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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON THE PUBLIC PROSECUTOR'S OFFICE
OF UKRAINE**

**PREPARED BY THE UKRAINIAN COMMISSION ON
STRENGTHENING DEMOCRACY AND THE RULE OF LAW**

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This law sets forth the legal framework for the organization of the Public Prosecutor's Office of Ukraine, the system of the Public Prosecutor's Office, the status of public prosecutors, the system and procedure for prosecutorial self-governance, and establishes the system and the general procedure supporting the operation of the Public Prosecutor's Office.

SECTION I. PRINCIPLES OF ORGANIZATION AND OPERATION OF THE PUBLIC PROSECUTOR'S OFFICE

Article 1. Tasks of the Public Prosecutor's Office

1. The Public Prosecutor's Office shall facilitate administration of justice through performance of the functions specified in the Constitution of Ukraine and this Law to ensure a balance of interests of the individual, the society and the state.

Article 2. Functions of the Public Prosecutor's Office

1. The Public Prosecutor's Office of Ukraine shall be charged with the functions:

- 1) to supervise observance of laws by authorities involved in operational detective activities, inquiries, and pre-trial investigation;
- 2) to support prosecution in court on behalf of the State;
- 3) to supervise observance of laws in enforcement of judgments delivered in criminal cases, as well as in application of other coercive measures related to restraint of the individual's personal liberty;
- 4) to represent the interests of the individual or the State in court in the cases specified in Articles 61 and 62 herein.

Within the scope of these functions the Public Prosecutor's Office shall provide international legal assistance.

2. The Public Prosecutor's Office shall not be charged with the functions not provided for in the Constitution of Ukraine and this Law.

Article 3. Principles of Operation of the Public Prosecutor's Office

1. The operation of the Public Prosecutor's Office shall be based on the following fundamental principles:

- 1) rule of law;
- 2) legality;
- 3) independence;
- 4) openness.

Article 4. Legislation on the Public Prosecutor's Office and the Status of Public Prosecutors

1. The system of the Public Prosecutor's Office and the status of public prosecutors in Ukraine shall be determined by the Constitution of Ukraine and this Law.

Article 5. Performance of the Functions of the Public Prosecutor's Office Solely and Exclusively by Public Prosecutors

1. The functions of the Public Prosecutor's Office in Ukraine shall be performed solely and exclusively by public prosecutors. Delegation of the functions of the Public Prosecutor's Office, as well as assumption of these functions by other agencies or officials shall not be allowed.

SECTION II. SYSTEM OF THE PUBLIC PROSECUTOR'S OFFICE

Chapter 1. Organizational Principles of the System of the Public Prosecutor's Office

Article 6. System the Public Prosecutor's Office

1. The system of the Public Prosecutor's Office shall comprise:
 - 1) the Prosecutor General of Ukraine;
 - 2) Regional Public Prosecutor's Offices;
 - 3) District Public Prosecutor's Offices.
2. Uniformity of the system of the Public Prosecutor's Office shall be ensured by:
 - 1) uniform principles of organization and operation of the Public Prosecutor's Office;
 - 2) uniform status of public prosecutors;
 - 3) uniform procedure for organizational support for public prosecutors' work;
 - 4) funding of the Public Prosecutor's Office solely and exclusively out of the State Budget of Ukraine;
 - 5) addressing the issues of the Public Prosecutor's Office internal operation by prosecutorial self-governance bodies.

Article 7. Quantitative Composition of Public Prosecutor's Offices

1. The number of public prosecutors in the Public Prosecutor's Office shall be determined and may be changed by the Prosecutor General of Ukraine taking into account the scope of work of the Public Prosecutor's Office and within the expenditures approved in the State Budget of Ukraine for maintenance of public prosecutor's offices.
2. The number of public prosecutors at the Prosecutor General's Office of Ukraine shall not exceed 50.

The number of public prosecutors at a Regional Public Prosecutor's Office shall be determined using the ratio: not more than one public prosecutor per 75 thousand population permanently residing on the territory of an administrative-territorial unit covered by the territorial jurisdiction of a corresponding Regional Public Prosecutor's Office.

The number of public prosecutors at a District Public Prosecutor's Office shall be determined using the ratio: not more than one public prosecutor per ten thousand population permanently residing on the territory of an administrative-territorial unit covered by the territorial jurisdiction of a corresponding District Public Prosecutor's Office.

Chapter 2. Prosecutor General of Ukraine

Article 8. Appointment and Dismissal of the Prosecutor General of Ukraine

1. The Prosecutor General of Ukraine shall be appointed to his/her office by the President of Ukraine upon consent of the Verkhovna Rada of Ukraine.
2. The term of office of the Prosecutor General of Ukraine shall be five years.
3. The Prosecutor General of Ukraine shall be dismissed by the President of Ukraine. The compulsory grounds for dismissal (resignation) of the Prosecutor General of Ukraine from his/her office shall be:
 - 1) inability to exercise his/her powers for health reasons confirmed by a medical certificate;
 - 2) incompatibility established by a decision of the High Council of Justice;
 - 3) breach of oath;
 - 4) a judgment of conviction against him/her that has taken legal effect;
 - 5) termination of his/her citizenship of Ukraine;
 - 6) recognition as missing or announcement as deceased.

The powers of the Prosecutor General of Ukraine shall be terminated due to expiration of his/her term of office, reaching the age of 65, and decease.

The Verkhovna Rada of Ukraine may express no confidence in the Prosecutor General of Ukraine resulting in his/her resignation.

Article 9. Powers of the Prosecutor General of Ukraine

1. The Prosecutor General of Ukraine shall head the Public Prosecutor's Office of Ukraine.
 2. The Prosecutor General of Ukraine shall:
 - 1) represent the Public Prosecutor's Office as a state authority in its relations with other of state authorities, local self-governance bodies, individuals, institutions and organizations, as well as with public prosecutor's offices of other states, and international organizations;
 - 2) exercise control over efficiency of operation of the Secretariat of the Prosecutor General's Office of Ukraine;
 - 3) approve the procedure for distribution of cases between the public prosecutors of the Prosecutor General's Office of Ukraine upon consent of the Assembly of Public Prosecutors of the Prosecutor General's Office of Ukraine;
 - 4) approve the personnel composition of the divisions of the Prosecutor General's Office of Ukraine;
 - 5) enforce decisions passed by the Assembly of Public Prosecutors of the Prosecutor General's Office of Ukraine;
 - 6) enforce compliance with the requirements for professional development of the public prosecutors of the Prosecutor General's Office of Ukraine;
 - 7) appoint and dismiss public prosecutors;
 - 8) appoint and dismiss to/from administrative offices: the Deputy Prosecutor General of Ukraine, Division Heads of the Prosecutor General's Office of Ukraine, Regional Public Prosecutors, and District Public Prosecutors;
 - 9) approve guidelines for public prosecutors to ensure uniform application of legal provisions;
 - 10) exercise other powers provided for herein.
- The Prosecutor General of Ukraine shall issue orders on the matters within the scope of his/her administrative powers.
3. In absence of the Prosecutor General of Ukraine, his/her administrative powers shall be exercised by the Deputy Prosecutor General of Ukraine.

Article 10. Deputy Prosecutor General of Ukraine

1. The Prosecutor General of Ukraine shall appoint the Deputy Prosecutor General of Ukraine from among the individuals who have been holding a public prosecutor's position for at least 15 years.
2. The Deputy Prosecutor General of Ukraine shall issue orders on the matters within the scope of his/her administrative powers.

Article 11. Structure and Competence of the Prosecutor General's Office of Ukraine

1. The Prosecutor General's Office of Ukraine shall establish divisions for:
 - 1) support of prosecution in court on behalf of the State;
 - 2) representation of the interests of the individual or the State in court;
 - 3) providing international legal assistance.Within the divisions established at the Prosecutor General's Office of Ukraine individual public prosecutors may specialize by criteria of the case category, territorial jurisdiction, etc.
2. The public prosecutors of the Prosecutor General's Office of Ukraine shall support prosecution on behalf of the State in the High Specialized Court for Criminal Cases and the Supreme Court of Ukraine.
3. The public prosecutors of the Prosecutor General's Office of Ukraine shall represent the interests of the individual or the State in high specialized courts and the Supreme Court of Ukraine.

Chapter 3. Regional Prosecutor's Offices

Article 12. Types, Structure, and Competence of Regional Public Prosecutor's Offices

1. Regional Public Prosecutor's Offices, the list of which is determined in Appendix 1 hereto, shall operate within the system of the Public Prosecutor's Office of Ukraine.
2. Regional Public Prosecutor's Offices shall operate within oblasts, the Autonomous Republic of Crimea, and city of Kyiv.
3. The name of a Regional Public Prosecutor's Office shall refer to the name of the populated place where it is located.
4. Regional Public Prosecutor's Offices shall establish divisions for:
 - 1) support of prosecution in court on behalf of the State;
 - 2) representation of the interests of the individual or the State in court.Within the divisions established at a Regional Public Prosecutor's Office individual public prosecutors may specialize by criteria of the case category, territorial jurisdiction, etc.
5. Public prosecutors of a Regional Public Prosecutor's Office shall support prosecution on behalf of the State in the corresponding Court of Appeals for Criminal Cases.
6. Public prosecutors of a Regional Public Prosecutor's Office shall represent the interests of the individual or the State in Courts of Appeals.

Article 13. Powers of Regional Public Prosecutors

1. A Regional Public Prosecutor shall:
 - 1) represent a Regional Public Prosecutor's Office as a state authority in its relations with other state authorities, local self-governance bodies, individuals, institutions and organizations;
 - 2) exercise control over efficiency of operation of the Secretariat of a Regional Public Prosecutor's Office;
 - 3) approve the procedure for distribution of cases between the public prosecutors of a Regional Public Prosecutor's Office upon consent of the Assembly of Public Prosecutors of a Regional Public Prosecutor's Office;
 - 4) based on the act on appointment or dismissal to/from a public prosecutor's position issue a corresponding order;
 - 5) within ten days inform the Qualifications Commission of Judges and Public Prosecutors about availability of vacancies or temporary vacancies at a Regional Public Prosecutor's Office;
 - 6) approve the personnel composition of the divisions of a Regional Public Prosecutor's Office;
 - 7) enforce decisions passed by the Assembly of Public Prosecutors of a Regional Public Prosecutor's Office;
 - 8) exercise control over maintenance and analysis of prosecutorial statistics, arrange for study and consolidation of prosecutorial practice, take care of informational and analytical support to public prosecutors with the aim of enhancing the quality of their performance.
 - 9) enforce compliance with the requirements for professional development of the public prosecutors of a Regional Public Prosecutor's Office;
 - 10) exercise other powers provided for herein.

A Regional Public Prosecutor shall issue orders on the matters within the scope of his/her administrative powers.

2. In absence of a Regional Public Prosecutor his/her administrative powers shall be exercised by a public prosecutor of this Public Prosecutor's Office with the longest length of service as a public prosecutor.

Chapter 4. District Public Prosecutor's Offices

Article 14. Types, Structure, and Competence of District Public Prosecutor's Offices

1. District Public Prosecutor's Offices, the list of which is determined in Appendix 2 hereto, shall operate within the system of the Public Prosecutor's Office of Ukraine.
2. The name of a District Public Prosecutor's Office shall refer to the name of the populated place where it is located.
3. District Public Prosecutor's Offices shall establish divisions for:
 - 1) supervision of observance of laws by authorities involved in operational detective activities, inquiries, and pre-trial investigation, observance of laws in enforcement of judgments delivered

in criminal cases, as well as in application of other coercive measures related to restraint of the individual's personal liberty, and support of prosecution in court on behalf of the State;

2) representation of the interests of the individual or the State in court.

Within the divisions established at a District Public Prosecutor's Office individual public prosecutors may specialize by criteria of the case category, territorial jurisdiction, etc.

4. Public prosecutors of a District Public Prosecutor's Office shall exercise control over observance of laws by authorities involved in operational detective activities, inquiries, and pre-trial investigation and located within the administrative-territorial units covered by the territorial jurisdiction of a corresponding District Public Prosecutor's Office.

Public prosecutors of a District Public Prosecutor's Office shall exercise control over observance of laws in enforcement of judgments delivered in criminal cases, as well as in application of other coercive measures related to restraint of the individual's personal liberty in the institutions located within the administrative-territorial units covered by the territorial jurisdiction of a corresponding District Public Prosecutor's Office.

Public prosecutors of a District Public Prosecutor's Office shall support prosecution on behalf of the State, represent the interests of the individual and the State in the local courts located within the administrative-territorial units covered by the territorial jurisdiction of a corresponding District Public Prosecutor's Office.

Article 15. Powers of District Public Prosecutors

1. A District Public Prosecutor shall:

1) represent a District Public Prosecutor's Office as a state authority in its relations with other state authorities, local self-governance bodies, individuals, institutions and organizations;

2) exercise control over efficiency of operation of the Secretariat of a District Public Prosecutor's Office;

3) approve the procedure for distribution of cases between the public prosecutors of a District Public Prosecutor's Office upon consent of the Assembly of Public Prosecutors of a District Public Prosecutor's Office;

4) based on the act on appointment or dismissal to/from a public prosecutor's position issue a corresponding order;

5) within ten days inform the Qualifications Commission of Judges and Public Prosecutors about availability of vacancies or temporary vacancies at a District Public Prosecutor's Office;

6) approve the staff of the divisions of a District Public Prosecutor's Office;

7) enforce decisions passed by the Assembly of Public Prosecutors of a District Public Prosecutor's Office;

8) exercise control over maintenance of prosecutorial statistics and arrange for study of prosecutorial practice, take care of informational and analytical support to public prosecutors with the aim of enhancing the quality of their performance;

9) enforce compliance with the requirements for professional development of the public prosecutors of a District Public Prosecutor's Office;

10) exercise other powers provided for herein.

A District Public Prosecutor shall issue orders on the matters within the scope of his/her administrative powers.

2. In absence of a District Public Prosecutor his/her administrative powers shall be exercised by a public prosecutor of this Public Prosecutor's Office who has the longest length of service as a public prosecutor.

SECTION III. STATUS OF PUBLIC PROSECUTORS

Article 16. Status of the Public Prosecutor

1. A public prosecutor shall be a person holding one of the following public prosecutor's positions:

1) Prosecutor General of Ukraine;

2) Deputy Prosecutor General of Ukraine;

3) Division Head of the Prosecutor General's Office of Ukraine;

- 4) public prosecutor of the Prosecutor General's Office of Ukraine;
 - 5) Regional Public Prosecutor;
 - 6) Division Head of a Regional Public Prosecutor's Office;
 - 7) public prosecutor of a Regional Public Prosecutor's Office;
 - 8) District Public Prosecutor;
 - 9) Division Head of a District Public Prosecutor's Office;
 - 10) public prosecutor of a District Public Prosecutor's Office.
2. Public prosecutors in Ukraine shall have a uniform status regardless of the place of a public prosecutor's office in the system of the Public Prosecutor's Office or administrative position held by a public prosecutor at a public prosecutor's office.
3. Public prosecutors shall remain in their office until the age of 65, except cases of dismissal from position or resignation as provided for herein.

Article 17. Guarantees of Independence of the Public Prosecutor

1. Independence of the public prosecutor shall be guaranteed by:
 - 1) special procedure for his/her appointment, bringing to justice, and dismissal;
 - 2) procedure for exercising powers set forth in the procedural and other laws;
 - 3) prohibition of interference with the exercise of the public prosecutor's powers;
 - 4) liability for contempt of the public prosecutor established by law;
 - 5) a special legal procedure for funding of and organizational support for the operation of the Public Prosecutor's Office;
 - 6) appropriate financial support and social security for the public prosecutor;
 - 7) functioning of the prosecutorial self-governance bodies;
 - 8) personal security arrangements for the public prosecutor, his/her family members, and property established by law, as well as other legal remedies;
 - 9) the right of the public prosecutor for resignation and lifelong financial allowance.
2. In exercise of prosecution functions, public prosecutors shall be independent of any illegal influence, pressure, interference, no matter where they may come from.
3. Interference with the exercise of the Public Prosecutor's Office functions, influence on public prosecutors in any manner, and contempt of public prosecutors shall be prohibited and result in liability established by law.
4. Public prosecutors shall have the right to report a threat to their independence to the Council of Public Prosecutors of Ukraine, which shall immediately examine and consider such a report with the participation of the public prosecutor and take appropriate measures to eliminate the threat.
5. State authorities, local self-governance bodies, their officers and officials, as well as individuals and legal entities and their associations shall respect the public prosecutor's independence and shall not encroach upon it.

Article 18. Subordination of Public Prosecutors and Execution of Orders

1. In exercising their powers public prosecutors shall act within the limits established by law and be subordinated to their direct superiors in relation to their issuance of orders of an administrative nature.

Administrative subordination of public prosecutors shall not be the ground for limiting or infringing on public prosecutors' independence in the exercise of their powers.
2. Direct superiors shall include:
 - 1) for public prosecutors of the Prosecutor General's Office of Ukraine and Division Heads of the Prosecutor General's Office of Ukraine – the Prosecutor General of Ukraine and the Deputy Prosecutor General of Ukraine, according to the distribution of responsibilities between them;
 - 2) for District and Regional Public Prosecutors – the Prosecutor General of Ukraine;
 - 3) for public prosecutors of Regional Public Prosecutor's Offices and Division Heads of Regional Public Prosecutor's Offices – the Regional Public Prosecutor;
 - 4) for public prosecutors of District Public Prosecutor's Offices and Division Heads of District Public Prosecutor's Offices – the District Public Prosecutor.Immediate superiors shall include:

- 1) for the Deputy Prosecutor General of Ukraine – the Prosecutor General of Ukraine;
 - 2) for Division Heads of the Prosecutor General's Office of Ukraine – the Prosecutor General of Ukraine and the Deputy Prosecutor General of Ukraine, according to the distribution of responsibilities between them;
 - 3) for public prosecutors of the Prosecutor General's Office of Ukraine – the Division Head of the Prosecutor General's Office of Ukraine;
 - 4) for Regional Public Prosecutors – the Prosecutor General of Ukraine;
 - 5) for Division Heads of Regional Public Prosecutor's Offices – the Regional Public Prosecutor;
 - 6) for public prosecutors of Regional Public Prosecutor's Offices – the Division Head of the Regional Public Prosecutor's Office;
 - 7) for District Public Prosecutors – the Regional Public Prosecutor;
 - 8) for Division Heads of District Public Prosecutor's Offices – the District Public Prosecutor;
 - 9) for public prosecutors of District Public Prosecutor's Offices – the Division Head of the District Public Prosecutor's Office;
3. Direct superiors of all levels within the scope of their powers shall have the right to issue orders that shall be binding on the public prosecutors subordinated to them. Upon receiving an order from his/her direct superior a public prosecutor shall inform his/her immediate superior accordingly and execute it. The right to revoke an order shall be vested only with the issuing superior or a higher-level superior.
4. A superior's order issued within the scope of his/her powers shall be binding upon the public prosecutor, except for the cases provided for in Paragraph 5 of this Article.
5. If in doubt regarding legitimacy, including infringement on his/her independence, due to an order issued by a superior, a public prosecutor shall have the right to require a written confirmation, upon receiving which he/she is bound to execute such an order. Simultaneously with execution of such an order, a public prosecutor shall inform of it his/her direct superior in writing. If a public prosecutor has executed an illegitimate order failing to abide by the requirements set forth in this Article, he/she shall be legally liable for his/her acts.
6. Issuance and execution of a manifestly criminal order shall entail liability under the law.

Article 19. Requirements for Incompatibility

1. Holding a public prosecutor's office shall be incompatible with holding office in any other state authority, local self-governance body, and with a representative mandate.
2. A public prosecutor may not be involved in other paid or entrepreneurial activities (except for teaching, research, and artistic activities, medical practice, sports instructor and umpire practice) and be a member of a governing body or a supervisory council of a company or organization operating for the purposes of profit.
3. If in possession of a share of property in a business entity, a public prosecutor shall administer this property through a proxy.
4. A public prosecutor may not be a member of a political party or a trade union, show his/her favor to them, and take part in political actions, rallies, and strikes.
5. While in office, a public prosecutor may not be a candidate for elected positions at state authorities and local self-governance bodies, and take part in election campaigns.
6. Upon his/her application, a public prosecutor may be dispatched to work for the High Council of Justice, Qualifications Commission of Judges and Public Prosecutors, Disciplinary Commission of Judges and Public Prosecutors, National School of Judges with retention of his/her earnings at the principal place of work.

Article 20. Rights and Obligations of the Public Prosecutor

1. A public prosecutor's rights related to the exercise of his/her powers shall be established in the Constitution of Ukraine, procedural and other laws of Ukraine.
2. Public prosecutors shall have the right to participate in prosecutorial self-governance to address the issues of internal operation of the Public Prosecutor's Office as provided for by law.

Public prosecutors may establish non-governmental organizations and participate in them to protect their rights and interests, and enhance their professional level.

3. Public prosecutors shall have the right to advance their professional level and to that end be involved in the relevant professional development.

Public prosecutors shall receive a two-week training at the National School of Judges of Ukraine at least once every three years.

4. Public prosecutors shall rigorously observe the prosecutor's oath.

5. Public prosecutors shall:

1) while exercising their powers show respect to individuals;

2) not take actions that may cast doubt on their independence and impartiality, and other actions that discredit them as representatives of the Public Prosecutor's Office;

3) not disclose confidential information protected by law;

4) abide by the requirements of the Law on the Principles of Preventing and Combating Corruption;

5) annually, not later than April 1, submit to the Secretariat of the Prosecutor General's Office of Ukraine for publication on the official prosecution authorities web-page a declaration on property, income, expenditures, and financial obligations for the previous year using the form approved by the Law on the Principles of Preventing and Combating Corruption;

6) abide by the rules of prosecutorial ethics, approved by the All-Ukrainian Conference of Public Prosecution Employees.

6. Public prosecutors, prior to their dismissal from their office, may not be conferred with state awards or any other awards, decorations, certificates of merit, except for the awards for personal courage and heroism shown by them in the conditions involving risks to their life and health.

Article 21. Responsibilities of the Public Prosecutor

1. The damage caused by a public prosecutor's illegitimate decisions, acts or omissions shall be reimbursed by the State regardless of this person's guilt.

The State, upon reimbursing the damage caused by a public prosecutor, shall have the right of to demand recourse from this person in the amount of the reimbursement thus paid.

Article 22. Public Prosecutor's Identification Document

1. Public prosecutors and retired public prosecutors shall have identification documents of the standard approved by the Prosecutor General of Ukraine.

2. A public prosecutor's and a retired public prosecutor's identification document shall be signed in person by the Prosecutor General of Ukraine.

3. The identification document shall be handed in by the Prosecutor General of Ukraine or another person on his/her behalf.

4. The identification document of the Prosecutor General of Ukraine shall be signed and handed in by the President of Ukraine.

SECTION IV. PROCEDURE FOR TAKING UP THE PUBLIC PROSECUTOR'S POSITION

Chapter 1. Appointment to the Public Prosecutor's Position

Article 23. Requirements for Candidates for the Public Prosecutor's Position

1. A citizen of Ukraine who has a higher legal education, has received special training at the National School of Judges of Ukraine and has a command of the state language may be appointed public prosecutor of a District Public Prosecutor's Office.

Higher legal education shall mean higher legal education with a Specialist's or Master's degree received in Ukraine, as well as higher legal education with a relevant educational and qualification level received in foreign countries and recognized in Ukraine in accordance with the procedure established by legislation.

2. A citizen of Ukraine with no less than five years of work experience as a public prosecutor of a District Public Prosecutor's Office and appropriate qualifications may be appointed public prosecutor of a Regional Public Prosecutor's Office.
3. A citizen of Ukraine not younger than 40 years of age with no less than ten years of work experience as a public prosecutor and appropriate qualifications may be appointed public prosecutor of the Prosecutor General's Office of Ukraine.
4. A person may not be appointed to the public prosecutor's position:
 - 1) if he/she is found partially capable or incapable by court decision;
 - 2) if he/she has diseases or other disabilities preventing performance of prosecutor's functions;
 - 3) if his/her conviction has not been quashed or expunged.

Article 24. Selection of Candidates for the Public Prosecutor's Position

1. Candidates for the public prosecutor's position shall be selected on a competitive basis from among the persons who meet the requirements established in Article 23 herein and who have received training to work as a public prosecutor at the National School of Judges of Ukraine, based on the results of a test according to the requirements set forth in this Law.
2. Anyone who meets the established requirements for the candidate for the public prosecutor's position and has received appropriate training at the National School of Judges of Ukraine shall have the right to file an application with the Qualifications Commission of Judges and Public Prosecutors to recommend him/her for appointment as public prosecutor.

Article 25. Procedure for Appointment to the Public Prosecutor's Position

1. Appointment to the public prosecutor's position shall be based on the procedure prescribed in this Law and include the following:
 - 1) the Qualifications Commission of Judges and Public Prosecutors shall post on their web-page an advertisement on selection of candidates for the public prosecutor's position taking into account a predicted number of vacant public prosecutor's positions. The advertisement shall detail the requirements for the candidate for the public prosecutor's position, the deadline for submission of documents to the Qualifications Commission of Judges and Public Prosecutors, and their list;
 - 2) persons seeking the public prosecutor's position shall file an appropriate application and documents prescribed by this Law with the Qualifications Commission of Judges and Public Prosecutors;
 - 3) the Qualifications Commission of Judges and Public Prosecutors, based on the documents filed by the candidates for the public prosecutor's position, shall review these persons for their meeting the requirements set for candidates for the public prosecutor's office;
 - 4) the persons who meet the established requirements for candidates for the public prosecutor's position shall take a screening examination per the procedure approved by the Qualifications Commission of Judges and Public Prosecutors;
 - 5) the Qualifications Commission of Judges and Public Prosecutors shall publish on their web-page a list of candidates who have successfully passed the screening examination;
 - 6) the information on integrity of a candidate received from the public shall be reviewed;
 - 7) the Qualifications Commission of Judges and Public Prosecutors shall arrange for a special screening of integrity of the candidates who have successfully passed the screening examination and decide on granting them access to receiving special training at the National School of Judges of Ukraine;
 - 8) the candidates who have successfully passed the screening examination and the special screening and have been decided to be granted access to receiving special training shall take special training at the National School of Judges of Ukraine;
 - 9) the candidates who have received special training at the National School of Judges of Ukraine, shall take a qualifying examination before the Qualifications Commission of Judges and Public Prosecutors;
 - 10) the Qualifications Commission of Judges and Public Prosecutors shall make a ranking of the candidates for the public prosecutor's office based on the results of the qualifying examination and include them in the pool for filling vacant public prosecutor's positions;

11) the Qualifications Commission of Judges and Public Prosecutors, in the case of public prosecutors' vacancies arising, shall announce a competition to fill such vacancies among the candidates on the pool;

12) the Qualifications Commission of Judges and Public Prosecutors shall administer a competition to fill vacant public prosecutor's positions based on the candidates' ranking;

13) the Qualifications Commission of Judges and Public Prosecutors shall make a submittal to the Prosecutor General of Ukraine on appointment of a candidate to the public prosecutor's position;

14) appointment to the public prosecutor's position shall be made and the Public Prosecutor's Office where the public prosecutor will be holding his/her position shall be determined;

15) the public prosecutor shall take an oath.

Article 26. Status of the Qualifications Commission of Judges and Public Prosecutors and the National School of Judges of Ukraine

1. The status and operation procedure of the Qualifications Commission of Judges and Public Prosecutors and the National School of Judges of Ukraine shall be determined by the Law of on the Judiciary and the Status of Judges.

Article 27. Submission of Documents by the Candidate for the Public Prosecutor's Position to the Qualifications Commission of Judges and Public Prosecutors

1. To participate in selection of candidates for the public prosecutor's position a person shall submit:

1) a written application on participation in selection of candidates for the public prosecutor's position;

2) a copy of the passport of a citizen of Ukraine;

3) an application form of the candidate for the public prosecutor's position with information about him/her;

4) a copy of diplomas on education, research degree, and academic title;

5) a copy of the employment record book;

6) a certificate of a medical institution on the state of health (medical institutions entitled to issue such a certificate and its form shall be determined by the Qualifications Commission of Judges and Public Prosecutors upon consent of a central health care executive authority);

7) a written consent to gathering, storage, and use of information on him/her with the aim of evaluating his/her readiness to work as a public prosecutor and to subjecting him/her to a special screening;

8) a declaration on property, income, expenditures, and financial obligations for the previous year using the form approved by the Law on the Principles of Preventing and Combating Corruption.

The form and content of the application for participation in selection of candidates for the public prosecutor's position and the application form for candidates for the public prosecutor's position shall be approved by the Qualifications Commission of Judges and Public Prosecutors and posted on their official web-page.

It shall be prohibited to require from candidates any documents not provided for in this Article.

2. Acceptance of documents shall stop on the day determined in the advertisement as the submission deadline.

3. Access to selection of candidates for the public prosecutor's position shall be granted to persons who have submitted all the required documents and meet the requirements set for candidates for the public prosecutor's position. Denial of access to the tryout shall be supported by a motivated decision of the Qualifications Commission of Judges and Public Prosecutors.

Article 28. Screening Examination

1. A screening examination shall be conducted to ascertain the level of general theoretical knowledge in the sphere of law, European human rights standards, command of the State

language, and analytical capabilities of the candidates and shall comprise anonymous testing and a written assignment.

2. The Qualifications Commission of Judges and Public Prosecutors shall inform the candidates for the public prosecutor's position admitted to the screening examination of its date, time, and location at least one week prior to the established date.

3. Upon completion of the screening examination, the Qualifications Commission of Judges and Public Prosecutors shall provide for marking the papers and determine the passing score that shall not be lower than 80% of the maximum possible score, taking into account the predicted number of vacancies.

4. The results of the screening examination shall be published on the official web-page of the Qualifications Commission of Judges and Public Prosecutors within three days of the examination.

5. Based on the screening examination results, the Qualifications Commission of Judges and Public Prosecutors shall decide on admission of the persons who have successfully passed the qualifying examination to the next stage of selection and shall publish the decision on their official web-page.

Article 29. Review of Candidates' Integrity

1. The Qualifications Commission of Judges and Public Prosecutors shall arrange for a special screening of the integrity of the candidates who have successfully passed the screening examination. Such screening shall be conducted by competent state authorities within the scope of their powers.

2. To conduct a special screening, the Qualifications Commission of Judges and Public Prosecutors shall have the right to gather information on the candidate and submit inquiries to receive information on the candidate for the public prosecutor's position to enterprises, institutions, and organizations of all forms of ownership. Upon review of such inquiries, enterprises, institutions, and organizations shall provide relevant information to the Qualifications Commission of Judges and Public Prosecutors within ten days. Failure to provide such information or its provision after the established deadline shall entail legal liability.

3. Non-governmental organizations and individuals may submit information on the integrity of the candidates for the public prosecutor's position to the Qualifications Commission of Judges and Public Prosecutors within one month of official publication of the list of candidates who have successfully passed the screening examination.

4. If received, the information that may evidence lack of integrity of a candidate for the public prosecutor's position shall be reviewed by the Qualifications Commission of Judges and Public Prosecutors in its meeting with invitation of such a candidate. A candidate for the public prosecutor's position shall have the right to familiarize himself/herself with such information, provide relevant explanations, refute and deny it. Following the review, the Qualifications Commission of Judges and Public Prosecutors may decide not to admit a candidate to special training.

5. The review of integrity of the candidates for the public prosecutor's position shall be completed not later than two months after official publication of the list of candidates who have successfully passed the screening examination. In the case of absence of or unconfirmed circumstances evidencing lack of integrity, the Qualifications Commission of Judges and Public Prosecutors shall decide to admit the candidates for the office of the public prosecutor to special training.

Article 30. Special Training for the Public Prosecutor's Position

1. Special training of a candidate for the public prosecutor's position shall include theoretical and practical training of public prosecutors at the National School of Judges of Ukraine.

2. The syllabus, curriculum and procedure to provide special training to the candidates for the public prosecutor's position shall be developed by the Qualifications Commission of Judges and Public Prosecutors upon consent of the National School of Judges of Ukraine.

3. Special training shall be administered by the National School of Judges of Ukraine over a period of two years. During the period of training, a candidate shall retain his/her principal place

of work and receive a scholarship amounting to no less than two thirds of the official salary of a public prosecutor at a District Public Prosecutor's Office. The duration of special training at the National School of Judges of Ukraine shall be added to the length of service in the legal area.

4. Based on the results of special training, candidates shall be awarded an appropriate and duly executed document. The National School of Judges of Ukraine shall forward materials on the candidates who have successfully received special training to the Qualifications Commission of Judges and Public Prosecutors in order for such candidates to take a qualifying examination.

5. If a candidate for the public prosecutor's position has committed a violation while receiving special training resulting in the candidate's expulsion or if a candidate ceased to receive such training on his/her own accord, such a candidate shall reimburse the costs spent on his/her training. In this case the duration of special training at the National School of Judges of Ukraine shall not be added to the length of service in the legal area.

6. If a candidate for the public prosecutor's position within three years of his/her inclusion in the pool for filling vacant public prosecutor's positions failed to submit an application for participation in the competition for filling a vacant public prosecutor's position, he/she shall reimburse the costs spent on his/her special training.

Article 31. Qualifying Examination

1. A qualifying examination is assessment of a person who has received special training and has shown intent to be appointed to the public prosecutor's position.

2. A qualifying examination shall consist in verification of the candidate's professional qualification level reached after receiving special training, technical skills, personal qualities, and his/her ability to work as a public prosecutor.

3. A qualifying examination shall comprise a written anonymous test, completion of a practical assignment, and a qualifying interview.

4. The Qualifications Commission of Judges and Public Prosecutors shall administer a written anonymous test in a dedicated room.

5. The process of the qualifying exam shall be recorded using technical means of video and audio recording.

6. Provisions on the procedure of taking a qualifying examination and assessment methodology shall be approved by the Qualifications Commission of Judges and Public Prosecutors.

7. The results of the qualifying examination shall be valid for three years.

8. A person who has failed a qualifying examination may be admitted to taking a repeated examination no sooner than in a year.

9. The Qualifications Commission of Judges and Public Prosecutors shall determine the ranking of candidates for the public prosecutor's position by the number of points scored by the candidates during their qualifying exam and include the candidates in the pool for filling vacant public prosecutor's positions.

10. The information on the candidate's qualifying examination results and place in the ranking for the public prosecutor's position shall be open to the general public and posted on the official web-page of the Qualifications Commission of Judges and Public Prosecutors.

Article 32. Competition for Filling a Vacant Position

1. To hold a competition for filling a vacant public prosecutor's position, the Qualifications Commission of Judges and Public Prosecutors shall post relevant information on its official web-page no later than one month prior to the competition.

2. Advertisement for the competition shall provide a list of the District Public Prosecutor's Offices with vacant public prosecutor's positions, the number of such vacancies, the conditions of the competition, and the date, time, and location of the competition.

3. The candidates for the public prosecutor's position who are on the reserve pool, as well as the public prosecutors who expressed their willingness to take part in the competition for filling vacant public prosecutor's positions shall submit written applications to the Qualifications Commission of Judges and Public Prosecutors.

4. The Qualifications Commission of Judges and Public Prosecutors shall administer a competition for filling vacant public prosecutor's positions based on the candidates' ranking.

5. Based on the results of the competitive selection, the Qualifications Commission of Judges and Public Prosecutors shall make submissions to the Prosecutor General's Office of Ukraine on appointment of candidates public prosecutors according to the number of vacant public prosecutor's positions.

Article 33. Appointment to Public Prosecutor's Positions and Determination of the Public Prosecutor's Office Where a Public Prosecutor Will Hold a Full-Time Public Prosecutor's Position

1. The Prosecutor General of Ukraine shall issue an order appointing a public prosecutor to his/her position based on the submission from the Qualifications Commission of Judges and Public Prosecutors within 30 days of receiving such a submission.

2. The Public Prosecutor's Office where a public prosecutor will hold a position shall be determined by the Qualifications Commission of Judges and Public Prosecutors within one month of the appointment date according to the candidate's application submitted for the competition.

Article 34. Public Prosecutor's Oath

1. A person appointed to a public prosecutor's position shall acquire the public prosecutor's powers upon taking a Public Prosecutor's Oath

"I, (name and surname), upon taking a public prosecutor's office swear to exercise my functions in an impartial and unbiased manner on the basis of the Constitution and the laws of Ukraine, to fulfill the public prosecutor's duties honestly and in good faith, and to abide by the requirements for integrity".

2. A public prosecutor shall take the Oath during a solemn ceremony in presence of the Prosecutor General's Office of Ukraine. The text of the Oath shall be signed by the public prosecutor and stored in his/her personal file.

Chapter 2. Appointment of a Public Prosecutor to Another Public Prosecutor's Office

Article 35. Procedure for Appointment of a Public Prosecutor to Another Public Prosecutor's Office

1. Public prosecutors shall be appointed to another Public Prosecutor's Office based on competition results.

2. To hold a competition, the Qualifications Commission of Judges and Public Prosecutors shall post relevant information on its official web-page no later than one month prior to the competition.

3. The advertisement for the competition shall indicate: Prosecutor General's Office of Ukraine, the name of a Regional or District Public Prosecutor's Office with vacant public prosecutor's positions, the number of such vacancies, the conditions of the competition, and the date, time, and location of the competition.

4. The public prosecutors willing to take part in the competition shall file their written applications with the Qualifications Commission of Judges and Public Prosecutors before the established deadline.

5. The Qualifications Commission of Judges and Public Prosecutors shall administer a competition for filling vacant public prosecutor's positions based on the candidates' ranking. A list of candidates for each vacant public prosecutor's position shall be formed based on their competition results.

6. The competition shall verify the public prosecutor's level of professional qualification, technical skills, and personal qualities.

The competition shall comprise a written anonymous test, completion of practical assignments, and a qualifying interview.

The Qualifications Commission of Judges and Public Prosecutors shall administer a written anonymous test in a dedicated room.

The process of the competition shall be recorded using technical means of video and audio recording.

Provisions on the procedure of holding a competition and assessment methodology shall be approved by the Qualifications Commission of Judges and Public Prosecutors.

7. Based on the results of the competition, the Qualifications Commission of Judges and Public Prosecutors shall submit to the Prosecutor General's Office of Ukraine recommendations with a list of candidates and their competition results according to the number of vacant public prosecutor's positions.

8. The Prosecutor General of Ukraine shall appoint a public prosecutor to another Public Prosecutor's Office from the list of candidates taking into account recommendations made by the Qualifications Commission of Judges and Public Prosecutors. If public prosecutors with higher rankings from the list of candidates for a public prosecutor's position have been denied appointment, the Prosecutor General of Ukraine shall make a motivated decision on each public prosecutor with a higher ranking.

Chapter 3. Appointment of a Public Prosecutor to an Administrative Position

Article 36. Procedure for Appointment of a Public Prosecutor to an Administrative Position

1. Administrative positions in the Public Prosecutor's Office include positions of the Deputy Prosecutor General of Ukraine, Division Head of the Prosecutor General's Office of Ukraine, Regional Public Prosecutor, Division Head of a Regional Public Prosecutor's Office, District Public Prosecutor, and Division Head of a District Public Prosecutor's Office.

2. A public prosecutor shall be appointed to an administrative position based on the results of a competition according to the procedure determined in Article 35 hereof, taking into account the peculiarities provided for in this Article.

3. The Qualifications Commission of Judges and Public Prosecutors shall form a pool of candidates for filling administrative positions in prosecuting authorities.

Candidates shall be included in the pool upon a recommendation of the assembly of public prosecutors of a corresponding Public Prosecutor's Office or a public prosecutor's application. In absence of such a recommendation or a public prosecutor's application, candidates for inclusion in the pool shall be proposed by the Prosecutor General of Ukraine, a corresponding Regional Public Prosecutor and District Public Prosecutor.

The candidates included in the pool shall receive training at the National School of Judges of Ukraine for holding an administrative position at a Public Prosecutor's Office.

The procedure for maintenance of the pool and special screening of candidates shall be approved by the All-Ukrainian Conference of Public Prosecution Employees.

A public prosecutor may be appointed to an administrative position if he/she has been in the pool at least six months and has received appropriate training at the National School of Judges of Ukraine.

4. During the competition the Qualifications Commission of Judges and Public Prosecutors shall assess a public prosecutor's work accomplishments, level of professional knowledge, integrity, work efficiency, organizational skills, and the results of training at the National School of Judges of Ukraine.

5. Based on the results of the competition, the Qualifications Commission of Judges and Public Prosecutors shall submit recommendations with a list of candidates and their competition results according to the number of vacant administrative positions to:

1) the Prosecutor General of Ukraine – on the administrative position of the Deputy Prosecutor General of Ukraine, a Division Head at the Prosecutor General's Office of Ukraine, a Regional Public Prosecutor, and a District Public Prosecutor;

2) the Regional Public Prosecutor – on the administrative position of a Division Head at a Regional Public Prosecutor's Office;

3) the District Public Prosecutor – on the administrative position of a Division Head at a District Public Prosecutor's Office.

6. The Prosecutor General of Ukraine, the Regional Public Prosecutor, or the District Public Prosecutor shall appoint a public prosecutor to an administrative position from the list of

candidates taking into account the recommendation by the Qualifications Commission of Judges and Public Prosecutors. If public prosecutors with higher rankings from the list of candidates for an administrative position are denied appointment, the Prosecutor General of Ukraine, the Regional Public Prosecutor, or the District Public Prosecutor shall make a motivated decision on each public prosecutor with a higher ranking. In this case the Prosecutor General of Ukraine, the Regional Public Prosecutor, or the District Public Prosecutor shall forward their decision to the Qualifications Commission of Judges and Public Prosecutors.

The Qualifications Commission of Judges and Public Prosecutors shall inform the Council of Public Prosecutors of Ukraine of each decision taken on filling an administrative position by a public prosecutor with a lower ranking.

7. The holding by a public prosecutor of an administrative position shall not relieve him/her of exercising his/her powers of the public prosecutor of a corresponding Public Prosecutor's Office provided for in this Law.

8. Dismissal of a public prosecutor from an administrative position shall not terminate his/her public prosecutor's powers. Dismissal of a public prosecutor from his/her position, as well as expiration of the term of his/her administrative position at a Public Prosecutor's Office shall terminate his/her exercising powers at the administrative position.

SECTION V. DISCIPLINARY LIABILITY OF THE PUBLIC PROSECUTOR

Article 37. Grounds for Disciplinary Liability of the Public Prosecutor

1. A public prosecutor may be held disciplinarily liable through disciplinary proceedings on the following grounds:

- 1) clear display of prejudice against or contempt to any participant of the proceedings;
- 2) a conscious violation of legal requirements while exercising powers or clearly poor exercise of powers;
- 3) unreasonable delay in review of an claim or complaint;
- 4) disclosure of a secret protected by law that became known to the public prosecutor during exercise of his/her powers;
- 5) failure to submit or late submittal of the declaration on property, income, expenditures, and financial obligations for the previous year for publication on the official web-page of the prosecution authorities;
- 6) systematic or severe violation of the rules of prosecutorial ethics;
- 7) other failure by the public prosecutor to fulfill his/her official duties due to bad faith that harms the reputation of the Public Prosecutor's Office.

Holding a public prosecutor disciplinarily liable shall not preclude holding him/her criminally liable in the cases provided for by law.

Article 38. Authorities that Conduct Disciplinary Proceedings

1. Disciplinary proceedings shall be conducted by the Disciplinary Commission of Judges and Public Prosecutors, whose status and operating procedure shall be determined by the Law on the Judiciary and the Status of Judges.

Article 39. Disciplinary Proceedings in Relation to the Public Prosecutor

1. Disciplinary proceedings – is a procedure under which the Disciplinary Commission of Judges and Public Prosecutors reviews claims that contain information on violation by a public prosecutor of the requirements related to his/her status, official duties, or the public prosecutor's oath.

2. The right to submit a complaint (claim) on the public prosecutor's conduct that may entail the public prosecutor's disciplinary liability shall be granted to anyone who has knowledge of such facts. The Disciplinary Commission of Judges and Public Prosecutors shall approve and post on its official web-page a sample of a complaint (claim) on misconduct of a public prosecutor, that may be used to make public the information of the public prosecutor's violation of the

requirements related to his/her status, official duties, or the public prosecutor's oath, determined by Article 37 hereof.

3. A member of the Disciplinary Commission of Judges and Public Prosecutors may institute disciplinary proceedings against a public prosecutor based on the information made public in the mass media about committal by the public prosecutor of acts that may be perceived as having elements of a disciplinary offense.

4. Claims submitted to the Disciplinary Commission of Judges and Public Prosecutors on the grounds not provided for in Article 37 hereof shall not be reviewed.

5. Disciplinary proceedings against a public prosecutor shall not be instituted in complaints, claims, or reports that do not contain specific information on elements of a public prosecutor's disciplinary offense, or in anonymous complaints, claims, or reports.

Article 40. Acceptance of a Complaint (Claim) and Its Examination

1. The Secretariat of the Disciplinary Commission of Judges and Public Prosecutors on the day of receiving the complaint (claim) or submittal by a member of the Disciplinary Commission of Judges and Public Prosecutors shall register them and determine using the automated system a member of the Disciplinary Commission of Judges and Public Prosecutors to decide on accepting the complaint (claim) or shall hand over the submittal by a member of the Disciplinary Commission of Judges and Public Prosecutors to a disciplinary inspector for examination.

2. A member of the Disciplinary Commission of Judges and Public Prosecutors within a five-day period shall decide on accepting the complaint (claim) and, if the public prosecutor's conduct described therein contains elements of the acts stipulated in Article 37 hereof, shall institute examination of the information presented.

3. A disciplinary inspector to conduct the examination shall be determined by the Secretariat of the Disciplinary Commission of Judges and Public Prosecutors using the automated system.

4. A member of the Disciplinary Commission of Judges and Public Prosecutors shall make a motivated decision to return a complaint (claim) without examining the merits of the case if:

1) a public prosecutor's conduct described in the complaint (claim) does not contain elements of the acts stipulated in Article 37 hereof;

2) a public prosecutor has been dismissed from his/her position or his/her powers were terminated due to his/her decease;

3) the facts of a public prosecutor's misconduct have already been subjected to an examination and the Disciplinary Commission of Judges and Public Prosecutors has decided on them.

5. The information on sufficiency of grounds for instituting disciplinary proceedings against a public prosecutor shall be examined within one month of registering a complaint (claim) on a public prosecutor's conduct or submittal by a member of the Disciplinary Commission of Judges and Public Prosecutors, and if it cannot be examined within this period of time, the Disciplinary Commission of Judges and Public Prosecutors may extend the deadline, but not more than by one month.

6. The examination shall be conducted within the scope of circumstances stated in the complaint (claim) or submittal, however should the examination reveal other circumstances that may be used as a ground for instituting disciplinary proceedings against a public prosecutor, such information shall also be included in the disciplinary inspector's conclusion based on the examination results.

7. A state authority, a local self-governance body, their officials, heads of state enterprises, institutions, and organizations that received an inquiry from a disciplinary inspector or a member of the Disciplinary Commission of Judges and Public Prosecutors shall within ten days of its receipt provide a response to the inquiry and the information available to them. Where necessary, the period for providing information may be extended to 30 days, which fact a disciplinary inspector or a member of the Disciplinary Commission of Judges and Public Prosecutors shall make known to the person who submitted the application on extension of the deadline for providing the information.

8. Failure to provide a disciplinary inspector or a member of the Disciplinary Commission of Judges and Public Prosecutors with the inquired information available to a body or an official, as well as provision of knowingly false information shall result in imposing legal liability on those responsible.

9. A disciplinary inspector, based on the results of the examination, shall prepare a conclusion containing information on confirmation or disproof of the report about a disciplinary offense; a statement of the circumstances identified during the examination; and a proposal by the panel of the members of the Disciplinary Commission of Judges and Public Prosecutors on institution of or refusal to institute disciplinary proceedings.

10. The conclusion and the materials collected during the examination shall be made available to the corresponding members of the Disciplinary Commission of Judges and Public Prosecutors at least five days prior to the meeting that will decide on institution of or refusal to institute a disciplinary case.

Article 41. Institution of a Disciplinary Case

1. The issue of institution of or refusal to institute a disciplinary case shall be decided by a panel of three members of the Disciplinary Commission of Judges and Public Prosecutors by a majority vote. If disciplinary proceedings were initiated by a member of the Disciplinary Commission of Judges and Public Prosecutors, he/she shall not participate in the consideration of the issue.

2. A copy of the decision on institution of or refusal to institute a disciplinary case shall be forwarded to the applicant and the public prosecutor within three days of approving the decision.

Article 42. Consideration of a Disciplinary Case

1. A disciplinary case shall be considered in a meeting of the Disciplinary Commission of Judges and Public Prosecutors. Invitations to the meeting shall be issued to the person whose application caused the case to be instituted, the public prosecutor against which the case was instituted, their representatives, witnesses, and other interested parties as appropriate.

2. If for a valid reason the public prosecutor against which the case is being considered cannot take part in the meeting of the Disciplinary Commission of Judges and Public Prosecutors, he/she may provide written explanations on the merits of the issues brought, which are attached to the case files. The public prosecutor's explanations shall be stated in the meeting of the Disciplinary Commission of Judges and Public Prosecutors. A repeated failure of a public prosecutor to take part in the meeting of the Disciplinary Commission of Judges and Public Prosecutors shall be a ground for consideration of the disciplinary case in absentia only upon availability of the public prosecutor's written explanations or failure to provide them within the period established by the Disciplinary Commission of Judges and Public Prosecutors.

3. A disciplinary case against a public prosecutor shall be an adversarial procedure. The meeting of the Disciplinary Commission of Judges and Public Prosecutors shall hear reports by the disciplinary inspector who conducted the examination on the examination results, explanations by the public prosecutor against which the case is being considered and/or his/her representative, and testimonies by witnesses and other interested parties.

4. The public prosecutor against which disciplinary liability is being considered and/or his/her representative shall have the right to provide explanations, address questions to participants of the proceedings, make objections, moves, and challenges, and apply for invitation of witnesses.

5. A person who submitted a complaint (claim) and/or his/her representative shall have the right to provide explanations and address questions to participants of the proceedings.

6. The consideration of the disciplinary case against a public prosecutor and the announcement of the consideration results shall be recorded using technical means.

Article 43. Decision in a Disciplinary Case against a Public Prosecutor

1. The Disciplinary Commission of Judges and Public Prosecutors shall pass a decision in the case not later than four months after the day of receiving a complaint (claim) or submittal, ignoring the time of the public prosecutor's temporary incapacity or vacation period.
2. The Disciplinary Commission of Judges and Public Prosecutors shall pass a decision in a disciplinary case by majority vote. Prior to passing a decision, the Disciplinary Commission of Judges and Public Prosecutors shall discuss the results of the disciplinary case consideration in the absence of the public prosecutor against which the case was considered and the invited individuals.
3. A decision on imposing a disciplinary sanction on a public prosecutor shall take into account the nature of the offense, its consequences, the public prosecutor's personality, the degree of his/her guilt, and the circumstances that affect selection of the measure of disciplinary liability.
4. A disciplinary sanction may be imposed on a public prosecutor not later than two years after commitment of the offense, ignoring the time of the prosecutor's temporary incapacity or vacation period.
5. In absence of grounds for imposing a disciplinary sanction on a public prosecutor, the Disciplinary Commission of Judges and Public Prosecutors shall close the disciplinary case.
6. The decision of the Disciplinary Commission of Judges and Public Prosecutors shall be made in writing, signed by the chairperson and the members of the Disciplinary Commission of Judges and Public Prosecutors who took part in the consideration of the disciplinary case, and announced in a meeting. A decision in a disciplinary case shall indicate:
 - 1) last name, first name, patronymic and position of the public prosecutor who is being brought to disciplinary liability;
 - 2) established circumstances in the case;
 - 3) the body's rationale for making the decision;
 - 4) the essence of the decision based on the results of consideration, indicating the type of disciplinary sanction in the case of its imposition;
 - 5) the procedure and the period for appealing the decision.
7. In the case of a dissenting opinion, a member of the Disciplinary Commission of Judges and Public Prosecutors shall put it in writing and attach to the case, which fact shall be announced by the chairperson in the meeting. The contents of the dissenting opinion shall not be announced in the meeting.
8. A copy of the decision passed by the Disciplinary Commission of Judges and Public Prosecutors shall be served to the public prosecutor against which the disciplinary case is being considered or forwarded to him/her by certified mail within a seven-day period with return receipt requested. During the same period, a copy of the decision on imposition of a disciplinary sanction shall be forwarded to the head of the Public Prosecutor's Office where the public prosecutor is employed.
9. The decision passed by the Disciplinary Commission of Judges and Public Prosecutors based on the results of the disciplinary case consideration shall be posted on its official web-page within seven days of its passing.

Article 44. Types of Disciplinary Sanctions

1. The following disciplinary sanctions may be imposed on public prosecutors:
 - 1) administrative admonition;
 - 2) reprimand;
 - 3) severe reprimand;
 - 4) temporary (for a period of time) suspension from discharge of the public prosecutor's duty with revocation of the right to receive premiums to the official public prosecutor's salary and a mandatory dispatch to the National School of Judges of Ukraine to take a professional development course;
 - 5) a conclusion on the public prosecutor's breach of oath, which makes it impossible for a person to hold a public prosecutor's position.

The disciplinary sanction provided for in Paragraph 4 herein shall not be applied to the Prosecutor General of Ukraine.

Based on the results of a disciplinary case consideration, only one disciplinary sanction may be used against a public prosecutor.

2. Disciplinary sanctions provided for in Part One, Items 1 and 2 of this Article shall be expunged half a year after imposition, and a severe reprimand – after a year.

3. The disciplinary sanctions identified in Paragraph 1(1-3) of this Article may be expunged prematurely upon an application from the Assembly of Public Prosecutors of the corresponding Public Prosecutor's Office.

4. The Disciplinary Commission of Judges and Public Prosecutors may pass a decision on the prosecutor's breach of oath, which makes further holding of a public prosecutor's position impossible if:

- 1) disciplinary offenses were of a systematic nature;
- 2) a disciplinary offense was a one-time severe violation;
- 3) a public prosecutor committed a disciplinary offense having a disciplinary sanction that had not been quashed or expunged.

Article 45. Appealing a Decision in a Disciplinary Case against a Public Prosecutor

1. A public prosecutor may appeal a decision of the Disciplinary Commission of Judges and Public Prosecutors on the bringing him/her to disciplinary liability to the High Council of Justice or to court within 15 days after a copy of the decision has been served to or received by him/her.

2. A public prosecutor may file a complaint with the High Council of Justice through the Disciplinary Commission of Judges and Public Prosecutors.

3. The Disciplinary Commission of Judges and Public Prosecutors not later than within three days of receiving the complaint shall forward it to the High Council of Justice together with the disciplinary case files.

4. The High Council of Justice shall review complaints per the procedure established in the Law on the High Council of Justice.

5. An administrative claim appealing against a decision of the Disciplinary Commission of Judges and Public Prosecutors and High Council of Justice on bringing a public prosecutor to disciplinary liability shall be adjudicated per the procedure established by procedural law.

6. Filing of a complaint with the High Council of Justice or an administrative appeal with court against a decision of the Disciplinary Commission of Judges and Public Prosecutors and the High Council of Justice on bringing a public prosecutor to disciplinary liability shall suspend the disciplinary sanction.

SECTION VI. DISMISSAL OF PUBLIC PROSECUTORS, TERMINATION AND SUSPENSION OF THEIR POWERS

Article 46. General Terms of Dismissal of Public Prosecutors from Their Position and

Termination of Their Powers

1. A public prosecutor may be dismissed from his/her position by the Prosecutor General of Ukraine in the following cases:

- 1) inability to exercise his/her powers for health reasons;
- 2) violation of incompatibility requirements;
- 3) breach of oath;
- 4) a judgment of conviction against him/her that has taken legal effect;
- 5) termination of his/her citizenship of Ukraine;
- 6) recognition as missing or announcement as deceased;
- 7) submission of a letter of voluntary dismissal;
- 8) submission of a letter of resignation.

The powers of a public prosecutor shall be terminated due to his/her reaching the age of 65 and his/her decease.

Article 47. Dismissal of the Public Prosecutor for Health Reasons

1. A public prosecutor may be dismissed from his/her position due to inability to exercise his/her powers for health reasons upon availability of a medical certificate issued by a medical commission established by a central health care executive authority or by effective court decision finding a public prosecutor partially capable or incapable.
2. Having acknowledged that a public prosecutor's state of health prevents him/her from exercising his/her powers for extended periods of time or permanently, the Qualifications Commission of Judges and Public Prosecutors shall make a submittal to the Prosecutor General of Ukraine on dismissal of the public prosecutor from his/her position.

Article 48. Dismissal of Public Prosecutors due to Their Incompatibility

1. A public prosecutor may be dismissed from his/her position due to his/her incompatibility upon submittal of the High Council of Justice made to the Prosecutor General of Ukraine.

Article 49. Dismissal of Public Prosecutors due to Their Breach of Oath

1. A public prosecutor may be dismissed from his/her position due to his/her breach of oath in the event of violations set forth in Article 44 Paragraph 4 herein.
2. Facts that may evidence a prosecutor's breach of oath shall be established by the Disciplinary Commission of Judges and Public Prosecutors based on the results of the disciplinary proceedings against the public prosecutor.
3. If a public prosecutor has not been dismissed from his position for any reason, he/she may not exercise his/her powers starting next day after a decision by the Disciplinary Commission of Judges and Public Prosecutors has taken effect.

Article 50. Dismissal of Public Prosecutors due to a Judgment of Conviction against Them Having Taken Legal Effect

1. The court that has passed a judgment of conviction against a public prosecutor, upon such a conviction having taken legal effect, shall inform the Prosecutor General of Ukraine accordingly, who shall dismiss the public prosecutor from his/her position.
2. A public prosecutor, in whose relation a judgment of conviction has taken legal effect, may not continue exercising his/her powers and shall forfeit the guarantees of public prosecutor's independence and inviolability, and the right for monetary and other allowance provided for by law.

Article 51. Dismissal of Public Prosecutors due to Termination of Their Citizenship

1. A public prosecutor may be dismissed from his/her position due to termination of his/her citizenship according to the Law on Citizenship of Ukraine.
2. A public prosecutor may not continue exercising his/her powers once his/her citizenship has been terminated.

Article 52. Dismissal of Public Prosecutors due to Their Recognition as Missing or Announcement as Deceased

1. The court that has passed a decision on recognizing a public prosecutor as missing or has announced him/her deceased shall, after the decision has taken legal effect, inform the Prosecutor General of Ukraine accordingly, who shall decide on dismissal of the public prosecutor from his/her position.
2. In the event of the person's reappearance after passing a decision on his/her dismissal from the public prosecutor's position, the issue of reinstating him/her in his/her position shall be decided by court.

Article 53. Dismissal of Public Prosecutors from Their Position on the Voluntary Basis

1. A public prosecutor, regardless of the motives, shall have the right to apply for voluntary dismissal from his/her position at any time.
2. A letter of voluntary dismissal shall be submitted to the Prosecutor General of Ukraine.
3. A public prosecutor shall continue exercising his/her powers until a decision on his/her dismissal has been passed.

Article 54. Dismissal of Public Prosecutors from Their Position due to a Letter of Resignation

1. A public prosecutor with a length of service as a public prosecutor of at least 20 years shall have the right to submit a letter of resignation to the Prosecutor General of Ukraine.
A public prosecutor shall have the right to apply for resignation regardless of the length of service, provided his/her state of health prevents him/her from exercising the public prosecutor's duties if confirmed by a certificate of a medical commission established by a central health care executive authority.
2. A public prosecutor shall be deemed resigned if dismissed from the public prosecutor's position due to a reason stipulated in Paragraph 1 of this Article.
3. A resigned public prosecutor shall retain the public prosecutor's title.

Article 55. Termination of Public Prosecutors' Resignation

1. A public prosecutor's resignation may be terminated in the following cases:
 - 1) a judgment of conviction against him/her that has taken legal effect;
 - 2) his/her recognition as missing or announcement as deceased;
 - 3) decease.
2. A decision on termination of a public prosecutor's resignation shall be made by the Prosecutor General of Ukraine.

Article 56. Termination of Public Prosecutors' Powers for Age Reasons

1. Powers of a public prosecutor shall be terminated for age reasons the next day after his/her reaching the age of 65.
2. The Qualifications Commission of Judges and Public Prosecutors shall, at least one month prior to a public prosecutor's reaching the age of 65, inform the Prosecutor General of Ukraine of the available grounds for termination of the public prosecutor's powers.
3. If a public prosecutor has not been dismissed from his position for any reason, he/she may not exercise his/her powers starting next day after reaching the age of 65.

Article 57. Termination of Public Prosecutors' Powers due to Decease

1. A public prosecutor's powers shall be terminated on the day of his/her decease.
2. A corresponding Regional or District Public Prosecutor shall immediately inform the Prosecutor General of Ukraine of a public prosecutor's decease.

Article 58. Requirements for the Submittal on Dismissal of Public Prosecutors from Their Position

1. Submittals by the Qualifications Commission of Judges and Public Prosecutors, the Disciplinary Commission of Judges and Public Prosecutors, and the High Council of Justice on dismissal of a public prosecutor shall indicate:
 - 1) the date of submittal;
 - 2) the public prosecutor's last name, first name, and patronymic;
 - 3) the public prosecutor's year of birth;
 - 4) the information on holding the public prosecutor's position;

5) the facts of the case.

Article 59. Suspension of Public Prosecutors' Powers

1. A public prosecutor's powers shall be suspended in the event of his/her dispatch to the High Council of Justice, the Qualifications Commission of Judges and Public Prosecutors, the Disciplinary Commission of Judges and Public Prosecutors, and the National School of Judges of Ukraine.
2. Suspension of a public prosecutor's powers shall last until his/her return from his/her temporary duty leave or until dismissal from the public prosecutor's position.

SECTION VII. EXERCISE OF THE PUBLIC PROSECUTOR'S OFFICE POWERS

Article 60. Procedure for Exercise of Powers by the Public Prosecutor's Office

1. A public prosecutor shall supervise observance of laws by authorities involved in operational detective activities, inquiries, and pre-trial investigation in accordance with the procedure prescribed by the Code of Criminal Procedure of Ukraine.
2. A public prosecutor shall supervise observance of laws in enforcement of judgments delivered in criminal cases, as well as in application of other coercive measures related to restraint of the individual's personal liberty by instituting criminal proceedings based on a claim, report, or direct identification of criminal offense indicators in accordance with the procedure prescribed by the Code of Criminal Procedure of Ukraine.
3. A public prosecutor shall represent the interests of the individual or the State in court in accordance with the procedure prescribed by the Code of Civil Procedure of Ukraine, the Code of Economic Procedure of Ukraine, the Code of Administrative Proceedings of Ukraine, and the Code of Criminal Procedure of Ukraine.

Article 61. Peculiarities of Representing the Individual's Interests in Court

1. A public prosecutor shall represent the individual's interests in court if there is information available on the violation of rights, freedoms, or the need to protect the interests of a minor or a child, an incompetent person, a disabled person, or a person with a mental illness, provided they are incapable of acknowledging or independently protecting their interests and legal representatives do not duly protect their interests.
2. A public prosecutor may independently decide and justify the grounds for representation in court and the form of its provision.

Article 62. Peculiarities of Representing the State's Interests in Court

1. A public prosecutor shall represent the State's interests in court if there is information available on violation or threat of violation of the State's economic interests due to acts or omission of any legal entities in their relations with the State, provided these interests are not duly protected by the state authorities and other legal entities of the public law.

Article 63. Peculiarities of Appealing Court Decisions by Public Prosecutors

1. A public prosecutor may independently decide on the need to appeal a court decision in accordance with the procedure prescribed by the procedural law.
2. If a public prosecutor at a District Public Prosecutor's Office refuses to appeal a local court decision, he/she shall inform the District Public Prosecutor accordingly. A District Public Prosecutor may appeal a local court decision independently and simultaneously inform the Regional Public Prosecutor accordingly.
If a District Public Prosecutor refuses to appeal a local court decision, he/she shall inform the Regional Public Prosecutor accordingly. A Regional Public Prosecutor may appeal a local court decision independently.

If a public prosecutor at a Regional Public Prosecutor's Office refuses to appeal a decision passed by a court of appeals, he/she shall inform the Regional Public Prosecutor accordingly. A Regional Public Prosecutor may appeal a decision passed by a court of appeals independently and simultaneously inform the Prosecutor General of Ukraine accordingly.

If a Regional Public Prosecutor refuses to appeal a decision passed by a court of appeals, he/she shall inform the Prosecutor General of Ukraine accordingly. The Prosecutor General of Ukraine may appeal a decision passed by a court of appeals independently.

If a public prosecutor at the Prosecutor General's Office of Ukraine refuses to appeal a decision passed by a High Specialized Court, he/she shall inform the Prosecutor General of Ukraine accordingly. The Prosecutor General of Ukraine may appeal a decision passed by a High Specialized Court independently.

3. Should it be impossible to find out a public prosecutor's position on the appeal of a court decision (sudden severe illness, etc.), a decision on appealing a court decision shall be made by the District Public Prosecutor, the Regional Public Prosecutor, and the Prosecutor General of Ukraine respectively.

Article 64. Distribution of Cases between Public Prosecutors

1. The procedure of case distribution between public prosecutors shall be approved by an order of the Prosecutor General of Ukraine, the Regional Public Prosecutor, and the District Public Prosecutor, upon consent of the Assembly of Public Prosecutors of the corresponding Public Prosecutor's Office.

2. The procedure of case distribution between public prosecutors for the ensuing year shall be approved not later than December 15 of the current year.

3. During the year the Prosecutor General of Ukraine, the Regional Public Prosecutor, and the District Public Prosecutor shall have the right to change the case distribution by their order upon availability of valid grounds (dismissal of a public prosecutor from his/her position, a public prosecutor's illness, appointment to a vacant public prosecutor's position, etc.).

SECTION VIII. PROSECUTORIAL SELF-GOVERNANCE

Chapter 1. General Principles of Prosecutorial Self-Governance

Article 65. Objective of Prosecutorial Self-Governance

1. The issues of internal operation of Public Prosecutor's Offices in Ukraine shall be addressed through prosecutorial self-governance – an independent corporate addressing of certain issues by public prosecutors.

2. Prosecutorial self-governance is an important guarantee of ensuring public prosecutors' independence. The operation of prosecutorial self-governance bodies aims at establishing appropriate organizational and other conditions for the operation of public prosecutor's offices and public prosecutors, ensuring protection of public prosecutors from interference in their work, and enhancing the quality of public prosecutors' performance.

3. The issues of internal operation of public prosecutor's offices shall include organizational support for public prosecutor's offices and public prosecutors' work, social security of public prosecutors and their families, as well as other issues that are not directly related to the exercise of public prosecutors' powers.

4. Prosecutorial self-governance shall address the issues related to:

- 1) ensuring organizational unity of functioning of prosecution bodies;
- 2) enhancing public prosecutors' independence and protection from interference in their work;
- 3) participation in determining the needs for personnel, financial, logistical, and other support for public prosecutors, as well as control over meeting the established norms of such support;
- 4) appointment of public prosecutors to the High Council of Justice, the Qualifications Commission of Judges and Public Prosecutors, and the Disciplinary Commission of Judges and Public Prosecutors in accordance with the procedure prescribed by law.

Article 66. Organizational Forms of Prosecutorial Self-Governance

1. Prosecutorial self-governance in Ukraine shall be effected through:
 - 1) the Assembly of Public Prosecutors of the Prosecutor General's Office of Ukraine, the Regional Public Prosecutor's Office, and the District Public Prosecutor's Office;
 - 2) the Council of Public Prosecutors of Ukraine;
 - 3) the All-Ukrainian Conference of Public Prosecution Employees.
2. The procedure for effecting prosecutorial self-governance shall be determined by this Law, other laws, as well as procedures and provisions adopted by the bodies of prosecutorial self-governance in accordance with this Law.

Chapter 2. Assembly of Public Prosecutors**Article 67. Assembly of Public Prosecutors**

1. The Assembly of Public Prosecutors is an assembly of public prosecutors of a corresponding public prosecutor's office where they discuss the issues of internal operation of the public prosecutor's office and take corporate decisions on the issues discussed.
2. The Assembly of Public Prosecutors is convened by the Prosecutor General of Ukraine, the Regional Public Prosecutor, and the District Public Prosecutor respectively on their own initiative or in response to a demand of at least one third of the total number of public prosecutors at a corresponding public prosecutor's office.
3. The Assembly of Public Prosecutors may be convened as necessary, but at least once every three months.
4. The Assembly of Public Prosecutors is considered duly convened if attended by more than a half of the total number of the public prosecutors at a corresponding public prosecutor's office. Invitees to the Assembly of Public Prosecutors may include employees of the Public Prosecutor's Office Secretariat and other individuals. The right of vote shall be granted only to the public prosecutors of a corresponding public prosecutor's office. The Assembly of Public Prosecutors shall pass its decisions by a majority vote of the public prosecutors attending the Assembly.
5. The Assembly of Public Prosecutors may:
 - 1) discuss the issues of internal operation of a public prosecutor's office or an individual public prosecutor or employee of the public prosecutor's office Secretariat and decide on these issues, such decisions being binding upon the public prosecutors and Secretariat employees of a corresponding public prosecutor's office;
 - 2) hear reports by the public prosecutors holding administrative positions at a corresponding public prosecutor's office and the head of the public prosecutor's office Secretariat;
 - 3) approve the procedure for substituting public prosecutors in the event of their absence;
 - 4) concur the procedure for case distribution between the public prosecutors of a corresponding public prosecutor's office;
 - 5) elect delegates to the All-Ukrainian Conference of Public Prosecution Employees.
6. The Assembly of Public Prosecutors may apply to state authorities and local self-governance bodies with proposals on the issues related to the operation of the public prosecutor's office.
7. The Assembly of Public Prosecutors may discuss the issues related to the practice of application of legislation and develop relevant proposals on improvement of such practice and legislation.

Article 68. Implementation of Decisions Passed by the Assembly of Public Prosecutors

1. Implementation of decisions passed by the Assembly of Public Prosecutors on behalf of the Assembly shall be vested with the Prosecutor General of Ukraine, the Regional Public Prosecutor, and the District Prosecutor respectively.

Chapter 3. Higher Bodies of Prosecutorial Self-Governance

Article 69. All-Ukrainian Conference of Public Prosecution Employees

1. The All-Ukrainian Conference of Public Prosecution Employees is the highest body of prosecutorial self-governance.
2. The All-Ukrainian Conference of Public Prosecution Employees may:
 - 1) hear a report by the Council of Public Prosecutors of Ukraine on the implementation of the tasks imposed on the bodies of prosecutorial self-governance, the status of funding, and the organizational support for the operation of public prosecutor's offices;
 - 2) hear information by the appointed members of the High Council of Justice, the Disciplinary Commission of Judges and Public Prosecutors, and the Qualifications Commission of Judges and Public Prosecutors on their work;
 - 3) hear a report by the Head of the State Court Administration of Ukraine on its work;
 - 4) appoint members of the High Council of Justice and pass decisions on termination of their powers according to the Constitution and laws of Ukraine;
 - 5) appoint members of the Council of Public Prosecutors of Ukraine, the Qualifications Commission of Judges and Public Prosecutors, and the Disciplinary Commission of Judges and Public Prosecutors;
 - 6) submit proposals to state authorities and their officials on addressing the issues related to the operation of public prosecutor's offices.
3. Decisions passed by the All-Ukrainian Conference of Public Prosecution Employees shall be binding on all the prosecutorial self-governance bodies and all the public prosecutors.

Article 70. Procedure for Convening the All-Ukrainian Conference of Public Prosecution Employees

1. A scheduled All-Ukrainian Conference of Public Prosecution Employees shall be convened by the Council of Public Prosecutors of Ukraine once every second year. An extraordinary All-Ukrainian Conference of Public Prosecution Employees may be convened upon a decision by the Council of Public Prosecutors of Ukraine. The Assembly of Public Prosecutors may approach the Council of Public Prosecutors of Ukraine as necessary with a proposal to convene an extraordinary All-Ukrainian Conference of Public Prosecution Employees.
2. The All-Ukrainian Conference of Public Prosecution Employees may be attended by the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Verkhovna Rada Commissioner for Human Rights, the Prosecutor General of Ukraine, the members of the High Council of Justice, the Qualifications Commission of Judges and Public Prosecutors, and the Disciplinary Commission of Judges and Public Prosecutors, the Minister of Justice of Ukraine, the Head of the State Court Administration of Ukraine, who shall not vote during decision making by the All-Ukrainian Conference of Public Prosecution Employees.
3. Delegates to the All-Ukrainian Conference of Public Prosecution Employees and its invitees shall be informed of the Conference day and its agenda at least 30 days prior to the beginning of the Conference.

Article 71. Election of Delegates to the All-Ukrainian Conference of Public Prosecution Employees

1. Delegates to the All-Ukrainian Conference of Public Prosecution Employees shall be elected by:
 - 1) the Assembly of Public Prosecutors of the Prosecutor General's Office of Ukraine – three public prosecutors of the Prosecutor General's Office of Ukraine;
 - 2) the Assembly of Public Prosecutors of Regional Public Prosecutor's Offices – one public prosecutor from each Regional Public Prosecutor's Office;
 - 3) the Assembly of Public Prosecutors of District Public Prosecutor's Offices – one public prosecutor from each Regional Public Prosecutor's Office.

The public prosecutors in administrative positions may not be delegates to the All-Ukrainian Conference of Public Prosecution Employees.

2. Delegates to the All-Ukrainian Conference of Public Prosecution Employees shall be elected by open ballot through alternative elections and free nomination of candidates for election.

Article 72. Procedure for Conducting the All-Ukrainian Conference of Public Prosecution Employees

1. The All-Ukrainian Conference of Public Prosecution Employees shall be considered duly convened if attended by at least two thirds of the total number of elected delegates.

2. The All-Ukrainian Conference of Public Prosecution Employees shall be opened by the Head of the Council of Public Prosecutors of Ukraine, and in his/her absence – by the Deputy Head or the Secretary of the Council of Public Prosecutors of Ukraine.

3. The All-Ukrainian Conference of Public Prosecution Employees shall elect the Presidium by open ballot in the number decided by the Conference. The Presidium shall organize the work of the the All-Ukrainian Conference of Public Prosecution Employees.

4. The All-Ukrainian Conference of Public Prosecution Employees shall discuss and approve its agenda and Conference operating procedure, elect the Counting Board, the Secretariat, and other working bodies of the Conference.

5. The work of the All-Ukrainian Conference of Public Prosecution Employees shall be recorded in the minutes.

6. The All-Ukrainian Conference of Public Prosecution Employees shall make decisions by majority vote of the attending delegates though open ballot. The issues specified in Article 69 Paragraph 2.3 and 2.4 of this Law shall be decided by the Conference through secret ballot.

7. Other issues related to conducting the All-Ukrainian Conference of the Public Prosecution Employees shall be regulated by the rules of procedure adopted by the Conference.

Article 73. Council of Public Prosecutors of Ukraine

1. In the period between the All-Ukrainian Conferences of Public Prosecution Employees the highest body of prosecutorial self-governance shall be the Council of Public Prosecutors of Ukraine.

2. The Council of Public Prosecutors of Ukraine shall be elected to be composed of 15 public prosecutors:

- 1) two representatives from the Prosecutor General's Office of Ukraine;
- 2) five representatives from Regional Public Prosecutor's Offices;
- 3) eight representatives from District Public Prosecutor's Offices.

The public prosecutors in administrative positions may not be members of the Council of Public Prosecutors of Ukraine.

The Council of Public Prosecutors of Ukraine shall be deemed duly authorized if having at least nine elected members. The Council of Public Prosecutors of Ukraine established in violation of the requirements specified herein shall not be deemed duly authorized.

3. Members of the Council of Public Prosecutors of Ukraine shall elect from among themselves the head of the Council of Public Prosecutors of Ukraine, his/her deputy, and secretary at a Council meeting.

4. In the period between the All-Ukrainian Conferences of Public Prosecution Employees, the Council of Public Prosecutors of Ukraine shall organize implementation of the Conference decisions and decide on the issue of convening the Conference. The powers and the procedure for the operation of the Council of Public Prosecutors of Ukraine shall be determined by this Law and the Provision on the Council of Public Prosecutors of Ukraine, approved by the All-Ukrainian Conference of Public Prosecution Employees.

5. The Council of Public Prosecutors of Ukraine shall:

- 1) arrange for implementation of measures to ensure independence of public prosecutors and provide for improvement of organizational support for the operation of public prosecutor's offices;

- 2) consider the issues of legal protection of public prosecutors, social security of public prosecutors and their families, and make appropriate decisions on these issues;
 - 3) preliminarily concur approval and dismissal of the Head of the State Court Administration of Ukraine;
 - 4) review public prosecutors' complaints against public prosecutors holding administrative positions and other officials, as well as other public prosecutors' reports on threats to their independence, and take appropriate action based on the results of the review (inform competent agencies on the grounds for instituting criminal, disciplinary or other proceedings; publish statements on behalf of the prosecution corps on the facts of violated public prosecutors' independence; apply to international organizations with appropriate reports, etc.);
 - 5) hear reports on the work of the members of the Qualifications Commission of Judges and Public Prosecutors and the Disciplinary Commission of Judges and Public Prosecutors appointed by the All-Ukrainian Conference of Public Prosecution Employees;
 - 6) submit proposals to state authorities and local self-governance bodies on addressing the issues related to the operation of the public prosecutor's office.
6. A decision passed by the Council of Public Prosecutors of Ukraine shall be binding on all the prosecutorial self-governance bodies and all the prosecutors. A decision passed by the Council of Public Prosecutors of Ukraine may be overturned by the All-Ukrainian Conference of Public Prosecution Employees.

Article 74. Support for the Operation of Prosecutorial Self-Governance Bodies

1. The operation of the All-Ukrainian Conference of Public Prosecution Employees and the Council of Public Prosecutors of Ukraine shall be supported by the Secretariat of the Prosecutor General's Office of Ukraine out of the State Budget of Ukraine in accordance with the requirements set forth in Section X of this Law.

SECTION IX. SUPPORT FOR PUBLIC PROSECUTORS

Article 75. Public Prosecutors' Remuneration

1. The public prosecutor's remuneration shall be governed by this Law and shall not be determined by other legal regulatory acts.
2. The public prosecutor's remuneration shall consist of the official salary and premiums for:
 - 1) length of service;
 - 2) holding an administrative position at a public prosecutor's office or acting in an administrative position.
3. The official salaries shall be:
 - 1) of a public prosecutor at the Prosecutor General's Office – 0.9 official salary of a judge at a High Specialized Court;
 - 2) of a public prosecutor at a Regional Public Prosecutor's Office – 0.9 official salary of a judge at a Court of Appeals;
 - 3) of a public prosecutor at a District Public Prosecutor's Office – 0.9 official salary of a judge at a local court.
4. Official salaries of other public prosecutors shall be at the following rates:
 - 1) of the Prosecutor General of Ukraine – 1.5 official salary of a public prosecutor at the Prosecutor General's Office of Ukraine;
 - 2) of the Deputy Prosecutor General of Ukraine – 1.2 official salary of a public prosecutor at the Prosecutor General's Office of Ukraine;
 - 3) of a Division Head at the Prosecutor General's Office of Ukraine – 1.1 official salary of a public prosecutor at a Regional Public Prosecutor's Office;
 - 4) of a Regional Public Prosecutor – 1.2 official salary of a public prosecutor at a Regional Public Prosecutor's Office;
 - 5) of a Division Head at a Regional Public Prosecutor's Office – 1.1 official salary of a public prosecutor at a Regional Public Prosecutor's Office;
 - 6) of a District Public Prosecutor – 1.2 official salary of a public prosecutor at a District Public Prosecutor's Office;

7) of a Division Head at a District Public Prosecutor's Office – 1.1 official salary of a public prosecutor at a District Public Prosecutor's Office.

5. Public prosecutors shall receive a monthly premium for the length of service at the following rates: for the length of service over one year – 10%, over 3 years – 15%, over 5 years – 18%, over 10 years – 20%, over 15 years – 25%, over 20 years – 30%, over 25 years – 40%, over 30 years – 45%, and over 35 years – 50% of the official salary.

Article 76. Public Prosecutors' Leave

1. Public prosecutors shall be granted an annual 30-workday leave with payment of the public prosecutor's remuneration and health improvement benefits in the amount of the official salary. Public prosecutors with a length of service over 10 years shall be entitled to an additional paid 5-calendar day leave.

Article 77. Public Prosecutors' Length of Service

1. The length of service in the public prosecutor's position shall include work in the following positions:

- 1) a judge;
- 2) a member of the High Council of Justice, the Qualifications Commission of Judges and Public Prosecutors, and the Disciplinary Commission of Judges and Public Prosecutors elected from among public prosecutors;
- 3) an investigator.

Article 78. Support for Public Prosecutors' Needs Related to Their Professional Activities

1. A public prosecutor shall be provided with a separate work place and the means required for the work.

Article 79. State Protection of Public Prosecutors and Their Family Members

1. Public prosecutors, their family members, and their property shall be covered by a special State protection. If a public prosecutor applies to competent state authorities for ensuring safety of a public prosecutor, his/her family members, and protection of their property, they shall take the necessary action to ensure such safety and property protection.

2. Infringement on a prosecutor's life and health related to his professional activities, destruction of or damage to his/her property, threat of homicide, abuse or libel against him/her, as well as infringement on the life and health of a prosecutor's close relatives (parents, spouse, and children), threat of their homicide, and damage to property shall entail legal liability.

Article 80. Public Prosecutors' Social Security

1. The public prosecutors' life and health shall be subject to mandatory state insurance out of the funds of the Ukrainian Social Insurance Fund for Industrial Accidents and Occupational Diseases according to the Law of Ukraine "On Mandatory State Social Insurance against Industrial Accident and Occupational Disease that Caused Disability".

Article 81. One-Time Payment to Public Prosecutors due to Their Resignation

1. A public prosecutor who has resigned shall receive a one-time tax-exempt payment in the amount of a monthly salary for each full year of work in a public prosecutor's position, but no less than an equivalent of a six-month salary.

Article 82. Resigned Public Prosecutor's Pension or Tax-Exempt Lifelong Financial Allowance

1. A public prosecutor who resigned upon reaching the pension age shall be entitled to a pension as stipulated in the Law "On State Service" or, at the public prosecutor's option, a tax-exempt monthly lifelong financial allowance.
2. A resigned public prosecutor who has not reached the pension age shall receive a tax-exempt monthly lifelong financial allowance. Upon such a public prosecutor's reaching the pension age, he/she shall retain the right to receive a tax-exempt monthly lifelong financial allowance, or, at the public prosecutor's option, be entitled to a pension as stipulated in the Law "On State Service".
3. A public prosecutor shall receive a tax-exempt monthly lifelong financial allowance in the amount of 80% of the remuneration received by a public prosecutor holding a corresponding position. Each full year of holding a public prosecutor's position for over 20 years shall increase the tax-exempt lifelong financial allowance by 2% of the salary, but not to exceed 90% of a prosecutor's salary, without limiting the maximum amount of the tax-exempt monthly lifelong financial allowance.
4. In the event of changes to the amount of the financial allowance for the acting public prosecutors, the previously provided tax-exempt monthly lifelong financial allowance shall be readjusted accordingly. Readjustment of the tax-exempt monthly lifelong financial allowance shall be made from the entire amount of the acting public prosecutors' salary starting with the day when the right for the corresponding readjustment arose.
5. The pension or the tax-exempt monthly lifelong financial allowance of a public prosecutor shall be paid at the last place of work, and if the corresponding public prosecutor's office has been reorganized – at the place determined by the State Court Administration of Ukraine.
6. Termination of a public prosecutor's resignation shall be the ground to discontinue his/her monthly lifelong financial allowance that was accrued due to resignation. If a public prosecutor's resignation has been terminated for reasons specified in Article 55 Paragraph 1(3) herein, a public prosecutor's pension shall be accrued on a regular basis.

SECTION X. ORGANIZATIONAL SUPPORT FOR THE OPERATION OF THE PUBLIC PROSECUTOR'S OFFICE

Chapter 1. General Issues of Support for the Operation of the Public Prosecutor's Office

Article 83. Peculiarities of Support for the Operation of the Public Prosecutor's Office

1. The State shall provide funding and appropriate conditions for the operation of public prosecutor's offices and the work of public prosecutors.
2. Support for the operation of the system of the Public Prosecutor's Office shall provide for the following:
 - 1) determination in the State Budget of Ukraine of the funding for the Public Prosecutor's Office at a level not lower than that required for complete and independent exercise of its powers according to the law;
 - 2) legislative guarantee of full and timely funding of the Public Prosecutor's Office;
 - 3) guarantees of a sufficient social security level of public prosecutors.

Article 84. System of Support for the Operation of the Public Prosecutor's Office

1. Ukraine shall have a uniform system of support for the operation of the Public Prosecutor's Office.
2. Prosecution bodies and other state authorities shall participate in the organizational support for the operation of the Public Prosecutor's Office in the cases and per the procedure specified in this and other laws.

Article 85. Principles of Funding of the Public Prosecutor's Office

1. The Public Prosecutor's Office in Ukraine shall be funded out of the State Budget of Ukraine.
2. The State Court Administration of Ukraine shall be the main administrator of the costs from the State Budget of Ukraine regarding the funding of the operation of the Public Prosecutor's Office.
3. Expenditures on maintenance of public prosecutor's offices in the State Budget of Ukraine shall be determined in separate lines for:
 - 1) the Prosecutor General's Office of Ukraine;
 - 2) Regional Public Prosecutor's Offices;
 - 3) District Public Prosecutor's Offices;
4. Expenditures on maintenance of public prosecutor's offices in the State Budget of Ukraine may not be reduced during the current fiscal year.
5. Compliance with the requirements of this Law on funding of public prosecutor's offices shall be controlled in accordance with the procedure established by law.

Article 86. Procedure for Funding of the Public Prosecutor's Office

1. Public prosecutor's offices shall be funded according to the cost estimates and monthly expenditure estimates approved according to the requirements of this Law within the annual rate of expenditures provided for in the State Budget of Ukraine for the current fiscal year in accordance with the procedure established in the Budget Code of Ukraine.

Article 87. Material Support, Welfare, and Social Security of the Public Prosecution Employees

1. The salary rate of the employees of the Secretariat of public prosecutor's offices, their welfare and the social security level shall be determined by law and shall not be lower than those provided to relevant categories of civil servant at legislative and executive authorities.
2. The State Court Administration of Ukraine shall undertake expenditures on funerals of public prosecutors, including resigned public prosecutors.

Article 88. Representation Expenses

1. The cost estimate of the Secretariat of the Prosecutor General's Office of Ukraine shall provide costs for representation expenses of the Prosecutor General of Ukraine.

Chapter 2. Secretariats of Public Prosecutor's Offices

Article 89. Secretariat of the Public Prosecutor's Office

1. Organizational support for the operation of a public prosecutor's office shall be provided by its Secretariat headed by the Head of Secretariat.
2. The Head of Secretariat shall represent the public prosecutor's office as a legal entity and shall be personally liable for appropriate organizational support for the public prosecutor's office and the public prosecutors, for ensuring free access of individuals to the premises of public prosecutor's offices (except for the public prosecutors' office rooms), and for appropriate conditions for their stay on the premises of public prosecutor's offices, and shall inform the Assembly of Public Prosecutors of his/her work.

The Assembly of Public Prosecutors may express no confidence in the Head of Secretariat of a public prosecutor's office, resulting in a dismissal from his/her position.
3. The Head of Secretariat of the public prosecutor's office where a public prosecutor holds his/her position shall issue an order on creating conditions for this public prosecutor's work.
4. The employees of the Secretariat of a public prosecutor's office shall be selected on a competitive basis. Appointments to positions at the Secretariat of a public prosecutor's office shall be made according to the Law "On Civil Service".
5. The status of the employees of the Secretariat of a public prosecutor's office shall be determined by the Law of Ukraine "On Civil Service". The salary conditions and the social

security of the employees of the Secretariat of a public prosecutor's office shall be determined based on the principles established for the relevant category of employees of the apparatus of central and local executive authorities.

The employees of the Secretariat of a public prosecutor's office shall abide by the rules of professional conduct of public prosecution employees approved by the Council of Public Prosecutors of Ukraine.

6. The Secretariat of a public prosecutor's office may establish departments and divisions that perform their functions in accordance with the provision on the corresponding department and division approved by the Head of Secretariat of a corresponding public prosecutor's office.

7. The Secretariat of a public prosecutor's office shall establish an Administration that on a daily basis within working hours shall provide for acceptance and registration of documents submitted to a corresponding public prosecutor's office.

8. The Secretariat of a public prosecutor's office shall be a legal entity with a seal showing a State Emblem of Ukraine and its own name, an independent balance and accounts at the bodies of the State Treasury of Ukraine.

Article 90. Logistical Support for the Operation of the Public Prosecutor's Office

1. Bodies of the public prosecutor's office shall operate an automated document management system providing for:

- 1) registration of the incoming and outgoing correspondence;
- 2) registration of public prosecutors' decisions;
- 3) provision of information to individuals and legal entities on the status of claims, complaints, and reports;
- 4) centralized storage of the texts of documents accepted by public prosecutors;
- 5) preparation of statistical data;
- 6) transfer of documents to an electronic archive;
- 7) exchange of information for official use between public prosecutors;
- 8) transfer of procedural documents in an electronic format to the automated system of court document management.

2. The automated document management system shall include as its part an electronic register of prosecutorial proceedings providing for:

- 1) registration of proceedings according to a file register, as well as the documents that comprise corresponding proceedings;
- 2) assessment of the quality of documents accepted by public prosecutors;
- 3) management of public prosecutors' load and efficiency of their use of work time.

3. Claims, complaints, and reports in the order of their receipt shall be subject to mandatory registration in the automated document management system, performed by the employees of the Secretariat of a public prosecutor's office on the day of the document receipt.

4. Access to the automated document management system shall be granted to public prosecutors and employees of the Secretariat of a corresponding public prosecutor's office according to their functional duties.

5. The procedure for the operation of the automated document management system shall be determined by the Procedure for the Automated Document Management System approved by the Council of Public Prosecutors of Ukraine upon consent of the State Court Administration of Ukraine.

6. To provide public prosecutor's offices with legal regulatory acts, special research literature, and court practice materials, each public prosecutor's office shall establish a public prosecutor's office library. The library stock shall be comprised of printed editions and computerized databases.

SECTION XI. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall become effective as of January 1, 2013.

2. The following shall cease to be effective upon this Law having taken effect:

- 1) Law of Ukraine "On the Public Prosecutor's Office" of November 5, 1991, No. 1789-XII (Bulletin of the Verkhovna Rada of Ukraine, 1991, No. 53, p. 793);

2) Decree of the Verkhovna Rada of Ukraine "Law of Ukraine "On the Public Prosecutor's Office" of November 5, 1991, No. 1790-XII (Bulletin of the Verkhovna Rada of Ukraine, 1991, No. 53, p. 794);

3) Decree of the Verkhovna Rada of Ukraine "On Approval of the Provision on Class Ranks of Employees of the Public Prosecution Bodies of Ukraine" of November 6, 1991, No. 1795-XII (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 4, p. 14);

4) Decree of the Verkhovna Rada of Ukraine "On Approval of the Disciplinary Statute of the Public Prosecutor's Office of Ukraine" of November 6, 1991, No. 1796-XII (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 4, p. 15).

3. Article 10 Paragraph 1 (a condition related to the term of office of a public prosecutor) and Article 23 Paragraphs 2 and 3 (conditions related to the term of office of a public prosecutor position and age) shall become effective five years upon this Law having taken effect.

Article 35 Paragraph 3(5) shall become effective two years upon this Law having taken effect.

4. A public prosecutor's length of service shall include his/her work as an investigator until this Law takes effect.

5. The Cabinet of Ministers of Ukraine within three months of the day of the official publication of this Law shall:

1) update their legal regulatory acts to be consistent with this Law;

2) provide for review and annulment of the legal regulatory acts that contradict this Law.

6. The State Court Administration of Ukraine within one month of the day of the official publication of this Law shall:

1) establish the National School of Judges of Ukraine based on the National Academy of Prosecution of Ukraine through its merger with the National School of Judges of Ukraine;

2) provide for the reorganization of the Public Prosecutor's Office in accordance with this Law.

7. The Qualifications Commission of Judges and Public Prosecutors within one year of the official publication of this Law shall:

1) provide for the procedure for appointment to a public prosecutor's position in the created public prosecutor's offices in accordance with Articles 23-24 of this Law, except for the special training for a public prosecutor's position;

2) provide for the procedure for appointment of public prosecutors to administrative position in accordance with Article 36 of this Law.