

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

Conclusion
Of The Constitutional Court Of Ukraine

Case Of The Introduction Of Amendments
To The Constitution Of Ukraine
On The Initiative Of Peoples Deputies Of Ukraine

(Unofficial translation)

IN THE NAME OF UKRAINE

CONCLUSION
OF THE CONSTITUTIONAL COURT OF UKRAINE

In the case of the application of the Supreme Soviet of Ukraine for a Conclusion to be given on the accordance of the Draft Law (Bill) of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000, submitted by Peoples Deputies of Ukraine, with the requirements of Articles 157 and 158 of the Constitution of Ukraine

(Case of the introduction of amendments to the Constitution of Ukraine
on the initiative of Peoples Deputies of Ukraine)

Kyiv

Case N° 1-39/2000

11th July 2000

N° 2-v/2000

The Constitutional Court of Ukraine consisting of the Judges of the Constitutional Court of Ukraine:

Viktor Yegorovych SKOMOROKHA (Presiding Judge)
Volodymyr Denysovych VOZNYUK
Mykola Ivanovych KOZYUBRYA (Judge-Rapporteur)
Mykola Ivanovych KORNIENKO
Mykhaylo Vasyliovych KOSTYSTSKY
Lyudmyla Fedorivna MALYNNYKOVA
Petro Fedorovych MARTYNENKO
Oleksandr Mykolaiovych MYRONENKO
Vasyl Ivanovych NIMCHENKO
Vitaly Ivanovych ROZENKO
Mykola Dmytrovych SAVENKO
Mykola Fedosovych SELIVON
Ivan Artemovych TYMCHENKO
Volodymyr Pavlovych TYKHYY
Lyudmyla Penteliivna CHUBAR
Volodymyr Mykolaiovych SHAPOVAL
Stanislav Serhiiovych YAISENKO

Having considered in plenary session the case of the application of the Supreme Soviet of Ukraine for the Constitutional Court of Ukraine for a Conclusion to be given on the accordance of the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000, submitted to the Supreme Soviet of Ukraine by Peoples Deputies of Ukraine, with the requirements of Articles 157 and 158 of the Constitution of Ukraine.

The occasion for consideration of the case in accordance with Article 159 of the Constitution of Ukraine was the request of the Supreme Soviet of Ukraine for the Constitutional Court of Ukraine to give a Conclusion on the accordance of the Draft Law of Ukraine On amendments to the

Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 with the requirements of Articles 157 and 158 of the Constitution of Ukraine.

The grounds for the consideration of the case consist of the need for a Conclusion of the Constitutional Court of Ukraine on the accordance of the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 with the requirements of Articles 157 and 158 of the Constitution of Ukraine for the purpose of consideration of this Draft Law by the Supreme Soviet of Ukraine.

Having heard the Judge-Rapporteur M.I. Kozyubrya and studied the materials of the case, the Constitutional Court of Ukraine:

ESTABLISHED THAT:

1. The Supreme Soviet of Ukraine requested the Constitutional Court of Ukraine to give a conclusion on the accordance of the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000, submitted by Peoples Deputies of Ukraine to the Supreme Soviet of Ukraine according to the procedure provided by Article 154 of the Constitution, with the requirements of Articles 157 and 158 of the Constitution of Ukraine for consideration of this Draft Law by the Supreme Soviet of Ukraine.

The Draft Law proposes the introduction of amendments to the Constitution of Ukraine, in particular:

- giving Part 3 of Article 80 of the Constitution of Ukraine the following wording, Peoples Deputies and Senators of Ukraine may not be brought to criminal account, detained or arrested without the consent of the Supreme Court of Ukraine.
- adding Part 5 with the following contents to Article 90 of the Constitution of Ukraine The President of Ukraine may also terminate the powers of the Supreme Soviet of Ukraine before their expiry, if for one month the Supreme Soviet of Ukraine has not been able to form a constantly acting majority of deputies, or if for three months it has failed to ratify the State Budget of Ukraine, drawn up and submitted according to established procedure by the Cabinet of Ministers of Ukraine.
- adding the following words to Item 8 of Part 1 of Article 106 of the Constitution of Ukraine and in other cases provided by the Constitution of Ukraine.

Together with these amendments, the Peoples Deputies of Ukraine also propose the introduction of amendments and additions to Articles 75, 76, 79, 80, 84, 85, 93, 94, 96, 97, 98, 109, 111, 113, 114, 115, 116, 122, 150 and other Articles of the Constitution of Ukraine connected with the introduction of a bicameral Parliament in Ukraine, redistribution of powers between the Parliament and President of Ukraine and change in the status of the Cabinet of Ministers of Ukraine.

Thus the Peoples Deputies of Ukraine propose to give Article 75 of the Constitution of Ukraine the following wording: The sole organ of legislative power in Ukraine is the Parliament of Ukraine. It is composed of two Chambers: the Supreme Soviet of Ukraine and the Senate of Ukraine. In connection with this the name of Section IV of the Constitution of Ukraine The Supreme Soviet of Ukraine is changed to The Parliament of Ukraine, and also revisions and additions are introduced to Articles 79, 80, 85, 88, 93, 96, 97, 106, 107, 109, 116.

It is proposed that the constitutional number of members composing the Supreme Soviet of Ukraine as one of the Chambers of the Parliament of Ukraine be set as 300 Peoples Deputies of Ukraine, replacing the words four hundred and fifty in Article 76 of the Constitution of Ukraine by the words three hundred.

In connection with the introduction of a second Chamber of the Parliament of Ukraine the Senate of Ukraine, Articles 101.1, 101.2, 101.3, 101.4, 101.5, 101.6, 101.7, 101.8, 101.9, 101.10, 101.11, 101.12, 101.13, 101.14, 101.15 and 101.16 are added to Section IV of the Constitution of Ukraine, setting the constitutional membership of the Senate of Ukraine (one hundred and fifty Senators), the procedure for forming the Senate of Ukraine, the requirements set for Senators, the principles of holding elections to the Senate of Ukraine, the procedure of its work, its powers, the procedure for electing the Head and Deputy Heads of the Senate of Ukraine and removing them from office, ratification of Committees of the Senate of Ukraine and election of the Heads of these Committees, the grounds and procedure for termination of the powers of the Senate of Ukraine before expiry by the President of Ukraine etc.

The proposed amendments to Articles 94, 96, 122, 126, 128, 131 and 150 of the Constitution of Ukraine are also closely linked to the introduction of the second Chamber of the Parliament of Ukraine, in particular the additions on the passing of Draft Laws (Bills) in the Parliament of Ukraine, the procedure for the appointment of the Public Prosecutor General of Ukraine, the appointment, detention and arrest of judges etc.

Taking into account the amendments set forth above to Article 90 and Item 8 of Part 1 of Article 106 of the Constitution of Ukraine, and also the distribution of powers between the Chambers of the Parliament of Ukraine, the Peoples Deputies of Ukraine propose adding to Section IV of the Constitution of Ukraine Article 82.1 with the following contents: Within one month from the beginning of work of the first session of the newly elected Supreme Soviet of Ukraine, the Peoples Deputies of Ukraine form from among their number a majority of Deputies with more than half the constitutional membership of the Supreme Soviet of Ukraine. The grounds for the formation of the majority of Deputies are the results of elections to the Supreme Soviet of Ukraine.

The rights and obligations of the majority of Deputies are set by the Constitution of Ukraine and the Law on the Majority of Deputies.

Section IV of the Constitution of Ukraine is also added to by Article 84.1 with the following contents: The majority of Deputies, formed according to the procedure set by the Constitution of Ukraine and the appropriate Law, settles the matter of the appointment of the Prime Minister of Ukraine no later than within one month after its formation and submits his candidature to the Supreme Soviet of Ukraine for consideration.

Within the next month after the appointment of the Prime Minister of Ukraine, the majority of Deputies takes a decision, on the proposal of the Prime Minister of Ukraine, on the membership of the Cabinet of Ministers of Ukraine and submits it for consideration to the Supreme Soviet of Ukraine.

The majority of Deputies has the right to raise the matter of no confidence in the Cabinet of Ministers of Ukraine according to the procedure set by the Law On the majority of Deputies. The majority may exercise this right no more than twice during the term of power of the Supreme Soviet of Ukraine.

In connection with this, amendments are made to Articles 85, 106, 113, 114, 115 of the Constitution of Ukraine. In particular, it is proposed that Article 115 of the Constitution of Ukraine be set forth with the following wording, The Cabinet of Ministers of Ukraine resigns from office on the election of a new Supreme Soviet of Ukraine.

The Prime Minister of Ukraine and other members of the Cabinet of Ministers of Ukraine are entitled to declare their resignation to the Supreme Soviet of Ukraine.

The resignation of the Prime Minister of Ukraine has the consequence of the resignation of the entire membership of the Cabinet of Ministers of Ukraine.

The passing by the Supreme Soviet of Ukraine of a resolution of no confidence in the Cabinet of Ministers of Ukraine has the consequence of resignation of the Cabinet of Ministers of Ukraine.

The Cabinet of Ministers of Ukraine, a Resolution for the resignation of which has been passed by the Supreme Soviet of Ukraine, continues to exercise its powers on the latter's instructions until the newly formed Cabinet of Ministers of Ukraine begins work, but for no longer than sixty days.

The introduction of the aforesaid amendments to the Constitution of Ukraine, in the opinion of the Peoples Deputies of Ukraine, is determined not only by the results of the All-Ukrainian Referendum held on the peoples initiative on the 16th April 2000, but also by the need for further improvement of the Constitution of Ukraine and its adaptation to the legal principles of European democracy.

2. In accordance with Item 1 of Part 1 of Article 85 of the Constitution of Ukraine, the powers of the Supreme Soviet of Ukraine include the introduction of amendments to the Constitution of Ukraine within the limits and according to the procedure provided by Section XIII of this Constitution. The requirements for the introduction of such amendments are set, in particular, by Articles 157 and 158 of the Constitution of Ukraine. Thus, in accordance with Article 157, it is forbidden to introduce any amendments to the Constitution of Ukraine if they provide for the abolition or restriction of human and civil rights and liberties or if they are directed at liquidation of the independence or infringing the territorial integrity of Ukraine. And Article 158 of the Constitution of Ukraine forbids the submission to the Supreme Soviet of Ukraine within the same year of one and the same Draft Law (Bill) on the introduction of amendments to the Constitution of Ukraine, which has already been submitted to the Supreme Soviet of Ukraine and not passed as a Law. The Supreme Soviet of Ukraine is also forbidden to amend the same provisions of the Constitution of Ukraine twice within its term of office.

The present convocation of the Supreme Soviet of Ukraine is considering the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 for the first time. Before this review, it had not amended the provisions of the aforesaid Articles of the Constitution of Ukraine. Consequently, the requirements of Article 158 of the Constitution of Ukraine were kept by the Supreme Soviet of Ukraine.

3. In evaluating the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000, the Constitutional Court of Ukraine bases itself on this.

3.1. In the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000, submitted for the conclusion of the Constitutional Court of Ukraine, it is proposed that Article 75 be worded as follows, The sole organ of legislative power in Ukraine is the Parliament of Ukraine. It is composed of two Chambers: the Supreme Soviet of Ukraine and the Senate of Ukraine.

Analysis of the present constitutional practice of foreign powers shows that the creation of a bicameral parliament in a unitary state is a matter of expediency. In itself the structure of parliament (unicameral or bicameral) has no direct influence on the contents and scope of human and civil rights and liberties. On the other hand, the procedure of forming the chambers and the distribution of powers between them may affect them.

In the Draft Law proposed by the Peoples Deputies of Ukraine, the distribution of powers between the Chambers of Parliament the Supreme Soviet of Ukraine and the Senate of Ukraine is carried out incompletely, without taking into account that the Constitution of Ukraine is a single integral act, so that the introduction of any amendments to it requires a systematic approach. This applies even more to the amendments connected to the introduction of a bicameral Parliament which are quite large-scale in their nature. The Draft Law restricts itself to the introduction of amendments only to Articles 75, 76, 79, 80, 84, 85, 88, 93, 94, 96, 97, 106, 107, 109, 113, 114, 115, 116, 122, 126, 128, 131, 150 of the Constitution of Ukraine and the addition of new Articles 82.1, 84.1, 101.1, 101.2, 101.3, 101.4, 101.5, 101.6, 101.7, 101.8, 101.9, 101.10, 101.11, 101.12, 101.13, 101.14, 101.15, 101.16 whereas the introduction of the bicameral parliament in the proposed version requires the introduction of amendments and revisions to a series of other Articles, in particular 9, 20, 55, 72, 101, 104, 148, 151, 155, 156, 158, 159.

Evaluation by the Constitutional Court of Ukraine of their accordance with Article 157 of the Constitution of Ukraine depends to a considerable degree on the content of the amendments and revisions of the aforesaid Articles. Thus, for instance, according to Parts 3 and 5 of Article 20 of the current Constitution of Ukraine, the great State Crest of Ukraine and the National Anthem of Ukraine are ratified by laws passed by no less than two thirds of the constitutional membership of the Supreme Soviet of Ukraine, i.e. Parliament as a whole.

As Article 20 of the Constitution of Ukraine is to remain unchanged, then according to the logic knowingly or unknowingly laid down in the Draft Law

the great State Crest of Ukraine and the National Anthem of Ukraine should be ratified by no less than two thirds of the constitutional membership of one of the Chambers of Parliament (but not by laws, insofar as according to the proposed amendments to the Constitution of Ukraine the legislative process is carried out by both Chambers).

In this way, one of the Chambers of the Parliament of Ukraine and indirectly its electors, who elect it on the basis of universal, equal and direct electoral rights by secret ballot (Article 101.1 of the Draft Law) is in fact left out of the settlement of one of the most important matters of State sovereignty establishing the State symbols of Ukraine, which is not in accordance with Article 5 of the Constitution of Ukraine, according to which the people exercise power directly and through organs of State authority and organs of local self-government, and with Article 38 of the Constitution of Ukraine which vests in citizens the right to take part in the running of affairs of State.

According to the logic of the Draft Law, the Senate of Ukraine is also left out of the process of the introduction of amendments to the Constitution of Ukraine. However, in accordance with Article 154 of the Constitution of Ukraine (which remains unchanged) a draft law on the introduction of amendments to the Constitution of Ukraine may be submitted to the Supreme Soviet of Ukraine by the President of Ukraine or by no less than one third of the Peoples Deputies of Ukraine forming the constitutional membership of the Supreme Soviet of Ukraine, consequently the right of constitutional initiative remains only with the members of one Chamber of the Parliament of Ukraine. A similar situation is created with regard to the enactment and passing of a draft law on the introduction of amendments to the Constitution of Ukraine (Article 155 of the Constitution of Ukraine), the peculiarities of the introduction of amendments to Section I General Principles, Section III Elections. Referendum and Section XIII Introduction of Amendments to the Constitution of Ukraine (Article 156 of the Constitution of Ukraine) etc.

The absence of integrated, systematic amendments to the Constitution of Ukraine in connection with the introduction of a bicameral Parliament in the version proposed by the Peoples Deputies of Ukraine in itself makes it impossible to carry out a comprehensive analysis of the accordance of the proposed amendments to the Constitution of Ukraine with Article 157 of the Constitution of Ukraine.

What is more, as follows from the list given of Articles of the Constitution of Ukraine, the amendments to it connected to the introduction of a bicameral Parliament apply not only to Sections II, IV, V, VI, VII, VIII, IX, X, XI, XII, XIV and XV, but also to Sections I, III, XIII of the Constitution of Ukraine, the procedure for the submission of a Draft Law for the introduction of amendments which are different from the procedure for the submission of amendments to other Sections of the Constitution of Ukraine (Article 156 of the Constitution of Ukraine).

In such conditions the Constitutional Court of Ukraine cannot give a conclusion on the accordance of the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 with the requirements of Article 157 and 158 of the Constitution of Ukraine to its full scope and considers it essential to close the case on that part of the Draft Law which applies to amendments to the Constitution of Ukraine directly or indirectly connected to the introduction of a bicameral Parliament.

3.2. The Draft Law proposes setting forth Part 3 of Article 80 of the Constitution of Ukraine with the following wording, Peoples Deputies and Senators of Ukraine may not, without the consent of the Supreme Court of Ukraine, be brought to criminal account, detained or arrested.

These amendments are contrary to the principle of the independence of judges (Article 126 of the Constitution of Ukraine), in particular their impartiality and the subordination of the administration of justice exclusively to the law (Article 129 of the Constitution of Ukraine).

At the same time, consent given by the Supreme Court of Ukraine to the bringing of Peoples Deputies and Senators of Ukraine to criminal account, their detention or arrest could lead to prejudice during consideration of the subsequent case of such a Peoples Deputy of Ukraine by the Court of First Instance and Courts of Appeal and Cassation.

Vesting the Court with powers to give consent for a person (including a Peoples Deputy of Ukraine) to be brought to criminal account, which, in accordance with the Ruling of the Constitutional Court of Ukraine in a case submitted according to the Constitution by the Ministry of Internal Affairs of Ukraine on official interpretation of the provisions of Part 3 of Article 80 of the Constitution of Ukraine of the 27th October 1999, is a stage in criminal investigation and begins from the moment when a person is charged with committing a crime, de facto removes the distinction between the functions of prosecution and justice, which is contrary to the provisions of Article 124 of the Constitution of Ukraine, in accordance with which the court is an authority of justice.

The aforesaid amendments are not in accordance with Article 80 of the Constitution of Ukraine and with Article 6 of the Convention on Human Rights and Basic Freedoms of 1950, in accordance with which In the settling of a dispute about civil rights and obligations or in the establishing of the grounds for any criminal charge made against him, every person is entitled to fair and open consideration by an independent and impartial court established by law, nor with a series of decisions of the European Court of Human Rights on the need for consistent maintenance of the principle of demarcation between prosecution and justice.

Besides, the Deputys immunity is not exclusively the individual right of a Peoples Deputy of Ukraine. It is also intended to ensure the normal functioning of Parliament. What is more in countries where Deputies immunity exists, deprivation of it is in the competence of Parliament or that Chamber of it of which the Deputy is a member, as when giving consent for a Deputy to be brought to criminal account, detained or arrested, not only legal motives are taken into account, but also other, in particular political ones, connected with ensuring the normal functioning of Parliament.

Article 29 of the Constitution of Ukraine, to which the Peoples Deputies of Ukraine refer as grounds for amendments to Article 80 of the Constitution of Ukraine, provides that no-one may be arrested or held in custody other than by the decision of a court, stating its grounds. This Article deals exclusively with the legal grounds for the decision, insofar as, in accordance with Article 127 of the Constitution of Ukraine, judges, and consequently the court also, including the Supreme Court of Ukraine, should be above politics.

The wording of Part 3 of Article 80 of the Constitution of Ukraine proposed by the Peoples Deputies of Ukraine is also not in accordance with the

decision taken in the All-Ukrainian Referendum of the 16th April 2000, insofar as it keeps the scope of Deputies immunity provided by the aforesaid Part (which according to this decision is deleted from the text of the Constitution of Ukraine), although with transfer of powers to give consent for its removal to another subject.

Thus, the amendments to Part 3 of Article 80 of the Constitution of Ukraine provide a restriction of human and civil rights and in this are contrary to Part 1 of Article 157 of the Constitution of Ukraine.

3.3. The Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 proposes adding to Article 90 of the Constitution of Ukraine a fifth part (Part 5) with the following contents, The President of Ukraine may also terminate the powers of the Supreme Soviet of Ukraine before their expiry, if for one month the Supreme Soviet of Ukraine has not been able to form a constantly acting majority of deputies, or if for three months it fails to ratify the State Budget of Ukraine, drawn up and submitted according to established procedure by the Cabinet of Ministers of Ukraine.

The amendments proposed by the Peoples Deputies of Ukraine to Article 90 of the Constitution of Ukraine concur with the amendments to the same Article provided by the Draft Law of Ukraine On the introduction of amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum on the peoples initiative submitted to the Supreme Soviet of Ukraine by the President of Ukraine.

The Constitutional Court of Ukraine has already given a Conclusion on the accordance of the aforesaid Draft Law with the requirements of Articles 157 and 158 of the Constitution of Ukraine, in which it said that the amendments to Article 90 of the Constitution of Ukraine do not abolish and do not restrict human and civil rights. They are also not directed at liquidation of the independence or violation of the territorial integrity of Ukraine.

Consequently, the additions to Article 90 of the Constitution of Ukraine should be recognized as being in accordance with the requirements of Article 157 of the Constitution of Ukraine.

3.4. The Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 proposed adding to Item 8 of Part 1 of Article 106 of the Constitution of Ukraine the words and in other cases provided by the Constitution of Ukraine. These amendments fully concur with the amendments to the same item provided by the Draft Law of Ukraine On the introduction of amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum on the peoples initiative submitted to the Supreme Soviet of Ukraine by the President of Ukraine.

In its Conclusion on the accordance of the aforesaid Draft Law with the requirements of Articles 157 and 158 of the Constitution of Ukraine, the Constitutional Court of Ukraine found the aforesaid addition to be in accordance with the requirements of Article 157 of the Constitution of Ukraine. A similar conclusion will also be adopted in relation to the addition to Point 8 of Part 1 of Article 106 of the Constitution of Ukraine proposed by the Peoples Deputies of Ukraine.

On the basis of the above and guided by Articles 147, 155 and 159 of the Constitution of Ukraine and Articles 51, 63, 66 and 70 of the Law of Ukraine On the Constitutional Court of Ukraine, the Constitutional Court of Ukraine

REACHED THE CONCLUSION:

1. To recognise the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 as being in accordance with the requirements of Articles 157 and 158 of the Constitution of Ukraine in those parts of it which apply to amendments to Article 90 and Item 8 of Part 1 of Article 106 of the Constitution of Ukraine.
2. To recognise the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 as not being in accordance with the requirements of Article 157 of the Constitution of Ukraine in its parts which apply to amendments to Article 80, specifically in the setting forth of Part 3 of the aforesaid Article with the wording Peoples Deputies and Senators of Ukraine may not be brought to criminal account, detained or arrested without the consent of the Supreme Court of Ukraine.
3. To close the case on the application of the Supreme Soviet of Ukraine for a conclusion to be given on the accordance of the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 with the requirements of Articles 157 and 158 of the Constitution of Ukraine in those parts which apply to Articles 75, 76, 79, Parts 1 and 2 of Article 80, Articles 84, 85, 88, 93, 94, 96, 97, 106, 107, 109, 113, 114, 116, 122, 126, 128, 131 and 150 of the Constitution of Ukraine and the additions to its Articles 82.1, 84.1, 101.1, 101.2, 101.3, 101.4, 101.5, 101.6, 101.7, 101.8, 101.9, 101.10, 101.11, 101.12, 101.13, 101.14, 101.15, 101.16.
4. The Conclusion of the Constitutional Court of Ukraine in the case of the application of the Supreme Soviet of Ukraine for a conclusion to be given on the accordance of the Draft Law of Ukraine On amendments to the Constitution of Ukraine on the results of the All-Ukrainian Referendum of 16.04.2000 with the requirements of Articles 157 and 158 of the Constitution of Ukraine is binding for execution, final and may not be challenged.

The Conclusion of the Constitutional Court of Ukraine is to be published in the Bulletin of the Constitutional Court of Ukraine and other official publications of Ukraine.

(Seal of the Secretariat of the Constitutional Court of Ukraine N ° 1)

CONSTITUTIONAL COURT OF UKRAINE