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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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UKRAINE

**DRAFT LAWS ON AMENDMENTS TO THE LAW OF UKRAINE "ON
THE JUDICIARY AND THE STATUS OF JUDGES" AND CERTAIN
LEGISLATIVE ACTS OF UKRAINE ON IMPROVING DISCIPLINARY
AND OTHER PROCEDURES
(Nos. 13137 of March 26, 2025 and 13137-1 of April 7, 2025)**

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I. Draft Law on Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine on Improving Disciplinary and Other Procedures, No. 13137 of March 26, 2025

The draft law was introduced by the MPs of Ukraine

LAWS OF THE COUNTRY

On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine to Improve disciplinary and other procedures, the

Verkhovna Rada of Ukraine shall **establish**:

I. To introduce the following amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 31, p. 545):

1. Part seven of Article 49 shall read as follows:

"7. A judge may be temporarily suspended from the administration of justice for a period not exceeding two months in connection with disciplinary proceedings based on a reasoned motion of the disciplinary chamber of the High Council of Justice in accordance with the procedure established by law. The decision to temporarily suspend a judge from the administration of justice shall be taken by the High Council of Justice.

The term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be extended in the same manner for a period not exceeding two months. A petition for extension of the term of temporary suspension of a judge from the administration of justice shall be submitted to the High Council of Justice not later than ten days before the expiry of the term for which the judge was suspended.

If the body conducting disciplinary proceedings against a judge decides to impose a disciplinary sanction on a judge in the form of a motion to dismiss the judge from office, such a judge is automatically temporarily suspended from the administration of justice until the decision on his or her dismissal is made by the High Council of Justice."

2. Part one of Article 84 shall read as follows:

"1. The High Qualification Commission of Judges of Ukraine shall, within three months from the date of receipt of the relevant written application, decide on the appointment of a qualification assessment, except in cases determined by law."

3. The third paragraph of part two of Article 85 shall be deleted.

4. Articles 106, 107, 109 and 110 shall be amended to read as follows:

"Article 106. Grounds for disciplinary liability of a judge

1. The grounds for bringing a judge to disciplinary liability in disciplinary proceedings may include any of the following disciplinary offences:

1) intentional or grossly negligent:

- a) arbitrary denial of access to justice (including unlawful refusal to consider the merits of a claim, appeal, cassation appeal, etc.) or other significant violation of procedural law in the administration of justice, which made it impossible for litigants to exercise their procedural rights and fulfil their procedural obligations or led to a violation of the rules on jurisdiction or composition of the court;
- b) failure to specify in the court decision the reasons for accepting or rejecting the essential arguments of the parties to the case regarding the merits of the dispute in violation of the procedural law;
- c) violation of the principles of publicity and openness of the trial;

- e) violation of the rules on recusal (self-recusal);
 - 2) unreasonable delay or failure by a judge to take measures to consider an application, complaint or case within the time limit established by law, prolonged delay in issuing a reasoned court decision, deliberate failure by a judge to provide a copy of a court decision for a long period of time to be entered into the Unified State Register of Court Decisions;
 - 3) Judges engaging in behaviour that discredits the title of judge or undermines the authority of justice:
 - a) inconsistency of the judge's lifestyle with his/her status, expenses incurred by the judge or his/her family members that exceed the income of such judge and the income of his/her family members, of which such judge was or should have been aware, as well as inconsistency of the judge's standard of living with the declared income;
 - b) use of the status of a judge for the purpose of unlawful obtaining of material goods or other benefits by him or her or third parties, if such an offence does not constitute a crime or criminal offence;
 - c) failure to confirm the legitimacy of the source of the property acquired by the judge after his/her appointment as a judge;
 - d) committing domestic or gender-based violence, driving a vehicle under the influence of alcohol, drugs or other intoxicants, and other public actions that do not constitute a crime or criminal offence, if they have caused damage to legally protected human and civil rights and freedoms or violated public safety and public order;
 - e) showing gross disrespect for other judges, lawyers, experts, witnesses, other participants in the trial or persons present in the courtroom;
 - 4) intentional or grossly negligent violation of human rights and fundamental freedoms or other gross violation of the law by a judge who participated in the adoption of a court decision, which led to an arbitrary court decision or other significant negative consequences;
 - 5) disclosure by a judge of a secret protected by law, including the secret of a court decision, or information that became known to the judge during the consideration of a case in a closed court session;
 - 6) Failure of a judge to notify the High Council of Justice and the Prosecutor General of a case of interference with the judge's activities in the administration of justice, including appeals to him/her by litigants or other persons regarding specific cases under the judge's jurisdiction, with the aim of influencing the court decision, if such an appeal is made in a manner other than that provided for by procedural law, within five days after he/she became aware of such a case;
 - 7) interference with the administration of justice by other judges;
 - 8) Failure of a judge to complete the initial training provided for in Article 89 of this Law;
 - 9) failure to submit or untimely submission by a judge of a declaration of family ties, declaration of integrity in accordance with the procedure established by this Law, submission of knowingly false (including incomplete) information or statements in such declarations;
 - 10) a judge is found guilty by a court of a corruption or corruption-related offence in cases where an administrative penalty in the form of deprivation of the right to hold certain positions or engage in certain activities related to the performance of state or local government functions is imposed on him or her.
2. Cancellation or amendment of a court decision shall not entail disciplinary liability of the judge who participated in its adoption, unless the cancelled or amended decision was made as a result of intentional violation of the law, crime or gross negligence.
3. Disciplinary offences are classified as minor, serious and significant.
4. A minor disciplinary offence may be deemed a disciplinary offence under paragraphs 1, 2, 6, 8 and 9 of part one of this Article if it resulted in minor negative consequences and was committed by a judge who has no outstanding disciplinary sanction.
5. It is recognised as a serious disciplinary offence:
- 1) a disciplinary offence provided for in subparagraphs a)-c) of paragraph 3 of part one of this Article, if the amount of relevant expenses, property, material goods, other benefit or discrepancy is from 100 to 500 times the subsistence minimum for able-bodied persons

established by the Law of Ukraine on the State Budget as of 1 January of the current calendar year;

2) a disciplinary offence under subparagraphs (d)-(g) of paragraph 3, paragraphs 4, 5 and 7 of part one of this Article.

6. A disciplinary offence provided for in paragraphs 1, 2, 6, 8 and 9 of part one of this Article may also be recognised as a serious disciplinary offence if it has led to serious negative consequences.

7. A significant disciplinary offence shall be a disciplinary offence provided for in clause 10 of part one of this Article.

8. A material disciplinary offence may also be recognised as a significant disciplinary offence:

- 1) a disciplinary offence provided for in subparagraphs a)-c) of paragraph 3 of part one of this Article, if the amount of relevant expenses, property, material goods, other benefits or discrepancies exceeds 500 amounts of the subsistence minimum for able-bodied persons established by the Law of Ukraine on the State Budget as of 1 January of the current calendar year;
- 2) a disciplinary offence provided for in subparagraphs d) - g) of paragraph 3, paragraphs 4, 5 and 7 of part one of this Article, if it led to significant negative consequences;
- 3) any disciplinary offence provided for in part one of this Article, if it led to significant negative consequences and was committed by a judge who has two or more outstanding disciplinary sanctions (except for a warning or reprimand).

9. The negative consequences of a judge's disciplinary offence shall be determined in accordance with the criteria approved by the High Council of Justice."

"Article 107. Filing a disciplinary complaint against a judge

1. Any person has the right to file a complaint about a disciplinary offence committed by a judge, or a report of a disciplinary offence committed by a judge (disciplinary complaint). Citizens exercise this right in person or through a lawyer, legal entities - through a lawyer, state authorities and local self-government bodies - through their heads or representatives.

The person filing the complaint is obliged to verify the facts that may entail disciplinary liability of the judge before filing the relevant disciplinary complaint.

2. A disciplinary complaint shall be filed in writing and shall contain the following information:

- 1) surname, first name, patronymic (name) of the complainant, his/her place of residence (stay) or location, postal code, communication numbers, e-mail address (if any);
- 2) the name, surname, patronymic and position of the judge(s) against whom the complaint was filed;
- 3) specific information on the presence of signs of a disciplinary offence in the behaviour of the judge, which, in accordance with part one of Article 106 of this Law, may be grounds for disciplinary liability of the judge, information on whether such an offence is minor, serious or significant in the opinion of the complainant, and its negative consequences;
- 4) references to factual data (testimonies, evidence) confirming the information provided by the complainant.

The disciplinary complaint shall be signed by the complainant and the date of its signing shall be indicated.

3. The High Council of Justice approves and publishes a sample disciplinary complaint on the official website of the judiciary.

4. The person filing the complaint shall exercise his/her right to file a disciplinary complaint in good faith.

The right to appeal to the body authorised to conduct disciplinary proceedings, including deliberate initiation of the issue of a judge's liability without sufficient grounds (filing a deliberately unfounded disciplinary complaint), and the use of such a right as a means of putting pressure on a judge in connection with the administration of justice, shall not be allowed.

5. If a person abuses the right to file a disciplinary complaint, such person may be subject to measures established by law.

If a disciplinary complaint is filed through a lawyer, supervisor or representative, such measures shall be applied simultaneously to the person who filed the complaint and to the person through whom it was filed.

If the advocate abuses the right to file a disciplinary complaint, such advocate may be brought to disciplinary liability in accordance with the law.

6. A disciplinary case against a judge cannot be initiated on the basis of a complaint that does not contain information about the existence of signs of a disciplinary offence by the judge, as well as on anonymous statements and reports.

7. If there are circumstances that give rise to doubts about the existence or authenticity of the signature of the person who filed the disciplinary complaint, the relevant body of the High Council of Justice has the right to invite such a person to confirm the complaint.

If the person who filed such a disciplinary complaint fails to appear, the relevant body of the High Council of Justice may leave the complaint without consideration."

"Article 109. Disciplinary sanction against a judge

1. Judges may be subject to disciplinary sanctions in the form of:

- 1) for a minor disciplinary offence:
 - a) warning;
 - b) reprimands - with deprivation of the right to receive additional payments to the judge's salary for one month;
 - c) a severe reprimand - with deprivation of the right to receive additional payments to the judge's official salary for three months;
- 2) for a serious disciplinary offence:
 - a) a monetary penalty in the amount of 25 to 50 per cent of the monthly judicial remuneration with deprivation of the right to receive additional payments to the judge's salary for six months;
 - b) a severe monetary penalty in the amount of 50 to 100 per cent of the monthly judicial remuneration with deprivation of the right to receive additional payments to the judge's salary for nine months;
 - c) a request for transfer of a judge to a lower court with deprivation of the right to receive additional payments to the judge's salary for one year;
- 3) for a significant disciplinary offence - a motion to dismiss a judge from office.

2. When choosing the type of disciplinary sanction against a judge, the nature of the disciplinary offence, its negative consequences, the judge's personality, the degree of his/her guilt, the existence of outstanding disciplinary sanctions, and other circumstances affecting the possibility of bringing the judge to disciplinary responsibility are taken into account. Disciplinary sanctions shall be imposed in accordance with the principle of proportionality.

3. In case a judge commits a disciplinary offence under paragraph 1 of part one of Article 106 of this Law, the body conducting disciplinary proceedings against the judge, in addition to the disciplinary sanctions provided for in part one of this Article, may send the judge to the National School of Judges of Ukraine for mandatory attendance at a training course determined by the body conducting disciplinary proceedings against judges.

4. A decision to impose a disciplinary sanction on a judge as provided for in subparagraphs (a)-(b) of paragraph 2 of part one of this Article is an enforcement document and must meet the requirements for an enforcement document established by law.

5. In the procedure for imposing a disciplinary sanction provided for in subparagraph "c" of paragraph 2 of part one of this Article, a judge may not be transferred to a higher specialised court.

6. If a decision is made to impose a disciplinary sanction on a judge under paragraph 3 of part one of this article, the judge shall be temporarily suspended from administering justice in that court from the date of the decision to impose a disciplinary sanction.

7. If there are outstanding disciplinary sanctions, as a rule, a more severe disciplinary sanction should be imposed on the judge.

8. A judge who has an outstanding disciplinary sanction may not participate in a competition for a position in another court.

9. Disciplinary sanctions against a judge shall be applied no later than this:

- 1) one year from the date of committing a minor disciplinary offence;
- 2) two years from the date of committing a serious disciplinary offence;
- 3) three years from the date of committing a material disciplinary offence.

The period during which a disciplinary sanction may be imposed on a judge shall not include the period of temporary disability or leave of absence of the judge or the relevant disciplinary proceedings.

10. If a judgment of the European Court of Human Rights establishes facts that may be grounds for disciplinary action against a judge, the said period shall be calculated from the date when such judgment of the European Court of Human Rights becomes final.

11. Information on bringing a judge to disciplinary responsibility is published on the official website of the High Council of Justice and on the website of the court where the judge works. This information should include data on the judge, who has been brought to disciplinary responsibility, on the disciplinary penalty imposed and a copy of the decision of the body conducting disciplinary proceedings against judges on imposing such a penalty."

"Article 110. Repayment of a disciplinary sanction

1. A judge shall be deemed to be free of disciplinary sanctions if:

- 1) within one year from the date of the decision to impose a disciplinary sanction for a minor disciplinary offence, he/she will not be subject to a new disciplinary sanction;
- 2) within two years from the date of the decision to impose a disciplinary sanction for committing a serious disciplinary offence, he/she will not be subjected to a new disciplinary sanction."

5. Part eight of Article 128 shall be supplemented with the following paragraph:

"In case of receiving information that may contain signs of a disciplinary offence committed by a judge of this court, the meeting of judges may apply to the body conducting disciplinary proceedings against the judge to decide whether to open or refuse to open a disciplinary case against such a judge. The decision on such an appeal shall be taken by secret ballot".

6. Clause ⁸¹ of part two of Article 129 shall be amended to read as follows:

"⁸¹) appoints a person to the Advisory Group of Experts and elects its deputy in accordance with the Law of Ukraine "On the Constitutional Court of Ukraine".

7. Section XII "Final and Transitional Provisions" shall be supplemented by paragraphs 63 and 64 of the following content:

"63. Establish that the results of the qualification exam of a judge taken during the qualification assessment in connection with the application of a disciplinary sanction are valid only within the framework of such a procedure.

64. Establish that disciplinary proceedings initiated before the entry into force of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine on Improving Disciplinary and Other Procedures" shall be conducted with due regard to the peculiarities provided for in paragraph ²³¹⁴ of Section III "Final and Transitional Provisions" of the Law of Ukraine "On the High Council of Justice".

II. Final provisions.

1. This Law shall come into force 3 day of, following following the day of of its publication.
2. Amend the following legislative acts of Ukraine:

1) y Commercial Procedural Code of Ukraine of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436):

Chapter 3 of Section I shall be supplemented with Article ⁴⁰¹ as follows:

"Article ⁴⁰¹. Consequences of temporary suspension of a judge from administration of justice

1. In case of temporary suspension from the administration of justice of a judge hearing a case alone, the case shall be heard in the same court by another judge determined in accordance with the procedure established by Article 32 of this Code.
2. In case of temporary suspension from the administration of justice of one or more judges who consider a case as a panel, the case shall be considered in the same court by the same panel of judges with replacement of the temporarily suspended judge or judges, or by another panel of judges determined in accordance with the procedure established by Article 32 of this Code.
3. If, as a result of the temporary suspension of judges from the administration of justice, it is impossible to form a new court to consider the case, the case shall be transferred to another court determined in accordance with the procedure established by this Code by order of the chairman of the court."

part ten of Article 246 shall be supplemented with a paragraph as follows:

"A separate ruling of a higher court regarding a violation of procedural law by a lower court that contains signs of a disciplinary offence shall be sent to the body authorised to conduct disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

2) in the Civil Procedure Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436):

Chapter 3 of Section I shall be supplemented with Article ⁴¹¹ as follows:

"Article ⁴¹¹. Consequences of temporary suspension of a judge from administration of justice

1. In case of temporary suspension from the administration of justice of a judge hearing a case alone, the case shall be heard in the same court by another judge determined in accordance with the procedure established by Article 33 of this Code.
2. In case of temporary suspension from the administration of justice of one or all judges, if the case is considered by a panel of judges, the case shall be considered in the same court by the same quantitative composition of the panel of judges without participation of the temporarily suspended judge or by another composition of judges determined in accordance with the procedure established by Article 33 of this Code.
3. If, as a result of the temporary suspension of judges from the administration of justice, it is impossible to form a new court to consider the case, the case shall be transferred to another court determined in accordance with the procedure established by this Code by order of the chairman of the court."

part ten of Article 262 shall be supplemented with a paragraph as follows:

"A separate ruling of a higher court regarding a violation of procedural law by a lower court, which contains signs of disciplinary misconduct, shall be sent to the body authorised to conduct disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

3) in the Code of Administrative Court Procedure of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436):

Chapter 3 of Section I shall be supplemented with Article ⁴¹¹ as follows:

"Article ⁴¹¹. Consequences of temporary suspension of a judge from administration of justice

1. In case of temporary suspension from the administration of justice of a judge hearing a case alone, an administrative case shall be heard in the same administrative court by another judge, who shall be determined in accordance with the procedure established by part one of Article 31 of this Code.
2. In case of temporary suspension from the administration of justice of one or all judges, if the case is considered by a panel of judges, the administrative case shall be considered in the same administrative court by the same quantitative composition of the panel of

judges without participation of the temporarily suspended judge or by another composition of judges determined in accordance with the procedure established by part one of Article 31 of this Code.

3. If, as a result of the temporary suspension of judges from the administration of justice, it is impossible to form a new court, the case shall be transferred to another administrative court by order of the chairman of the court in accordance with the procedure established by Article 29 of this Code."

part eight of Article 249 shall be supplemented with the following paragraph:

"A separate ruling of a higher court regarding a violation of procedural law by a lower court that contains signs of a disciplinary offence shall be sent to the body authorised to conduct disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

4) to supplement Article 21 of the Code of Ukraine on Bankruptcy Procedures (Bulletin of the Verkhovna Rada of Ukraine, 2019, No. 19, Article 74) with part six as follows:

"6. A separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by the Bankruptcy trustee shall be the basis for disciplinary proceedings against the Bankruptcy trustee."

5) Article 14 of the Law of Ukraine "On Forensic Expertise" (Vidomosti Verkhovna Rada of Ukraine, 1994, No. 28, p.232) shall be supplemented with the following part:

"A separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by a forensic expert is the basis for disciplinary proceedings against a forensic expert."

6) to supplement Article 36 of the Law of Ukraine "On the Bar and Practice of Law" (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 27, p. 282) with part three as follows:

"3. A separate court ruling establishing the fact of abuse of procedural rights, violation of procedural duties, improper performance of professional duties or other violation of the law by the advocate, as well as the decision of the body conducting disciplinary proceedings against a judge, which recognises the filing of a disciplinary complaint by the advocate as an abuse of law, shall be the basis for disciplinary proceedings against the advocate.

For the purposes of this Law, the relevant separate court ruling and the decision of the body conducting disciplinary proceedings against a judge shall be considered an application (complaint) regarding the advocate's conduct and shall be considered in accordance with the rules provided for the consideration of such an application (complaint)."

7) to supplement part three of Article 46 of the Law of Ukraine "On the Prosecutor's Office" (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 2-3, p. 12) with paragraphs as follows:

"A separate court ruling establishing the fact of abuse of procedural rights, violation of procedural duties, improper performance of professional duties or other violation of the law by a prosecutor is the basis for opening disciplinary proceedings against a prosecutor.

For the purposes of this Law, the relevant court ruling shall be deemed a disciplinary complaint and shall be considered in accordance with the rules provided for the consideration of such a complaint."

8) in the Law of Ukraine "On Bodies and Persons Enforcing Court Decisions and Decisions of Other Bodies" (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 29, p. 535):

Article 12 shall be supplemented by part two as follows:

"2. A separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by a state bailiff is the basis for disciplinary proceedings against a state bailiff."

Article 34 shall be supplemented with part eight as follows:

"8. In the event of a separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by a private enforcement officer, the Ministry of Justice of Ukraine shall make a reasoned submission to the Disciplinary Commission on bringing the private enforcement officer to disciplinary liability."

Article 35 shall be supplemented by a fourth part to read as follows:

"4. In the event of a separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by a private enforcement officer, the Council of Private Enforcement Officers of Ukraine shall make a reasoned submission to the Disciplinary Commission on bringing the private enforcement officer to disciplinary liability."

9) in the Law of Ukraine "On the High Council of Justice" (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 7-8, p. 50):

part five of Article ²⁹² shall be supplemented by paragraph ⁴¹ as follows:

"⁴¹) take measures to prevent abuse of the right to file a disciplinary complaint";

part two of Article 30 shall be amended to read as follows:

"2. A plenary meeting of the High Council of Justice or a meeting of the Disciplinary Chamber is valid if it is attended by a majority of the elected (appointed) members of the High Council of Justice or the Disciplinary Chamber, respectively. A meeting of the High Council of Justice in plenary session, which considers the issue of submitting a motion on the appointment of a judge to the position, is quorate if at least two-thirds of the elected (appointed) members of the High Council of Justice participate in it."

in parts two to four of Article 37, the word "fourteen" shall be replaced with the words and symbols "two-thirds of the elected (appointed) persons";

Article 42 shall be amended to read as follows:

"Article 42. Disciplinary Proceedings

1. Disciplinary proceedings against judges are conducted by the Disciplinary Chambers of the High Council of Justice.

2. Disciplinary proceedings are initiated:

1) upon receipt:

a) complaints about a disciplinary offence of a judge (disciplinary complaint) filed in accordance with the Law of Ukraine "On the Judicial System and Status of Judges";

b) a separate ruling of a higher court regarding a violation of procedural law by a lower court that has signs of a disciplinary offence;

2) in cases determined by law, on the initiative of:

a) the Disciplinary Chamber of the High Council of Justice;

b) a temporary investigative or temporary special commission of the Verkhovna Rada of Ukraine;

c) meetings of judges;

r) Council of Judges of Ukraine;

r') High Qualification Commission of Judges of Ukraine.

3. The day of commencement of the disciplinary proceedings shall be:

1) the day of receipt by the High Council of Justice:

a) a disciplinary complaint;

b) a separate ruling of a higher court regarding a violation of procedural law by a lower court that has signs of a disciplinary offence;

c) a request from a temporary investigative or temporary special commission of the Verkhovna Rada of Ukraine;

d) an appeal of the assembly of judges;

- d) an appeal from the Council of Judges of Ukraine;
- e) an appeal of the High Qualification Commission of Judges of Ukraine.
- 2) the day when the Disciplinary Chamber of the High Council of Justice makes a decision to open a relevant disciplinary case on its own initiative;
- 4. Disciplinary proceedings include:
 - 1) preliminary examination of a disciplinary complaint, study of materials to establish signs of a disciplinary offence committed by a judge, decision-making on leaving a disciplinary complaint without consideration and returning it, refusal to open a disciplinary case or opening a disciplinary case;
 - 2) preparation of a disciplinary case for consideration, consideration of a disciplinary case and adoption of a decision to bring a judge to disciplinary liability or to refuse to bring a judge to disciplinary liability;
- 5. Disciplinary proceedings are carried out on a priority basis:
 - 1) initiated on the basis of an appeal from the High Qualification Commission of Judges of Ukraine;
 - 2) initiated against a judge in respect of whom the High Council of Justice is considering transferring him or her from one court to another based on the results of a competition.
- 6. The High Council of Justice may establish other criteria for the priority (priority) procedure for disciplinary proceedings against judges in the regulations of the High Council of Justice."

Article 43 shall be supplemented by a third part as follows:

"3. If disciplinary proceedings are initiated on the grounds provided for in subparagraph "b" of paragraph 1, subparagraphs "b"-"g" of paragraph 2 of part two of Article 42 of this Law, the disciplinary inspector of the High Council of Justice - rapporteur shall prepare a draft opinion with a proposal to open or refuse to open a disciplinary case within thirty days from the date of receipt of the relevant materials. This period may be extended by the disciplinary inspector in case of a reasonable need for additional verification of the materials, but not more than for fifteen days."

Article 46 shall be supplemented by part five as follows:

"5. If the disciplinary complaint concerns a judge's commission of a significant disciplinary offence, the Disciplinary Chamber, simultaneously with the decision to open a disciplinary case, may make a reasoned decision to apply to the High Council of Justice with a request for temporary suspension of such a judge from the administration of justice in connection with the disciplinary proceedings. Such a decision is not subject to appeal.

The Disciplinary Chamber shall send a motion for temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings to the High Council of Justice for consideration no later than the next business day after the date of the relevant decision."

Article 49 shall be supplemented with part seventeen as follows:

"17. If the period of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings expires before the completion of the disciplinary case, the Disciplinary Chamber may make a reasoned decision to apply to the High Council of Justice with a request to extend the period of temporary suspension of such a judge from the administration of justice. Such a decision is not subject to appeal.

The Disciplinary Chamber shall send a motion to extend the period of temporary suspension of a judge from the administration of justice for consideration by the High Council of Justice no later than the next business day after the date of the relevant decision."

Article 50 shall be supplemented with parts eleven to twelve as follows:

"11. The decision of the Disciplinary Chamber to bring a judge to disciplinary liability comes into force on the day of its adoption and is subject to immediate execution regardless of its appeal (except for the decision to impose a disciplinary sanction in the form of a motion to dismiss the judge from office).

12. The decision of the Disciplinary Chamber to impose a disciplinary sanction in the form of a motion to dismiss a judge from office shall enter into force upon the expiry of the term for appealing against it, unless a complaint has been filed.

In the event of an appeal against such a decision, unless it is cancelled or amended, it shall take effect thereafter:

- 1) leaving the complaint without consideration and returning it to the person who filed it;
- 2) upholding the decision of the Disciplinary Chamber to impose a disciplinary sanction in the form of a motion to dismiss the judge from office";

Section II shall be supplemented by Chapter ⁴¹ as follows:

"Chapter ⁴¹. Prevention of Abuse of the Right to File a Disciplinary Complaint

Article ⁵⁰¹. Inadmissibility of Abuse of the Right to File a Disciplinary Complaint

1. The disciplinary inspector of the High Council of Justice - the rapporteur, the Disciplinary Chamber, the High Council of Justice, depending on the specific circumstances of the disciplinary proceedings, may recognise a person's appeal with a disciplinary complaint as an abuse of law if

1) there is a reasonable belief that the issue of bringing the judge to disciplinary responsibility was deliberately initiated by the complainant without sufficient grounds (filing a deliberately unfounded disciplinary complaint), provided that within the last year

- a) the complainant's other complaint was left without consideration and returned on the basis of paragraphs 1-4, 6 of part one of Article 44 of the Law;
- b) based on the results of preliminary consideration of another complaint of the same complainant, a decision was made to refuse to open a disciplinary case in accordance with Article 45 of this Law;

2) there is a reasonable belief that such a right is being used by the complainant as a means of putting pressure on the judge in connection with the administration of justice, provided that within the last year

- a) the complainant's other complaint was left without consideration and returned on the basis of paragraphs 1-4, 6 of part one of Article 44 of the Law;
- b) based on the results of preliminary consideration of another complaint of the same complainant, a decision was made to refuse to open a disciplinary case in accordance with Article 45 of this Law.

2. The disciplinary inspector of the High Council of Justice - rapporteur may recognise the filing of a disciplinary complaint as an abuse of law when returning such a complaint to the complainant on the basis of paragraphs 1, 4 of part one of Article 44 of this Law, stating this in the relevant decision.

Such a decision shall be submitted to the Disciplinary Chamber for approval, which shall approve or refuse to approve it in terms of abuse of law.

3. The Disciplinary Chamber may recognise the filing of a disciplinary complaint as an abuse of the law during the

- 1) making a decision to leave such a complaint without consideration and return it to the complainant on the basis of paragraphs 2, 3 and 6 of part one of Article 44 of this Law;
- 2) making a decision to refuse to open a disciplinary case in accordance with Article 45 of this Law.

The Disciplinary Chamber shall state in its decision that the disciplinary complaint is an abuse of rights.

4. The High Council of Justice may recognise the filing of a disciplinary complaint as an abuse of law when it cancels the decision of the Disciplinary Chamber to bring a judge to disciplinary responsibility and close the disciplinary proceedings in accordance with paragraph 1 of part ten of Article 51 of this Law, stating this in the relevant decision.

5. The Disciplinary Inspector of the High Council of Justice - Rapporteur, the Disciplinary Chamber, and the High Council of Justice are obliged to take measures to prevent abuse of the right to file a disciplinary complaint.

In case of abuse of the right to file a disciplinary complaint, the disciplinary inspector of the High Council of Justice - rapporteur, the Disciplinary Chamber, the High Council of Justice shall apply to such a complainant and the person through whom the complaint was filed measures determined by this Law.

6. The decision by which the advocate's lodging of a disciplinary complaint is recognised as an abuse of law shall be sent to the body empowered to bring the advocate to disciplinary responsibility.

Article ⁵⁰². Measures to Prevent Abuse of the Right to File a Disciplinary Complaint

1. Measures to prevent abuse of the right to file a disciplinary complaint are actions taken by the disciplinary inspector of the High Council of Justice - rapporteur, the Disciplinary Chamber, the High Council of Justice in cases specified by this Law to encourage complainants to use the right to file a disciplinary complaint in good faith and to stop the abuse of such right.

2. Measures to prevent abuse of the right to file a disciplinary complaint shall be applied by the disciplinary inspector of the High Council of Justice - the rapporteur, the Disciplinary Chamber, the High Council of Justice by issuing a separate decision.

3. Measures to prevent abuse of the right to file a disciplinary complaint include requiring the complainant to pay a fee for filing subsequent disciplinary complaints.

Article ⁵⁰³. Establishment of the obligation for the complainant to pay a fee for filing the following disciplinary complaints

1. Disciplinary Inspector of the High Council of Justice - speaker, Disciplinary Chamber, High Council of Justice in case of abuse of personality the right to file a disciplinary complaint, no later than ten days from the date such a complaint is recognised as an abuse, establishes for such a person the obligation to pay a fee for filing subsequent disciplinary complaints.

2. The fee for filing subsequent disciplinary complaints shall be set by the disciplinary inspector of the High Council of Justice - rapporteur, the Disciplinary Chamber, the High Council of Justice in the amount not exceeding ten times the subsistence minimum for able-bodied persons established by the Law of Ukraine on the State Budget as of 1 January of the current calendar year.

The obligation to pay the fee for filing subsequent disciplinary complaints is set for a period of up to three years.

3. The decision to impose an obligation on the complainant to pay a fee for filing subsequent disciplinary complaints shall be made without his/her participation.

A copy of the relevant decision shall be sent to the address of the complainant's place of residence (stay) or location specified in the complaint no later than seven days from the date of its preparation.

4. The decision of the disciplinary inspector of the High Council of Justice - rapporteur on imposing an obligation on the complainant to pay the fee for filing subsequent disciplinary complaints may be appealed to the Disciplinary Chamber within five days from the date of its delivery to the complainant. The Disciplinary Chamber may extend the time limit for appealing such a decision if it finds that it was missed for good reason.

5. The Disciplinary Chamber shall consider the complaint within twenty days from the date of its receipt in a closed session without summoning the complainant, and on its own initiative or at the request of the complainant, which must be filed simultaneously with the complaint, with an open session.

Failure of the complainant, who has been duly notified of the open meeting, does not prevent the complaint from being considered.

6. Based on the results of the examination of the complaint, the Disciplinary Chamber may:

- 1) to cancel in full the decision of the disciplinary inspector of the High Council of Justice - the rapporteur on establishing the obligation for the complainant to pay for filing subsequent disciplinary complaints;
- 2) uphold the decision of the disciplinary inspector of the High Council of Justice - The speaker's name remains unchanged.

7. The decision of the Disciplinary Chamber based on the results of the review of the decision of the disciplinary inspector of the High Council of Justice - rapporteur on establishing the obligation for the complainant to pay the fee for filing subsequent disciplinary complaints may be appealed in court in accordance with Article 35 of this Law.

8. The decision of the Disciplinary Chamber to impose an obligation on the complainant to pay a fee for filing subsequent disciplinary complaints may be appealed to the High Council of Justice in accordance with the rules of parts four to six of this Article.

9. Decision of the High Council of Justice upon review of the decision of the Disciplinary Chamber to establish an obligation for the complainant to payment for submission of subsequent disciplinary complaints, as well as on establishing the obligation for the complainant to pay the payment for submission of subsequent disciplinary complaints, may be appealed in court in accordance with Article 35 of this Law.

10. A person in respect of whom a decision has been made to impose an obligation to pay a fee for filing subsequent disciplinary complaints shall, during the term of such obligation, additionally provide evidence confirming the fact of such payment when filing disciplinary complaints.

Failure to provide such evidence when filing a disciplinary complaint is an independent ground for returning the complaint without consideration.

11. The fee shall be refunded to the complainant if, based on the results of consideration of the disciplinary complaint, a decision is made to bring the judge to disciplinary responsibility."

part one of Article 62 shall be amended to read as follows:

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

- 1) in connection with criminal prosecution;
- 2) in connection with disciplinary proceedings";

Chapter 8 of Section II shall be supplemented with Articles ⁶⁵¹⁻⁶⁵³ as follows:

"Article ⁶⁵¹. Temporary suspension of a judge from administration of justice in connection with disciplinary proceedings

1. A judge is temporarily suspended from the administration of justice in connection with disciplinary proceedings by the High Council of Justice for a period not exceeding two months on the basis of a reasoned motion by the Disciplinary Chamber.

2. A petition for temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be submitted to the High Council of Justice in accordance with the provisions of Chapter 4, Section II of this Law.

A petition filed in violation of the procedure established by this Law shall be left without consideration.

3. The High Council of Justice shall consider a motion for temporary suspension of a judge from administration of justice in connection with disciplinary proceedings immediately, but no later than seven days from the date of its receipt.

4. A notice of the date, time and place of consideration of the relevant motion shall be sent to the judge against whom the motion was filed and shall be promptly posted on the official website of the High Council of Justice.

5. Failure to appear at a meeting of the High Council of Justice by a judge who has been duly notified of the date, time and place of the meeting does not prevent the petition from being considered.

6. Consideration of the motion for temporary suspension of a judge from the administration of justice begins with a brief presentation by the speaker of the justification for the need for such temporary suspension, after which the floor is given to the judge (his/her representative) against whom the motion is filed to provide explanations.

If the judge refuses to provide explanations, the High Council of Justice considers a motion for temporary suspension of the judge from the administration of justice without explanations.

7. Based on the results of consideration of the petition for temporary suspension of a judge from the administration of justice, the High Council of Justice shall adopt a decision, a copy of which

shall be sent to the judge in respect of whom the decision was made within seven days and shall be immediately sent to the court where such judge holds office.

8. A judge shall be suspended from the administration of justice from the date of adoption by the High Council of Justice of a decision on his/her temporary suspension from the administration of justice for the period specified in the decision, which may not exceed two months.

Article ⁶⁵². Extension of the term of temporary suspension of a judge from administration of justice in connection with disciplinary proceedings

1. The term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be extended in accordance with the procedure established by Article 651 of this Law for a period not exceeding two months.

2. A petition for extension of the term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be submitted to the High Council of Justice not later than ten days before the expiry of the term for which the judge was suspended in accordance with the provisions of Chapter 4 of Section II of this Law.

A petition filed in violation of the procedure established by this Law shall be left without consideration by the High Council of Justice.

3. A motion to extend the period of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be granted if the circumstances that served as grounds for the temporary suspension continue to exist.

4. In case the High Council of Justice decides to extend the period of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings, the judge shall be removed from office from the date of adoption of such decision by the High Council of Justice for the period specified therein, which may not exceed two months.

5. Repeated application for temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings or with motion for extension of term of such suspension of a judge within the same disciplinary proceedings is not allowed, except in cases of cancellation of the previous decision of the High Council of Justice by a court.

6. The temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be terminated without a separate decision of the High Council of Justice in the case:

- 1) expiry of the term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings;
- 2) the decision of the Disciplinary Chamber or the High Council of Justice to bring or refuse to bring a judge to disciplinary responsibility;
- 3) the High Council of Justice decides to close disciplinary proceedings against a judge;
- 4) the entry into force of a court decision declaring unlawful and cancelling the decision of the High Council of Justice to temporarily suspend a judge from the administration of justice in connection with disciplinary proceedings.

Article ⁶⁵³. Appeal against a decision to temporarily suspend a judge from the administration of justice or a decision to extend the term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings

1. The decision of the High Council of Justice on temporary suspension of a judge from administration of justice in connection with disciplinary proceedings, as well as extension of the term of such suspension, may be appealed and cancelled solely on the following grounds:

- 1) the composition of the High Council of Justice, which made the relevant decision, did not have the authority to make it;
- 2) the decision is not signed by any of the members of the High Council of Justice who participated in its adoption;
- 3) the decision does not contain a reference to the grounds for its adoption as defined by law or the reasons for which the High Council of Justice reached the relevant conclusions.

2. Appealing against a decision of the High Council of Justice does not suspend its execution."

Articles 66-69 shall be deleted;

Section III "Final and Transitional Provisions" shall be supplemented by paragraph ²³¹⁴ of the following content:

"²³¹⁴. To establish that disciplinary proceedings initiated before the entry into force of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and of certain legislative acts of Ukraine regarding Improvement of disciplinary and other procedures", shall continue in accordance with the rules in force on the day they began, subject to the following features:

- 1) if on the day of preliminary examination of a disciplinary complaint or consideration of the issue of opening or refusal to open a disciplinary case the Law of Ukraine "On the Judicial System and Status of Judges" does not provide for a ground on which a judge may be brought to disciplinary liability in disciplinary proceedings, the body conducting disciplinary proceedings against the judge shall decide to refuse to open a disciplinary case, except as provided for in subparagraph 3 of this paragraph;
- 2) If on the day of consideration of the disciplinary case the Law of Ukraine "On the Judicial System and Status of Judges" does not provide for a ground on which a judge may be brought to disciplinary liability in disciplinary proceedings, the body conducting disciplinary proceedings against the judge shall decide to refuse to bring the judge to disciplinary liability, except as provided for in subparagraph 3 of this paragraph;
- 3) If disciplinary proceedings are initiated on the grounds of failure of a judge to comply with the requirements of the decision of the body conducting disciplinary proceedings against a judge to take a refresher course at the National School of Judges of Ukraine or further qualification assessment to confirm the judge's ability to administer justice in the relevant court, or on the grounds of failure of a judge to confirm the ability to administer justice in the relevant court based on the results of such qualification assessment, such a judge shall be subject to disciplinary sanction in the form of a motion to

10) in the Law of Ukraine "On Temporary Investigative Commissions and Temporary Special Commissions of the Verkhovna Rada of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2020, No. 27, p. 174):

Article 12 shall be supplemented by part two as follows:

"2. In case of detection of information that may contain signs of a disciplinary offence committed by a judge, the investigating commission, by a majority vote of the investigating commission approved by the Verkhovna Rada of Ukraine, may decide to apply to the body conducting disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

Article 24 shall be supplemented by a third part as follows:

"3. In case of detection of information that may contain signs of a disciplinary offence committed by a judge, the special commission, by a majority vote of the special commission approved by the Verkhovna Rada of Ukraine, may decide to apply to the body conducting disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

Chairman of the Verkhovna Rada
Ukraine

P. STEFANCHUK



ЕАС ВЕРХОВНОЇ РАДИ УКРАЇНИ
Підписувач: Маслов Денис Вячеславович
Сертифікат: 3FAA9288358EC003040000005D15310089A9E000
Дійсний до: 17.02.2027 0:00:00

Апарат Верховної Ради України
435д9/1-2025/66353 від 24.03.2025



1833802

II. Draft Law on Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine on Improving Disciplinary and Other Procedures, No. 13137-1 of April 7, 2025

The draft law is submitted by the
People's Deputy of Ukraine
Pavlisham P.V.

LAWS OF THE COUNTRY

On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine to Improve disciplinary and other procedures, the

Verkhovna Rada of Ukraine shall **establish**:

I. To introduce the following amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 31, p. 545):

1. Part seven of Article 49 shall read as follows:

"7. A judge may be temporarily suspended from the administration of justice for a period not exceeding two months in connection with disciplinary proceedings based on a reasoned motion of the disciplinary chamber of the High Council of Justice in accordance with the procedure established by law. The decision to temporarily suspend a judge from the administration of justice shall be taken by the High Council of Justice.

The term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be extended in the same manner for a period not exceeding two months. A petition for extension of the term of temporary suspension of a judge from the administration of justice shall be submitted to the High Council of Justice not later than ten days before the expiry of the term for which the judge was suspended.

If the body conducting disciplinary proceedings against a judge decides to impose a disciplinary sanction on a judge in the form of a motion to dismiss the judge from office, such a judge is automatically temporarily suspended from the administration of justice until the decision on his or her dismissal is made by the High Council of Justice."

2. Part one of Article 84 shall read as follows:

"1. The High Qualification Commission of Judges of Ukraine shall, within three months from the date of receipt of the relevant written application, decide on the appointment of a qualification assessment, except in cases determined by law."

3. The third paragraph of part two of Article 85 shall be deleted.

4. Articles 106, 107, 109 and 110 shall be amended to read as follows:

"Article 106. Grounds for disciplinary liability of a judge

1. The grounds for bringing a judge to disciplinary liability in disciplinary proceedings may include any of the following disciplinary offences:

1) intentional or grossly negligent:

- a) arbitrary denial of access to justice (including unlawful refusal to consider the merits of a claim, appeal, cassation appeal, etc.) or other significant violation of procedural law in the administration of justice, which made it impossible for litigants to exercise their procedural rights and fulfil their procedural obligations or led to a violation of the rules on jurisdiction or composition of the court;

- b) failure to specify in the court decision the reasons for accepting or rejecting the essential arguments of the parties to the case regarding the merits of the dispute in violation of the procedural law;
 - c) violation of the principles of publicity and openness of the trial;
 - e) violation of the rules on recusal (self-recusal);
- 2) unreasonable delay or failure by a judge to take measures to consider an application, complaint or case within the time limit established by law, prolonged delay in issuing a reasoned court decision, deliberate failure by a judge to provide a copy of a court decision for a long period of time to be entered into the Unified State Register of Court Decisions;
- 3) Judges engaging in behaviour that discredits the title of judge or undermines the authority of justice:
- a) inconsistency of the judge's lifestyle with his/her status, expenses incurred by the judge or his/her family members that exceed the income of such judge and the income of his/her family members, of which such judge was or should have been aware, as well as inconsistency of the judge's standard of living with the declared income;
 - b) use of the status of a judge for the purpose of unlawful obtaining of material goods or other benefits by him or her or third parties, if such an offence does not constitute a crime or criminal offence;
 - c) failure to confirm the legitimacy of the source of the property acquired by the judge after his/her appointment as a judge;
 - d) committing domestic or gender-based violence, driving a vehicle under the influence of alcohol, drugs or other intoxicants, and other public actions that do not constitute a crime or criminal offence, if they have caused damage to legally protected human and civil rights and freedoms or violated public safety and public order;
 - e) showing gross disrespect for other judges, lawyers, experts, witnesses, other participants in the trial or persons present in the courtroom;
- 4) intentional or grossly negligent violation of human rights and fundamental freedoms or other gross violation of the law by a judge who participated in the adoption of a court decision, which led to an arbitrary court decision or other significant negative consequences;
- 5) disclosure by a judge of a secret protected by law, including the secret of a court decision, or information that became known to the judge during the consideration of a case in a closed court session;
- 6) Failure of a judge to notify the High Council of Justice and the Prosecutor General of a case of interference with the judge's activities in the administration of justice, including appeals to him/her by litigants or other persons regarding specific cases under the judge's jurisdiction, with the aim of influencing the court decision, if such an appeal is made in a manner other than that provided for by procedural law, within five days after he/she became aware of such a case;
- 7) interference with the administration of justice by other judges;
- 8) Failure of a judge to complete the initial training provided for in Article 89 of this Law;
- 9) failure to submit or untimely submission by a judge of a declaration of family ties, declaration of integrity in accordance with the procedure established by this Law, submission of knowingly false (including incomplete) information or statements in such declarations;
- 10) a judge is found guilty by a court of a corruption or corruption-related offence in cases where an administrative penalty in the form of deprivation of the right to hold certain positions or engage in certain activities related to the performance of state or local government functions is imposed on him or her.
2. Cancellation or amendment of a court decision shall not entail disciplinary liability of the judge who participated in its adoption, unless the cancelled or amended decision was made as a result of intentional violation of the law, crime or gross negligence.
3. Disciplinary offences are classified as minor, serious and significant.
4. A minor disciplinary offence may be deemed a disciplinary offence under paragraphs 1, 2, 6, 8 and 9 of part one of this Article if it resulted in minor negative consequences and was committed by a judge who has no outstanding disciplinary sanction.
5. It is recognised as a serious disciplinary offence:

- 1) a disciplinary offence provided for in subparagraphs a)-c) of paragraph 3 of part one of this Article, if the amount of relevant expenses, property, material goods, other benefit or discrepancy is from 100 to 500 times the subsistence minimum for able-bodied persons established by the Law of Ukraine on the State Budget as of 1 January of the current calendar year;
- 2) a disciplinary offence under subparagraphs (d)-(g) of paragraph 3, paragraphs 4, 5 and 7 of part one of this Article.
6. A disciplinary offence provided for in paragraphs 1, 2, 6, 8 and 9 of part one of this Article may also be recognised as a serious disciplinary offence if it has led to serious negative consequences.
7. A significant disciplinary offence shall be a disciplinary offence provided for in clause 10 of part one of this Article.
8. A material disciplinary offence may also be recognised as a significant disciplinary offence:
 - 1) a disciplinary offence provided for in subparagraphs a)-c) of paragraph 3 of part one of this Article, if the amount of relevant expenses, property, material goods, other benefits or discrepancies exceeds 500 amounts of the subsistence minimum for able-bodied persons established by the Law of Ukraine on the State Budget as of 1 January of the current calendar year;
 - 2) a disciplinary offence provided for in subparagraphs d) - g) of paragraph 3, paragraphs 4, 5 and 7 of part one of this Article, if it led to significant negative consequences;
 - 3) any disciplinary offence provided for in part one of this Article, if it led to significant negative consequences and was committed by a judge who has two or more outstanding disciplinary sanctions (except for a warning or reprimand).
9. The negative consequences of a judge's disciplinary offence shall be determined in accordance with the criteria approved by the High Council of Justice."

"Article 107. Filing a disciplinary complaint against a judge

1. Any person has the right to file a complaint about a disciplinary offence committed by a judge, or a report of a disciplinary offence committed by a judge (disciplinary complaint). Citizens exercise this right personally or through a lawyer, legal entities - through a lawyer, state authorities and local self-government bodies - through their heads or representatives.

The person filing the complaint is obliged to verify the facts that may entail disciplinary liability of the judge before filing the relevant disciplinary complaint.

2. A disciplinary complaint shall be filed in writing and shall contain the following information:
 - 1) surname, first name, patronymic (name) of the complainant, his/her place of residence (stay) or location, postal code, communication numbers, e-mail address (if any);
 - 2) the name, surname, patronymic and position of the judge(s) against whom the complaint was filed;
 - 3) specific information on the presence of signs of a disciplinary offence in the judge's behaviour, which, in accordance with part one of Article 106 of this Law, may be grounds for disciplinary liability of the judge, information on whether such an offence is minor, serious or significant in the opinion of the complainant, and its negative consequences;
 - 4) references to factual data (testimonies, evidence) confirming the information provided by the complainant.

The disciplinary complaint shall be signed by the complainant and the date of its signing shall be indicated.

3. The High Council of Justice approves and posts a sample disciplinary complaint on the official website of the judiciary.

4. The person filing the complaint must exercise his/her right to file a disciplinary complaint in good faith.

The right to appeal to the body authorised to conduct disciplinary proceedings, including deliberate initiation of the issue of a judge's liability without sufficient grounds (filing a deliberately unfounded disciplinary complaint), and the use of such a right as a means of putting pressure on a judge in connection with the administration of justice, shall not be allowed.

5. If a person abuses the right to file a disciplinary complaint, such person may be subject to measures established by law.

If a disciplinary complaint is filed through a lawyer, supervisor or representative, such measures shall be applied simultaneously to the person who filed the complaint and to the person through whom it was filed.

If the advocate abuses the right to file a disciplinary complaint, such advocate may be brought to disciplinary liability in accordance with the law.

6. A disciplinary case against a judge cannot be initiated on the basis of a complaint that does not contain information about the existence of signs of a disciplinary offence by the judge, as well as on anonymous statements and reports.

7. If there are circumstances that give rise to doubts about the existence or authenticity of the signature of the person who filed the disciplinary complaint, the relevant body of the High Council of Justice has the right to invite such a person to confirm the complaint.

In case of absence of the person who filed such a disciplinary complaint, the relevant body of the High Council of Justice may leave the complaint without consideration."

"Article 109. Disciplinary sanction against a judge

1. Judges may be subject to disciplinary sanctions in the form of:

- 1) for a minor disciplinary offence:
 - a) warning;
 - b) reprimands - with deprivation of the right to receive additional payments to the judge's salary for one month;
 - c) a severe reprimand - with deprivation of the right to receive additional payments to the judge's official salary for three months;
- 2) for a serious disciplinary offence:
 - a) a monetary penalty in the amount of 25 to 50 per cent of the monthly judicial remuneration with deprivation of the right to receive additional payments to the judge's salary for six months;
 - b) a severe monetary penalty in the amount of 50 to 100 per cent of the monthly judicial remuneration with deprivation of the right to receive additional payments to the judge's salary for nine months;
- 3) for a significant disciplinary offence - a motion to dismiss a judge from office.

2. When choosing the type of disciplinary sanction against a judge, the nature of the disciplinary offence, its negative consequences, the judge's personality, the degree of his/her guilt, the existence of outstanding disciplinary sanctions, and other circumstances affecting the possibility of bringing the judge to disciplinary responsibility are taken into account. Disciplinary sanctions shall be imposed in accordance with the principle of proportionality.

3. In case a judge commits a disciplinary offence under paragraph 1 of part one of Article 106 of this Law, the body conducting disciplinary proceedings against the judge, in addition to the disciplinary sanctions provided for in part one of this Article, may send the judge to the National School of Judges of Ukraine for mandatory attendance at a training course determined by the body conducting disciplinary proceedings against judges.

4. A decision to impose a disciplinary sanction on a judge as provided for in subparagraphs (a)-(b) of paragraph 2 of part one of this Article is an enforcement document and must meet the requirements for an enforcement document established by law.

5. If a decision is made to impose a disciplinary sanction on a judge under paragraph 3 of part one of this Article, the judge shall be temporarily suspended from administering justice in that court from the date of the decision to impose a disciplinary sanction on him/her.

6. If there are outstanding disciplinary sanctions, as a rule, a more severe disciplinary sanction should be imposed on the judge.

7. A judge who has an outstanding disciplinary sanction may not participate in a competition for a position in another court.

8. Disciplinary sanctions against a judge shall be applied no later than this:

- 1) one year from the date of committing a minor disciplinary offence;
- 2) two years from the date of committing a serious disciplinary offence;
- 3) three years from the date of committing a material disciplinary offence.

The period during which a disciplinary sanction may be imposed on a judge shall not include the period of temporary disability or leave of absence of the judge or the relevant disciplinary proceedings.

9. If a judgment of the European Court of Human Rights establishes facts that may be grounds for disciplinary action against a judge, the said period shall be calculated from the date when such judgment of the European Court of Human Rights becomes final.

10. Information on bringing a judge to disciplinary liability shall be published on the official website of the High Council of Justice and on the website of the court where the judge works. This information should contain data on the judge who has been brought to disciplinary responsibility, the disciplinary penalty imposed and a copy of the decision of the body conducting disciplinary proceedings against judges to impose such a penalty."

"Article 110. Repayment of a disciplinary sanction

1. A judge shall be deemed to be free of disciplinary sanctions if:

- 1) within one year from the date of the decision to impose a disciplinary sanction for a minor disciplinary offence, he/she will not be subject to a new disciplinary sanction;
- 2) within two years from the date of the decision to impose a disciplinary sanction for committing a serious disciplinary offence, he/she will not be subjected to a new disciplinary sanction."

5. Part eight of Article 128 shall be supplemented with the following paragraph:

"In case of receipt of information that may contain signs of a disciplinary offence committed by a judge of this court, the meeting of judges may apply to the body conducting disciplinary proceedings against the judge to decide whether to open or refuse to open a disciplinary case against such a judge. The decision on such an appeal shall be taken by secret ballot".

6. Clause ⁸¹ of part two of Article 129 shall be amended to read as follows:

"⁸¹) appoints a person to the Advisory Group of Experts and elects its deputy in accordance with the Law of Ukraine "On the Constitutional Court of Ukraine".

7. Section XII "Final and Transitional Provisions" shall be supplemented by paragraphs 63 and 64 of the following content:

"63. Establish that the results of the qualification exam of a judge taken during the qualification assessment in connection with the application of a disciplinary sanction are valid only within the framework of such a procedure.

64. Establish that disciplinary proceedings initiated before the entry into force of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine on Improving Disciplinary and Other Procedures" shall be conducted with due regard to the peculiarities provided for in paragraph ²³¹⁴ of Section III "Final and Transitional Provisions" of the Law of Ukraine "On the High Council of Justice".

II. Final provisions.

1. This Law shall come into force 3 day of, following following the day of of its publication.
2. Amend the following legislative acts of Ukraine:

1) y Commercial Procedural Code of Ukraine of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436):

Chapter 3 of Section I shall be supplemented with Article ⁴⁰¹ as follows:

"Article ⁴⁰¹. Consequences of temporary suspension of a judge from administration of justice

1. In case of temporary suspension from the administration of justice of a judge hearing a case alone, the case shall be heard in the same court by another judge determined in accordance with the procedure established by Article 32 of this Code.
2. In case of temporary suspension from the administration of justice of one or more judges who consider a case as a panel, the case shall be considered in the same court by the same panel of judges with replacement of the temporarily suspended judge or judges, or

by another panel of judges determined in accordance with the procedure established by Article 32 of this Code.

3. If, as a result of the temporary suspension of judges from the administration of justice, it is impossible to form a new court to consider the case, the case shall be transferred to another court determined in accordance with the procedure established by this Code by order of the chairman of the court."

part ten of Article 246 shall be supplemented with a paragraph as follows:

"A separate ruling of a higher court regarding a violation of procedural law by a lower court that contains signs of a disciplinary offence shall be sent to the body authorised to conduct disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

2) in the Civil Procedure Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436):

Chapter 3 of Section I shall be supplemented with Article ⁴¹¹ as follows:

"Article ⁴¹¹. Consequences of temporary suspension of a judge from administration of justice

1. In case of temporary suspension from the administration of justice of a judge hearing a case alone, the case shall be heard in the same court by another judge determined in accordance with the procedure established by Article 33 of this Code.
2. In case of temporary suspension from the administration of justice of one or all judges, if the case is considered by a panel of judges, the case shall be considered in the same court by the same quantitative composition of the panel of judges without participation of the temporarily suspended judge or by another composition of judges determined in accordance with the procedure established by Article 33 of this Code.
3. If, as a result of the temporary suspension of judges from the administration of justice, it is impossible to form a new court to consider the case, the case shall be transferred to another court determined in accordance with the procedure established by this Code by order of the chairman of the court."

part ten of Article 262 shall be supplemented with a paragraph as follows:

"A separate ruling of a higher court regarding a violation of procedural law by a lower court that contains signs of a disciplinary offence shall be sent to the body authorised to conduct disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

3) in the Code of Administrative Court Procedure of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436):

Chapter 3 of Section I shall be supplemented with Article ⁴¹¹ as follows:

"Article ⁴¹¹. Consequences of temporary suspension of a judge from administration of justice

1. In case of temporary suspension from the administration of justice of a judge hearing a case alone, an administrative case shall be heard in the same administrative court by another judge, who shall be determined in accordance with the procedure established by part one of Article 31 of this Code.
2. In case of temporary suspension from the administration of justice of one or all judges, if the case is considered by a panel of judges, the administrative case shall be considered in the same administrative court by the same quantitative composition of the panel of judges without participation of the temporarily suspended judge or by another composition of judges determined in accordance with the procedure established by part one of Article 31 of this Code.
3. If, as a result of the temporary suspension of judges from the administration of justice, it is impossible to form a new court, the case shall be transferred to another administrative

court by order of the chairman of the court in accordance with the procedure established by Article 29 of this Code."

part eight of Article 249 shall be supplemented with the following paragraph:

"A separate ruling of a higher court regarding a violation of procedural law by a lower court that contains signs of a disciplinary offence shall be sent to the body authorised to conduct disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

4) to supplement Article 21 of the Code of Ukraine on Bankruptcy Procedures (Bulletin of the Verkhovna Rada of Ukraine, 2019, No. 19, Article 74) with part six as follows:

"6. A separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by the Bankruptcy trustee shall be the basis for disciplinary proceedings against the Bankruptcy trustee."

5) Article 14 of the Law of Ukraine "On Forensic Expertise" (Vidomosti Verkhovna Rada of Ukraine, 1994, No. 28, p.232) shall be supplemented with the following part:

"A separate court ruling establishing the fact of abuse of procedural rights, violation of procedural duties, improper performance of professional duties or other violation of the law by a judge by an expert is the basis for disciplinary proceedings against a forensic expert".

6) to supplement Article 36 of the Law of Ukraine "On the Bar and Practice of Law" (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 27, p. 282) with part three as follows:

"3. A separate court ruling establishing the fact of abuse of procedural rights, violation of procedural duties, improper performance of professional duties or other violation of the law by the advocate, as well as the decision of the body conducting disciplinary proceedings against a judge, which recognises the filing of a disciplinary complaint by the advocate as an abuse of law, shall be the basis for disciplinary proceedings against the advocate.

For the purposes of this Law, the relevant separate court ruling and the decision of the body conducting disciplinary proceedings against a judge shall be considered an application (complaint) regarding the advocate's conduct and shall be considered in accordance with the rules provided for the consideration of such an application (complaint)."

7) to supplement part three of Article 46 of the Law of Ukraine "On the Prosecutor's Office" (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 2-3, p. 12) with paragraphs as follows:

"A separate court ruling establishing the fact of abuse of procedural rights, violation of procedural duties, improper performance of professional duties or other violation of the law by a prosecutor is the basis for opening disciplinary proceedings against a prosecutor.

For the purposes of this Law, the relevant court ruling shall be deemed a disciplinary complaint and shall be considered in accordance with the rules provided for the consideration of such a complaint."

8) in the Law of Ukraine "On Bodies and Persons Enforcing Court Decisions and Decisions of Other Bodies" (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 29, p. 535):

Article 12 shall be supplemented by part two as follows:

"2. A separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by a state bailiff is the basis for disciplinary proceedings against a state bailiff."

Article 34 shall be supplemented with part eight as follows:

"8. In the case of a separate court ruling establishing the fact of abuse of procedural rights or violation of procedural obligations, improper performance of professional duties or other violation of the law by a private enforcement officer, the Ministry of Justice of Ukraine shall make a

reasoned submission to the Disciplinary Commission on bringing the private enforcement officer to disciplinary responsibility."

Article 35 shall be supplemented by a fourth part to read as follows:

"4. In the event of a separate court ruling establishing the fact of abuse of procedural rights, breach of procedural duties, improper performance of professional duties or other violation of the law by a private enforcement officer, the Council of Private Enforcement Officers of Ukraine shall make a reasoned submission to the Disciplinary Commission on bringing the private enforcement officer to disciplinary liability."

9) in the Law of Ukraine "On the High Council of Justice" (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 7-8, p. 50):

part five of Article ²⁹² shall be supplemented by paragraph ⁴¹ as follows:

"⁴¹) take measures to prevent abuse of the right to file a disciplinary complaint";

part two of Article 30 shall be amended to read as follows:

"2. A plenary meeting of the High Council of Justice or a meeting of the Disciplinary Chamber is valid if it is attended by a majority of the elected (appointed) members of the High Council of Justice or the Disciplinary Chamber, respectively. A meeting of the High Council of Justice in plenary session, which considers the issue of submitting a motion on the appointment of a judge to the position, is valid if at least two-thirds of the elected (appointed) members of the High Council of Justice participate in it."

in parts two to four of Article 37, the word "fourteen" shall be replaced with the words and symbols "two-thirds of the elected (appointed) persons";

Article 42 shall be amended to read as follows:

"Article 42. Disciplinary Proceedings

1. Disciplinary proceedings against judges are conducted by the Disciplinary Chambers of the High Council of Justice.

2. Disciplinary proceedings are initiated:

1) upon receipt:

a) complaints about a disciplinary offence of a judge (disciplinary complaint) filed in accordance with the Law of Ukraine "On the Judicial System and Status of Judges";

b) a separate ruling of a higher court regarding a violation of procedural law by a lower court that has signs of a disciplinary offence;

2) in cases specified by law, on the initiative:

a) Disciplinary Chamber of the High Council of Justice;

b) a temporary investigative or temporary special commission of the Verkhovna Rada of Ukraine;

c) meetings of judges;

r) Council of Judges of Ukraine;

r') The High Qualification Commission of Judges of Ukraine.

3. The day of commencement of the disciplinary proceedings shall be:

1) the day of receipt by the High Council of Justice:

a) a disciplinary complaint;

b) a separate ruling of a higher court regarding a violation of procedural law by a lower court that has signs of a disciplinary offence;

c) a request from a temporary investigative or temporary special commission of the Verkhovna Rada of Ukraine;

d) an appeal of the assembly of judges;

d) an appeal from the Council of Judges of Ukraine;

e) an appeal of the High Qualification Commission of Judges of Ukraine.

2) the day when the Disciplinary Chamber of the High Council of Justice makes a decision to open a relevant disciplinary case on its own initiative;

4. Disciplinary proceedings include:

1) preliminary examination of a disciplinary complaint, study of materials to establish signs of a disciplinary offence committed by a judge, decision-making on leaving a disciplinary complaint without consideration and returning it, refusal to open a disciplinary case or opening a disciplinary case;

2) preparation of a disciplinary case for consideration, consideration of a disciplinary case and adoption of a decision to bring a judge to disciplinary liability or to refuse to bring a judge to disciplinary liability;

5. Disciplinary proceedings are carried out on a priority basis:

1) initiated on the basis of an appeal from the High Qualification Commission of Judges of Ukraine;

2) initiated against a judge in respect of whom the High Council of Justice is considering transferring him or her from one court to another based on the results of a competition.

6. The High Council of Justice may establish other criteria for the priority (priority) procedure for disciplinary proceedings against judges in the regulations of the High Council of Justice."

Article 43 shall be supplemented by a third part as follows:

"3. If disciplinary proceedings are initiated on the grounds provided for in sub-clause "b" of clause 1, sub-clauses "b"-"g" of clause 2 of part two of Article 42 of this Law, the disciplinary inspector of the High Council of Justice - within thirty days from the date of receipt of the relevant materials, the rapporteur prepares a draft conclusion with a proposal to open or refuse to open a disciplinary case. This period may be extended by the disciplinary inspector in case of a justified need for additional verification of the materials, but not more than for fifteen days."

Article 46 shall be supplemented by part five as follows:

"5. If the disciplinary complaint concerns a judge's commission of a significant disciplinary offence, the Disciplinary Chamber, simultaneously with the decision to open a disciplinary case, may make a reasoned decision to apply to the High Council of Justice with a request for temporary suspension of such a judge from the administration of justice in connection with the disciplinary proceedings. Such a decision is not subject to appeal.

The Disciplinary Chamber shall send a motion for temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings to the High Council of Justice for consideration no later than the next business day after the date of the relevant decision."

Article 49 shall be supplemented with part seventeen as follows:

"17. If the period of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings expires before the completion of the disciplinary case, the Disciplinary Chamber may make a reasoned decision to apply to the High Council of Justice with a request to extend the period of temporary suspension of such a judge from the administration of justice. Such a decision is not subject to appeal.

The Disciplinary Chamber shall send a motion to extend the period of temporary suspension of a judge from the administration of justice for consideration by the High Council of Justice no later than the next business day after the date of the relevant decision."

Article 50 shall be supplemented with parts eleven to twelve as follows:

"11. The decision of the Disciplinary Chamber to bring a judge to disciplinary liability comes into force on the day of its adoption and is subject to immediate execution regardless of its appeal (except for the decision to impose a disciplinary sanction in the form of a motion to dismiss the judge from office).

12. The decision of the Disciplinary Chamber to impose a disciplinary sanction in the form of a motion to dismiss a judge from office shall enter into force upon the expiry of the term for appealing against it, unless a complaint has been filed.

In the event of an appeal against such a decision, unless it is cancelled or amended, it shall take effect thereafter:

1) leaving the complaint without consideration and returning it to the person who filed it;

- 2) upholding the decision of the Disciplinary Chamber to impose a disciplinary sanction in the form of a motion to dismiss the judge from office";

Section II shall be supplemented by Chapter ⁴¹ as follows:

"Chapter ⁴¹. Prevention of Abuse of the Right to File a Disciplinary Complaint

Article ⁵⁰¹. Inadmissibility of Abuse of the Right to File a Disciplinary Complaint

1. The disciplinary inspector of the High Council of Justice - the rapporteur, the Disciplinary Chamber, the High Council of Justice, depending on the specific circumstances of the disciplinary proceedings, may recognise a person's appeal with a disciplinary complaint as an abuse of law if

1) there is a reasonable belief that the issue of bringing the judge to disciplinary responsibility was deliberately initiated by the complainant without sufficient grounds (filing a deliberately unfounded disciplinary complaint), provided that within the last year

- a) the complainant's other complaint was left without consideration and returned on the basis of paragraphs 1-4, 6 of part one of Article 44 of the Law;
- b) based on the results of preliminary consideration of another complaint of the same complainant, a decision was made to refuse to open a disciplinary case in accordance with Article 45 of this Law;

2) there is a reasonable belief that such a right is being used by the complainant as a means of putting pressure on the judge in connection with the administration of justice, provided that within the last year

- a) the complainant's other complaint was left without consideration and returned on the basis of paragraphs 1-4, 6 of part one of Article 44 of the Law;
- b) based on the results of preliminary consideration of another complaint of the same complainant, a decision was made to refuse to open a disciplinary case in accordance with Article 45 of this Law.

2. The disciplinary inspector of the High Council of Justice - rapporteur may recognise the filing of a disciplinary complaint as an abuse of law when returning such a complaint to the complainant on the basis of paragraphs 1, 4 of part one of Article 44 of this Law, stating this in the relevant decision.

Such a decision shall be submitted to the Disciplinary Chamber for approval, which shall approve or refuse to approve it in terms of abuse of law.

3. The Disciplinary Chamber may recognise the filing of a disciplinary complaint as an abuse of the law during the

- 1) making a decision to leave such a complaint without consideration and return it to the complainant on the basis of paragraphs 2, 3 and 6 of part one of Article 44 of this Law;
- 2) making a decision to refuse to open a disciplinary case in accordance with Article 45 of this Law.

The Disciplinary Chamber shall state in its decision that the disciplinary complaint is an abuse of rights.

4. The High Council of Justice may recognise the filing of a disciplinary complaint as an abuse of law when it cancels the decision of the Disciplinary Chamber to bring a judge to disciplinary responsibility and close the disciplinary proceedings in accordance with paragraph 1 of part ten of Article 51 of this Law, stating this in the relevant decision.

5. The Disciplinary Inspector of the High Council of Justice - Rapporteur, the Disciplinary Chamber, and the High Council of Justice are obliged to take measures to prevent abuse of the right to file a disciplinary complaint.

In case of abuse of the right to file a disciplinary complaint, the disciplinary inspector of the High Council of Justice - rapporteur, the Disciplinary Chamber, the High Council of Justice shall apply to such a complainant and the person through whom the complaint was filed measures determined by this Law.

6. The decision by which the advocate's lodging of a disciplinary complaint is recognised as an abuse of law shall be sent to the body empowered to bring the advocate to disciplinary responsibility.

Article ⁵⁰². Measures to Prevent Abuse of the Right to File a Disciplinary Complaint

1. Measures to prevent abuse of the right to file a disciplinary complaint are actions taken by the disciplinary inspector of the High Council of Justice - rapporteur, the Disciplinary Chamber, the High Council of Justice in cases specified by this Law to encourage complainants to use the right to file a disciplinary complaint in good faith and to stop the abuse of such right.
2. Measures to prevent abuse of the right to file a disciplinary complaint shall be applied by the disciplinary inspector of the High Council of Justice - the rapporteur, the Disciplinary Chamber, the High Council of Justice by issuing a separate decision.
3. Measures to prevent abuse of the right to file a disciplinary complaint include requiring the complainant to pay a fee for filing subsequent disciplinary complaints.

Article ⁵⁰³. Establishment of the obligation for the complainant to pay a fee for filing the following disciplinary complaints

1. The Disciplinary Inspector of the High Council of Justice - Rapporteur, the Disciplinary Chamber, the High Council of Justice in case of abuse of the right to file a disciplinary complaint, no later than ten days from the date of recognition of such an appeal as an abuse, shall establish for such a person the obligation to pay a fee for filing subsequent disciplinary complaints.
2. The fee for filing subsequent disciplinary complaints is set by the disciplinary inspector of the High Council of Justice - rapporteur, The Disciplinary Chamber, the High Council of Justice in the amount not exceeding ten times the subsistence minimum for able-bodied persons established by the Law of Ukraine on the State Budget as of 1 January of the current calendar year.
The obligation to pay the fee for filing subsequent disciplinary complaints is set for a period of up to three years.

3. The decision to impose an obligation on the complainant to pay a fee for filing subsequent disciplinary complaints shall be made without his/her participation.

A copy of the relevant decision shall be sent to the address of the complainant's place of residence (stay) or location specified in the complaint no later than seven days from the date of its preparation.

4. The decision of the disciplinary inspector of the High Council of Justice - rapporteur on imposing an obligation on the complainant to pay the fee for filing subsequent disciplinary complaints may be appealed to the Disciplinary Chamber within five days from the date of its delivery to the complainant. The Disciplinary Chamber may extend the time limit for appealing such a decision if it finds that it was missed for good reason.

5. The Disciplinary Chamber shall consider the complaint within twenty days from the date of its receipt in a closed session without summoning the complainant, and on its own initiative or at the request of the complainant, which must be filed simultaneously with the complaint, with an open session.

Failure of the complainant, who has been duly notified of the open meeting, does not prevent the complaint from being considered.

6. Based on the results of the examination of the complaint, the Disciplinary Chamber may:

- 1) to cancel in full the decision of the disciplinary inspector of the High Council of Justice - the rapporteur on establishing the obligation for the complainant to pay for filing subsequent disciplinary complaints;
- 2) uphold the decision of the disciplinary inspector of the High Council of Justice - The speaker's name remains unchanged.

7. The decision of the Disciplinary Chamber based on the results of the review of the decision of the disciplinary inspector of the High Council of Justice - rapporteur on establishing the obligation for the complainant to pay the fee for filing subsequent disciplinary complaints may be appealed in court in accordance with Article 35 of this Law.

8. The decision of the Disciplinary Chamber to impose an obligation on the complainant to pay a fee for filing subsequent disciplinary complaints may be appealed to the High Council of Justice in accordance with the rules of parts four to six of this Article.

9. A decision of the High Council of Justice based on the results of review of the decision of the Disciplinary Chamber to impose an obligation on the complainant to pay a fee for filing

subsequent disciplinary complaints, as well as to impose an obligation on the complainant to pay a fee for filing subsequent disciplinary complaints, may be appealed in court in accordance with Article 35 of this Law.

10. A person in respect of whom a decision has been made to impose an obligation to pay a fee for filing subsequent disciplinary complaints shall, during the term of such obligation, additionally provide evidence confirming the fact of such payment when filing disciplinary complaints.

Failure to provide such evidence when filing a disciplinary complaint is an independent ground for returning the complaint without consideration.

11. The fee shall be refunded to the complainant if, based on the results of consideration of the disciplinary complaint, a decision is made to bring the judge to disciplinary responsibility."

part one of Article 62 shall be amended to read as follows:

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

- 1) in connection with criminal prosecution;
- 2) in connection with disciplinary proceedings";

Chapter 8 of Section II shall be supplemented with Articles 651-653 as follows:

"Article ⁶⁵¹. Temporary suspension of a judge from administration of justice in connection with disciplinary proceedings

1. A judge is temporarily suspended from the administration of justice in connection with disciplinary proceedings by the High Council of Justice for a period not exceeding two months on the basis of a reasoned motion by the Disciplinary Chamber.

2. A petition for temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be submitted to the High Council of Justice in accordance with the provisions of Chapter 4, Section II of this Law.

A petition filed in violation of the procedure established by this Law shall be left without consideration.

3. The High Council of Justice shall consider a motion for temporary suspension of a judge from administration of justice in connection with disciplinary proceedings immediately, but no later than seven days from the date of its receipt.

4. A notice of the date, time and place of consideration of the relevant motion shall be sent to the judge against whom the motion was filed and shall be promptly posted on the official website of the High Council of Justice.

5. Failure to appear at a meeting of the High Council of Justice by a judge who has been duly notified of the date, time and place of the meeting does not prevent the petition from being considered.

6. Consideration of the motion for temporary suspension of a judge from the administration of justice begins with a brief presentation by the speaker of the justification for the need for such temporary suspension, after which the floor is given to the judge (his/her representative) against whom the motion is filed to provide explanations.

If the judge refuses to provide explanations, the High Council of Justice considers a motion for temporary suspension of the judge from the administration of justice without explanations.

7. Based on the results of consideration of the petition for temporary suspension of a judge from the administration of justice, the High Council of Justice shall adopt a decision, a copy of which shall be sent to the judge in respect of whom the decision was made within seven days and shall be immediately sent to the court where such judge holds office.

8. A judge shall be suspended from the administration of justice from the date of adoption by the High Council of Justice of a decision on his/her temporary suspension from the administration of justice for the period specified in the decision, which may not exceed two months.

Article ⁶⁵². Extension of the term of temporary suspension of a judge from administration of justice in connection with disciplinary proceedings

1. The term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be extended in accordance with the procedure established by Article ⁶⁵¹ of this Law for a period not exceeding two months.

2. A petition for extension of the term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be submitted to the High Council of Justice not later than ten days before the expiry of the term for which the judge was suspended in accordance with the provisions of Chapter 4 of Section II of this Law.

A petition filed in violation of the procedure established by this Law shall be left without consideration by the High Council of Justice.

3. A motion to extend the period of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be granted if the circumstances that served as grounds for the temporary suspension continue to exist.

4. In case the High Council of Justice decides to extend the period of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings, the judge shall be removed from office from the date of adoption of such decision by the High Council of Justice for the period specified therein, which may not exceed two months.

5. Repeated application for temporary suspension of a judge from administration of justice in connection with disciplinary proceedings or application for extension of the term of such suspension in respect of a judge within the same disciplinary proceedings is not allowed, except in cases of cancellation of the previous decision of the High Council of Justice by a court.

6. The temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings shall be terminated without a separate decision of the High Council of Justice in the case:

- 1) expiry of the term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings;
- 2) the decision of the Disciplinary Chamber or the High Council of Justice to bring or refuse to bring a judge to disciplinary responsibility;
- 3) the High Council of Justice decides to close disciplinary proceedings against a judge;
- 4) the entry into force of a court decision declaring unlawful and cancelling the decision of the High Council of Justice to temporarily suspend a judge from the administration of justice in connection with disciplinary proceedings.

Article ⁶⁵³. Appeal against a decision to temporarily suspend a judge from the administration of justice or a decision to extend the term of temporary suspension of a judge from the administration of justice in connection with disciplinary proceedings

1. The decision of the High Council of Justice on temporary suspension of a judge from administration of justice in connection with disciplinary proceedings, as well as extension of the term of such suspension, may be appealed and cancelled solely on the following grounds:

- 1) the composition of the High Council of Justice, which made the relevant decision, did not have the authority to make it;
- 2) the decision is not signed by any of the members of the High Council of Justice who participated in its adoption;
- 3) the decision does not contain a reference to the grounds for its adoption as defined by law or the reasons for which the High Council of Justice reached the relevant conclusions.

2. Appealing against a decision of the High Council of Justice does not suspend its execution."

Articles 66-69 shall be deleted;

Section III "Final and Transitional Provisions" shall be supplemented by paragraph ²³¹⁴ of the following content:

"²³¹⁴. To establish that disciplinary proceedings initiated before the entry into force of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine on Improving Disciplinary and Other Procedures" shall

continue under the rules in force on the day of their commencement, subject to the following peculiarities:

1) If on the day of the preliminary examination of a disciplinary complaint or consideration of the issue of opening or refusal to open a disciplinary case, the Law

Since the Law of Ukraine "On the Judiciary and Status of Judges" does not provide for the grounds on which a judge may be brought to disciplinary liability in disciplinary proceedings, the body conducting disciplinary proceedings against a judge shall decide to refuse to open a disciplinary case, except as provided for in subparagraph 3 of this paragraph;

2) If on the day of consideration of the disciplinary case the Law of Ukraine "On the Judicial System and Status of Judges" does not provide for a ground on which a judge may be brought to disciplinary liability in disciplinary proceedings, the body conducting disciplinary proceedings against the judge shall decide to refuse to bring the judge to disciplinary liability, except as provided for in subparagraph 3 of this paragraph;

3) if disciplinary proceedings are initiated on the grounds of failure of a judge to comply with the requirements of the decision of the body conducting disciplinary proceedings against a judge to take a refresher course at the National School of Judges of Ukraine or further qualification assessment to confirm the judge's ability to administer justice in the relevant court, or on the grounds of failure of a judge to confirm the ability to administer justice in the relevant court based on the results of such qualification assessment, such a judge shall be subject to disciplinary sanction in the form of a motion to

10) in the Law of Ukraine "On Temporary Investigative Commissions and Temporary Special Commissions of the Verkhovna Rada of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2020, No. 27, p. 174):

Article 12 shall be supplemented by part two as follows:

"2. In case of detection of information that may contain signs of a disciplinary offence committed by a judge, the investigating commission, by a majority vote of the investigating commission approved by the Verkhovna Rada of Ukraine, may decide to apply to the body conducting disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

Article 24 shall be supplemented by a third part as follows:

"3. In case of detection of information that may contain signs of a disciplinary offence committed by a judge, the special commission, by a majority vote of the special commission approved by the Verkhovna Rada of Ukraine, may decide to apply to the body conducting disciplinary proceedings against a judge to decide whether to open or refuse to open a disciplinary case against such a judge."

**Chairman of the Verkhovna Rada
Ukraine**

P. STEFANCHUK



ЄАС ВЕРХОВНОЇ РАДИ УКРАЇНИ

Підписувач: Павліш Павло Васильович

Сертифікат: 3FAA9288358EC00304000000F71831007A58DE00

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