the time of receiving the assignment for examination.

6. A judge, elected without term limitation, who is a subject to the issue of dismissal from the post, shall be informed about the date and the time of the session of the Committee of the Verkhovna Rada of Ukraine.

Article 71. Procedure of consideration of the matter of dismissal of a judge, elected without term limitation, by the Committee of the Verkhovna Rada of Ukraine

1. People's deputies of Ukraine, representatives of the Supreme Court of Ukraine, high specialized court, the High Council of Justice, the State Judicial Administration of Ukraine, as well as representatives of state government authorities, bodies of local self-government, community make take part in the session of the Committee of the Verkhovna Rada of Ukraine on consideration of the matter of dismissal of a judge, elected without term limitation.

2. Participation of a judge, elected without term limitation, who is a subject to the proposal of dismissal from the post under consideration, in the session of the Committee of the Verkhovna Rada of Ukraine shall be obligatory, except cases, mentioned in items 2, 3, 6, 7, 8 and 9 of part five, Article 126 of the Constitution of Ukraine.

3. In case of repetitive absence without a justified reason of a judge, who is a subject to the proposal of dismissal from the post under consideration, if the fact of receiving by him/her the information about the date and the time of the session is established by the Committee of the Verkhovna Rada of Ukraine, consideration of the matter regarding this judge shall be conducted at his absence. The Committee of the Verkhovna Rada of Ukraine shall evaluate the gravity of the reason of absence. The same procedure is applied to consideration of matters regarding judges, which refused in writing from participation in the session of the Committee of the Verkhovna Rada of Ukraine, or those, regarding which there is a written message of their refusal to participate in the session of this Committee.

4. Consideration of proposals regarding dismissal of judges at the sessions of the Committee of the Verkhovna Rada of Ukraine shall begin from a report of the chair.

5. Members of the Committee of the Verkhovna Rada of Ukraine and other people's deputies of Ukraine shall have a right to question the judge concerning the materials of examination, and also in regard to the facts, stated in addresses of citizens.

6. A judge shall have a right to study the materials, references and conclusions of the Committee of the Verkhovna Rada of Ukraine which concern his/her dismissal.

Article 72. Invitation of persons for consideration of the matter on dismissal of a judge, elected without term limitation, from the post

1. The Chief Justice of the Supreme Court of Ukraine, the Chair of the High Council of Justice, the chair of the respective high specialized court, the Head of the State Judicial Administration of Ukraine shall be invited to the plenary session of the Verkhovna Rada of Ukraine for consideration of the matters on dismissal of judges, elected without term limitation.

2. Presence of the judge at the session of the Committee of the Verkhovna Rada of Ukraine during consideration of the matter of his/her dismissal in regard to the reasons, determined in items 1, 4 and 5 of part five, Article 126 of the Constitution of Ukraine, shall be obligatory. Absence at the session shall not interfere with consideration of the issue in essence.

Article 73. Procedure of consideration of the matter of dismissal of a judge, elected without term limitation, at the plenary session of the Verkhovna Rada of Ukraine

1. The Committee of the Verkhovna Rada of Ukraine shall submit for the plenary session of the Verkhovna Rada of Ukraine a proposal on recommending or not recommending dismissal of a judge, elected without term limitation, from the post.

2. Every candidate for dismissal from the post of judge, elected without term limitation, shall be personally presented at the plenary session of the Verkhovna Rada of Ukraine by the representative of the Committee of the Verkhovna Rada of Ukraine.

3. If a judge does not agree with the proposal for dismissal, his/her explanations shall be listened to.

4. People's deputies of Ukraine shall have a right to question a judge regarding his/her activity.

5. If during consideration of the issue at the plenary session of the Verkhovna Rada of Ukraine there is a necessity for conducting examination of citizens' addresses regarding the activity of a judge or request additional information, the Verkhovna Rada of Ukraine shall assign conducting such examination to a relevant Committee of the Verkhovna Rada of Ukraine.

Article 74. Issuing a decision regarding dismissal of a judge, elected without term limitation, by the Verkhovna Rada of Ukraine

1. In regard to the reasons, determined by the part five, Article 126 of the Constitution of Ukraine, the Verkhovna Rada of Ukraine shall issue a decision regarding dismissal of a judge from the post.

2. A decision shall be made by the open unfixed ballot by the majority of vote of the constitutional composition of the Verkhovna Rada of Ukraine.

3. A decision regarding dismissal of a judge from the post shall be formalized by the resolution of the Verkhovna Rada of Ukraine.

Chapter 3. Termination and suspension of powers of judge

Article 75. Termination of the powers of judge

1. The powers of judge shall be terminated in case of his/her death.
2. The chair of the court, where the judge occupied the post, shall inform the State Judicial Administration of Ukraine about presence of grounds for termination of powers of judge. The documents testifying the presence of grounds for termination of powers of judge shall be attached to the submission.

Article 76. Suspension of the powers of judge

1. The powers of judge may be intermitted by the Council of Judges of Ukraine on request of:

- 1) Prosecutor-General of Ukraine or his/her deputy – in virtue of bringing a judge to criminal liability;
- 2) The High Council of Justice - in virtue of consideration by it of the case concerning violation of incompatibility requirements by the judge;
- 3) Election commission or a judge himself – in case of his/her registration for a position, which entails receiving of representative mandate.

2. A decision of the Council of Judges of Ukraine on suspension of the powers of judge shall be sent to the chair of a respective court, who immediately shall inform the judge about suspension of his/her power.

3. From the moment of notification about suspension of the powers the judge shall not be permitted to exercise his/her powers, his/her salary shall be retained. A judge, whose powers were intermitted, shall not have a right to execute justice, send official documents, request materials.

4. Suspension of the powers of judge shall entail simultaneous suspension of his/her powers on administrative post in court.

5. A judge, whose powers were intermitted, shall preserve all guaranties of independence of judge.

6. The powers of judge shall be reinstated in case of:

- 1) entry of a court's judgment of acquittal regarding the judge into legal force or closure of a criminal case;
- 2) closure of a case on violation of incompatibility requirements by the judge;
- 3) registration of the judge-candidate was removed by the election commission, announcement of results of election, according to which the judge failed to obtain a representative mandate, or judge's refusal from the representative mandate prior to taking the respective oath.

Section VI. SUPPORT OF A PROFESSIONAL JUDGE

Article 77. Judicial reward of a judge

1. A judicial reward of a judge shall be regulated by this Law, the Law of Ukraine “On the Constitutional Court of Ukraine” and can not be determined by any other regulatory legal act.

2. A judicial reward of a judge shall consist of the post salary and supplemental payments for:

- 1) years of service;
- 2) qualification rank;
- 3) tenure of an administrative post in court.

3. A post salary of a judge of the district court shall be affirmed in amount of fifteen minimal wages, determined by the law.

Post salaries of other judges shall be affirmed as follows:

- 1) judges of circuit courts — 1,1;
- 2) judges of courts of appeal — 1,2;
- 3) judges of high specialized courts — 1,4;
- 4) judges of the Supreme Court of Ukraine — 1,55.

4. Judges shall be paid monthly supplementary payment for the qualification rank in amounts: for the fifth qualification rank — 50 percent; fourth qualification rank — 60 percent; third qualification rank — 70 percent; second qualification rank — 80 percent, first qualification rank — 90 percent; higher qualification rank — 100 percent of their post salary.

5. Judges shall be paid monthly supplementary payment for years of service in amounts: with the term of work over one year – 10 percent; over two years – 12 percent; over 3 years - 15 percent, over 5 years - 20, over 10 years - 30, over 15 years - 40, over 20 years - 50, over 25 years - 75, over 30 years - 80, over 35 years - 85 percent of their post salary.

6. Judges, who tenure administrative posts in court, shall be provided with monthly supplementary payment in amount: deputy chair of court, chair of judicial chamber, secretary of presidium of the Supreme Court of Ukraine – 3 percent, chair of court - 5 percent of the post salary of judge of a respective court.

7. Judge, who has a right for retirement, but continues working on the post of judge, shall receive supplementary payment to financial support in amount of 30 percent of lifetime cash allowance, which he/she would receive in case of retirement. This supplementary payment shall not be taken into consideration when the amount of allowance of the retired judge shall be calculated.

Article 78. Rest leave

1. Judges shall be provided with annual paid vacation time of thirty five calendar days with payment, beside the judicial reward, of vacation allowance in amount of the post salary.

Judges, whose term of service exceeds 5 years, shall be provided with additional paid vacation of five calendar days, over 10 years – ten calendar days, over 15 years – fifteen calendar days.

Article 79. Calculation of term of service of judge

1. The term of service of judge shall include:

1) work on posts of judges in courts of Ukraine, arbitrator (judge) of arbitration courts of Ukraine, state arbitrator of the former State Arbitration of Ukraine;

2) work of judge on a post of member of the High Council of Justice, the Discipline Commission of Judges of Ukraine, the High Qualifications Commission of Judges of Ukraine, judicial inspector, who worked on permanent basis;

3) work on posts of judges in courts and arbitrators in the state arbitrage of the Union of Soviet Socialist Republic and allied countries.

Article 80. Provision of a judge with housing

1. A judge, who has no residential premises for constant habitation, shall have a right to receive a loan for construction or purchase of housing for the term of 20 years, paid back by the State Budget of Ukraine. This kind of loan shall be provided to a judge only once.

2. Costs for construction and purchase of housing in the State Budget of Ukraine shall be determined in separate lines for judges of the Constitutional Court of Ukraine, judges of the Supreme Court of Ukraine and judges of other courts of general jurisdiction.

3. Ordering parties for crediting of construction and purchase of housing for judges shall be staff of the Constitutional Court of Ukraine, the Supreme Court of Ukraine, high specialized court and the State Judicial Administration of Ukraine. Selection of the authorized bank, which provides loans to judges, by the ordering party shall be conducted on basis of competition according to the legislation.

4. Payment for services of expert evaluation of cost of housing and other services, related to making relevant agreements, payment of the first installment, redemption of credit and interest on credit shall be executed for account of the State Budget of Ukraine.

5. The amount of the first installment and credit, paid at expense of the State Budget of Ukraine, shall be calculated based on standard size of floor space of residence, as well as results of expert evaluation of cost.

Standard size of residential floor space for a judge and his family, information concerning which are included in the personal record of the judge, shall be determined based on norms of general and living space, prescribed by the law.

The cost of one square meter of construction (purchase) of housing for a judge, which is paid from the State Budget of Ukraine, shall not exceed its average cost in a respective region.

6. The total sum of the first installment, credit and interest can be bigger, than the amount, determined according to the part five of this Article. The sum, which exceeds such amount,

shall be paid by a judge on conditions of agreement between him/her and the authorized bank.

7. The sum of the first installment, credit and interest, which is paid from the State Budget of Ukraine, shall be sated in the agreement between the order party, the authorized bank and the judge.

8. In case of dismissal of a person from the post of judge, the responsibility for payment of the remaining part of credit and interest shall be transferred to the person (except for cases of dismissal of a judge of the Constitutional Court of Ukraine or dismissal of a judge on his/her submission for retirement).

9. I a person is dismissed from the post of judge on conditions of items 1,4,5,6 of part five, Article 126 of the Constitution of Ukraine, or if the person have occupied a post of judge less than five years, he/she shall be bind to compensate to the state the cost for expert evaluation of cost of housing and other services, related to settling relevant contracts, as well as the first installment.

Article 81. Provision of requirements of judges, related to their professional activity

1. A judge shall be provided free of charge with a mantle and lapel badge in the order, established by the Cabinet of Minister of Ukraine.

2. A judge shall be provided with a separate office, work space and necessary supplies.

3. With the purpose if health promotion and prophylaxis, a judge shall be provided with the annual allowance in the amount of one post salary with supplementary payments pursuant to this Law. A judge shall preserve this right even after retirement or resignation.

Article 82. Social insurance of judges

1. The life and health of judges shall be subject to obligatory personal insurance according to all risks insurance, covered by the State Budget of Ukraine, for the amount of ten-year allowance from the last post.

Section VII. STATUS OF RETIRED PROFESSIONAL JUDGE

Article 83. Execution of judicial powers by a retired judge

1. A retired judge on his/her consent may be attracted by the Council of Judges of Ukraine to execution of powers of judge for the term not more than a year in case of temporary vacant post of judge in regard to deputation of a judge, which occupies this post, to bodies or institutions, mentioned in part four, Article 9 of this Law, or in regard to his/her absence for any other reason.

2. A retired judge, attracted to execution of powers of judge, shall be bind to meet the incompatibility requirements, determined by the Constitution of Ukraine and this Law.

3. A retired judge shall be attracted to execution of powers of judge on recommendation of the High Qualifications Commission of Judges of Ukraine on condition, that he/she meets the requirements to occupy the post of judge in a relevant court and has not yet reached the age of 65.

4. For execution of powers of judge, a retired judge shall receive compensation in amount of a post salary of judge of a respective court.

Article 84. Monetary payment for retired judges

1. A judge, who retired from the office, shall be provided with the nontaxable monetary aid in the amount of his/her monthly average income, accounted for the last 12 calendar months or last two months on the choice of judge for each full year of work on the post of judge, but not less than six-month income.

In case of death of a judge, who had a right for resignation, but did not use it, the monetary aid shall be paid to the members of his/her family under support.

Article 85. Pension or life-time financial allowance of a retired judge

1. A retired judge, who continues work activity, shall receive pension or life-time monetary allowance to be paid disregarding his/her income, received after resignation or retirement.

2. A retired judge on his/her choice shall be provided with pension on condition, provided by the Article 37 of the Law of Ukraine "On the State Service", or nontaxable monthly life-time allowance in the amount of 80 percent of compensation paid to a judge, working of a relevant post. For every complete year of work over 25 years on the post of judge the amount of monthly lifetime financial allowance shall be increased by two percent, but not more than 90 percent of income of judge without limitation of boundary size of monthly life-time financial allowance.

Article 86. Termination of judge's retirement

1. Resignation of a judge shall be terminated as a result of:

- 1) secondary election to a post of judge;
- 2) performing actions, which discredit him/her as a judge;
- 3) convicting judgment, which entered into legal force;
- 4) termination of citizenship of Ukraine.

2. In the case, determined in item 3 of part one of this Article, along with termination of resignation a judge shall lose the guaranties of judge's immunity.

3. Termination of resignation, except for the secondary election to the post of judge, shall be grounds for deprivation of life-time financial allowance of a judge, which was affirmed in regard to resignation. Pension under these conditions shall be allocated on general basis.

4. A decision on termination of resignation of a judge shall be made by the High Qualifications Commission of Judges of Ukraine.

Section VIII. FINAL AND TRANSITIONAL PROVISIONS

1. This law shall come into force on January 1, 2007.

2. Before the laws and other regulations are brought into compliance with this Law, they shall be applied in the part, which does not contravene this Law.

3. The term of service of judges, elected or appointed for the post before enactment of this Law, shall include other work, which pursuant to the law must be included to the special term of service.

4. The term of service of judges, elected or appointed for the post before enactment of this Law, which gives a right for resignation and receiving monthly life-time financial allowance, except work on the posts, determined in Article 80 of this Law, shall also include term of service on the posts, directly connected to management and control over operation of courts in the Ministry of Justice of Ukraine and regional bodies under its jurisdiction, as well as posts of investigators and prosecutors under condition that all mentioned persons' terms of service on the posts of judges are not less than ten years.

5. If a judge, elected or appointed for the post before enactment of this Law, pursuant to this Law receives financial allowance in the amount less, than before, he/she shall receive compensation in the amount of the difference between the financial allowance for the last month before this Law comes into force (not accounting for vacation allowance and bonuses) and the financial allowance, determined by this Law.

6. The part four of Article 23 of this Law in the part, in which a candidate for a post of judge must possess at least Master's educational-qualification level, shall not apply to persons, who received higher juridical education prior to this Law came into legal force with the qualification level of specialist.

7. Regulation of this Law concerning qualification attestation and disciplinary liability shall come into legal force from June 1, 2007. From the moment of enactment of this Law, the qualification ranks shall be assigned pursuant to this Law.

8. Training of the candidates for positions of judges and raising of qualification level of judges according to the requirements of this Law shall start not later than September 1, 2008.

9. The requirements of this Law concerning selection of candidates for posts of professional judges from among the persons, who passed two-year training in the National School of Judges of Ukraine, shall enter into legal force from September 1, 2010.

10. The requirements regarding qualification rank, term of service for occupying a post of judge in district, appeal, high specialized court and the Supreme Court of Ukraine shall not apply to the judges, who occupy these posts for the moment of enactment of this law.

11. The changes shall be introduced to the following laws of Ukraine:

1) in Articles 8 of the Law of Ukraine "On Payment for Labor" (State paper (Vidomosti) of the Verkhovna Rada of Ukraine, 1995, № 17, p. 121; 2000, № 35, p. 288; 2005, № 4, p. 92):

a) in part two the words "except the case, provided by" shall be substituted by the words "except for the cases, provided by the part 3 of this Article and";

b) add the third part of the following content:

"The conditions of payment for labor of judges shall be determined by the law".

2) introduce the following changes to the Law of Ukraine "On the Constitutional Court of Ukraine" (State paper (Vidomosti) of the Verkhovna Rada of Ukraine, 1992, № 33, p. 471; 1996, № 49, p. 272):

a) embody Article 29 in the following way:

„Article 29. Material, social and household support of judges of the Constitutional Court of Ukraine

The judicial compensation of a judge of the Constitutional Court of Ukraine shall equal the judicial compensation of a judge of the Supreme Court of Ukraine with monthly supplementary payments for high qualification rank and term of service over 25 years.

Judges of the Constitutional Court of Ukraine shall receive nontaxable leave allowances in the amount of his/her average monthly judicial compensation, based on payments for the last twelve calendar months or the last two months on the choice of a judge for each complete year of work on the post of judge, but not less than his/her annual income. In case of death of a judge of the Constitutional Court of Ukraine, who had a right for resignation, but did not use it, the allowance shall be paid to the members of the family of the judge, which were under his/her support.

In case the powers of a judge of the Constitutional Court of Ukraine, who does not have a right for resignation, were terminated pursuant to items 1 and 3 of part 1, Article 23 of this Law, he/she shall preserve until retirement in regard to age eighty percent of financial allowance and other types of material support, which are provided to the judges of the Constitutional Court of Ukraine.

Other types of material and household support, social protections, medical service of judges of the Constitutional Court of Ukraine, including retired judges, as well as matters of housing provision, incentives and guaranties shall be provided according to the Law of Ukraine "on Status of Judges of Ukraine" and other regulations.

б) complement Article 31 with a new part of the following content:

"3. The work experience, which gives a right to a judge of the Constitutional Court of Ukraine for resignation, payment of leave allowance, shall also include the term of other practical, scientific, educational work in the same occupation and term of state service without the condition of necessity of ten-year work experience on the post of judge".

12. The Cabinet of Ministers of Ukraine within four-month term from the day of publishing of this Law shall:

Prepare and submit for consideration of the Verkhovna Rada of Ukraine proposals concerning bringing regulatory acts into compliance with this law;

Bring its legal acts into compliance with this law;

Provide in the boundaries of its jurisdiction for review and cancellation of legal acts, which contravene this Law;

Support ministries and other central bodies of executive power bring their legal acts into compliance with this law;

Assume measures to bring monthly life-time financial allowance of judges, retired prior to 1992, in compliance with the amount of judges' salary, pursuant to this Law.