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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**UKRAINE**

**LAW <sup>1</sup>**

**ON THE HIGH COUNCIL OF JUSTICE**

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<sup>1</sup> *Unofficial translation*



## **LAW OF UKRAINE**

### **On High Council of Justice**

**(Bulletin of the Verkhovna Rada (BVR), 2017, No. 7-8, p. 50)**

{As amended by the Laws

[No. 2147-VIII of 10.03.2017, VVR, 2017](#), No. 48, p. 436

[No. 2447-VIII of 06.07.2018](#), VVR, 2018, No. 24, p. 212,

[No. 2646-VIII of 12.06.2018](#), VVR, 2019, No. 4, p. 32,

[No. 193-IX of 10.16.2019, VVR, 2019](#), No. 50, p. 354

[No. 263-IX of 10.31.2019](#), VVR, 2020, No. 2, p. 5}

{On certain provisions having been ruled unconstitutional, see Decision of the Constitutional Court

[No. 4-r/2020 of March 11, 2020](#)}

This Law defines the status, powers, principles of organisation and procedure for the activities of the High Council of Justice.

### **Section I GENERAL PART**

#### **Chapter 1. General Provisions**

**Article 1.** The status of the High Council of Justice

1. The High Council of Justice is a collegial, independent constitutional body of state power and judicial administration, which operates in Ukraine on a permanent basis to ensure the independence of the judiciary, its functioning on the basis of responsibility, accountability to society, the formation of a virtuous and highly professional corps of judges, compliance with the norms of the [Constitution](#) and the laws of Ukraine, as well as professional ethics in the activities of judges and prosecutors.

2. The High Council of Justice is a legal entity, the costs for its financing are determined by a separate line in the State Budget of Ukraine.

**Article 2.** Legal and regulatory framework for the activities of the High Council of Justice

1. The status, powers, principles of organisation and procedure for the activities of the High Council of Justice are determined by the [Constitution of Ukraine](#), this Law and the [Law of Ukraine](#) "On the Judicial System and the Status of Judges".

2. The High Council of Justice approves the regulations of the High Council of Justice, the provisions of which regulate the procedural issues of exercising its powers.

**Article 3.** Powers of the High Council of Justice

1. The High Council of Justice shall:

1) submit a motion for the judicial appointment;

- 2) adopt a decision on violations of incompatibility requirements by a judge or a prosecutor;
- 3) provide the administering of the disciplinary proceedings as a disciplinary body regarding a judge;
- 4) establish bodies for considering cases on disciplinary responsibility of judges;
- 5) consider complaints against decisions of the relevant bodies on bringing a judge or prosecutor to disciplinary responsibility;
- 6) adopt a decision on judge dismissal;
- 7) give consent to arrest or detain a judge;
- 8) decide on the temporary suspension of a judge from the administration of justice;
- 9) take measures to ensure the authority of justice and the independence of judges;
- 10) adopt a decision on a transfer of a judge from one court to another or assign a judge temporarily to another court of the same level and specialisation;
- 11) make a decision to terminate the resignation of a judge;
- 12) agree on the number of judges in a court;

13) approve of the Regulation on the Integrated Judicial Information System (Automated), the Regulation on the State Judicial Administration of Ukraine and a model regulation on its territorial agencies, the Regulation on the Court Security Service, the Regulation on a competition-based selection of candidates to civil service positions in courts, judicial agencies and institutions, and the Regulation on the Commission on Senior Corps of the Civil Service in the Justice System, the Regulation on the procedure of management of the Integrated State Register of Judicial Decisions;

*{[Amendments](#) to clause 13 of part one of Article 3 will be made from the date of the commencement of the operation of the Unified Judicial Information and Telecommunication System – see clause 2 § 2 of section 4 of Law [No. 2147-VIII of 10.03.2017](#)}*

13<sup>1</sup>) approves the procedure for drawing up the qualifying exam and the methodology for assessing its results, the procedure for passing the qualifying exam and the methodology for evaluating candidates, the regulation on holding a competition for the vacant position of a judge, the procedure and methodology for qualifying assessment, the order of formation and management of the judicial dossier (dossier of a candidate for the position of a judge)

*{Part one of Article 3 is supplemented with clause 13<sup>1</sup> in accordance with the Law [No. 193-IX of 10.16.2019](#)}*

14) agree on the Standard Regulation on the Court Staff, the Regulation on the Procedure for the Establishment and Operation of the Service of masters of the court;

15) provide binding advisory opinions on draft laws on the creation, reorganisation or liquidation of courts, the judicial system and the status of judges, summarises the proposals of the courts, bodies and institutions of the justice system in relation to legislation on their status and functioning, judicial system and status of judges;

16) perform the functions of the main manager of the funds of the State Budget of Ukraine for the financial support of its activities; participate in determining the expenses of the State budget of Ukraine for the courts, bodies and institutions of the justice system in accordance with the [Budget Code of Ukraine](#);

*{Clause 16 of part one of Article 3 as amended by the Law [No. 2646-VIII of 12.06.2018](#)}*

17) approve standard requirements for staffing, financial, logistical and other resources of courts upon submission from the State Judicial Administration of Ukraine;

18) approve, within the established procedure, the redistribution of budget funds between courts, except the Supreme Court;

19) appoint and dismiss the Head of the State Judicial Administration of Ukraine and his/her deputies;

20) determine, upon the proposal of the Chairman of the State Judicial Administration of Ukraine, the maximum number of employees of the State Judicial Administration of Ukraine, including its territorial offices;

20<sup>1</sup>) appoint and dismiss from office members of the High Qualification Commission of Judges of Ukraine;

*{Part one of Article 3 is supplemented with clause 20<sup>1</sup> in accordance with the Law [No. 193-IX of 10.16.2019](#)}*

20<sup>2</sup>) make a decision on the dismissal of members of the High Council of Justice;

*{Part one of Article 3 is supplemented with clause 20<sup>2</sup> in accordance with the Law [No. 193-IX of 10.16.2019](#)}*

21) execute other powers defined by this Law and the [Law of Ukraine](#) "On the Judicial System and the Status of Judges".

2. In pursuance of its powers established by law, the High Council of Justice shall participate in international cooperation, including foreign agencies, institutions and organisations in the area of justice, and it may be a member of relevant international associations.

3. The High Council of Justice may engage the services of bodies of judicial self-governance, judges, retired judges, lawyers, prosecutors and other professionals, the Public Integrity Council, subject to their consent, in an auxiliary or advisory capacity, on a pro bono basis.

#### **Article 4. Symbols and location of the High Council of Justice**

1. The High Council of Justice shall have the seal with an imprint of the Coat of Arms of Ukraine, its name, and the emblem of the High Council of Justice that shall be subject to the approval of the High Council of Justice.

2. The session hall of the High Council of Justice shall be decorated with the Coat of Arms of Ukraine and the National Flag of Ukraine.

3. The High Council of Justice shall be located in Kyiv.

### **Chapter 2. Composition of the High Council of Justice**

#### **Article 5. Composition of the High Council of Justice**

1. The High Council of Justice shall consist of twenty-one members, including ten members elected by the congress of judges of Ukraine from among judges or retired judges, two members – appointed by the President of Ukraine, two members – elected by the Verkhovna Rada of Ukraine, two members – elected by the congress of lawyers of Ukraine, two members – elected by the all-Ukrainian conference of prosecutors, and two members – elected by the congress of representatives of higher education and research institutions in the area of law.

The President of the Supreme Court shall be the member of the High Council of Justice ex officio.

2. Members of the High Council of Justice shall be elected (appointed) for a term of four years. The same person may not hold the office of the member of the High Council of Justice for two subsequent terms.

3. If the High Council of Justice may become non-functional due to the expiration of the term in office of its member, the corresponding member of the High Council of Justice shall continue to serve until his/her successor is elected (appointed) but in any case no longer than three months

from the date of expiration of the term of office for which this member of the High Council of Justice was elected (appointed).

**Article 6.** Requirements and restrictions applicable to the members of the High Council of Justice

1. A citizen of Ukraine who is at least thirty-five years old, who speaks the state language, has a higher legal education and has at least fifteen years of professional experience in the field of law, belongs to the legal profession and meets the political neutrality criterion, may be elected (appointed) as a member of the High Council of Justice.

2. Members of the High Council of Justice, except the President of the Supreme Court, shall perform their functions on a permanent basis.

3. Members of the High Council of Justice shall be subject to requirements and restrictions established by the anti-corruption legislation.

4. Members of the High Council of Justice shall be obliged to comply with the ethical standards for judges, both in their professional activity and beyond it.

5. Members of the High Council of Justice shall meet the criteria of political neutrality. In particular, a person may not be elected (appointed) a member of the High Council of Justice if on the date of the election (appointment) he/she:

1) is a member or holds the position in a political party, other organisation with political goals or participates in political activities;

2) is elected for an elected position in any body of state power (except judicial) or in a local self-government body and holds a representative mandate;

3) participates in management or financing of a political campaign or in other political activities.

6. The member of the High Council of Justice shall not occupy his/her position alongside with any other involvement in a state authority or local self-government body, bodies of judicial, lawyer's or prosecutorial self-governance, being members of the Parliament of Ukraine, members of the Parliament of the Autonomous Republic of Crimea, members of the oblast, district, city, city district, village, or township councils, being involved in business activities or any other salaried position (except the office of the President of the Supreme Court), being involved in any other paid work or receiving other salaries than that of the member of the High Council of Justice (with the exception of lecturing, research, or creative activities and the remuneration for it) or being a member of management or supervisory boards of legal entities that are aimed at making a profit. The member of the High Council of Justice shall not be a member of political parties, trade unions and shall not participate in any political activities.

7. A person who holds shares or has other corporate rights, property rights or ownership interest in any for-profit legal entity shall be obliged to place such shares (corporate rights), or other relevant rights under the management of an independent third party for the duration of the term in office as a member of the High Council of Justice (without the right of instructing that party on the management of the shares or corporate or other rights or the exercise of associated rights). The member of the High Council of Justice may receive interest, dividends or other passive income from their own property.

8. A judge serving as a member of the High Council of Justice shall not administer justice (except for the President of the Supreme Court).

9. A lawyer serving as a member of the High Council of Justice shall, for the duration of the term in office, suspend his/her practice of law as prescribed by the law.

A judge, a prosecutor, a lawyer, while serving as a member of the High Council of Justice, shall not participate in self-governance bodies of judges, lawyers or prosecutors.

10. The following persons cannot be eligible for membership in the High Council of Justice:

- 1) persons deemed by a court be incapable or to have limited legal capacity;
  - 2) persons having a criminal record that has not been expunged or annulled in the manner prescribed by law;
  - 3) persons on whom any administrative sanctions were imposed during the previous year for any corruption offence;
  - 4) persons who were members of the High Qualification Commission of Judges of Ukraine or the High Council of Justice before the [Law of Ukraine](#) "On Restoration of Trust in the Judicial Power in Ukraine" entered in force;
  - 5) persons holding administrative positions in courts (except for the President of the Supreme Court);
  - 6) persons who do not meet the incompatibility criteria established by this Law and fail to remove such incompatibility within a reasonable period of time but not longer than thirty days from the day of the circumstances constituting a violation of the incompatibility requirements or within another term established by the High Council of Justice in accordance with this Law.
11. Based on a request of a person who does not meet the incompatibility criteria established by this Law and has no possibility to remove such incompatibility for reasons independent from him/her within thirty days, the High Council of Justice may extend this term but no longer than for thirty more days.
12. The membership in the High Council of Justice shall also be incompatible with any existing restriction on holding offices that are subject to cleansing under the procedures established by the [Law of Ukraine](#) 'On Lustration'.

### **Chapter 3. Procedures for Election (Appointment) of Members of the High Council of Justice**

#### **Article 7.** Principles of election (appointment) of members of the High Council of Justice

1. The members of the High Council of Justice shall be elected (appointed) to their positions under the procedure established by this Law and in accordance with the principles of the rule of law, professionalism, openness to the public, political neutrality.

**Article 8.** Submission of documents for election (appointment) by a candidate for the position of a member of the High Council of Justice

1. To take part in the procedure of election (appointment) to the High Council of Justice, candidates for the positions of a member of the High Council of Justice shall submit:

- 1) a written request for election (appointment) for the positions of a member of the High Council of Justice;
- 2) a curriculum vitae;
- 3) a motivation letter with a statement of the candidate's motivation to be elected (appointed) as a member of the High Council of Justice;
- 4) a copy of a document identifying the person and confirming Ukrainian citizenship;
- 5) a copy of an employment record book and a career progress record (if available);
- 6) a declaration statement of a person authorised to perform government or local self-government functions for the year preceding the year when the vacancy was announced, in the format established by the [Law of Ukraine](#) 'On preventing corruption', a declaration of family relations, and a declaration of the integrity of a judge;
- 7) a copy of a diploma of higher education in law (including annexes), obtained in Ukraine, and/or copies of certificates of higher education in law obtained abroad, and copies of certificates

of their recognition in Ukraine, as well as copies of certificates of academic rank or title (if available);

8) a medical certificate issued by a healthcare institution confirming the candidate's eligibility for the position involving the execution of government functions;

9) a copy of a military service record card (applicable to military servicemen or persons liable to the military service);

10) a written consent for the processing of personal data and disclosure of copies of documents specified by this Article, except for the copies of documents referred to in clauses 4, 8, and 9 of this clause;

11) a written statement on the absence of restrictions on the membership in the High Council of Justice in compliance with [Article 6](#) of this Law, as well as compliance with incompatibility requirements or commitment to comply with incompatibility requirements in the case of election (appointment) to the High Council of Justice;

12) a request for undertaking a check in accordance with the [Law of Ukraine](#) 'On Lustration' or a conclusion and the findings of such a check;

13) consent to a special check according to the law;

14) a copy of a document confirming the corresponding status (for judges, lawyers and prosecutors).

2. The written request form for election (appointment) for the position of a member of the High Council of Justice shall be subject to approval by the High Council of Justice and published on the official website of the High Council of Justice.

3. It shall be prohibited to require that candidates provide any other documents except for those specified by this article.

**Article 9.** Receipt of documents submitted by candidates and other preparations for election (appointment) of members of the High Council of Justice

1. In the case of election of members of the High Council of Justice at the congress of judges of Ukraine, the congress of lawyers of Ukraine, the congress of representatives of higher education and research institutions in the area of law or the all-Ukrainian conference of prosecutors, the respective convening agency shall, not later than forty-five days before, notify the secretariat of the High Council of Justice of the date and the place of the congress/conference.

2. The secretariat of the High Council of Justice shall, no later than on the next working day following the receipt of the notification of the date and the place of the congress/conference, publish an announcement on its official website indicating the following information:

1) the date and the place of the congress/ conference;

2) information on the beginning of submission of applications of candidates for the positions of members of the High Council of Justice.

3. Candidates to the positions of members of the High Council of Justice shall submit documents specified [by part one](#) of Article 8 of this Law to the secretariat of the High Council of Justice in person not later than thirty days before the date of the congress/conference.

4. The secretariat of the High Council of Justice processes the documents submitted by the candidates in chronological order according to their time of submission; and not later than on the following working day, it publishes the information about the candidates, together with the copies of the documents submitted, except for the documents specified in [clauses 4, 8, and 9](#) of part one of Article 8 of this Law, on the official website of the High Council of Justice.

5. Submission of application documents of candidates shall finish at 12 pm on the last day of the time period established by paragraph 3 of this Article. The Secretariat of the High Council of Justice may not refuse the acceptance of documents on any grounds other than the expiry of the established deadline.

6. Not later than on the next day following the end of submission of application documents, the secretariat of the High Council of Justice shall draw lists of candidates that shall immediately be published at the official website of the High Council of Justice and in the Holos Ukrainy (Voice of Ukraine) newspaper, as well as forwarded, without delay, to a respective convening agency.

7. The secretariat of the High Council of Justice shall ensure a special check of candidates for the High Council of Justice nominated by the respective congresses or the conference. The secretariat of the High Council of Justice shall forward a conclusion with findings of the special check to the respective convening agency together with an opinion whether the candidate and the candidate's application documents meet the requirements established by this Law.

8. In the case of appointment of a member of the High Council of Justice by the President of Ukraine, the President of Ukraine shall announce, at the official website of the President of Ukraine, an open competition for the position.

9. [Regulation](#) on the competition procedures for the appointment of a member of the High Council of Justice by the President of Ukraine is subject to approval by the President of Ukraine.

10. Applicants for a competition shall submit application documents specified [by part one](#) of Article 8 of this Law within fifteen days from the day of announcement of the open competition at the official website of the President of Ukraine.

11. The information about the applicants, together with copies of the submitted documents, except for the documents specified by [clauses 4, 8, and 9](#) of part one of Article 8 of this Law, shall be published on the official website of the President of Ukraine on the next working day following the day of their submission but not later than ten days before the competition.

12. In the case of election of a member of the High Council of Justice by the Verkhovna Rada of Ukraine, the Secretariat of the Verkhovna Rada of Ukraine shall announce, on the official website of the Verkhovna Rada of Ukraine, the start of the process of receiving proposals from the parliamentary factions (or groups of members of parliament) on candidates for the membership in the High Council of Justice.

13. A parliamentary faction (or a group of members of parliament) shall submit a proposal for a candidate for the membership in the High Council of Justice together with documents specified [by part one](#) of Article 8 of this Law within forty-five days from the day of announcement of receiving proposals from the parliamentary factions (or groups of members of parliament) on the official website of the Verkhovna Rada of Ukraine.

A group of non-faction members of the Parliament of Ukraine that includes not fewer members than the least numerous group of members of parliament may also propose a candidate for the membership in the High Council of Justice, as specified by this part.

14. The information about the proposals of parliamentary factions (groups of members of parliament) and about persons seeking elected positions to the High Council of Justice, together with copies of the submitted documents, except for the documents specified by [clauses 4, 8, 9](#) of part one of Article 8 of this Law, shall be published on the official website of the Verkhovna Rada of Ukraine on the next working day following the day of their submission according to the requirements set forth by the Rules of Procedure of the Verkhovna Rada of Ukraine.

**Article 10.** Procedures for election of members of the High Council of Justice by the congress of judges of Ukraine

1. The congress of judges of Ukraine shall elect members of the High Council of Justice from among judges or retired judges by a secret ballot.



2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law and who were nominated by the delegates of the congress. Also, the candidates who submitted the application documents in accordance with the procedure established by this Law and are nominated directly at the congress by at least twenty per cent of the elected congress delegates may as well be subject to voting.

3. The candidate shall be considered as elected to the High Council of Justice if, by a secret ballot, he/she received the majority of votes from the elected delegates to the congress of judges of Ukraine.

4. Based on the results of the voting, the chairperson and the secretary of the congress of judges of Ukraine shall sign a decision on the election of members of the High Council of Justice.

5. The procedure for convening the congress of judges of Ukraine is established by the [Law of Ukraine](#) "On the Judicial System and the Status of Judges".

**Article 11.** Procedures for election of members of the High Council of Justice by the congress of lawyers of Ukraine

1. The congress of lawyers of Ukraine shall elect members of the High Council of Justice by a secret ballot.

2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law and who were nominated by the delegates of the congress. Also, the candidates who submitted the application documents in accordance with the procedure established by this Law and are nominated directly at the congress by at least twenty per cent of the elected congress delegates may as well be subject to voting.

3. A candidate shall be considered elected to the High Council of Justice if, by a secret ballot, he/she received the majority of votes from the elected delegates to the congress of lawyers of Ukraine.

4. Based on the results of the voting, the chairperson and the secretary of the congress of lawyers of Ukraine shall sign a decision on the election as members of the High Council of Justice.

5. The procedure for convening the congress of advocates of Ukraine is established by the [Law of Ukraine](#) "On the Bar and Legal Practice".

**Article 12.** Procedure for election of members of the High Council of Justice by the all-Ukrainian conference of prosecutors

1. The all-Ukrainian conference of prosecutors shall elect members of the High Council of Justice by a secret ballot.

2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law and who were nominated by the delegates of the all-Ukrainian conference of prosecutors. Also, the candidates who submitted the application documents in accordance with the procedure established by this Law and are nominated directly at the all-Ukrainian conference of prosecutors by at least twenty per cent of the elected conference delegates may as well be subject to voting.

3. A candidate shall be considered as elected to the High Council of Justice if, by a secret ballot, he/she received the majority of votes from the elected delegates to the all-Ukrainian conference of prosecutors.

4. Based on the results of the voting, the chairperson and the secretary of the all-Ukrainian conference of prosecutors shall sign a decision on the election as members of the High Council of Justice.

5. The procedure for convening and holding the all-Ukrainian national conference of prosecutors is established by the [Law of Ukraine](#) "On the Public Prosecutor's Office".

**Article 13.** Procedure for election of members of the High Council of Justice by the Congress of representatives of law higher education and research institutions

1. The Congress of Representatives of Law Higher Education and Research Institutions shall elect members of the High Council of Justice by a secret ballot.

2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law and who were nominated by the delegates of the congress. Also, the candidates who submitted the application documents in accordance with the procedure established by this Law and are nominated directly at the congress by at least twenty per cent of the elected congress delegates may as well be subject to voting.

3. A candidate shall be considered elected to the High Council of Justice if, by a secret ballot, he/she received the majority of votes from the elected delegates to the Congress of Representatives of Law Higher Education and Research Institutions.

4. Based on the voting results, the chairperson and the secretary of the Congress of Representatives of Law Higher Education and Research Institutions shall sign the decisions on the election of members of the High Council of Justice.

5. Every law higher education institution or research institution shall delegate two representatives to the Congress of Representatives of Law Higher Education and Research Institutions.

6. For the purposes of this Law, the following representatives shall be eligible for participation in the Congress of Representatives of Law Higher Education and Research Institutions to elect members of the High Council of Justice:

1) representatives of higher education institutions, i.e. universities, academies or institutes (except for the military higher education institutions) that have academic departments that, as of the day of the congress, have been training specialists with master's degree for at least ten years and are licensed to confer master's degrees in Law or International Law to at least seventy five persons;

2) representatives of research institutions that, as of the day of the congress, are run by the National Academy of Sciences of Ukraine or national branch academies of sciences, and are certified by the state and whose primary area of research has been the law for at least ten years.

7. The time and the place of the Congress of Representatives of Law Higher Education and Research Institutions shall be determined by the High Council of Justice, and in the case of a lack of the sufficient number of elected (appointed) members of the High Council of Justice required for this decision, it is adopted by the central executive body in the field of education and science.

8. The announcement of the time and the place of the congress shall be published not later than forty-five days before the congress, in the Holos Ukrainy (Voice of Ukraine) newspaper, as well as on the website of the High Council of Justice or the central executive body in the field of education and science if the time and the place of the congress are defined by the latter. The announcement shall also be forwarded, without delay, to the education and research institutions delegating their representatives to the congress.

9. Congress shall be held in the premises of higher education or research institution.

10. The procedure for holding the congress shall be established by the decision of the congress.

11. Representatives of law higher education and research institutions may establish an organising committee consisting of up to ten members responsible for any organisational or technical issues related to the preparation for the congress.

The convening agency shall send invitations to participate in the organising committee.

The officials of the central executive body in the field of education and science are not allowed to be members of the organising committee.

**Article 14.** Terms of calling congresses, conferences for the election of members of the High Council of Justice

1. The congress of judges of Ukraine, the congress of lawyers of Ukraine, the all-Ukrainian conference of prosecutors, and the congress of representatives of law higher education and research institutions to elect members of the High Council of Justice shall take place not later than two months before the expiration date of the term in the office of a respective member of the High Council of Justice.

**Article 15.** Voting procedures at congresses or the conference

1. Each candidate for the membership in the High Council of Justice shall be entitled to address the delegates of the congress or the conference before the voting commences. The congress or the conference may establish a reasonable time limit for the candidate's speech, which shall be the same for all candidates.

2. The candidate shall, at the request of the congress or conference delegates, provide any information about himself/herself except for the information about a private life where there are no reasonable grounds to assume that it may be important for establishing whether a candidate is capable of properly executing the powers of a member of the High Council of Justice, and any information that constitutes a state secret.

3. The voting shall take place following the speeches of the candidates and discussion of the candidates.

4. One ballot paper shall be used in the voting at a respective congress or a conference.

The ballot paper shall list the names of candidates for membership to the High Council of Justice in alphabetical order.

5. If none of the candidates is elected as a member of the High Council of Justice based on the voting results, a repeat vote shall be held between the two candidates who received the highest number of votes among the candidates for each vacant position of a member of the High Council of Justice.

6. Voting takes place by putting a mark on the names of candidates for whose election the delegate votes.

The ballot paper shall be considered void if it has more marks opposite the names of candidates than the number of positions to be filled by the vote of the respective congress/conference or if it has no marks on it or if it does not match the established ballot paper template form.

7. The ballot paper templates and other organisational and technical issues related to the voting and ballot-counting processes shall be established by the congress of judges of Ukraine, the congress of lawyers of Ukraine, the congress of representatives of law higher education and research institutions, and the all-Ukrainian national conference of prosecutors.

**Article 16.** Procedures for appointment of members of the High Council of Justice by the President of Ukraine

1. Based on the outcomes of the competition, the President of Ukraine shall issue a decree on the appointment of members of the High Council of Justice.

**Article 17.** Procedures for the election of members of the High Council of Justice by the Verkhovna Rada of Ukraine

1. The Verkhovna Rada of Ukraine shall elect members of the High Council of Justice under the procedure established by the [Rules of Procedure of the Verkhovna Rada of Ukraine](#).

**Article 18.** The legitimacy of the High Council of Justice

1. The High Council of Justice shall be considered fully legitimate if at least fifteen of its members are elected (appointed), out of whom the majority are judges, including retired judges, and who took the oath of the office.

#### **Chapter 4. The Status of the Member of the High Council of Justice**

**Article 19.** The oath of the member of the High Council of Justice

1. The person elected (appointed) as a member of the High Council of Justice shall take the following oath:

"I swear to exercise my powers as the member of the High Council of Justice in a responsible, fair and unprejudiced manner to ensure the independence of the judiciary, its functioning based on the principles of responsibility, accountability before the society, the formation of an honest and professional corps of judges, compliance with the [Constitution of Ukraine](#) and the laws of Ukraine as well as with the ethical standards of judges and prosecutors."

2. The members of the High Council of Justice shall take the oath immediately upon their election (appointment) for the position at the body that elected (appointed) those members. The President of the Supreme Court shall be sworn in as a member of the High Council of Justice at a plenary session of the Supreme Court where he/she was elected the Chairman of the Supreme Court.

3. Refusal to take the oath entails the loss of the force of the decision on the election (appointment) of the relevant person as a member of the High Council of Justice.

4. The member of the High Council of Justice acquires powers from the moment of taking the oath, but not earlier than the day following the day the term of office of the corresponding member of the High Council of Justice ends.

**Article 20.** Powers and duties of the member of the High Council of Justice

1. The member of the High Council of Justice shall have the power to:

1) submit proposals regarding the improvement of work of the High Council of Justice, its bodies and the secretariat of the High Council of Justice;

2) engage, in accordance with the rules of procedure of the High Council of Justice, employees of the departments of the secretariat of the High Council of Justice in the processing of issues submitted for review to the High Council of Justice and to the bodies of the High Council of Justice to which they belong;

3) familiarise with all the materials related to the issues on the agenda of meetings of the High Council of Justice, the bodies of the High Council of Justice, of which he/she is a member;

4) submit his/her opinions and reasoning, as well as additional documents, regarding the issues under review;

5) submit proposals on draft decisions of the High Council of Justice, participate in making decisions and provide separate opinions in writing regarding the decisions of the High Council of Justice or the bodies of the High Council of Justice, of which he/she is a member;

6) initiate the convening of a meeting of the High Council of Justice, a meeting of the body of the High Council of Justice, of which he/she is a member.

2. Members of the High Council of Justice shall also enjoy other rights established by the law.

3. The member of the High Council of Justice shall be obliged to:

1) comply with the oath;

2) not disclose the classified information or the information that came to his/her knowledge in the course of closed sessions – otherwise than for the execution of his/her powers as a member of the High Council of Justice;

3) follow the requirements and comply with the restrictions, as defined by the anti-corruption legislation, including the obligation to submit, in accordance with the procedure established by the law, a declaration of a person authorised to exercise the powers of central or local government, as well as a declaration of family connections and a declaration of judicial integrity;

4) participate in the sessions of the High Council of Justice and the bodies the member belongs to;

5) submit a report on interference in his/her activities to the High Council of Justice within five days after he/she became aware of such interference;

6) exercise other duties established by the law and the Rules of Procedure of the High Council of Justice.

4. The member of the High Council of Justice shall not be entitled to any state awards of Ukraine or any other awards, distinctions or honours before his/her dismissal from office or termination of his/her powers. The member of the High Council of Justice can be awarded state awards of Ukraine in case he/she has demonstrated personal courage and heroism under the circumstances involving the risk to life.

5. The member of the High Council of Justice is obliged to refuse to participate in consideration of the issue if:

1) he/she has a family or other personal connection with the judge, the candidate to a judge, the prosecutor position whose case is under review, or with a person who submitted a complaint to the High Council of Justice;

2) he/she is personally, directly or indirectly interested in the case, which is considered by the judge in question;

3) if there are other circumstances or conflicts of interest, putting in doubt his/her impartiality.

6. If actions of the member of the High Council of Justice provide sufficient grounds for this member of the High Council of Justice dismissal in accordance with [clauses 3-6](#) of part one of Article 24 of this Law, the High Council of Justice may decide to terminate the powers of this member of the High Council of Justice before the procedure envisaged by the law is completed where respective facts need to be established, and the procedure takes in total the period of not more than two months. The decision to terminate the powers of the member of the High Council of Justice shall be considered approved if the majority of members of the High Council of Justice voted for it.

*{Part six of Article 20 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

7. Members of the High Council of Justice in their activities and beyond must comply with the established for an ethical judge standard as a component of the professional ethics of the member of the High Council of Justice.

*{Article 20 is supplemented with part seven in accordance with the Law [No. 193-IX of 10.16.2019](#)}*

**Article 21.** Guarantees for the activities of the High Council of Justice members

1. The members of the High Council of Justice from among judges and prosecutors shall be guaranteed that the positions they held at the time of their election (appointment) to the High Council of Justice will be reserved for the duration of the term of office in the High Council of Justice.

2. The remuneration of the member of the High Council of Justice shall amount to the salary of the Supreme Court judge.

*{Paragraph one of part two of Article 21 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

The remuneration of the judge, who is a member of the High Council of Justice, shall amount to his/her judicial salary if it exceeds the salary of a Supreme Court judge.

*{Paragraph two of part two of Article 21 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

The remuneration of the members of the High Council of Justice shall be covered by the state budget of Ukraine.

3. Members of the High Council of Justice, who are not judges, are entitled to a paid holiday period and a financial healthcare aid, as established by the [Law of Ukraine](#) "On the Judicial System and the Status of Judges".

4. The member of the High Council of Justice in his/her work shall be independent of any illegal influence, pressure or interference.

#### **Article 22.** Chairman of the High Council of Justice

1. The Chairman of the High Council of Justice shall be elected from among the members of the High Council of Justice for a two-year term.

2. The Chairman of the High Council of Justice shall be elected at a session of the High Council of Justice by a secret ballot with the ballot cards containing any number of candidates proposed by the members of the High Council of Justice.

3. The decision of the High Council of Justice on the election of the Chairman of the High Council of Justice shall be considered as adopted if it received more than half of the votes of the constitutional composition of the High Council of Justice.

4. The voting procedure shall be defined by the High Council of Justice.

5. The Chairman of the High Council of Justice shall have the powers:

1) to organise the activities of the High Council of Justice, to call plenary sessions and to preside at these sessions;

2) to coordinate the work of the bodies of the High Council of Justice;

3) to submit proposals to the President of Ukraine regarding the judicial appointment;

4) to sign documents and minutes of sessions adopted by the High Council of Justice at its sessions;

5) to exercise general management of the secretariat of the High Council of Justice;

6) to approve appointments and dismissals of the secretariat employees, to apply incentives and disciplinary measures to these employees, to make decisions in accordance with the procedures established by the law on the awarding of official ranks of civil servants to the employees of the secretariat of the High Council of Justice;

7) to manage budgetary funds allocated for the support of functioning of the High Council of Justice;

8) to represent the High Council of Justice in relations with other agencies in the justice system, central and local government bodies, enterprises, organisations, official bodies of foreign states and international organisations.

6. The Chairman of the High Council of Justice shall also exercise other powers established by the law.

7. The Chairman of the High Council of Justice shall issue orders and instructions on issues related to his/her administrative powers.

8. If the High Council of Justice failed to acquire the full functionality, the powers set by clauses 5-7 of part five of this Article shall be exercised by the Head of the secretariat of the High Council of Justice; and in case of a failure to elect the Chairman of the Council or his/her deputies, these powers shall be exercised by the oldest member of the High Council of Justice.

### **Article 23.** Deputy Chairman of the High Council of Justice

1. The High Council of Justice shall elect its Deputy Chairman from among the members of the High Council of Justice for a two-year term.

2. If the Chairman of the High Council of Justice was elected from among the judges or retired judges, the Deputy Chairman shall be elected from among the members of the High Council of Justice who are not judges or retired judges. In case the Chairman of the High Council of Justice was elected from among the members who are not judges or retired judges, the Deputy Chairman shall be elected from among the members of the High Council of Justice who are judges or retired judges.

3. The election of the Deputy Chairman of the High Council of Justice shall be carried out in accordance with the procedures set forth by [Article 22](#) of this Law.

4. The Deputy Chairman of the High Council of Justice shall carry out the duties of the Chairman during the absence of the latter, shall ensure preparation of cases for review by the High Council of Justice and shall exercise other powers established by the law and Rules of Procedure of the High Council of Justice.

### **Article 24.** Dismissal of the member of the High Council of Justice

1. The member of the High Council of Justice can be dismissed on the following grounds:

1) inability to perform his/her powers due to health reasons confirmed by a medical certificate;

2) resignation from the position of a member of the High Council of Justice by his/her own volition;

3) gross or systematic neglect of duties that is incompatible with the status of a member of the High Council of Justice or that has shown his/her inadequacy for the position held admitting other behaviour that undermines the authority and public confidence in justice and the judiciary, including non-compliance with the ethical standards of a judge as a component of the professional ethics of a member of the High Council of Justice;

*{Clause 3 of part one of Article 24 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

4) a disclosure of facts concerning non-compliance with the requirements set forth by [Article 6](#) of this Law;

5) a substantial violation of requirements envisaged by the anti-corruption legislation;

6) a systematic failure to participate in the sessions of the High Council of Justice or bodies of the High Council of Justice, the member belongs to.

2. The decision on the dismissal of the member of the High Council of Justice on the grounds envisaged by clauses 1 and 2 of part one of this Article shall be adopted by the High Council of Justice at the nearest session following the receipt of the medical certificate or a retirement statement respectively. The procedure on the adoption of the decision of the High Council of Justice to dismiss its member on the mentioned grounds shall be initiated by the Chairman or Deputy Chairman of the High Council of Justice.

3. *{Part three of Article 24 was recognised as inconsistent with the Constitution of Ukraine (unconstitutional), according to the decision of the Constitutional Court [No. 4-p/2020 of 03.11.2020](#)}* The decision to dismiss a member of the High Council of Justice on the grounds envisaged by clauses 3-6 of this Article shall be adopted as advised by the Commission on Integrity and Ethics at a joint meeting of the High Council of Justice and the Commission on Integrity and Ethics within five days after submission.

The decision to dismiss a member of the High Council of Justice shall be deemed adopted if the submission is not rejected at a joint meeting of the High Council of Justice and the Commission on Integrity and Ethics by a majority vote of the meeting participants, provided that at least two international experts – members of the Commission on Integrity and Ethics – have voted in favour of the decision.

*{Part three of Article 24 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

4. The member of the High Council of Justice, in respect of whom the High Council of Justice considers the issue of dismissal or submission of a proposal for dismissal, shall not participate in the voting on such a decision.

#### **Article 25.** Termination of powers of the member of the High Council of Justice

1. The powers of the member of the High Council of Justice shall be terminated in case of:

1) expiration of the term for which the member was elected (appointed), except for the provision defined in [part three](#) of Article 5 of this Law;

2) entry into force of a judgment of guilt against him/her;

3) termination of the citizenship of Ukraine or acquisition of foreign citizenship;

4) a declaration by the court with regard to the member as missing, dead, who is recognised as incapable or partially incapacitated;

5) termination of powers of the judge or his/her dismissal (except for his/her retirement) on the grounds envisaged by the [Constitution of Ukraine](#);

6) death of the member;

7) entry into force of the court decision on the recognition of his assets or assets acquired on his behalf by other persons or in other cases provided for by [Article 290](#) of the Civil Procedural Code of Ukraine, unreasonable and their collection to state revenue.

*{Part one of Article 25 was supplemented with a new paragraph in accordance with the Law [No. 263-IX of 10.31.2019](#)}*

The expiration of the term for which the judge was elected as the President of the Supreme Court, as well as his dismissal from the administrative office, including the expression of no confidence by the plenary session of the Supreme Court, shall terminate the powers of the Chairman of the Supreme Court as a member of the High Council of Justice.

2. The termination of powers of the member of the High Council of Justice on the grounds set forth by part one of this Article shall take effect upon the occurrence of the relevant event.

### **Chapter 5. Organisational Structure of the High Council of Justice**

**Article 26.** Organisational structure and arrangement of activities of the High Council of Justice

1. The High Council of Justice shall work in plenary sessions unless the otherwise procedure is provided by this Law.

2. To review cases on disciplinary responsibility of judges, the High Council of Justice shall establish Disciplinary Chambers consisting of members of the High Council of Justice.



3. The number of the Disciplinary Chambers and the number of members of each Chamber shall be established by the decision of the High Council of Justice, taking into account the requirements of this Law.

4. Each Disciplinary Chamber shall include at least four members of the High Council of Justice. The High Council of Justice shall ensure that at least half or, if impossible, a substantial part of members of each Disciplinary Chamber shall be judges or retired judges.

5. If necessary, the High Council of Justice may adopt a decision to involve members of one Disciplinary Chamber in the work of the other Chamber, or to delegate the powers to adopt such a decision to the Chairman of the High Council of Justice.

The work of the Disciplinary Chambers shall be organised as it is prescribed by the Rules of Procedure of the High Council of Justice.

6. The High Council of Justice may establish other bodies for the execution of powers established by the [Constitution of Ukraine](#), this Law and the [Law of Ukraine](#) "On the Judicial System and the Status of Judges".

7. The decisions of the High Council of Justice on establishing of other bodies and on the individual members of these bodies shall be adopted by the High Council of Justice.

#### **Article 27.** Secretariat of the High Council of Justice

1. Organisational, informational and other support to the High Council of Justice and its bodies shall be provided by its secretariat.

2. The Secretariat of the High Council of Justice shall be headed by the Head of the Secretariat.

3. The Head of the Secretariat and his/her deputies shall be appointed and dismissed from office by the High Council of Justice in accordance with the procedures established by the legislation on civil service and taking into account special provisions set forth by this Law.

4. The Head of Secretariat and other officials of the Secretariat of the High Council of Justice shall be civil servants unless provided otherwise by this Law.

5. An Inspectorate Service shall function as a part of the Secretariat of the High Council of Justice to ensure the execution of powers by the members of the High Council of Justice.

6. The maximum number of employees of the secretariat, including the inspectors of the High Council of Justice, shall be approved by the High Council of Justice.

7. The salary of the employees of the Secretariat of the High Council of Justice shall be covered by the state budget of Ukraine.

The salary fund of the employees of the Secretariat of the High Council of Justice shall be established within the state budget funds, as well as on the basis of contributions to the state budget coming from the assistance programs of the EU, foreign governments, international organisations and donor institutions. The procedure for the use of such financial contributions to the state budget shall be established by the Cabinet of Ministers of Ukraine upon a proposal of the High Council of Justice.

8. The Regulation on the Secretariat of the High Council of Justice, its organisational structure and the number of employees shall be defined by the High Council of Justice.

#### **Article 28.** Inspectorate Service of the High Council of Justice

1. The Inspectorate Service of the High Council of Justice shall employ persons who obtained a complete university education in law and who have at least five years of professional experience in law.

Should a retired judge be appointed to the position of the inspector of the High Council of Justice, that judge shall continue enjoying his/her right to pension or lifetime financial support, as

well as other guarantees under the [Law of Ukraine](#) "On the Judicial System and the Status of Judges".

2. The inspectors of the High Council of Justice shall be appointed to and dismissed from office by the Chairman of the High Council of Justice upon a proposal of a relevant member of the High Council of Justice.

3. The inspectors of the High Council of Justice are not civil servants; their status shall be established by this Law.

Peculiarities regulating the work of inspectors shall be established by the Regulation on the inspector of the High Council of Justice, which is approved by the High Council of Justice.

4. The inspectors of the High Council of Justice shall act on the basis of instructions from the members of the High Council of Justice and in accordance with the regulatory documents defining the functioning of the High Council of Justice.

5. The inspectors of the High Council of Justice shall carry out the tasks by order of the member of the High Council of Justice within the powers of this member established by this Law.

6. The Inspectorate Service of the High Council of Justice shall be headed by the Head of the Inspectorate Service, who is directly subordinated to the Chairman of the High Council of Justice.

7. Based on the instructions of the member of the High Council of Justice, the inspector shall:

1) preliminarily analyse documents of the cases distributed to the member of the High Council of Justice through the automated case-distribution system;

2) collect information, documents and other materials if needed;

3) present proposals and draft decisions on the issues within the powers of the member of the High Council of Justice;

4) perform other tasks within the powers of the member of the High Council of Justice, as set forth by this Law.

8. Inspectors of the High Council of Justice, in their work and beyond, shall:

1) comply with the rules of judicial ethics;

2) not disclose and not use the classified information or the information that came to their knowledge – otherwise than for the execution of their duties;

3) follow the requirements and comply with the restrictions, as defined by the anti-corruption legislation, including the obligation to submit, in accordance with the procedure established by the law, a declaration of a person authorised to exercise the functions of central government or local self-government.

#### **Article 28<sup>1</sup>. Commission on Integrity and Ethics**

*{Article 28<sup>1</sup> was recognised as inconsistent with the Constitution of Ukraine (unconstitutional), according to the decision of the Constitutional Court No. [4-p/2020 of 03.11.2020](#)}*

1. The Commission on Integrity and Ethics (hereinafter – the Commission) is a collegial body that operates under the High Council of Justice and is formed to ensure transparency and accountability of members of the High Council of Justice and members of the High Qualification Commission of Judges of Ukraine.

2. The Commission shall consist of:

1) three members of the High Council of Justice;

2) three-person from among international experts proposed by international organisations with whom Ukraine cooperates in the field of preventing and combating corruption in accordance with international treaties of Ukraine, to the Public Council of International Experts, formed in accordance with the [Law of Ukraine](#) "On the High Anti-Corruption Court".

Proposals from international and foreign organisations on international experts are submitted to the High Council of Justice within twenty days from the date of entry into force of this Law.

The participation of international experts in the Commission on Integrity and Ethics ends six years after the entry into force of this Law. Every international expert is appointed for a two-year term with the possibility of reappointment.

3. The procedure for electing members of the High Council of Justice to the Commission and approving members from among international experts is determined by the [Rules of Procedure of the High Council of Justice](#).

4. Decisions on issues within the scope of functions of the Commission shall be adopted if the majority of its members participating in the meeting voted for such a decision.

5. In the case of the same number of votes for and against, according to this Article, preference shall be given to the votes/decision of the three international experts.

6. The Commission shall act on the basis of the Regulations on the Commission on Integrity and Ethics that is approved at its first meeting.

7. The Commission shall operate based on the principles of the rule of law, legality and transparency, impartiality, free expression of will and equality of members, openness to society.

8. The main tasks of the Commission shall be:

1) assessment of the compliance of a member or candidate (during a special check) to the High Council of Justice and the High Qualification Commission of Judges of Ukraine with the principles of honesty and ethical standards of a judge, which are an integral part of the professional ethics of a member of the High Council of Justice, the High Qualification Commission of Judges of Ukraine and control over transparency the activities of the High Council of Justice and the High Qualification Commission of Judges of Ukraine;

2) approval of the conclusions on the non-compliance of candidates for the position of a member of the High Council of Justice with the requirements established by law before their election (appointment) to the position, shall prevent their appointment to the corresponding position;

3) submission of the motion to dismiss a member of the High Council of Justice from office on the grounds specified in clauses 3-6 of part one of Article 24 of this Law;

4) submission of the motion on the release of a member of the High Qualification Commission of Judges of Ukraine on the grounds specified in [clauses 3-6](#) of part one of Article 96 of the Law of Ukraine "On the Judicial System and Status of Judges";

5) assisting the members of the High Council of Justice and the High Qualification Commission of Judges of Ukraine in registering public opinion when performing the tasks assigned to them;

6) monitoring information about judges of the Supreme Court in order to identify disciplinary violations, gross or systematic neglect by a judge of his duties, his incompatibility with the status of a judge or his inconsistency with the position held, violation of the obligation to confirm the legality of the source of the property origin.

9. The Commission, including employees of the Secretariat, shall have the right:

1) to collect, verify and analyse information, including confidential and personal information, about the members of the High Council of Justice, obtain information from other state institutions

and local self-government bodies, enterprises, institutions and organisations necessary for the performance of its tasks, except for information, defined by law as classified/confidential information;

2) to request to receive from candidates and members of the High Council of Justice, members of the High Qualification Commission of Judges of Ukraine, as well as any other legal entity or person authorised to perform the functions of the state or local self-government, explanations, documents or information for the purpose of verifying candidates and members of the High Council justice, members of the High Qualification Commission of Judges of Ukraine;

3) for free access to state registers and databases, full access to judicial dossiers and dossiers of candidates for the office of a judge.

Members of the Commission, including employees of the secretariat, shall:

not use for other purposes, except for the performance of their duties as a member of the Commission, personal data and other information that became known to them within the framework of the Commission activities;

not be involved in the collection of information about a member or a nominated candidate (during a special check) to the High Council of Justice and a member of the High Qualification Commission of Judges of Ukraine, if the member of the Commission has or had personal or business relations with the candidate and/or if there is another conflict of interest or circumstances that may affect objectivity or impartiality of the member of the Commission;

take measures to protect personal data, confidential information that became known to the members of the Commission in the performance of their duties.

10. The decision on approval of the personal composition of the Commission shall be made by the High Council of Justice at its meeting on the basis and within the subjects of the formation of the Commission, specified in part two of this Article.

11. The Commission may not include the Chairman of the High Council of Justice.

12. Sessions of the Commission are held openly, announcements about their holding, agenda, minutes of such meetings and conclusions of the Commission are published on the official website of the High Council of Justice.

13. The organisational and logistical support of the Commission's activities is carried out by the Secretariat of the High Council of Justice.

*{The Law is supplemented by Article 28<sup>1</sup>28-1 in accordance with the Law [No. 193-IX of 10.16.2019](#)}*

#### **Article 29.** Commission on the High Civil Service Body in the Justice System

1. The Commission on High Civil Service Body in the Justice System (hereinafter – the Commission) shall be a collegiate body of the High Council of Justice.

2. The Commission shall consist of:

1) two members of the High Council of Justice who are not judges or retired judges;

2) two members of the High Qualification Commission of Judges of Ukraine who are not judges or retired judges;

3) two members of the Council of Judges of Ukraine;

4) three judges of the Supreme Court.

3. The decision on the individual composition of the Commission shall be adopted by the High Council of Justice on the basis and within the proposals referred to in part two of this Article by the entities authorised to establish the Commission.

4. The Commission may not include the Chairman of the High Council of Justice and the Chairman of the High Qualification Commission of Judges of Ukraine, as well as judges who hold administrative positions in the courts.

5. The Commission shall exercise the powers of the Commission on High Civil Service Body envisaged by the [Law of Ukraine](#) "On the Civil Service" regarding the civil service in the justice system.

6. The powers of the Commission shall be governed by the Regulation on the Commission on Higher Civil Service Body in the Justice System, which is adopted by the High Council of Justice following consultations with the central executive agency responsible for the development and implementation of government policy in the area of civil service.

7. The sessions of the Commission shall be open to the public; the information on the sessions, the agenda and the minutes of the Commission, as well as the decisions adopted by the Commission, shall be published at the official website of the High Council of Justice. The Head of the State Judicial Administration of Ukraine and his/her Deputy shall have the right to participate in the sessions of the Commission.

8. The session of the Commission shall have the quorum if it is attended by at least two-thirds of its members.

9. The organisational and logistical support of the Commission's activities is carried out by the Secretariat of the High Council of Justice.

## **SECTION II SPECIAL PART**

### **Chapter 1. Exercising the Powers by the High Council of Justice and its Bodies**

#### **Article 30. Sessions of the High Council of Justice and its bodies**

1. Sessions of the High Council of Justice and of the Disciplinary Chambers shall be open to the public. Closed sessions shall only be allowed under exceptional circumstances provided there are grounds envisaged by this Law.

*{Part one of Article 30 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

2. The plenary sessions of the High Council of Justice, sessions of the Disciplinary Chambers shall have the quorum if they are attended by a majority of the members of the High Council of Justice or the Disciplinary Chamber respectively. The plenary sessions of the High Council of Justice, where the issues of submitting a proposal for the judicial appointment are considered shall have the quorum of at least fourteen members of the High Council of Justice.

3. The Chairman of the High Council of Justice shall set the date, time and place of the session of the High Council of Justice and shall suggest the agenda of the session which is approved by the High Council of Justice.

4. The information on the date, time, place of the sessions of the High Council of Justice, as well as the draft agenda of the session, except when otherwise provided by the Rules of Procedure of the High Council of Justice, shall be published on its official website.

5. The person whose case to be reviewed by the High Council of Justice shall be notified thereof at least ten days before the date of the session unless his/her presence at the session is not required by the law and unless otherwise provided by this Law.

6. The person is deemed to be duly notified if the notification was sent to the address of his/her residence or temporary residence or to the address of the court or a prosecutor's office where he/she works; shall this not be possible, such notice shall be published on the official website of the High Council of Justice.

7. Minutes shall be kept, and a full recording of the session shall be carried out by relevant technical devices at the sessions of the High Council of Justice and the Disciplinary Chambers.

8. Persons willing to be present at the sessions shall be admitted to the session room before the session begins provided there are free seats.

Persons present in the session room may take written notes and can use portable audio equipment. Taking photographs, video and audio recordings in the session room using stationary equipment is allowed with the consent of the chairperson unless otherwise provided by law.

*{Paragraph two of part eight of Article 30 as amended by the Law [No. 2447-VIII of 06.07.2018](#)}*

Persons present in the session room shall observe the order and refrain from actions that would hinder the work of the session.

The chairperson of the session may take a motivated decision to deprive persons illicitly hindering the work of the session from being present at the session.

**Article 31.** Requests of the High Council of Justice, its bodies and members of the High Council of Justice

1. To exercise their powers, the High Council of Justice, its bodies, the members of the High Council of Justice shall be entitled to request and obtain necessary information and documents from:

- 1) judges, courts, bodies of judicial self-government, other bodies and institutions within the justice system;
- 2) bodies of state power and bodies of local self-government and their officials;
- 3) legal entities.

2. The right to submit requests on behalf of the High Council of Justice shall have the Chairman and the Deputy Chairman of the High Council of Justice. The member of the High Council of Justice shall have the right to submit requests in relation to the cases in which he/she acts as a rapporteur.

3. The persons receiving requests from the High Council of Justice, its body or a member of the High Council of Justice shall provide relevant information and/or corresponding documents (their copies) within ten days upon receiving the request.

In the event of the request for information on the submission to give consent to the detention or arrest of a judge, information and documents shall be provided without delay, but no later than three days from the date of receipt of the request.

4. If the documents or materials are kept by their owners (administrators) in the electronic format, such documents or materials shall be provided to the High Council of Justice in the electronic format (if it is technically possible).

5. A person receiving a request from the High Council of Justice, its body or a member of the High Council of Justice (with the exception of government agencies) may reject the provision of the information or the documents requested only if these contain state or professional secrets, the classified information on the pre-trial investigation, bank secrets, health secrets or other secrets protected by law. Such classified information shall be disclosed upon a request of the High Council of Justice accompanied with a court decision and within the procedure and the grounds established by the law.

6. Case files (or their copies), explanations of judges or prosecutors regarding court cases may only be provided upon request of the High Council of Justice, its bodies, a member of the High Council of Justice only on the cases in which the judicial hearing is over. The member of the High Council of Justice may not request the information on a case if the judicial review is still pending, except for the copies of case files if a disciplinary complaint has been filed on the grounds envisaged by [clause two](#) of part one of Article 106 of the Law of Ukraine "On the Judicial System and Status of Judges".

7. If the judicial proceeding has been re-opened or assigned to a new judge, and the investigation involves verification of information concerning the conduct of a judge in whose proceedings the said case was, the High Council of Justice, its bodies or a member of the High Council of Justice may request the case files in the part that was considered by that judge or related to his/her action or a lack of action.

8. *{Part eight of Article 31 was recognised as inconsistent with the Constitution of Ukraine (unconstitutional), according to the decision of the Constitutional Court [No. 4-p/2020 of 03.11.2020](#)}* The materials of the court case (their copies), explanations of judges or prosecutors in court cases are provided without delay, but no later than three days from the date of receipt of the request.

*{Article 30 is supplemented with a new part in accordance with the Law [No. 193-IX of 10.16.2019](#)}*

9. The High Council of Justice or its body may adopt a decision to suspend the review of an issue or proceedings if a certain period of time is necessary to obtain the requested information or documents.

10. The failure to comply with lawful requests of the High Council of Justice, its bodies or a member of the High Council of Justice concerning the provision of information or documents, or a deliberate provision of false information in response to such requests, including failure to comply with the deadlines established by law, shall entail liability established by the law.

*{Part ten of Article 31 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

11. The member of the High Council of Justice and the person authorised by the Secretariat of the High Council of Justice shall have direct access to automated information and database systems, registers and databanks held or administered by central government or local self-government bodies; he/she shall also have access to the state (including governmental) means of communication, special communication networks and other technical tools. Processing of such information shall be carried out by members of the High Council of Justice and persons authorised by the Secretariat of the High Council of Justice with due regard to legal requirements on the protection of personal data and ensuring secrecy of the information protected by law.

12. Access to information containing state secrets shall be obtained in accordance with the procedure established by the legislation on state secrets.

#### **Article 32.** Distribution of cases within the High Council of Justice and its bodies

1. An automated case distribution system shall be used by the High Council of Justice and its bodies to provide for the distribution of cases (to appoint a member of the High Council of Justice as a rapporteur).

2. The Regulation on the automated distribution of cases shall be adopted by the High Council of Justice.

#### **Article 33.** Recusal of the member of the High Council of Justice

1. The member of the High Council of Justice cannot participate in consideration of an issue and is subject to recusal if he/she is personally interested, whether directly or indirectly, in the outcome of the case or has family connections with the person whose case is under consideration or if there are any other proved circumstances giving rise to doubts as to the impartiality.

If such circumstances exist, the member of the High Council of Justice must recuse himself/herself.

2. Under the circumstances provided for in part one of this Article, the recusal of the member of the High Council of Justice may be initiated by the person who applied for the consideration of the case, or by the person whose case is under consideration, or by the person who filed the application or complaint.

3. In case of the recusal request towards a member of the High Council of Justice, the chairperson of the session must inform this member of the High Council of Justice about the request.

4. The recusal must be motivated, set out in writing and declared before the start of consideration of the relevant issue or case. When the hearing starts, the recusal requests can only be submitted under exceptional circumstances, when the grounds for such a recusal had not been known before the hearing started.

5. The decision on the recusal shall be adopted by the majority of members of the High Council of Justice participating in the session of the High Council of Justice or of its body, by voting in the deliberation room without the presence of the member of the Council whose recusal is under consideration.

**Article 34.** Decisions of the High Council of Justice and its bodies

1. The decisions of the High Council of Justice shall be adopted by the majority of its members participating in the session of the High Council of Justice unless otherwise provided by this Law.

2. The decisions of the High Council of Justice body shall be adopted by the majority of the members of the High Council of Justice participating in the session of that body unless otherwise provided by this Law.

3. The decisions of the High Council of Justice and its bodies shall be adopted at the session of the High Council of Justice and its bodies unless otherwise provided by this Law.

The decisions of the High Council of Justice and its bodies shall be adopted in the special premises (deliberation room):

if the consideration in an open session may lead to the disclosure of secrets protected by law;

to prevent disclosure of information about intimate or other personal aspects of the life of persons participating in consideration of a disciplinary case.

Other persons, except for the members of the High Council of Justice, having the right to vote in the decision-making, cannot be present in the special premises (deliberation room).

*{Part three of Article 34 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

4. The decisions of the High Council of Justice and its bodies shall be adopted by an open vote unless otherwise provided by this Law.

5. Members of the High Council of Justice who are not members of a relevant body of the High Council of Justice are not allowed to participate in its sessions or adoption of the decisions by that body.

6. The resolute part of the decision of the High Council of Justice and its bodies shall be announced publicly immediately after its adoption, and the full text of the decision is published on the official website of the High Council of Justice no later than the seventh day from the date of its adoption unless otherwise specified by law.

7. Should a member of the High Council of Justice have a dissenting opinion concerning the decision on a disciplinary case or the decision on a complaint or the decision of the Disciplinary Chamber on the disciplinary liability of a judge or a respective body on the disciplinary liability of a prosecutor, it shall be made in writing and attached to the case file, and the chairperson of the session shall make a corresponding announcement during the session. The content of the dissenting opinion is not subject to an announcement at a session. The dissenting opinion shall be published together with the full text of the decision.

**Article 35.** Appealing the decisions of the High Council of Justice and its bodies



1. The decision of the High Council of Justice can be appealed to the Supreme Court within thirty days after the date of its adoption.

The President of the Supreme Court may not participate in the review of the decisions of the High Council of Justice by the Supreme Court.

2. The procedures and grounds for appealing the decisions of the High Council of Justice shall be established by the law. The grounds for appealing certain decisions adopted by the Council shall be established by this Law.

3. Appealing the decision of the High Council of Justice shall not suspend its enforcement unless otherwise provided by the Law.

4. The decision adopted by the Disciplinary Chamber of the High Council of Justice may be appealed to the High Council of Justice.

## **Chapter 2. Participation in the formation of the judiciary**

**Article 36.** Review by the High Council of Justice of recommendations of the High Qualification Commission of Judges of Ukraine

1. The judicial appointment shall be made by the President of Ukraine on the proposal of the High Council of Justice.

2. The High Council of Justice adopts a decision regarding the motion to the President of Ukraine on the judicial appointment based on the results of a review of the recommendation of the High Qualification Commission of Judges of Ukraine accompanied by a personal file (dossier) of the candidate.

3. Based on a preliminary review, the rapporteur shall draw a conclusion on the possibility of the judicial appointment and shall submit it for consideration to the High Council of Justice.

4. The High Council of Justice shall deliberate on the judicial appointment at the session of the High Council of Justice following the presentation of the report by the member of the High Council of Justice who was appointed the rapporteur.

5. The candidate to the judicial appointment, whose issue is being considered, shall be invited to the session of the High Council of Justice in accordance with the procedures established by this Law. The failure of the candidate to attend the session, regardless of the reasons for such a failure, shall not preclude the hearing of the case in his/her absence.

**Article 37.** Decisions of the High Council of Justice regarding candidates to judges

1. The decision regarding the candidate to the judicial appointment shall be adopted at the session of the High Council of Justice.

2. The plenary sessions of the High Council of Justice where the issues of submitting a proposal for the judicial appointment are considered shall have the quorum of at least fourteen members of the High Council of Justice.

3. The decision on submission of the motion on the judicial appointment to the President of Ukraine shall be adopted if it receives no less than fourteen votes of the members of the High Council of Justice.

4. If less than fourteen votes of the members of the High Council of Justice have been given for the submission of the motion on the judicial appointment to the President of Ukraine, the High Council of Justice shall be considered to have refused to submit this motion on the judicial appointment to the President of Ukraine.

The High Council of Justice may adopt a decision on the refusal to submit the motion on the judicial appointment to the President of Ukraine in accordance with [clause 1](#) of part nineteen of Article 79 of the Law of Ukraine "On the Judicial System and Status of Judges" only based on

the grounded information obtained by the High Council of Justice within the procedure prescribed by the law if:

1) this information has not been the subject of consideration of the High Qualification Commission of Judges of Ukraine;

2) the High Qualification Commission of Judges of Ukraine has not provided a due assessment of this information within the procedure of qualification assessment with regard to the relevant candidate.

**Article 38.** Appealing the decision of the High Council of Justice regarding candidates for the office of judge

1. The decision of the High Council of Justice on refusal to submit the motion on the judicial appointment to the President of Ukraine can only be appealed and revoked on the grounds established by the [Law of Ukraine](#) "On the Judicial System and Status of Judges".

### **Chapter 3. Reviewing Cases on the Violation of the Incompatibility Requirements**

**Article 39.** Opening incompatibility cases

1. The High Council of Justice shall commence and consider cases regarding the violation by judges and prosecutors of the incompatibility requirements for their positions with regard to the activities or the status established by the [Constitution](#) and the laws of Ukraine (incompatibility cases).

2. The incompatibility cases can be initiated upon the request of any person aware of the relevant facts.

3. The request shall be made in writing and contain the following information:

1) name, last name and patronymic (title) of the applicant, his/her place of residence (or a temporary place of residence) or the official seat, contact telephone numbers;

2) name, last name and patronymic of the judge (judges), the prosecutor (prosecutors) referred to in the request;

3) the particular information on the violation of the incompatibility requirements;

4) reference to fact data (statements, explanations, other evidence) confirming the information provided by the applicant.

4. The member of the High Council of Justice shall leave the incompatibility request without consideration and shall return it to the applicant mentioning the grounds for the return if it does not meet the requirements set forth by this Law.

5. The decision on commencing the incompatibility case shall be made by the member of the High Council of Justice responsible for the review of the case.

**Article 40.** Procedures for the consideration of incompatibility cases

1. The incompatibility cases shall be considered at the session of the High Council of Justice.

2. The judge and prosecutor whose case is under consideration, as well as their representatives, shall have the right to provide pleadings, ask questions to the participants of the session, express their opinions and raise objections regarding the issues arising at the hearing of the incompatibility case, submit requests and request recusals.

3. The judge or prosecutor whose incompatibility case is to be considered by the High Council of Justice shall be summoned to the session. In case they are not able to attend the session for justifiable valid reasons, the judge or the prosecutor may provide relevant comments on the case in writing; such comments shall be attached to the case file and announced at the session of the High Council of Justice.

4. Repeated failure by the judge or the prosecutor to attend the session of the High Council of Justice, regardless of the reasons for this failure, shall be the ground for hearing the case in his/her absence.

**Article 41.** Decisions of the High Council of Justice on incompatibility cases

1. Following the consideration of the incompatibility case, the High Council of Justice may adopt the decision:

1) on the recognition of the violation by the judge of the requirements on the incompatibility of his/her position with regard to other activities or the status and his/her dismissal;

2) on the recognition of the violation by the prosecutor of the requirements on the incompatibility of his/her position with regard to other activities or the status and submission, in accordance with the procedures established by the law, of the motion on his/her dismissal;

3) on the absence of any violations by the judge or the prosecutor of any requirements on the incompatibility of their position with regard to other activities or the status.

2. The decision on incompatibility shall be adopted by the majority of members of the High Council of Justice participating in the session. The member of the High Council of Justice appointed as the rapporteur on the case shall not participate in the voting.

**Chapter 4. Disciplinary Proceedings Towards Judges**

**Article 42.** Disciplinary proceedings

1. *{Part one of Article 42 was recognised as inconsistent with the Constitution of Ukraine (unconstitutional), according to the decision of the Constitutional Court [No. 4-p/2020 of 03.11.2020](#)}* A disciplinary proceeding shall be commenced in accordance with the [Law of Ukraine](#) "On the Judicial System and Status of Judges" upon receiving a report on the commission of a disciplinary offence by a judge or after the members of the High Council of Justice independently identify from any source circumstances that may indicate the commission of a disciplinary offence by a judge, or on the initiative of the Disciplinary Chamber, the Commission on Integrity and Ethics or the High Qualification Commission of Judges of Ukraine in the cases specified law (disciplinary complaint).

2. The disciplinary proceeding against judges shall be conducted by the Disciplinary Chambers of the High Council of Justice.

3. The disciplinary proceeding shall comprise:

1) preliminary review of materials that have signs of the disciplinary offence by a judge, and making a decision to open a disciplinary case or refuse to open it;

2) consideration of the disciplinary complaint and adoption of a decision bringing the judge to disciplinary responsibility or refuse to bring the judge to disciplinary responsibility.

4. The disciplinary proceeding shall take a reasonable period of time. The time limits of the disciplinary proceeding shall be established by this Law and the Rules of Procedure of the High Council of Justice.

*{Article 42 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

**Article 43.** Preliminary check of disciplinary complaints

1. The member of the Disciplinary Chamber appointed for the preliminary check of the corresponding disciplinary complaint (the rapporteur) shall:

1) study the disciplinary complaint, check its compliance with the law;

*{Clause 1 of part one of Article 43 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

2) return the complaint to the complainant where there are grounds listed in [clauses 1-5](#) of part one of Article 44 of this Law;

3) forward the complaint to the Disciplinary Chamber on the grounds listed in [clause 6 of part one](#) of Article 44 of this Law to either make a decision to leave it without consideration and return it to the complainant or open a disciplinary case;

*{Clause 3 of part one of Article 43 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

4) in the absence of grounds for leaving without consideration and returning the disciplinary complaint, prepares materials within the time limits established by the regulations, with a proposal to open or refuse to open the disciplinary case.

*{Clause 4 of part one of Article 43 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

2. The rapporteur's conclusion, along with the disciplinary complaint and the materials collected during the preliminary check, shall be submitted to the Disciplinary Chamber for consideration.

#### **Article 44.** Grounds for disciplinary complaint return

1. The disciplinary complaint shall be left without consideration and returned to the applicant if:

1) the disciplinary complaint was filed in violation of the procedure established by the [Law of Ukraine](#) "On the Judicial System and the Status of Judges";

*{Clause 1 of part one of Article 44 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

2) the disciplinary complaint shall not contain information about the signs of the disciplinary offence of the judge;

3) the disciplinary complaint shall not contain references to factual data (testimony, evidence) on the disciplinary offence of the judge;

4) the disciplinary complaint shall contain expressions or statements expressed in an indecent form that humiliate the honour and dignity of any person;

5) the disciplinary complaint shall raise the issue of bringing to disciplinary responsibility the judge dismissed from office or whose powers have been terminated;

6) the disciplinary complaint is based only on arguments that can only be verified by a higher court in the manner prescribed by the procedural law.

*{Part two of Article 44 is excluded on the basis of Law [No. 193-IX of 10.16.2019](#)}*

3. When the grounds for dismissal of a complaint are considered, it is not necessary to evaluate the credibility of the information on the features of the disciplinary offence of the judge and on the evidence of such offence.

4. The decision to return the disciplinary complaint shall be grounded, and it may not be appealed.

#### **Article 45.** Grounds for refusal to open the disciplinary case

1. The disciplinary case shall not be opened if:

1) inappropriate conduct of the judge referred to in the disciplinary complaint has already been the subject to the check and review and the disciplinary case was not opened or a decision in the disciplinary case has already been made;

2) the term prescribed by the law for bringing the judge to disciplinary responsibility has expired;

3) an evident reason for the complaint is to urge the judge to make a particular ruling;

4) the essence of the complaint shall come down to a disagreement with the court decision.

2. The decision to refuse to open the disciplinary case shall be adopted by the Disciplinary Chamber and may not be appealed.

**Article 46.** Opening disciplinary cases

1. The Disciplinary Chamber shall examine the conclusion drawn by the rapporteur and the accompanying materials without summoning the judge and the complainant, and following the examination results, the Disciplinary Chamber shall adopt a decision to open the disciplinary case or to dismiss it.

2. The decision on the opening of the disciplinary case may not be appealed.

3. The decision to refuse to open the disciplinary case at the request of the member of the Disciplinary Chamber who does not agree with such a decision shall be submitted for approval to the High Council of Justice in a plenary composition.

In this case, the High Council of Justice shall consider the issue at its plenary session without summoning the judge and the complainant and it shall adopt a decision either to refuse to open the disciplinary case or to revoke the relevant decision of the Disciplinary Chamber and to open the disciplinary case.

4. Not later than three days from the date when the decision was made, a copy of the decision to open or to refuse to open the disciplinary case shall be forwarded to the judge against whom the disciplinary complaint was submitted and to the person who submitted the complaint.

**Article 47.** The parties to the disciplinary case

1. The disciplinary case shall be considered by the Disciplinary Chamber in the presence of the judge against whom the case is opened (further referred to as 'the Judge' in [Chapter 4](#) of this Law) and the complainant.

2. The judge and the complainant may participate in the hearing of the case either personally and/or be represented.

3. *{Part three of Article 47 was recognised as inconsistent with the Constitution of Ukraine (unconstitutional), according to the decision of the Constitutional Court [No. 4-p/2020 of 03.11.2020](#)}* In the absence of a judge or complainant, the disciplinary case shall be considered by the Disciplinary Chamber without their participation, except for cases when the judge was not notified or was notified in violation of [part four](#) of Article 48 of this Law.

*{Article 47 is supplemented with part three in accordance with the Law [No. 193-IX of 10.16.2019](#)}*

**Article 48.** Preparation of disciplinary cases for consideration

1. Once the disciplinary case is opened, the rapporteur prepares the case for consideration by the Disciplinary Chamber, identifies witnesses or other persons to be summoned or invited to take part in the meeting, and the like.

*{Part one of Article 48 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

*{Part two of Article 48 is excluded on the basis of the Law [No. 193-IX of 10.16.2019](#)}*

3. Materials of the disciplinary case are provided to other members of the Disciplinary Chamber for study.

4. *{Part four of Article 48 was recognised as inconsistent with the Constitution of Ukraine (unconstitutional), according to the decision of the Constitutional Court [No. 4-p/2020 of 03.11.2020](#)}* The judge and the complainant must be notified of the meeting of the Disciplinary Chamber no later than three days before the day of its holding in the manner determined by the Rules of Procedure of the High Council of Justice, and by posting relevant information on the official website of the High Council of Justice.

*{Part four of Article 48 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

5. The judge is deemed to be duly notified if the notification was sent to the address of his/her residence or temporary residence or to the address of the court where he/she works; shall this not be possible, such notice shall be published on the official website of the High Council of Justice.

**Article 49.** Consideration of the disciplinary case

1. The consideration of the disciplinary case by the Disciplinary Chamber is open to the public, the participants being the judge, the complainant and their representatives.

2. The consideration of the disciplinary case in the closed session of the Disciplinary Chamber shall take place:

if the consideration in an open session may lead to the disclosure of secrets protected by law;

to prevent disclosure of information about intimate or other personal aspects of the life of persons participating in consideration of a disciplinary case.

*{Part two of Article 49 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

*{Part three of Article 49 is excluded on the basis of the Law [No. 193-IX of 10.16.2019](#)}*

*{Part four of Article 49 is excluded on the basis of the Law [No. 193-IX of 10.16.2019](#)}*

5. The failure of the complainant to appear at the meeting shall not preclude the consideration of the disciplinary case.

6. The judge has the right to provide written pleadings on the merits of the complaint.

7. The rapporteur, judge, complainant, their representatives, witnesses and other persons who were summoned or invited to take part in the meeting shall be heard at the meeting of the Disciplinary Chamber.

The rapporteur shall explain to the witness his/her rights and obligations established by this Law, and warns the witness against receipt of criminal liability for knowingly false testimony or for refusing to testify on grounds unforeseen by law.

*{Part seven of Article 49 was supplemented with paragraph two in accordance with the Law [No. 2147-VIII of 10.03.2017](#)}*

8. The parties to the disciplinary proceedings shall have the right to provide evidence, clarifications, requests for summoning witnesses, to ask questions to any party of the disciplinary case, to raise objections, and to file other requests or recusals, to study the case file. The documents directly related to the complaint may be provided for the examination provided that the legal requirements on the personal data protection with regard to the de-personification of these data are met.

9. The process of the disciplinary case consideration and the announcement of the decision shall be recorded by technical means.

10. If during the disciplinary consideration the Disciplinary Chamber finds elements of the disciplinary offence in the actions of other judges or elements of other disciplinary offences in the actions of the judge whose case is heard, the Disciplinary Chamber may initiate itself an opening of another disciplinary case.

11. The Disciplinary Chamber may adopt a decision to merge several disciplinary cases under consideration in one case.

12. The High Council of Justice may adopt the decision during its plenary session on the merger of several disciplinary cases heard by different Disciplinary Chambers and assign the case to one Disciplinary Chamber.

13. The Disciplinary Chamber shall consider the disciplinary case within ninety days from the date when the disciplinary case is opened. Under exceptional circumstances, this period may be extended by the Disciplinary Chamber, but no more than for thirty days if it is necessary to carry out an additional examination of the facts of the case and/or the materials of the case files.

**Article 50.** Decision o disciplinary case

*{Part one of Article 50 is excluded on the basis of the Law [No. 193-IX of 10.16.2019](#)}*

2. Based on the results of the disciplinary case consideration, the Disciplinary Chamber shall adopt a decision on bringing the judge to disciplinary responsibility or refusal to bring the judge to disciplinary responsibility.

3. The rapporteur of the case shall not participate in making the decision.

4. The decision in the disciplinary case shall be adopted by a simple majority of votes.

5. The type of the disciplinary sanction shall be defined taking into account the type of the judge's disciplinary offence and its consequences, the information about the personality of the judge, the degree of his/her guilt, the existence of other recent disciplinary sanctions, and other circumstances that may be considered as a part of the disciplinary responsibility of the judge.

6. If the Disciplinary Chamber adopts a decision not to bring the judge to disciplinary responsibility, the disciplinary proceeding is terminated.

7. The resolute part of the decision shall be immediately announced at the session immediately after its adoption.

8. The decision of the Disciplinary Chamber shall be made in writing and signed by the members of the Disciplinary Chamber who participated in its adoption. The decision in the disciplinary case shall contain:

- 1) name, last name, patronymic and the position of the judge;
- 2) established facts with reference to relevant evidence;
- 3) grounds for the decision;
- 4) the substance of the decision and the disciplinary sanction, if it is imposed;
- 5) the procedure and term for appealing the decision, including the permission for the complainant to appeal the decision if provided.

9. The decision on bringing the judge to disciplinary responsibility may contain the procedure of its execution defined by the Disciplinary Chamber.

10. A copy of the decision of the Disciplinary Chamber shall be handed over or forwarded to the judge and the complainant within three days from the date when the resolute part is announced.

*{Part ten of Article 50 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

**Chapter 5. Appealing Decisions on Bringing the Judge or Prosecutor to Disciplinary Responsibility**

**Article 51.** Appealing the decision of the Disciplinary Chamber on bringing the judge to disciplinary responsibility

1. The judge against whom the Disciplinary Chamber adopts the decision within the disciplinary case shall have the right to appeal the decision to the High Council of Justice.

The complainant shall have the right to appeal the decision of the Disciplinary Chamber on the disciplinary case to the High Council of Justice if the Disciplinary Chamber gives permission for such an appeal.

2. The appeal against the decision of the Disciplinary Chamber shall be filed within thirty days from the date of the decision adoption. The High Council of Justice may renew the term of appeal against the decision of the Disciplinary Chamber if it recognises that the deadline was missed for valid reasons.

*{Part two of Article 51 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

3. The appeal against the decision of the Disciplinary Chamber may be filed solely to the High Council of Justice.

*{Part four of Article 51 is excluded on the basis of the Law [No. 193-IX of 10.16.2019](#)}*

5. Following the date when the Disciplinary Chamber adopts a decision in the disciplinary case in the format of the motion for dismissal of the judge, the judge shall be automatically suspended from administering justice until the decision of the High Council of Justice on the dismissal is passed or the decision of the Disciplinary Chamber is revoked.

6. The appeal against the decision of the Disciplinary Chamber shall be dismissed and returned to the person that filed it if:

1) the appeal is not signed or does not contain the name, the last name, and the patronymic of the person that filed it;

2) the complainant submitted the appeal without the permission of the Disciplinary Chamber for this appeal;

3) the appeal does not contain information on the place of residence (temporary residence) of the person that filed it (where the complaint is filed by the complainant);

4) the complaint shall contain expressions or statements expressed in an indecent form that humiliate the honour and dignity of any person;

5) the appeal is filed after the expiration of the term established for its submission and if the High Council of Justice has not renewed the deadline.

7. The High Council of Justice shall consider appeals against the decisions of the Disciplinary Chamber not later than thirty days from the date of their receipt.

*{Part seven of Article 51 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

8. The members of the High Council of Justice who are members of the Disciplinary Chamber that adopted the disputed decision, shall not participate in consideration of the appeal. The member of the Disciplinary Chamber who was rapporteur in the disciplinary case when it was considered by the Disciplinary Chamber, shall be entitled to speak at the session of the High Council of Justice where the appeal to the decision of the Disciplinary Chamber is considered presenting the report on the decision of the Disciplinary Chamber.

9. The appeal against the decision of the Disciplinary Chamber on bringing the judge to disciplinary responsibility shall be considered in accordance with the procedure referred to in [Article 49](#) of this Law.

10. Following the review of the appeal against the decision of the Disciplinary Chamber, the High Council of Justice may:

1) revoke the decision of the Disciplinary Chamber on bringing the judge to disciplinary responsibility and terminate the disciplinary proceeding;

2) revoke a part of the decision of the Disciplinary Chamber on bringing the judge to disciplinary responsibility and adopt a new decision;

3) revoke the decision of the Disciplinary Chamber to refuse to on bringing the judge to disciplinary responsibility in full or in part and adopt a new decision;



4) alter the decision of the Disciplinary Chamber and impose a different type of disciplinary sanction;

5) approve the decision of the Disciplinary Chamber without any alterations.

11. The copy of the decision of the High Council of Justice following the consideration of the appeal against the decision of the Disciplinary Chamber shall be handed over or forwarded to the judge, the complainant, or their representatives within three days from the day of the decision.

*{Part eleven of Article 51 as amended by the Law [No. 193-IX of 10.16.2019](#)}*

**Article 52.** Appealing the decision of the High Council of Justice following the review of the appeal against the decision of the Disciplinary Chamber

1. The decision of the High Council of Justice following the consideration of the appeal against the decision of the Disciplinary Chamber may be further appealed and annulled only for the following reasons:

1) the members of the High Council of Justice who adopted the respective decision did not have the powers to do so;

2) the decision was not signed by any of the members of the High Council of Justice who approved it;

3) the judge was not duly notified of the session of the High Council of Justice if any of the decisions referred to in [clauses 2-5](#) of part ten of Article 51 of this Law is made;

4) the decision does not have references to the grounds specified by the law for the grounds of disciplinary sanctions against the judge and does not define the reasons based on which the High Council of Justice reached its findings.

2. The right to appeal to a court the decision of the High Council of Justice adopted following consideration of the complaint to the decision of the Disciplinary Chamber, has the judge against whom the corresponding decision was adopted, and the complainant, if the decision of the High Council of Justice is adopted on the grounds of his/her complaint.

3. If the court revokes the decision of the High Council of Justice that was adopted following the consideration of the complaint to the decision of the Disciplinary Chamber, the High Council of Justice shall consider the respective disciplinary case again. The repeated consideration of the case shall be carried out by the High Council of Justice at a plenary session in line with the procedures referred to in [Article 49](#) of this Law.

**Article 53.** Consideration of appeal on the decision of the corresponding authority on bringing the prosecutor to disciplinary responsibility

1. The prosecutor, in respect of whom the decision of the relevant authority to bring to the disciplinary responsibility has been made, may appeal such a decision to the High Council of Justice no later than thirty days from the date of delivery of a copy of the decision to him/her or receipt it by mail.

2. The High Council of Justice may renew the term of appeal against the decision of the corresponding authority to bring the prosecutor to disciplinary responsibility if the deadline was missed for valid reasons.

3. The complaint against the decision of the corresponding authority on bringing the prosecutor to disciplinary responsibility shall be considered by the High Council of Justice in accordance with the procedure referred to in [Article 49](#) of this Law regulating the disciplinary case against the judge.

4. The High Council of Justice shall review the appeals against the decisions of the corresponding authority on bringing the prosecutor to disciplinary responsibility no later than within sixty days from the date of the receipt of the appeal. This term may be extended by the

High Council of Justice for a maximum of sixty days more in case of the need for additional verification of the circumstances and (or) documents.

5. Following the review of the appeal against the decision of the corresponding authority on bringing the prosecutor to disciplinary responsibility, the High Council of Justice may:

1) revoke the decision of the corresponding authority on bringing the prosecutor to disciplinary responsibility and terminate the disciplinary proceeding;

2) revoke a part of the decision of the corresponding authority on bringing the prosecutor to disciplinary responsibility and adopt a new decision;

3) revoke the decision of the corresponding authority to refuse to on bring the prosecutor to disciplinary responsibility in full or in part and adopt a new decision;

4) alter the decision of the corresponding authority and impose a different type of disciplinary sanction;

5) approve the decision of the corresponding authority without any alterations.

6. The copy of the decision of the High Council of Justice following the consideration of an appeal against the decision of the corresponding authority on bringing the prosecutor to disciplinary responsibility shall be handed over or forwarded to the prosecutor or his/her representative within seven days from the day of the adoption of the decision.

**Article 54.** Appealing the decision of the High Council of Justice following the consideration of the appeal against the decision of the corresponding authority to bring the prosecutor to disciplinary responsibility

1. The decision of the High Council of Justice based on the results of the consideration of the complaint against the decision of the corresponding on bringing the prosecutor to disciplinary responsibility may be appealed and revoked solely on the following grounds:

1) the members of the High Council of Justice who adopted the respective decision did not have the powers to do so;

2) the decision was not signed by any of the members of the High Council of Justice who approved it;

3) the prosecutor was not duly notified of the session of the High Council of Justice if any of the decisions referred to in [clauses 2-5](#) of part five of Article 53 of this Law is made;

4) the decision does not have references to the grounds specified by the law for the grounds of disciplinary sanctions against the prosecutor and does not define the reasons based on which the High Council of Justice reached its findings.

2. The right to appeal to a court the decision of the High Council of Justice adopted following consideration of the complaint to the decision of the corresponding authority on bringing the prosecutor to disciplinary responsibility has both the prosecutor and the complainant, if the decision of the High Council of Justice is adopted on the grounds of his/her complaint.

3. If the court revokes the decision of the High Council of Justice that was adopted following the consideration of the complaint to the decision of the corresponding authority disciplinary action against the prosecutor the High Council of Justice shall consider the respective disciplinary case again. The repeated consideration of the case shall be carried out by the High Council of Justice at a plenary session in line with the procedures referred to in [Article 49](#) of this Law.

## Chapter 6. Removal from office

**Article 55.** Dismissal of the judge from office on general grounds

1. The issue of the dismissal of the judge from office on the grounds referred to in [clauses 1 and 4](#) of part six of Article 126 of the Constitution of Ukraine shall be considered at a session of the High Council of Justice.

2. If the judge gives a resignation notice by his/her own volition, the High Council of Justice shall adopt a decision on the resignation after preliminary clarification of the actual will of the judge, whether there is outside influence or coercion.

3. The High Council of Justice has the right to suspend the process of dismissal of the judge from office on the grounds referred to in [clauses 1](#) and [4](#) of part six of Article 126 of the Constitution of Ukraine for the duration of consideration of an appeal or complaint which might lead to the judge's dismissal from office on the grounds referred to in [clauses 2](#), [3](#), and [6](#) of part six of Article 126 of the Constitution of Ukraine.

4. Following the examination of the issue of the dismissal of the judge from office on the grounds referred to in [clauses 1](#) and [4](#) of part six of Article 126 of the Constitution of Ukraine, the High Council of Justice shall adopt a grounded decision.

**Article 56. Dismissal of the judge from office due to special circumstances**

1. The issue of the dismissal of the judge from office on the grounds referred to in [clauses 2](#), [3](#), [5](#), and [6](#) of part six of Article 126 of the Constitution of Ukraine shall be examined at the session of the High Council of Justice.

2. The issue of the dismissal of the judge from office on the grounds referred to in [clause 2](#) of part six of Article 126 of the Constitution of Ukraine (violation of incompatibility requirements by the judge) shall be examined by the High Council of Justice in accordance with the procedure of reviewing the cases on the violation of the incompatibility requirements as [Chapter 3](#) of Section II of this Law defines.

3. The issue of the dismissal of the judge from office on the grounds referred to in [clauses 3](#) and [6](#) of part six of Article 126 of the Constitution of Ukraine (commission by the judge of a significant disciplinary offence, gross or systematic neglect of duties, which is incompatible with the status of the judge or revealed his/her unsuitability for the position; violation by the judge of the duty to confirm the legality of the source of his /her assets), shall be examined by the High Council of Justice following the motion of the Disciplinary Chamber on the dismissal of the judge.

The judge whose dismissal is to be considered shall be notified about the session of the High Council of Justice in accordance with the procedure defined by this Law. The failure of the judge to attend the session, regardless of the reasons for such a failure, shall not preclude the hearing of the case in his/her absence.

4. When reviewing the case of the judge's removal on the grounds referred to in [clause 5](#) of part six of Article 126 of the Constitution of Ukraine (a refusal to be transferred to another court in the event of liquidation or reorganisation of the court in which the judge holds office), the High Council of Justice shall ascertain the fact that the judge rejects the reassignment to another court (including the failure to comply with the reassignment decision) based on the judge's statement or information about such a statement by the High Qualification Commission of Judges of Ukraine, or notice by the president or the deputy president of the corresponding court on the judge's failure to appear at the court to administer justice.

5. The High Council of Justice must invite to its session the judge whose dismissal from office is under consideration on the grounds referred to in [clause 5](#) of part six of Article 126 of the Constitution of Ukraine. The judge and/or his/her representative shall have the right to speak at the session of the High Council of Justice and to provide appropriate explanations. Should the judge be unable to attend the session of the High Council of Justice for a valid reason, the judge can request to postpone the review of the issue of his/her dismissal. The repeated failure of the judge to attend the session, regardless of the reasons for such a failure, shall not preclude the hearing of the case in his/her absence.

6. Following the examination of the issue of the judge's removal from office on the grounds referred to in [clauses 2](#), [3](#), [5](#), and [6](#) of part six of Article 126 of the Constitution of Ukraine, the High Council of Justice shall adopt a grounded decision.

**Article 57.** Appealing the decision of the High Council of Justice on the dismissal of the judge from office

1. The decision of the High Council of Justice on the dismissal of the judge from office on the grounds referred to in [clauses 1, 2, 4](#) of part six of Article 126 of the Constitution of Ukraine can only be appealed and revoked for the reasons established by the law.

2. The decision of the High Council of Justice on the dismissal of the judge from office on the grounds specified in [clauses 3](#) and [6](#) of part six of Article 126 of the Constitution of Ukraine can be appealed and revoked for the following reasons only:

1) the members of the High Council of Justice who adopted the respective decision did not have the powers to do so;

2) the decision was not signed by any of the members of the High Council of Justice who approved it;

3) the decision does not have references to the grounds specified by the law for the grounds of dismissal of the judge and does not define the reasons based on which the High Council of Justice reached its findings.

3. The decision of the High Council of Justice on the dismissal of the judge from office on the grounds specified in [clause 5](#) of part six of Article 126 of the Constitution of Ukraine can be appealed and revoked on the grounds prescribed by part two of this Article hereof, or if the judge was not duly informed about the session of the High Council of Justice during which the decision was taken.

## **Chapter 7. Granting Consent for Taking the Judge Under Custody, the Detention or Arrest**

**Article 58.** Motion requesting consent for taking the judge under custody, detention or arrest

1. The judge may not be detained or kept under the custody or arrested without the consent of the High Council of Justice before a sentence is passed by the court, with the exception of detention of the judge during or immediately after committing a grave or especially grave crime.

2. The motion for consent to take the judge under custody, detention or arrest shall be submitted to the High Council of Justice by the Prosecutor General or his Deputy, and in relation to the judge of the High Anti-Corruption Court, such a proposal shall be submitted by the Prosecutor General (acting Prosecutor General). The motion for consent to take the judge under custody, detention or arrest must comply with the requirements provided by the [Criminal Procedural Code of Ukraine](#). A separate motion shall be filed regarding each type of preventive measure.

*{Part two of Article 58 as amended by the Law [No. 2447-VIII of 06.07.2018](#)}*

3. The motion must be well-reasoned, contain concrete facts and evidence proving that the judge committed a socially dangerous act determined by the [Criminal Code of Ukraine](#), and justify the necessity of the detention.

4. The High Council of Justice shall return the motion that does not meet the criteria of this Article to the Prosecutor General or Deputy Prosecutor General with a grounded decision on this issue.

**Article 59.** Procedure for consideration of the motion to give consent for taking the judge under custody, detention or arrest

1. The High Council of Justice shall consider the motion to give consent for taking the judge under custody, detention or arrest no later than on the fifth day upon the receipt of the motion.

2. The High Council of Justice shall consider the motion to give consent for taking the judge under custody, detention or arrest of the judge without summoning the judge. If necessary, the High Council of Justice may summon the judge to provide explanations. The notice of the date,

time and place for the consideration of the respective motion shall be sent to the Prosecutor General or his/her Deputy without delay.

The consideration of the motion on granting consent to detention, keeping in custody or under arrest of a judge shall be carried out by the High Council of Justice with the obligatory participation of the judge or his/her representative. The notice of the date, time and place for the consideration of the respective motion shall be sent to the Prosecutor General (acting Prosecutor General) and the judge of the High Anti-Corruption Court without delay.

*{Part two of Article 59 was supplemented with paragraph two in accordance with the Law [No. 2447-VIII of 06.07.2018](#)}*

If the judge of the High Anti-Corruption Court or his representative fails to appear at the meeting of the High Council of Justice, the consideration of the motion shall be carried out without his/her participation.

*{Part two of Article 59 was supplemented with paragraph three in accordance with the Law [No. 2447-VIII of 06.07.2018](#)}*

3. The failure of the judge, the Prosecutor General, his/her deputy, or the authorised prosecutor to attend the session of the High Council of Justice, regardless of the reasons for such a failure, shall not preclude the consideration of the motion.

4. The consideration of the motion on granting consent to detention, keeping in custody or under arrest of the judge shall commence with a short report of the grounds for such detention (custody) by the chairperson at the session of the High Council of Justice.

5. After the short report of the grounds for the detention of the judge, his/her keeping in custody or under arrest the Prosecutor General, his/her deputy or the prosecutor authorised by either of them shall be given the floor. If the judge is summoned to the session, and he/she attends the session, he/she or his/her representative shall also be given the floor for explanations. Should the judge refuse to provide explanations, the High Council of Justice shall review the motion on granting consent for detention, keeping the judge in custody or under arrest without explanations.

**Article 60.** Decision of the Council of Justice to grant consent for taking the judge under custody, detention or arrest

1. The decision to grant consent for taking the judge under custody, detention or arrest shall be announced to those present at the session and immediately handed over to the Prosecutor General, his/her Deputy, or the authorised prosecutor. With reference to the judge of the High Anti-Corruption Court, such a decision is immediately handed over to the Prosecutor General (acting Prosecutor General).

*{Part one of Article 60 as amended by the Law [No. 2447-VIII of 06.07.2018](#)}*

**Article 61.** Appealing the decision of the High Council of Justice on granting consent for taking the judge under custody, detention or arrest

1. The decision of the High Council of Justice on granting consent for taking the judge under custody, detention or arrest can be appealed according to the procedures established by criminal procedure legislation as a part of the complaint challenging the relevant ruling of an investigating judge for taking the judge under custody, detention or arrest.

## **Chapter 8. Temporary Suspension of the Judge from the Administration of Justice**

**Article 62.** Grounds for the temporary suspension of a judge from the administration of justice

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

- 1) due to bringing to criminal responsibility;
- 2) when undergoing a qualification assessment;
- 3) under applying a disciplinary sanction.

2. The judge is considered to be temporarily suspended from the date of the decision on imposing the disciplinary sanction adopted by the Disciplinary Chamber in the format of the motion to dismiss the judge from office without a separate decision of the High Council of Justice.

3. The temporary suspension of the judge on other grounds is not permitted.

4. On the date the High Council of Justice reviews the case of the judge, the notice of the decision on the temporary suspension of the judge from the administration of justice shall be sent to the court where this judge holds the position and shall be placed on the official website of the High Council of Justice and on the official web-portal "The Judicial Power of Ukraine".

**Article 63.** Temporary suspension of a judge from the administration of justice due to bringing him/her to criminal responsibility

1. The High Council of Justice, following the grounded motion filed by the Prosecutor General or the Deputy of the Prosecutor General, temporarily suspends the judge from the administration of justice due to bringing him/her to criminal responsibility for a period of time not exceeding two months; with reference to the judge of the High Anti-Corruption Court, the motion shall be filed by the Prosecutor General (acting Prosecutor General). At the stage of judicial proceedings, the period of suspension shall be established until the court verdict enters into force of or the closure of criminal proceedings.

*{Part one of Article 63 as amended by the Law [No. 2447-VIII of 06.07.2018](#)}*

2. The motion for the temporary suspension of the judge brought to criminal responsibility shall be submitted to the High Council of Justice against the judge who is the suspect or the accused (the defendant) at any stage of the criminal proceedings.

3. The motion for the temporary suspension of the judge brought to criminal responsibility if it is filed without adherence to requirements defined by the law, shall be returned by the High Council of Justice to the Prosecutor General or his/her Deputy.

4. The Prosecutor General or his/her Deputy shall be entitled to authorise a prosecutor to present the judge, except the judge of the High Anti-Corruption Court, a copy of the motion for the temporary suspension from the administration of justice due to bringing him/her to criminal responsibility and the documents that substantiate the motion, as well as to present the respective motion for consideration at the session of the High Council of Justice.

*{Part four of Article 63 as amended by the Law [No. 2447-VIII of 06.07.2018](#)}*

5. The High Council of Justice shall immediately consider the motion for the temporary suspension of the judge brought to criminal responsibility, but within no more than seven days upon the receipt of the motion.

6. The notice on the date, time, and place of the consideration of the relevant motion shall be sent to the judge, who is the subject of the motion, the Prosecutor General or his/her Deputy, the court where the judge sits, and it shall be immediately published on the official website of the High Council of Justice.

7. The failure of the judge, the Prosecutor General, or his/her Deputy, or the prosecutor authorised by any of them to attend the session of the High Council of Justice, provided they have been properly notified of the date, time and place of the session, shall not preclude the motion from being considered.

8. Consideration of the motion for temporary suspension of the judge shall commence with a concise report of the grounds for the suspension as provided for in the motion, by the member of the High Council of Justice designated as the rapporteur on the case.

9. After the reasons for the temporary suspension, as they are provided for in the motion, have been stated, the Prosecutor General or his/her Deputy, or the authorised prosecutor, the judge (or his/her representative), who is the subject of the motion, shall get the floor for explanations. In case the judge refuses to provide explanations, the High Council of Justice shall consider the motion for the temporary suspension of the judge from the administration of justice without his/her explanations.

10. Following the consideration of the motion for the temporary suspension of the judge from the administration of justice, the High Council of Justice shall adopt a decision, a copy of which shall be sent, not later than within seven working days, to the Prosecutor General or his/her Deputy and the judge, who is the subject of the motion, as well as the decision shall be immediately sent to the court where the judge holds office.

11. The judge shall be suspended from the administration of justice starting from the date on which the decision to suspend him/her was adopted by the High Council of Justice for a period of time indicated in the decision and which may not exceed two months. At the stage of judicial proceedings, the period of suspension shall be established until the court verdict enters into force or the closure of criminal proceedings.

**Article 64.** Extension of the term for temporary suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility

1. The term for temporary suspension of the judge from the administration of justice due to bringing to criminal responsibility shall be extended following the procedures referred to in [Article 63](#) of this Law for the temporary suspension of the judge from the administration of justice for a period of time not exceeding two months, and if the indictment is forwarded to the court until the court verdict enters into force or closure of criminal proceedings.

2. The motion to extend the term for the judge's temporary suspension from the administration of justice shall be filed by the Prosecutor General or his/her Deputy, and regarding the judge of the High Anti-Corruption Court, the motion shall be filed by the Prosecutor General (acting Prosecutor General) not later than ten days before the end of the period of time for which the judge has been suspended.

*{Part two of Article 64 as amended by the Law [No. 2447-VIII of 06.07.2018](#)}*

3. The motion to extend the term for temporary suspension of the judge brought to criminal responsibility, if it is filed without adherence to requirements defined by the law, shall be returned by the High Council of Justice to the Prosecutor General or his/her Deputy without consideration.

4. The motion to extend the term of the suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility shall be satisfied provided that:

1) the circumstances that were the grounds for the temporary suspension from the administration of justice continue to exist;

2) the prosecution could not reach the objectives for the sake of which the temporary suspension from the administration of justice had been used by different means while the previous decision was effective.

5. Should the High Council of Justice adopt the decision to extend the temporary suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility, the judge shall be suspended from the office starting from the date on which the High Council of Justice passes this decision, for a period of time stipulated in the decision that may not exceed two months, and if the indictment is forwarded to the court, up until the court verdict enters into force or the closure of criminal proceedings.

6. The repeat motion filed by the Prosecutor General or his/her Deputy for the temporary suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility or the motion to extend the term of judge's suspension within the same criminal

proceedings shall not be permitted, except for the cases where previous decisions passed by the High Council of Justice have been cancelled.

7. The temporary suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility shall be discontinued once the criminal proceedings against the judge have been closed or the court verdict has entered into force, and in this case, the High Council of Justice shall not adopt a separate decision on the termination of the temporary suspension of the judge from the administration of justice.

**Article 65.** Appealing the decision on temporary suspension or extension of the suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility

1. The decision of the High Council of Justice to temporarily suspend the judge from the administration of justice due to bringing him/her to criminal responsibility or to extend the suspension may be appealed and cancelled only for the following reasons:

1) the members of the High Council of Justice who adopted the respective decision did not have the powers to do so;

2) the decision was not signed by any of the members of the High Council of Justice who approved it;

3) the decision does not refer to the grounds prescribed by the law for its approval, or to the reasons based on which the High Council of Justice reached its findings.

2. The appealing of the decision of the High Council of Justice shall not suspend its execution.

**Article 66.** Temporary suspension of the judge from the administration of justice during qualification assessment

1. The temporary suspension of the judge from the administration of justice during qualification assessment shall be done by the High Council of Justice following the motion filed by the High Qualification Commission of Judges of Ukraine.

2. The motion filed by the High Qualification Commission of Judges of Ukraine shall be considered immediately by the High Council of Justice within no more than seven days upon its receipt.

3. The motion of the High Qualification Commission of Judges of Ukraine shall be considered by the High Council of Justice without summoning the judge. If necessary, the High Council of Justice may summon the judge to provide explanations.

4. Following the consideration of the motion, the High Council of Justice shall adopt a decision, a copy of which shall be sent, not later than within seven days to the High Qualification Commission of Judges of Ukraine, to the judge who is the subject of the decision, and to the court where the judge holds office.

5. The judge shall be temporarily suspended from the administration of justice starting from the date on which the decision on the suspension from the administration of justice is adopted by the High Council of Justice.

6. Once the qualification assessment of the judge, who has been temporarily suspended, is over, the High Qualification Commission of Judges of Ukraine shall inform the High Council of Justice thereof not later than within three days from the date of the respective decision was adopted.

7. The temporary suspension of the judge from the administration of justice shall be discontinued from the date when the High Qualification Commission of Judges of Ukraine adopts a decision confirming that the judge can administer justice in the respective court or from the date of the judge's dismissal from office following the failure to confirm the judge's capability to administer justice in the respective court without adoption of the separate decision on the



temporary suspension of the judge from the administration of justice by the High Council of Justice.

**Article 67.** Appealing the decision on the temporary suspension of the judge from the administration of justice during qualification assessment

1. The decision by the High Council of Justice on the temporary suspension of the judge during qualification assessment may be appealed and cancelled only for the following reasons:

1) the motion of the High Qualification Commission of Judges of Ukraine does not refer to the grounds of its approval prescribed by the law, or to the reasons based on which the High Qualification Commission of Judges of Ukraine came to the respective conclusions;

2) the composition of the High Council of Justice that adopted the decision or the composition of the High Qualification Commission of Judges of Ukraine that adopted the decision to file the motion did not have the power to do so;

3) the decision of the High Council of Justice was not signed by any of the members of the High Council of Justice who adopted it;

4) the decision of the High Qualification Commission of Judges of Ukraine to file the motion based on which the High Council of Justice made its decision was not signed by any of the members of the High Qualification Commission of Judges of Ukraine that adopted the decision to file the motion;

5) the motion filed by the High Qualification Commission of Judges of Ukraine was not signed by the authorised person.

**Article 68.** Temporary suspension of the judge from the administration of justice within the procedure of disciplinary accountability

1. The temporary suspension of the judge by the High Council of Justice in the framework of the disciplinary procedure based on the decision of the Disciplinary Chamber to impose the disciplinary sanction by the filing of the motion for the temporary suspension of the judge from the administration of justice.

2. The judge whose temporary suspension in the framework of the disciplinary procedure is under consideration and/or his/her representative may provide a statement at the session of the High Council of Justice.

3. The failure of the judge to attend the session, regardless of the reasons for such a failure, shall not preclude the hearing of the case in his/her absence.

4. The High Council of Justice shall adopt a grounded decision following the consideration of the motion on the temporary suspension of the judge from the administration of justice as part of the procedure of disciplinary accountability.

**Article 69.** Appealing the decision on the temporary suspension of the judge from the administration of justice within the procedure of disciplinary accountability

1. The decision of the High Council of Justice on the temporary suspension of the judge from the administration of justice in the framework of the disciplinary procedure may be appealed and cancelled only for the following reasons:

1) the members of the High Council of Justice who adopted the respective decision did not have the powers to do so;

2) the decision was not signed by any of the members of the High Council of Justice who approved it;

3) the decision does not refer to the grounds stipulated by the law for the temporary suspension of the judge from the administration of justice as a part of the disciplinary

accountability and the reasons based on which the High Council of Justice came to the respective conclusions.

### **Chapter 9. Transfer of Judges**

#### **Article 70.** Transfer of the judge from one court to another

1. The transfer of the judge from one court to another shall be carried out by the High Council of Justice:

1) based on and within the recommendations of the High Qualification Commission of Judges of Ukraine and the documents attached thereto;

2) based on the motion of the Disciplinary Chamber to transfer the judge to a lower level court.

2. The secondment as a temporary transfer of a judge to another court of the same level and specialisation shall be carried out in accordance with the procedure adopted by the High Council of Justice and at the request of the High Qualification Commission of Judges of Ukraine agreed with the State Judicial Administration of Ukraine.

#### **Article 71.** Procedures for considering the transfer of judges from one court to another and adoption of the decision by the High Council of Justice

1. The transfer of a judge from one court to another shall be considered by the High Council of Justice at its session.

2. The judge in respect of whom the issue of transfer from one court to another is being considered shall be invited to the session of the High Council of Justice in the manner prescribed by this Law. The failure of the judge to attend the session, regardless of the reasons for such a failure, shall not preclude the hearing of the case in his/her absence.

3. The consideration of the transfer of the judge from one court to another shall begin with the announcement of the recommendation of the High Qualification Commission of Judges of Ukraine or of the motion of the Disciplinary Chamber by the chairperson at the session of the High Council of Justice.

4. The High Council of Justice shall adopt the grounded decision following the consideration of the transfer of a judge from one court to another.

#### **Article 72.** Appealing the decision of the High Council of Justice on the judge transfer

1. The decision of the High Council of Justice on the transfer of the judge may be appealed and cancelled only for the following reasons:

1) the members of the High Council of Justice who adopted the respective decision did not have the powers to do so;

2) the decision was not signed by any of the members of the High Council of Justice who approved it;

3) the decision does not have references to the grounds specified by the law for the grounds for the transfer of the judge and does not define the reasons based on which the High Council of Justice reached its findings.

### **Chapter 10. Taking Measures to Ensure the Independence of Judges and the Authority of Justice**

#### **Article 73.** Measures to ensure the independence of judges and the authority of justice

1. In order to ensure the independence of judges and the authority of justice, the High Council of Justice:

1) holds and publishes on its official website the register of statements of judges concerning the interference in the judge's activities in administering justice, checks such messages, and publishes the results and makes appropriate decisions;

2) files motions to the respective authorities or officials on bringing to responsibility the persons who committed actions or omissions that violate the guarantees of the independence of judges or undermine the authority of the judiciary;

3) files the motion to the assembly of judges of a respective court on the dismissal of the judge from an administrative position in case of his/her failure to comply with the decision of the High Council of Justice;

4) approves and publishes public statements and appeals;

5) appeals to the subjects of the right of legislative initiative, bodies authorised to adopt legal acts, with proposals to ensure the independence of judges and the authority of justice;

6) files requests to prosecutor's offices and the law enforcement agencies on providing information as to exposure and investigation of crimes committed against the court, judges, members of their families, employees of the court administrations, crimes against justice, committed by judges, employees of the court administration;

7) in cooperation with bodies of the judicial self-governance, other bodies and agencies of the justice system, non-governmental organisations prepares and publishes the annual report on the state of ensuring the independence of judges in Ukraine;

8) takes other measures necessary to ensure the independence of judges and the authority of justice.

2. The High Council of Justice takes measures envisaged in part one of this Article on its own initiative, at the request of the judge, court, bodies and agencies of the system of justice.

3. A statement of the judge on interference in activities concerning the administration of justice by another judge shall be considered in the manner prescribed by this Law for the consideration of the disciplinary complaint.

4. The High Council of Justice cooperates with the Council of Judges of Ukraine, the Public Integrity Council, non-government organisations, respective authorities of other states, international organisations and their bodies with regard to developing and introducing measures to ensure the independence of judges and the authority of justice.

#### **Article 74. Motions of the High Council of Justice**

1. The motions of the High Council of Justice on the issues provided for in [clauses 2, 3](#) of part one of Article 73 of this Law shall oblige the respective bodies or officials to consider them within ten days upon their receipt unless another period is established by law.

2. The respective authority or official shall immediately (but no later than within three days) notify the High Council of Justice on the decision adopted following the consideration of the motion of the High Council of Justice and on the measures taken.

3. Should the long-term measures be required, the High Council of Justice shall be entitled to request the respective authority or officials in its motion to monthly inform the High Council of Justice on the measures taken and the results achieved.

4. The failure to consider or the belated consideration of the motion of the High Council of Justice, the failure to provide or the belated provision of the response to the motion shall result in liability as it is established by law.

### SECTION III FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall enter into force on the day next after the day of publication except:

clause 10 of part one of Article 3 of Chapter 9, Section II of this Law that shall enter into force two years after the Law of Ukraine "On Amendments to the Constitution of Ukraine (with Regard to Justice)" becomes effective;

subclause 'a' of clause 19 of this section in terms of changes in the text of the words "the Supreme Court of Ukraine" in all cases with the words "the Supreme Court" in the appropriate case, which comes into force from the day the Supreme Court starts its work in the manner and composition determined by the Law of Ukraine "On the Judicial System and the Status of Judges" of June 2, 2016 No. 1402-VIII;

paragraph 3 of subclause 'a' and subclause 'e' of clause 23 of this Section that shall become effective on the date following the date of publication of this Law but no earlier than 1 January 2017.

2. The Law of Ukraine "On the High Council of Justice" (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 25, p. 146 with subsequent amendments) shall cease being effective from the date of entry into force of this Law.

3. To amend the following legislative acts of Ukraine:

1) in the Code of Ukraine on Administrative Offences (Bulletin of the Verkhovna Rada of the Ukrainian SSR, 1984, an addendum to No. 51, p. 1122):

a) in the note to Article 172<sup>4</sup> the words 'members of the High Council of Justice (excluding those permanently employed in the High Council of Justice), jurymen and' shall be deleted;

b) Article 185 shall be amended as follows:

#### **'Article 185<sup>3</sup>. Contempt of court**

Contempt of court manifested as deliberate failure to stand before the court as a witness, complainant, plaintiff, defendant or failure of the said and other persons to follow instructions of the chairperson or breach of order during the court hearing, as well as actions committed by anyone showing obvious disrespect of the court or rules set forth in the court,

shall entail the imposition of a fine from fifty to one hundred and fifty tax-exempt minimum incomes of citizens.

The same actions repeatedly committed within one year after the administrative penalty was imposed,

shall entail the imposition of the fine from one hundred fifty to two hundred fifty tax-exempt minimum incomes of citizens or correctional labour for the term from one to two months with deduction of twenty per cent of the income, or administrative arrest for the term up to fifteen days.

Deliberate evasion of an expert, interpreter to appear before the court,

shall entail the imposition of the fine from twenty to one hundred tax-exempt minimum incomes of citizens.

Failure of the guarantor to fulfil obligations imposed by the court within proceedings in cases based on administrative complaints with regard to detention and removal of foreigners and stateless persons,

shall entail the fine from one hundred fifty to three hundred tax-exempt minimum incomes of citizens';

b) [Article 188](#) shall be amended as follows:

**'Article 188<sup>32</sup>. Failure to fulfil lawful requirements of the High Council of Justice, its body or the member of the High Council of Justice**

Failure to fulfil lawful requirements of the High Council of Justice, its body or the member of the High Council of Justice to provide information, a judicial case (a copy thereof), consideration of which has been completed, providing designedly inexact information, as well as failure to comply with terms established by the law for providing information, the judicial case (a copy thereof), consideration of which has been completed, to the High Council of Justice, its body or the member of the High Council of Justice,

shall entail the imposition of a fine from fifty to one hundred and fifty tax-exempt minimum incomes of citizens.

The same actions repeatedly committed within a year after the administrative penalty was imposed,

shall entail the imposition of the fine from one hundred to two hundred and fifty tax-exempt minimum incomes of citizens.

Failure to provide or to timely provide the response to the motion of the High Council of Justice on identifying and bringing to responsibility the persons who committed actions or omissions in breach of guarantees of the independence of judges or undermining the authority of justice,

shall entail the fine from two hundred to three hundred tax-exempt minimum incomes of citizens';

r) in [part one](#) of Article 255:

in the paragraph 'bodies of State Border Service of Ukraine (part two, four and five of Article 85, Article 92, part three of Article 185<sup>-3</sup>, 185<sup>-10</sup>, 191, 204-204<sup>-2</sup>, 205-206<sup>-1</sup>)' in clause 1 words and numbers 'part three of Article<sup>-3</sup>' shall be replaced by words and numbers '[part four](#) of Article 185<sup>-3</sup>;

in paragraph 'territorial bodies and territorial departments of the central executive authority implementing state policy in the sphere of migration (immigration and emigration), including in countering illegal migration, citizenship, registration of natural persons (part three of Article 185<sup>-3</sup>)' of clause 1 words and numbers 'part three of Article 185<sup>-3</sup>' shall be replaced by words and numbers '[part four](#) of Article 185<sup>-3</sup>;

in clause 7<sup>-1</sup> words and numbers 'parts one and two of Article 185<sup>-3</sup>' shall be replaced by words and numbers 'parts [one](#), [two](#) and [three](#) of Article 185<sup>-3</sup>;

in clause 9<sup>-2</sup> words 'of the High Council of Justice' shall be replaced by the words 'of the High Council of Justice';

2) in [part one](#) of Article 67 of the Merchant Shipping Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 1995, No. No. 47-52, p. 349) words 'by the Prosecutor General of Ukraine' shall be replaced by words 'by the Prosecutor General';

3) in the [Criminal Code of Ukraine](#) (Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 25-26, p. 131):

a) [paragraph one of part one of Article 112](#) and [346](#) after the words 'the member of the Cabinet of Ministers of Ukraine' shall be supplemented with the words 'the Chairman or the member of the High Council of Justice, the Chairman or the member of the High Qualification Commission of Judges of Ukraine';

6) [paragraph one](#) of part one of Article 344 after the words 'the member of the Cabinet of Ministers of Ukraine' shall be supplemented with the words 'the Chairman or the member of the

High Council of Justice, the Chairman or the member of the High Qualification Commission of Judges of Ukraine';

b) Article 351<sup>-2</sup> shall be added to read as follows:

**'Article 351<sup>-2</sup>.** Obstruction of the activities of the High Council of Justice, the High Qualification Commission of Judges of Ukraine

1. Failure to comply with the legal requirements of the High Council of Justice, its body or a member of the High Council of Justice, the High Qualification Commission of Judges of Ukraine or a member of the High Qualification Commission of Judges of Ukraine, the creation of artificial obstacles in their work -

shall be punished by the fine from one hundred to one thousand tax-exempt minimum incomes of citizens or an arrest for a term of up to six months, or imprisonment for a term of up to three years';

r) in the text of the [Code](#) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

4) in [paragraph eleven](#) of part one of Article 24 of the Criminal Executive Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 3-4, p. 21) the words 'Prosecutor General of Ukraine' shall be replaced with the words 'Prosecutor General';

5) in the [Code of Administrative Proceedings of Ukraine](#) (Bulletin of the Verkhovna Rada of Ukraine, 2005, No. No. 35-37, p. 446):

a) in [part six](#) and in [paragraph one of part seven of Article 171](#) the words 'of the High Council of Justice' shall be replaced by the words 'of the High Council of Justice, the High Qualification Commission of Judges of Ukraine';

6) in the text of the [Code](#) the words 'the High Council of Justice' in all cases shall be replaced with the words 'the High Council of Justice' in the respective case;

6) in the [Criminal Procedural Code of Ukraine](#) (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. No. 9-13, p. 88):

a) in [part one](#) of Article 3:

in [clause 8](#) the words 'agency of the State Bureau of Investigation' shall be supplemented with the words 'agency of the State Penitentiary Service of Ukraine';

in [clause 17](#) the words 'agency of the State Bureau of Investigation' shall be supplemented with the words 'agency of the State Penitentiary Service of Ukraine';

6) in [Article 38](#):

[clause 1](#) of part one shall be supplemented with a new sub-item 'r' to read as follows:

'r) bodies of the State Penitentiary Service of Ukraine';

[part three](#) after the words 'agencies exercising control over compliance with tax legislation' shall be supplemented with the words 'bodies of the State Penitentiary Service of Ukraine';

b) [part two](#) of Article 131 shall be supplemented with item 4<sup>-1</sup> to read as follows:

'4<sup>-1</sup>) temporary suspension of the judge from the administration of justice';

r) the second sentence of [part three](#) of Article 154 shall be deleted;

r') shall be supplemented with Article 155<sup>-1</sup> to read as follows:

**'Article 155<sup>-1</sup>.** Temporary suspension of the judge from the administration of justice due to bring to the criminal responsibility and extension of the term of such temporary suspension

1. The decision on the temporary suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility shall be adopted by the High Council of Justice following the grounded motion filed by the Prosecutor General or his/her deputy in a manner prescribed by the law.

2. The motion for the temporary suspension of the judge due to bringing him/her to criminal responsibility shall be submitted to the High Council of Justice against the judge who is the suspect or the accused (the defendant) at any stage of the criminal proceedings.

3. The motion for the temporary suspension of a judge from the administration of justice due to bringing him/her to criminal responsibility shall be in line with the requirements of part two of Article 155 of this Code.

4. The Prosecutor General or his/her deputy shall be entitled to file the motion to extend the temporary suspension of the judge from the administration of justice.

5. The motion to extend the term of the temporary suspension of the judge brought to criminal responsibility shall be submitted to the High Council of Justice against the judge who is the suspect or the accused (the defendant) at any stage of the criminal proceedings.

6. The motion to extend the term of the temporary suspension of the judge from the administration of justice due to bringing him/her to criminal responsibility shall be in line with requirements of part two of Article 155 of this Code';

д) in [Article 216](#):

[paragraph five](#) of clause 1 of part five shall be amended to read as follows:

'by the judge, the judge of the Constitutional Court of Ukraine, a juryman (while exercising his/her functions in the court), the Chairman, the Deputy Chairman, the member, the inspector of the High Council of Justice, the Chairman, the Deputy Chairman, the member, the inspector of the High Qualification Commission of Judges of Ukraine';

after [part five](#), a new part shall be added to read as follows:

'6. Investigators of the State Penitentiary Service of Ukraine shall conduct a pre-trial investigation of crimes committed in the territory or premises of the State Penitentiary Service of Ukraine'.

In view of that, parts six through nine shall be considered parts seven through ten respectively;

е) [part six](#) of Article 232 after the words 'agencies exercising control over compliance with tax legislation' shall be supplemented with the words 'bodies of the State Penitentiary Service of Ukraine';

є) in [part five](#) of Article 246:

part four after the words 'of the State Bureau of Investigation' shall be supplemented with the words 'of the State Penitentiary Service of Ukraine';

paragraph five after the words 'Head of the State Bureau of Investigation' shall be supplemented with the words 'Head of the State Penitentiary Service of Ukraine';

ж) [clause 2](#) of part one of Article 480 shall be amended to read as follows:

'2) of the judge, the judge of the Constitutional Court of Ukraine, a juryman (while exercising his/her functions in the court), the Chairman, the Deputy Chairman, the member of the High Council of Justice, the Chairman, the Deputy Chairman, the member of the High Qualification Commission of Judges of Ukraine';

з) [clause 3](#) of part one of Article 481 shall be amended to read as follows:

3) of the judge, the judge of the Constitutional Court of Ukraine, a juryman while exercising his/her functions in the court, the Chairman, the Deputy Chairman, the member of the High Council of Justice, the Chairman, the Deputy Chairman, the member of the High Qualification Commission of Judges of Ukraine, the staff of the National Anti-Corruption Bureau of Ukraine, the Prosecutor General or his/her deputy';

и) [part one](#) of Article 482 shall be amended to read as follows:

'1. The judge may be detained, kept in custody or under arrest following the consent of the High Council of Justice.

The judge may not be detained or kept under the custody or arrested without the consent of the High Council of Justice before a sentence is passed by the court, with the exception of detention of the judge during or immediately after committing a grave or especially grave crime.

The judge detained under suspicion of having committed the offence entailing criminal responsibility shall be released immediately after he/she is identified, with the exception of the following:

1) if the High Council of Justice provided its consent for the detention of the judge because of this offence;

2) the detention of the judge occurred during the commission of a grave or an especially grave crime or immediately after such a crime was committed if such detention was necessary to prevent a crime, prevent or preclude the consequences of the crime from occurring or ensure the preservation of the evidence of that crime. The judge shall be immediately released if the objective of the detention (prevention of crime, prevention or preclusion of consequences of a crime or guaranteeing the safety of evidence of such a crime) has been achieved';

i) [part four](#) of Article 575, after the words 'the body of the State Bureau of Investigation of Ukraine', shall be supplemented with the words 'the body of the State Penitentiary Service of Ukraine';

ii) in the text of the [Code](#), the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

7) in the [Law of Ukraine "On Operative Investigation Activity"](#) (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 22, p. 303 with subsequent amendments):

a) in Article 9<sup>1</sup>:

part two after the words 'by the head of intelligence agency of the Ministry of Defence of Ukraine or his/her deputies' shall be supplemented with the words 'by the head of the structural department of the State Penitentiary Service of Ukraine or his/her authorised representative';

part three after the words 'by the head of intelligence agency of the Ministry of Defence of Ukraine or his/her deputies' shall be supplemented with the words 'by the head of the structural department of the State Penitentiary Service of Ukraine or his/her authorised representative';

6) in the text of the [Law](#) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

8) in the text of the [Law of Ukraine "On Organisational and Legal Principles of Struggle against the Organised Crime"](#) (Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 35, p. 358 with subsequent amendments) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

9) in [Article 24](#) of the Law of Ukraine "On State Protection of Court and Law-Enforcement Bodies Staff" (Bulletin of the Verkhovna Rada of Ukraine, 1994, No. 11, p. 50 with subsequent amendments) the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';



10) in [part six](#) of Article 27 of the Law of Ukraine "On State Secret" (Bulletin of the Verkhovna Rada of Ukraine, 1999, No. 49, p. 428; 2004, No. 23, p. 320; 2008, No. 27-28, p. 252; 2015, No. 36, p. 360) 'to the Prosecutor General of Ukraine' shall be replaced with the words 'to the Prosecutor General';

11) in the [Law of Ukraine "On Committees of the Verkhovna Rada of Ukraine"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2006, No. 17, p. 146):

a) in [Article 18](#):

[part five](#) after the words 'of the National Television and Radio Broadcasting Council' shall be supplemented by the words 'on election and dismissal of members of the High Council of Justice by the Verkhovna Rada of Ukraine';

in [part seven](#) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

[part nine](#) shall be deleted;

б) in [clause 5](#) of part one of Article 25 the words 'to the Prosecutor General of Ukraine' shall be replaced with the words 'to the Prosecutor General';

12) in [clause 1 of part one of Article 13](#), [part three of Article 20](#) of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 20, p. 99; 2013, No. 21, p. 208) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';

13) [paragraph nine](#) of part one of Article 6 of the Law of Ukraine "On State Protection of the Bodies of State Power and Officials of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 35, p. 236) shall be amended to read as follows:

'of the Prosecutor General';

14) in [part one](#) of Article 8 of the Law of Ukraine "On Pensions for Special Merits to Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2000, No. 35, p. 289; 2005, No. 6, p. 142; 2014, No. 6-7, p. 80) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';

15) in [paragraph one](#) of part one of Article 31 of the Law of Ukraine "On Status of Deputies of Local Councils" (Bulletin of the Verkhovna Rada of Ukraine, 2002, No. 40, p. 290; 2015 p., No. 2-3, p. 12) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

16) in [clause 6](#) of part two of Article 7 of the Law of Ukraine "On Counterintelligence Activities" (Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 12, p. 89; 2013, No. 21, p. 208) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

17) in part three of Article 24, Article 31 of the [Law of Ukraine "On Fight against Terrorism"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 25, p. 180) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';

18) in [part four](#) of Article 3 of the Law of Ukraine "On Access to Judicial Decisions" (Bulletin of the Verkhovna Rada of Ukraine, 2006, No. 15, p. 128) the words 'by the Cabinet of Ministers of Ukraine' shall be replaced with the words 'by the High Council of Justice';

19) in the [Regulations of the Verkhovna Rada](#) of Ukraine approved by the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2010, No. No. 14-17, p. 133 with subsequent amendments):

a) in [part four of Article 14](#), [part one of Article 34](#), [part one of Article 168](#), [part three of Article 178](#), the title of [Chapter 33](#), [Articles 212](#) and [213](#) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case, as well as in the text of the Regulations the words 'the Supreme Court of Ukraine' in all cases shall be replaced with the words 'the Supreme Court' in the respective case';

б) in [clause 1](#) of part four of Article 88 the words 'to the Prosecutor's General Office of Ukraine' shall be replaced with the words 'to the Prosecutor General';

в) in [part one](#) of Article 140:

in [clause 4](#) the words 'notification of the Supreme Court of Ukraine, specialised high courts of Ukraine, the Ministry of Justice of Ukraine, the Prosecutor's General Office of Ukraine' shall be replaced with the words 'notification of the High Council of Justice, the Supreme Court, specialised high courts of Ukraine, the Ministry of Justice of Ukraine, the Prosecutor General';

in [clause 6](#) the words 'explanations of the Supreme Court of Ukraine on provisions of the law if there are any' shall be excluded;

г) in [part one](#) of Article 168 the words 'the Chairman of the High Council of Justice' shall be replaced with the words 'the Chairman of the High Council of Justice';

д) in the title of [Chapter 30](#) and [Article 170](#) the word 'impossibility' in all cases shall be replaced with the word 'incapability' in the respective case;

е) in [clause 4](#) of part three of Article 174 the words '(except for judges of the Constitutional Court of Ukraine and judges of the courts of general jurisdiction)' shall be replaced with the words '(except for the judges and judges of the Constitutional Court of Ukraine)';

е) [Article 208](#) shall be amended to read as follows:

**'Article 208'**<sup>1</sup>. Procedures for the election of members of the High Council of Justice and procedures for their dismissal

1. In accordance with [part two](#) of Article 131 of the Constitution of Ukraine, the Verkhovna Rada shall elect members of the High Council of Justice.

2. Not later than six months before the expiration of the term of the member of the High Council of Justice or within 14 days from the date of early termination of his/her powers, the Secretariat of the Verkhovna Rada shall publish the information on the official website and shall inform the factions (groups of deputies) on the start of accepting proposals from deputy factions (groups of deputies) regarding candidates for the positions of members of the High Council of Justice. The faction (the group of deputies) may propose one candidate to the position of the member of the High Council of Justice irrespective of the number of vacant positions.

3. The faction (the group of deputies) shall propose a candidate for the position of the member of the High Council of Justice and shall provide the documents, as established by the Law of Ukraine "On the High Council of Justice" to the Secretariat of the Verkhovna Rada within 45 days from the date of the announcement of the start of accepting proposals from deputy factions (groups of deputies).

4. The information about the persons who seek to be elected a member of the High Council of Justice shall be published on the official website of the Verkhovna Rada not later than 30 days before the consideration of issues provided in part five of this article by the committee in charge of justice issues.

5. The committee in charge of justice issues shall review the documents submitted as proposals of the factions (groups of deputies) and preliminarily discuss the compliance of documents with the requirements envisaged in the Law of Ukraine "On the High Council of Justice" and it also shall submit a recommendation with conclusions regarding every candidate for the consideration of the Verkhovna Rada.

6. The decision of the committee in charge of justice issues and the information about the candidates to the position of the member of the High Council of Justice shall be submitted to the members of parliament no later than three days before the consideration of the respective issue by the Verkhovna Rada.

7. Every candidate shall be entitled to speak at the plenary session of the Verkhovna Rada before the voting begins.

The members of parliament may ask the candidate about any information concerning the candidate, except for the information about his/her private lives and where there are no reasonable grounds to assume that it may be important for establishing whether the candidate is capable of proper execution of the powers of the member of the High Council of Justice, as well as the information constituting the state secret.

8. The voting shall take place following the speeches of the candidates and discussion of the candidates.

9. The selection to the position of the member of the High Council of Justice shall be carried out by the Verkhovna Rada by open rating voting separately for every candidate.

10. The Verkhovna Rada shall elect the members of the High Council of Justice by a list determined after the results of rating voting, in accordance with the number of positions by open voting by a majority vote of members of the parliament from the constitutional composition of the Verkhovna Rada.

11. Should the voting as prescribed in part ten of this Article by the Verkhovna Rada fail to elect the list of the members of the High Council of Justice, a repeated procedure shall be carried out in the manner prescribed by part nine of this Article. The candidates included in this list shall not participate in the repeated procedure. Following the repeated election procedure, the Verkhovna Rada shall vote to elect members of the High Council of Justice by the list in line with part ten of this Article. The repeated selection and voting shall be held until there are no candidates remaining.

12. If the Verkhovna Rada has not elected either of the candidates to the position of the member of the High Council of Justice, the Secretariat of the Verkhovna Rada shall publish on the official website of the Verkhovna Rada information on a new receipt of proposals from the factions (groups of deputies) regarding candidates to the position of the member of the High Council of Justice according to part two of this Article. The faction (the group of deputies) may repeatedly propose the person who has not been elected in the list by the Verkhovna Rada according to part ten of this Article.

13. The motion for the member of the High Council of Justice dismissal shall be filed to the Verkhovna Rada by the High Council of Justice. The motion shall be filed together with the documents providing for the grounds provided by the Law of Ukraine "On the High Council of Justice" for the member of the High Council of Justice dismissal.

14. The committee in charge of justice issues shall preliminarily consider the motion and other documents and prepare a recommendation.

Should the committee find a non-compliance with the requirements of the Law of Ukraine "On the High Council of Justice", the committee shall draw the conclusion indicating the non-compliance? The committee shall submit the conclusion to the Head of the Verkhovna Rada of Ukraine who shall return the motion to the High Council of Justice with the conclusion of the committee to eliminate the defects.

15. The discussion of the issue of the member of the High Council of Justice dismissal at the plenary session of the Verkhovna Rada shall commence with an announcement by the chairman of the plenary session of the Verkhovna Rada of the High Council of Justice motion.

16. The issue of the member of the High Council of Justice dismissal shall be considered in his/her presence.

17. After the motion of the High Council of Justice has been announced to the member of the High Council of Justice who is subject to the issue under consideration, he/she shall be given the floor, and he/she answers the questions of the members of parliament.

18. Should the member of the High Council of Justice who is subject to the issue under consideration repeatedly fail to appear at the session of the Verkhovna Rada, such an issue can be considered in his/her absence.

19. The decision to dismiss the member of the High Council of Justice shall be adopted by open roll-call voting.

20. In case the decision to dismiss the member of the High Council of Justice is not adopted, a repeated voting and a repeated consideration of this issue shall not be permitted on the same grounds.

21. The decision on the election and dismissal of the member of the High Council of Justice shall be formalised by the resolution of the Verkhovna Rada';

є) [Article 212](#) shall be amended to read as follows:

**'Article 212.** Procedure of granting consent for the appointment and dismissal of the Prosecutor General by the President of Ukraine

1. In accordance with [clause 25](#) of part one of Article 85 of the Constitution of Ukraine the Verkhovna Rada shall consider the issue of granting consent for the appointment and dismissal of the Prosecutor General by the President of Ukraine.

2. The President of Ukraine shall submit to the Verkhovna Rada a written request on granting consent for the appointment and dismissal of the Prosecutor General. The request for granting consent for the appointment of the Prosecutor General shall be submitted together with information about the candidate for the position (part two of Article 205 of these Regulations).

3. The Verkhovna Rada shall consider the request of the President of Ukraine no later than 10 days after receipt of the request by the Verkhovna Rada.

4. The President of Ukraine shall participate in the plenary session of the Verkhovna Rada when the issue of granting consent for the appointment of the Prosecutor General is being considered.

5. The candidate for the position of the Prosecutor General shall be granted the possibility to answer questions of representatives of factions (groups of deputies), members of parliament. Time for discussion of the candidate for the position of the Prosecutor General and answers to questions shall be determined by the Verkhovna Rada and shall be no less than one hour.

6. The committee responsible for the issue of preliminary consideration of the candidate to the position of the Prosecutor General and the issue of dismissal from the position of the Prosecutor General shall prepare the respective decision and shall be entitled to have its representative speaking when the Verkhovna Rada is considering the matter of granting consent for the appointment of the Prosecutor General.

7. The decision on granting the consent of the Verkhovna Rada for appointment and dismissal of the Prosecutor General by the President of Ukraine shall be taken by open roll-call voting by the majority of votes of members of parliament of the constitutional composition of the Verkhovna Rada.

8. The decision on granting the consent of the Verkhovna Rada for the appointment and dismissal of the Prosecutor General by the President of Ukraine shall be formalised by the respective resolution of the Verkhovna Rada';

ж) [Articles 214](#), [215](#), [216](#) та [216](#) shall be excluded;

3) in the title of [Chapter 34](#) the words 'by members of the High Council of Justice' shall be replaced with the words 'by members of the High Council of Justice', and the words 'by judges of the Constitutional Court of Ukraine' shall be deleted;

и) in [Article 217](#):

[part one](#) shall be amended to read as follows:

'1. The Ukrainian Parliament Commissioner for Human Rights appointed by the Verkhovna Rada, members of the High Council of Justice elected by the Verkhovna Rada, members of the Central Election Commission shall take an oath at the Verkhovna Rada within terms and according to the text determined in line with the laws of Ukraine "[On the Ukrainian Parliament Commissioner for Human Rights](#)", "On the High Council of Justice", "[On Central Election Commission](#)". The mentioned persons shall take an oath in person at the plenary session of the Verkhovna Rada';

a paragraph shall be added to [part two](#) to read as follows:

'The member of the High Council of Justice shall take an oath immediately after his/her election by the Verkhovna Rada';

the words 'if not envisaged otherwise by the present Regulations' shall be added to parts [three](#) and [four](#);

in [part five](#) the words 'respectively', 'elected', 'of a member of the High Council of Justice', 'or election' shall be deleted;

in [part six](#) the words 'of a member of the High Council of Justice' shall be replaced with the words 'of a member of the High Council of Justice', and the words 'judges of the Constitutional Court of Ukraine' shall be deleted;

i) in the title of [Chapter 35](#) the words 'detention or arrest of the judge of the Constitutional Court of Ukraine, the judge of a court of general jurisdiction' shall be deleted;

ii) in [Article 218](#):

in [part one](#) the words 'according to part three of Article 126, Article 149 of the Constitution of Ukraine for detention or arrest of the judge of the Constitutional Court of Ukraine, the judge of the court of general jurisdiction' shall be deleted;

[part two](#) shall be amended to read as follows:

'2. The request for granting consent to bringing to criminal responsibility, detention or arrest of the member of parliament shall be initiated by a prosecutor. A separate request shall be submitted for each separate prevention measure. The request regarding the member of parliament shall be supported and submitted to the Verkhovna Rada by the Prosecutor General (acting Prosecutor General)';

in [part three](#) the words 'detention or arrest of the judge of the Constitutional Court of Ukraine, the judge of the court of general jurisdiction' shall be deleted;

in [part four](#) the words 'to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine respectively' shall be replaced with the words 'to the Prosecutor General (acting Prosecutor General)';

iii) in [Article 220](#):

[part two](#) shall be amended to read as follows:

'2. The Prosecutor General (acting Prosecutor General) shall participate in the sessions of the committee';

in [part four](#) the words 'to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine respectively' shall be replaced with the words 'to the Prosecutor General (acting Prosecutor General)';

к) in [Article 221](#):

in parts [one](#) and [two](#) the words 'detention or arrest of the judge of the Constitutional Court of Ukraine, the judge of a court of general jurisdiction' shall be deleted;

in [part three](#):

in [clause 1](#) the words 'to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine' shall be replaced with the words 'to the Prosecutor General (acting Prosecutor General)';

in [clause 2](#) the words 'of the judge of the Constitutional Court of Ukraine, the judge of the court of general jurisdiction' shall be replaced with the words 'regarding whom';

in [clauses 2](#) and [3](#) of part seven the words 'judges of the Constitutional Court of Ukraine, judges of the courts of general jurisdiction' shall be deleted;

in [part nine](#) the words 'to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine respectively' shall be replaced with the words 'to the Prosecutor General (acting Prosecutor General)';

л) in [part one](#) of Article 240 the words 'and judges of courts of general jurisdiction' shall be deleted;

20) in the [Law of Ukraine "On the Bar and Legal Practice"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 27, p. 282):

a) in [paragraph six](#) of part one of Article 7 the words 'members of the High Council of Justice (except for those employed on a regular basis at the High Council of Justice)' shall be deleted;

б) in [part one](#) of Article 23 the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

в) in [clause 7](#) of part one of Article 44 the words 'of the High Council of Justice' shall be replaced with the words 'of the High Council of Justice';

г) [clause 6](#) of part seven of article 54 shall be amended to read as follows:

'6) shall elect two members of the High Council of Justice';

21) [Article 37](#) of the Law of Ukraine "On the Cabinet of Ministers of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 13, p. 222; 2015, No. 2-3, p. 12) shall be amended to read as follows:

**Article 37.** Relations of the Cabinet of Ministers of Ukraine with the judicial authorities

1. The Cabinet of Ministers of Ukraine may be a plaintiff and a defendant in courts, in particular, apply to a court if it is necessary for the exercise of its powers in the manner provided for by the [Constitution](#) and laws of Ukraine.

2. Interests of the Cabinet of Ministers of Ukraine in courts shall be represented by the Ministry of Justice of Ukraine unless otherwise provided for by the laws of Ukraine or acts of the Cabinet of Ministers of Ukraine.

3. Executive authorities, state-owned enterprises, institutions and organisations shall be obliged, at the request of the Cabinet of Ministers of Ukraine or the Ministry of Justice of Ukraine, to submit the materials necessary for the consideration of cases in courts within the time period established by them.

4. The Cabinet of Ministers of Ukraine interacts with the High Council of Justice, other bodies and institutions of the justice system on issues within their competence';

22) in [part five](#) of Article 27 of the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 47, p. 2051) the words 'of the Prosecutor General of Ukraine' shall be replaced with the words 'of the Prosecutor General';

23) in the [Law of Ukraine "On Preventing Corruption"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 49, p. 2056 with subsequent amendments):

a) in [clause 1](#) of part one of Article 3:

in subclause 'a' the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

subclause 'r' shall be amended to read as follows:

'r) judges, judges of the Constitutional Court of Ukraine, the Chairman, Deputy Chairman, members, inspectors of the High Council of Justice, officials of the secretariat of the High Council of Justice, the Chairman, Deputy Chairman, members, inspectors of the High Qualification Commission of Judges of Ukraine, officials of the secretariat thereof, officials of the State Judiciary Administration of Ukraine, jurymen (while exercising their functions in the court)';

б) in [part five](#) of Article 9:

in paragraph one the words 'by the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine)' shall be replaced with the words 'by the Prosecutor General (acting Prosecutor General)';

in paragraph two the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

в) in [paragraph five](#) of part one of Article 19 the words 'to the High Council of Justice' shall be replaced with the words 'to the High Council of Justice';

г) in [part two](#) of Article 25 the words 'members of the High Council of Justice (excluding those permanently employed in the High Council of Justice), jurymen and' shall be deleted;

р) in [part one](#) of Article 35 the words 'of judges of the Constitutional Court of Ukraine and judges of the courts of general jurisdiction' shall be replaced with the words 'of judges, judges of the Constitutional Court of Ukraine';

д) [Article 45](#) shall be supplemented with part five to read as follows:

'5. Section VII of this Law shall not apply to officials of institutions, agencies and organisations mainly carrying out their activities in social services, social and professional rehabilitation of handicapped people including children, social protection of veterans of war and participants of anti-terrorist operation, healthcare (except for heads of healthcare institutions of central, oblast, district, city (cities of oblast level, the cities of Kyiv and Sevastopol) level), education (except for heads of higher educational institutions and their deputies), science (except for presidents of the National Academy of Science of Ukraine and national branch academies of science, first vice-presidents, vice-presidents and chief academic secretaries of the National Academy of Sciences of Ukraine and national branch academies of science, other members of the Presidium of the National Academy of Sciences of Ukraine and national branch academies of science elected by general meeting of the National Academy of Sciences of Ukraine and national branch academies of science respectively, heads of research institutes and other scientific institutions), culture, arts, restoration and preservation of the national memory, physical training, sports, national and patriotic education';

e) in the [note](#) to Article 50:

the words 'the member, inspector of the High Council of justice, member, inspector of the High Qualification Commission of Judges of Ukraine' shall be added after the words 'the member of the Central Election Commission';

the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

ε) in [Article 56](#):

[part two](#) shall be added with a new paragraph after paragraph two to read as follows:

'The Secretariat of the High Council of Justice and the secretariat of the High Qualification Commission of Judges of Ukraine respectively shall conduct a special inspection of the candidates for membership in the High Council of Justice and the High Judicial Qualification Commission of Ukraine elected by the congress of judges of Ukraine, the congress of lawyers of Ukraine, the all-Ukrainian conference of prosecutors, the congress of representatives of law higher education and research institutions'.

In view of this paragraphs three and four shall be considered paragraphs four and five respectively;

in the [note](#):

the words 'the member of the High Council of Justice, the member of the High Qualification Commission of Judges of Ukraine' shall be added after the words 'the member of the Central Election Commission';

the words 'of the Prosecutor General of Ukraine' shall be replaced with the words 'of the Prosecutor General';

24) in [clause 25](#) of part one of Article 1 of the Law of Ukraine "On Preventing and Counteracting the Legalisation (Laundering) of Illicitly Obtained Income, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction" (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 50-51, p. 2057; 2015, No. 17, p. 118, No. 39, p. 375; 2016, No 4, p. 43):

a) in paragraph seven the words 'members of the High Council of Justice' shall be replaced with the words 'members of the High Council of Justice';

6) in paragraph eight the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

25) in [Article 2](#) of the Law of Ukraine "On Administration of Justice and Criminal Proceedings Due to Anti-Terrorist Operations" (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 39, p. 2009) the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

26) in the [Law of Ukraine "On Lustration"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 44, p. 2041):

a) in [Article 2](#):

in [clause 2](#) the words 'of the Prosecutor General of Ukraine' shall be replaced with the words 'of the Prosecutor General';

in [clause 4](#) the words 'of the members of the High Council of Justice' shall be replaced with the words 'of the members of the High Council of Justice' and the word 'professional' shall be deleted;

6) in [Article 5](#):

in [part four](#):

in paragraphs one and two the word 'professional' shall be deleted;



in paragraph three the words 'of the High Council of Justice' shall be replaced by the words 'of the High Council of Justice';

in [part thirteen](#) the word 'professional' shall be deleted and the words 'of the members of the High Council of Justice' shall be replaced with the words 'of the members of the High Council of Justice';

27) in the [Law of Ukraine "On the Prosecutor's Office"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 2-3, p. 12 with subsequent amendments):

a) in [part two of Article 6](#), [Articles 7, 8, 8, 9](#), [part one of Article 15](#), [part four of Article 16](#), [Article 17](#), [paragraph two of part five of Article 19](#), [Article 21](#), [paragraph three of part three of Article 23](#), [Article 24](#), [part two of Article 25](#), [paragraph three of part four of Article 27](#), [part one of Article 34](#), [part two of Article 36](#), [Article 39](#), [Article 40](#), [part one of Article 41](#), [Article 42](#), [part five of Article 46](#), [Articles 49, 51](#), [part two of Article 53](#), [part two of Article 54](#), [part two of Article 56](#), [part two of Article 57](#), [paragraph two of part two of Article 58](#), [part two of Article 61](#), [Article 63](#), [clause 1 of part nine of Article 71](#), [part five of Article 81](#), [part one of Article 90](#), [part two of Article 91](#), [part two of Article 94](#) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

б) [part two](#) of Article 40 shall be amended to read as follows:

'2. The term of office of the Prosecutor General shall amount six years. The same person may not hold the office of the Prosecutor General for two subsequent terms';

в) in [clause 2 of part one of Article 42](#), [part five of Article 49](#), [part one of Article 50](#), [Articles 53, 62](#), [part one of Article 63](#), [clause 1 of part one of Article 64](#) the words 'the High Council of Justice 1' in all cases shall be replaced with the words 'the High Council of Justice 2' in the respective case;

г) in [Articles 45-47](#), [clause 4 of part one of Article 77](#), [part three of Article 78](#) the word 'complaint (application)' in all cases and forms shall be replaced with the words 'disciplinary complaint' in the respective case and number;

г) in [Article 50](#):

in [part one](#) the words 'the High Council of Justice' shall be replaced by the words 'the High Council of Justice';

in [part two](#) the words 'of Qualification and disciplinary commission of prosecutors' shall be replaced with the words 'of the High Council of Justice';

[part three](#) shall be amended to read as follows:

'3. Submission of an administrative claim to a court against the decision of the High Council of Justice to bring the prosecutor to disciplinary responsibility or on the impossibility of further stay in office, such decision shall not become ineffective but the court may, however, by way of security of the administrative claim, may suspend the decision of the High Council of Justice to bring the prosecutor to disciplinary responsibility or on the impossibility of further stay in office';

д) in [part one of Article 66](#), [Articles 67-70](#), [parts one](#) and [eight](#) of [Article 71](#), [part one of Article 72](#), [part three of Article 73](#), [clause 1 of part one of Article 74](#) the words 'all-Ukrainian conference of the prosecutor's office staff in all cases and numbers shall be replaced with the words 'all-Ukrainian conference of prosecutors' in the respective case and form;

е) in [part two](#) of Article 67:

in [clause 2](#) the words 'shall appoint members of the High Council of Justice' shall be replaced with the words 'shall elect members of the High Council of Justice';

in [clause 4](#) the words 'Code of Professional Ethics and Conduct of the Prosecutor's Office Staff' shall be replaced with the words 'the [Code of Professional Ethics and Conduct of Prosecutors](#)';

ε) in [Article 78](#):

the words 'as well as the procedure and deadlines for appealing the decision, including permission to the person who filed the disciplinary complaint to appeal the decision if it was granted' shall be added to [paragraph one](#) of part eight;

part ten shall be supplemented to read as follows:

'10. The person who filed the disciplinary complaint on a disciplinary offence committed by a prosecutor, shall be entitled to appeal the decision of the Qualification and Disciplinary Commission of Prosecutors to the High Council of Justice provided there is a permission of the Qualification and Disciplinary Commission of Prosecutors to do so';

ж) in [clause 2](#) of Section XII 'Final Provisions' the words 'before the all-Ukrainian conference of the prosecutors approves the Code of Ethics and Conduct of Prosecutors shall be replaced with the words 'before the all-Ukrainian conference of the prosecutors approves the [Code of Ethics and Conduct of Prosecutors](#)';

3) in [Section XIII](#) 'Transitional Provisions':

in [clause 6](#):

the words 'of the all-Ukrainian conference of the prosecutor's office staff shall be replaced with the words 'all-Ukrainian conference of the prosecutors';

a paragraph shall be added to read as follows:

'If it is necessary to dismiss or elect a member of the High Council of Justice prior to the entry into force of the relevant provisions of this Law, the convocation and holding of the all-Ukrainian conference of prosecutors to elect or dismiss members of the High Council of Justice shall be carried out in accordance with the procedure approved by the Prosecutor General';

[clause 8](#) shall be deleted;

28) in [Article 23](#) of the Law of Ukraine "On Probation" (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 13, p. 93) the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

29) in [paragraph three](#) of clause 1 of part one of Article 7 of the Law of Ukraine "On the Audit Chamber" (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 36, p. 360) the words 'the High Council of Justice' shall be replaced with the words 'the High Council of Justice';

30) in [clause 2](#) of part one of Article 5 of the Law of Ukraine "On the National Agency of Ukraine for the Identification, Search and Management of Assets Received From Corruption and Other Crimes" (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 1, p. 2) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';

31) in the [Law of Ukraine "On Civil Service"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2016, No.4, p.43):

a) [Article 5](#) shall be supplemented with part four to read as follows:

'4. Peculiarities of legal regulation of public service in the justice system shall be determined by the legislation on the judicial system and the status of judges';

б) in [paragraph four](#) of clause 1 of part two of Article 6:

the words 'of the Supreme Court of Ukraine' shall be replaced with the words 'of the Supreme Court';

the words 'of chiefs of secretariats of the High Council of Justice, the High Qualification Commission of Judges of Ukraine and their deputies, Head of State Judicial Administration of Ukraine and his/her deputies' shall be added;

b) [clause 6](#) of part two of Article 14 shall be deleted;

r) in [Article 91](#):

in [part one](#) the words 'of the Supreme Court of Ukraine' and 'of the High Council of Justice' shall be replaced accordingly with the words 'of the Supreme Court' and 'of the High Council of Justice';

[part two](#) shall be supplemented with the words 'and chiefs of administrations (secretariats) of courts, agencies and institutions of the judiciary with the features envisaged by the legislation on the judiciary and the status of judges';

r') [part four](#) of Article 92 shall be supplemented with paragraph two to read as follows:

'Peculiarities of executive support service in courts, bodies and institutions of the justice system shall be determined by the legislation on the judicial system and the status of judges';

32) in the text of the [Law of Ukraine "On the State Bureau of Investigation"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 6, p. 55) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

33) in the [Law of Ukraine "On the Judicial System and the Status of Judges"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 31, p. 545):

a) [clause 3](#) of part one of Article 28 shall be amended to read as follows:

'3) have at least seven years of professional experience as a lawyer, including court representation and/or criminal defence';

b) [clause 3](#) of part one of Article 38 shall be amended to read as follows:

'3) have at least ten years of professional experience as a lawyer, including court representation and/or criminal defence';

b) [clauses 3](#) and [4](#) of part six of Article 69 shall be amended to read as follows:

'3) of an academic degree – the academic degree in the field of law obtained at a higher education institution (university, academy or institute, except for military educational institution) or a research institution of Ukraine or a similar higher education institution or a research institution of a foreign state. An academic degree obtained at a foreign higher education institution or research institution shall be acknowledged in Ukraine in the manner prescribed by law;

4) experience of academic work – the experience of the professional work in the field of law as a part of research (research and lecturing) job at a higher education institution (university, academy or institute, except for a military educational institution) or a research institution of Ukraine or a similar higher education institution or a research institution of a foreign state'.

r) [part one](#) of Article 88 shall be supplemented with paragraph two to read as follows:

'Shall the Public Integrity Council in its opinion conclude that a judge (a candidate to a judge) does not meet the criteria of professional ethics and integrity, the High Qualification Commission of Judges of Ukraine may adopt a decision confirming the competence of this judge (the candidate to a judge) to administer justice in a respective court only if this decision is supported by not less than eleven members thereof';

r') [part four](#) of Article 101 shall be supplemented with paragraph two to read as follows:

'The High Qualification Commission of Judges of Ukraine may revise decisions approved by its chamber or panel as to the admission to the competition or selection procedures';

д) [Article 103](#) shall be supplemented with part five to read as follows:

'5. The inspectors of the High Qualification Commission of Judges of Ukraine shall not be civil servants; their status shall be established by this Law. Peculiarities regulating their activities shall be established by the Regulation on the Inspectors of the High Qualification Commission of Judges of Ukraine adopted by the High Qualification Commission of Judges of Ukraine';

е) parts [three](#) and [five](#) of Article 142 shall be amended to read as follows:

'3. Retired judges shall receive a monthly lifetime financial allowance amounting to 50 per cent of the judicial remuneration of a judge holding a respective position. Every full year of work as a judge over 20 years shall add two per cent to the monthly lifetime financial allowance';

'5. A judge shall receive a pension or monthly financial allowance irrespectively of income (profit) obtained by the judge after retirement. The monthly financial allowance shall be paid by the bodies of the Pension Fund of Ukraine from the state budget of Ukraine';

є) in [part one](#) of Article 150 the words 'and of the National School of Judges of Ukraine' shall be deleted;

ж) [part eight](#) of Article 155 shall be amended to read as follows:

'8. Directorates, departments, sections may be established within the secretariats of courts that shall exercise their functions based on the regulations approved by the head of the administration of the respective court';

in [Section XII](#) 'Final and Transitional Provisions':

[clause 3](#) shall be supplemented with a new paragraph after paragraph one to read as follows:

'The commercial courts of the Autonomous Republic of Crimea, oblasts, the cities of Kyiv and Sevastopol shall continue to exercise their powers before district commercial courts are established and functioning and the jurisdiction of which shall cover the respective territory'.

Respectively, paragraph two shall become paragraph three;

paragraph two shall be added to [clause 22](#) to read as follows:

'The judges, who by the date of this Law coming into force, have passed the qualification assessment and have confirmed their ability to administer justice in the appropriate court, shall receive judicial remuneration determined in accordance with the [Law of Ukraine "On the Judicial System and the Status of Judges"](#) till 1 January 2017 (Bulletin of the Verkhovna Rada of Ukraine 2010, No. 41-45, p. 529; 2015, No. No. 18-20, p. 132 with subsequent amendments)';

[clause 25](#) shall be amended to read as follows:

'25. A judge who, based on the results of the qualification assessment, had confirmed the availability to hold his/her office (administering of justice in the respective court) or has been appointed as a judge following the competition that was held after this Law entered into force, and who had served as a judge for at least three years from the date when the decision regarding him/her was approved on the basis of the qualification assessment or the competition, shall be entitled to receiving a lifetime monthly financial allowance in the amount determined by this Law.

In other cases, when a judge is retiring after this Law enters into force, the monthly lifetime financial allowance shall amount to 80 per cent of the judicial remuneration calculated according to the [Law of Ukraine "On the Judicial System and the Status of Judges"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2010, No. No. 41-45, p. 529; 2015, No. No. 18-20, p. 132 with subsequent changes). Every full year of work as a judge over 20 years shall add two per cent to the monthly lifetime financial allowance; however, it may not exceed 90 per cent of the judicial remuneration calculated according to the above mentioned Law';

paragraph two shall be added to [clause 26](#) to read as follows:

'Before January 1, 2017, the members of the High Qualification Commission of Judges of Ukraine shall receive the pay of 10 minimum wages multiplied by 1.3, and the premiums and the bonuses shall remain applicable, as defined by the law that had been effective before this Law came into force;

paragraph four shall be added to [clause 34](#) to read as follows:

'The number of years of work experience of judges appointed or elected before this Law enters into force shall remain determined in accordance with the legislation effective on the date of their appointment (election)';

in [subclause 1](#) of clause 46 the words 'in courts, between courts, between courts and bodies of judicial self-governance' shall be replaced with the words 'in courts and bodies of judicial self-governance, between courts, between courts and bodies of judicial self-governance';

34) in the [Law of Ukraine "On Agencies and Officials Enforcing Judicial Decisions and Decisions of Other Bodies"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 29, p. 535):

a) in [Article 24](#):

[part three](#) shall be supplemented with paragraphs two through four to read as follows:

'During first three years of activities as a private executor, minimum insurance amount of civil liability of the private executor may not be less than the total amount to be recovered under writs of execution under his/her execution within a year, but shall not be lower than 1 thousand minimum wages as from the start of the respective calendar year.

The period for engaging in the activities of a private executor shall be calculated from the date of entering information about the private executor in the Unified Register of Private Executors of Ukraine.

The time when activities of the private executor are suspended shall not be counted as time of activities of the private executor';

the words 'minimum' shall be added after the word 'exceeds' in [part four](#);

б) the words 'of the sum of recovery and' shall be added after the words 'taking into account' in [part one](#) of Article 27;

35) in the [Law of Ukraine "On Enforcement Proceedings"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 30, p. 542):

a) in [Article 4](#):

in [part one](#):

paragraph two shall be added to [clause 4](#) to read as follows:

'taxpayer registration number or passport series and number (for natural persons who in view of their religious beliefs have refused to accept a taxpayer number in due order, have informed the respective controlling authority thereof and have special marks in their passports) of the debtor (for natural persons – taxpayers)';

in paragraph nine the words 'taxpayer registration number or passport series and number (for natural persons who in view of their religious beliefs have refused to accept a taxpayer number in due order, have informed the respective controlling authority thereof and have special marks in their passports) of the debtor (for natural persons – taxpayers)' shall be deleted;

paragraph thirteen shall be added to [part four](#) to read as follows:

'When a writ of execution is remanded to the recoverer without execution, the recoverer shall receive back the advance payment he/she made';

б) paragraphs thirteen through fifteen shall be added to [part two](#) of Article 5 to read as follows:

'During the first year of activities, the private executor may not execute decisions where the sum of recovery exceeds twenty or more million hryvnias or is equivalent to this sum in foreign currency'.

The period for engaging in the activities of a private executor shall be calculated from the date of entering information about the private executor in the Unified Register of Private Executors of Ukraine.

The time when activities of the private executor are suspended shall not be counted as time of activities of the private executor';

в) [part four](#) of Article 15 shall be supplemented with paragraph two to read as follows:

'The State Judicial Administration of Ukraine shall be a recoverer under decisions on the recovery of court fees, imposing fine (as a means of procedural coercion)';

г) in [clause 19](#) of part three of Article 18 the words 'that issues a writ of execution' shall be deleted;

р) in [part two](#) of Article 26:

the words 'and decisions on provisional remedies' shall be added after the word 'character' in paragraph one;

paragraph nine shall be added to read as follows:

'Advance payment shall not be made for the execution of decisions of the European Court of Human Rights';

д) in [paragraph one](#) of part three of Article 36 the word 'state' shall be deleted;

е) in [clause 2](#) of part one of Article 37 the words 'during the year' shall be deleted;

е) [part three](#) of Article 40 shall be amended to read as follows:

'3. Where a writ of execution is remanded to the recoverer based on the grounds indicated in clauses 1, 3, 4, 6 of part one of Article 37 of this Law, enforcement proceeding on the grounds provided for in clauses 1, 2, 4, 6, 9 (except the case envisaged in part nine of Article 27 of this Law), 11, 14 and 15 of part one of Article 39 of this Law is terminated, and the enforcement fee has not been paid, the state executor shall no later than on the next working day following the day when the writ of execution is remanded (enforcement proceeding is terminated) make a resolution to recover the enforcement fee from being executed as established by this Law';

ж) in [part three](#) of Article 52 the words 'state' shall be deleted;

з) in [part four](#) of Article 58 the words 'of the judicial letter and seizure of property' shall be replaced with the words 'resolution on the judicial letter and seizure of property (money) of the debtor';

и) in [part eight](#) of Article 61 the word 'initial' shall be deleted;

і) in [paragraph three](#) of part three of Article 74 the word 'state' after the word 'or' and the words 'by the state executor' after the words 'ruled in enforcement proceedings' shall be deleted;

ї) [Section XIII](#) 'Final and Transitional Provisions' shall be supplemented with clause <sup>-1</sup> to read as follows:

'1<sup>1</sup>. Prior to 1 January 2018, the private executor may not enforce decisions where the sum of recovery exceeds six million hryvnias or the equivalent amount in foreign currency';

36) in the [Law of Ukraine "On Administrative Services"](#) (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 32, p. 409; 2016, NO. 3, p. 30):

a) in [part seven](#) of Article 11 the words 'The administrative services provider may not' shall be replaced with the words 'The executive authority, other state authority, the authority of the Autonomous Republic of Crimea, the local self-government body, their officials may not';

б) in [part three](#) of Article 18 the words 'Administrative services providers' shall be replaced with the words 'The executive authority, other state authority, the authority of the Autonomous Republic of Crimea, the local self-government body, their officials';

37) in [part one](#) of Article 14 of the Law of Ukraine 'On Free Legal Assistance' (Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 51, p. 577; 2013, No. 21, p. 208; 2015, No. 203, p. 12; 2016, No. 10, p. 99, No. 27, p. 521):

a) [clause 1](#) shall be amended to read as follows:

'1) persons under the jurisdiction of Ukraine, shall their average monthly income not exceed two minimums of subsistence level calculated and approved in accordance with the law for persons belonging to main social and demographic groups, as well as people with disabilities receiving a pension or financial support appointed instead of the pension, in the amount not exceeding two minimum subsistence levels for disabled persons all types of legal services envisaged by part two of Article 13 of this Law';

б) clauses 2<sup>1</sup> i 2<sup>2</sup> shall be added to read as follows:

'2<sup>1</sup>) internally displaced persons – for all types of legal services envisaged by part two of Article 13 of this Law';

2<sup>2</sup>) citizens of Ukraine who applied to be registered as internally displaced persons for legal services envisaged by clauses 2 and 3 of part two of Article 13 of this Law, on matters regarding obtaining the certificate of registration as an internally displaced person, before such certificate is obtained';

в) in [clause 9](#) the words 'for legal services envisaged in clauses 1-3 of part two of Article 13 of this Law on matters regarding social protection' shall be replaced with the words 'for all types of legal services envisaged by part two of Article 13 of this Law';

г) clause 9<sup>1</sup> shall be added to read as follows:

'9-1) persons under the jurisdiction of Ukraine who has applied for a status of persons under the [Law of Ukraine "On Status of War Veterans, Guarantees of Their Social Protection"](#) for legal services envisaged in clauses 2 and 3 of part two of Article 13 of this Law before the decision on granting such status is issued';

38) the words 'of the central executive authority ensuring state penitentiary policy' shall be added after the words 'in the sphere of civil defence' in [paragraph one](#) of part ten of Article 33 of the Law of Ukraine "On Higher Education" (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 37-38, p. 2004; 2015, No. 52, p. 482).

4. The High Council of Justice shall be established by the reorganisation of the High Council of Justice.

5. Until the [Law of Ukraine "On Amendments to the Constitution of Ukraine \(Regarding Justice\)"](#) enters into force, the appointed or elected members of the High Council of Justice shall acquire the status of the members of the High Council of Justice and exercise their powers during the term for which they were appointed or elected but not longer than 30 April 2019.

Parts [six](#) and [nine](#) of Article 6 of this Law regarding the restrictions applicable to the lawyer on his/her participation in the bodies of professional self-governance and the obligation to leave the bodies of lawyers self-governance, shall apply to the appointed or elected members of the High Council of Justice only after this Law enters into force.

6. The Minister of Justice of Ukraine and the Prosecutor General of Ukraine shall terminate their membership in the High Council of Justice on the date when the [Law of Ukraine](#) "On the Amendments to the Constitution of Ukraine (Regarding Justice)" comes into force<sup>1</sup>. The President of the Supreme Court of Ukraine shall terminate his/her membership in the High Council of Justice after the President of the Supreme Court is elected.

7. If on the date the [Law of Ukraine](#) "On Amendments to the Constitution of Ukraine (Regarding Justice)" enters into force the respective authorised body has not appointed the number of members of the High Council of Justice that this body should appoint according to the law, the member of the High Council of Justice for the respective position shall be elected by the Congress of Judges of Ukraine within the number limit of the members of the High Council of Justice to be elected by the Congress of Judges of Ukraine, as envisaged by the [Constitution of Ukraine](#).

Before the establishment of the Supreme Court established according to the procedure and the composition defined by the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII, the election of delegates to the Congress of Judges of Ukraine shall be carried out as follows:

1) the meeting of judges of the Supreme Court of Ukraine shall elect three delegates;

2) the meeting of judges of the Higher Specialised Court of Ukraine on Civil and Criminal Cases, the general meeting of judges of the Supreme Economic Court of Ukraine, the general meeting of judges of the Higher Administrative Court of Ukraine each shall elect one delegate representing twenty judges sitting in the respective court.

8. Before 1 January 2018 the judge elected (appointed) a member the High Council of Justice, with the exception of the requirements set forth in this Law, shall have the experience of working as a judge of not less than 10 years.

9. Before January 1, 2017, the members of the High Council of Justice shall receive the pay of 10 minimum wages multiplied by 1.3, and the premiums and the bonuses shall remain applicable as defined by the law that had been effective before this Law came into force.

10. The Chairman of the High Council of Justice, his/her deputy, shall gain the status and shall exercise their powers of the Chairman of the High Council of Justice and the deputy respectively, as established by this Law until the term of office for which they were elected expires.

11. Within the term envisaged by [subclause 7](#) of clause 16<sup>1</sup> of Section XV 'Transitional Provisions' of the Constitution of Ukraine, the President of Ukraine shall transfer judges, following the motion of the High Council of Justice, based on and within the recommendations of the High Qualification Commission of Judges of Ukraine or based on the motion of the Disciplinary Chamber of the High Council of Justice.

12. The issue of the judge dismissal on the ground envisaged in [subclause 4](#) of clause 16<sup>1</sup> of Section XV 'Transitional Provisions' of the Constitution of Ukraine shall be considered at the session of the High Council of Justice in its full composition based on the motion of the High Qualification Commission of Judges of Ukraine, as it is required by [Article 56](#) of this Law. The decision on the dismissal of a judge based on the results of the assessment may be appealed, as it is defined by [Article 57](#) of this Law.

13. The documents and motions of the High Council of Justice on the first appointment of the judge that had been not considered before the [Law of Ukraine](#) "On the Amendments to the Constitution of Ukraine (Regarding Justice)" entered into force shall be forwarded to the High



Council of Justice for finalising the issue of appointing the respective judges (filing respective motions).

The candidates to the positions of judges whose files are forwarded to the High Council of Justice according to paragraph one of this clause and who, on the sixtieth day after the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII became effective, do not meet the requirements for appointment as a judge in accordance with the [Constitution of Ukraine](#), shall terminate their participation in the procedures for the appointment to the positions of judges.

The candidates to judges whose files are forwarded to the High Council of Justice according to paragraph one of this clause and who not later than on the sixtieth day after the Law of Ukraine "On the Judicial System and the Status of Judges" of June 2, 2016, [No. 1402-VIII](#) became effective, meet the requirements for the appointment to the positions of judges in accordance with the [Constitution of Ukraine](#) and the Law of Ukraine "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII, shall pass the special check and shall participate in the competition for the positions of judges. If according to the results of the qualification exam passed before the entry into force of the Law of Ukraine "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII, the candidate for the position of judge scored less than 75 percent of the maximum possible score of the qualification exam, then such a candidate shall pass the qualification exam again, undergo a special check and takes part in the competition for the position of judge.

*{Paragraph three of clause 13 of Section III as amended by the Law [No. 2147-VIII of 10.03.2017](#)}*

The High Council of Justice shall provide the respective documents to the High Qualification Commission of Judges of Ukraine in order to hold a special check, a qualifications exam and a competition for the position of judge.

The documents and recommendations of the High Qualification Commission of Judges of Ukraine on the election of judges for life, if with regard to these judges no decision is adopted by the date when the [Law of Ukraine](#) "On Amendments to the Constitution of Ukraine (Regarding Justice)" comes into force, shall be considered by the High Council of Judges as it is defined by [Chapter 2](#) of Section II of this Law.

Based on the results of the qualification assessment, a judge who has been appointed for five years before the [Law of Ukraine](#) "On Amendments to the Constitution of Ukraine (Regarding Justice)" enters into force and whose powers expired, may be appointed to the position of judge following the motion of the High Council of Justice if his/her competency meets the requirements to this position according to [subclauses 2](#) and [4](#) of clause 16<sup>1</sup> of Section XV 'Transitional Provisions' of the Constitution of Ukraine.

The recommendations of the High Qualification Commission of Judges of Ukraine on the appointment of judges to the courts in the area of the anti-terrorist operation where justice cannot be administered, not considered by the High Council of Justice, shall be returned to the High Qualification Commission of Judges of Ukraine. These candidates, not later than on the sixtieth day after the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII, enters into force, shall meet the requirements for the appointment as a judge in accordance with the [Constitution of Ukraine](#) and the "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII, and shall go through the special check and shall participate in the competition for the appointment as judges in the courts of Donetsk and Luhansk oblasts irrespective of the results of the qualification exam passed before this Law enters into force.

The High Council of Justice shall consider the appointment of judges of the specialised high court or the Supreme Court in the manner prescribed by [Article 36](#) of this Law. The procedure for the appointing of judges to the specialised high court or the Supreme Court is established by

[Article 81](#) and [part two of Article 82](#) of the Law of Ukraine 'On the Judiciary and the Status of Judges'.

14. The materials and motions of the High Council of Justice on the dismissal of judges, regarding whom either the President of Ukraine or the Verkhovna Rada of Ukraine did not adopt a decision before the [Law of Ukraine](#) "On the Amendments to the Constitution of Ukraine (Regarding Justice)" entered into force, shall be forwarded to the High Council of Justice for deciding upon the appointment of the judges based on the grounds indicated in the motions. The decision on judge dismissal shall be approved by the High Council of Judges at the plenary session without summoning the judge whose dismissal is under consideration. The Rules of Procedure of the High Council of Justice may envisage a simplified procedure for the consideration of this matter.

A judge with regard to whom the High Council of Justice had submitted the motion of dismissal due to the breach of the oath before the [Law of Ukraine](#) "On Amendments to the Constitution of Ukraine (Regarding Justice)" entered into force and the decision on whom has not been adopted either by the President of Ukraine or the Verkhovna Rada of Ukraine, shall be dismissed based on [clause 3](#) of part six of Article 126 of the Constitution of Ukraine.

If a judge, for whatever reason, had not been dismissed upon reaching the age of sixty-five before the [Law of Ukraine](#) "On Amendments to the Constitution of Ukraine (Regarding Justice)" entered into force, his/her powers shall terminate starting from September 30, 2016, except for the case if before September 30, 2016, the judge submitted the letter of resignation according to the procedure defined by the law. If the judge submitted the letter of resignation, the High Council of Justice shall consider this application according to the procedure defined by this Law and shall approve one of the following decisions:

1) to dismiss the judge from office following the letter of resignation based on [clause 4](#) of part six of Article 126 of the Constitution of Ukraine;

2) to refuse the dismissal of the judge from office following the letter of resignation if the judge did not have the necessary age limit for retirement according to the legislation effective on the date when the letter of resignation was filed. In this case, the powers of the judge shall terminate starting from September 30, 2016.

15. The statements on the breach of legislation on compatibility, including the requests of the Ministry of Justice of Ukraine, submitted in line with the [Law of Ukraine](#) "On Lustration", as well as proceedings on incompatibility initiated by the High Council of Justice before the [Law of Ukraine](#) "On Amendments to the Constitution of Ukraine (Regarding Justice)" entered into force, the decision on which has not been taken, shall be forwarded to the High Council of Justice for consideration and decision-making in the manner prescribed by this law for the consideration of incompatibility cases.

16. The Verkhovna Rada of Ukraine, within 30 days starting from the date when the [Law of Ukraine](#) "On Amendments to the Constitution of Ukraine (Regarding Justice)" enters into force, shall forward to the High Council of Justice the documents (materials) on the transfer of judges to be submitted to the President of Ukraine.

17. The request (complaint) concerning the conduct of the judge forwarded by the High Qualification Commission of Judges of Ukraine to the High Council of Justice or its Disciplinary Chambers for consideration after the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII enters into force, shall remain without review and shall be added to the judicial dossier if on the date when the Law of Ukraine "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII enters into force the term on bringing the judge to disciplinary responsibility based on the facts set out in this request (complaint) has expired. The Rules of Procedure of the High Council of Justice may provide for a simplified procedure of a preliminary check of requests (complaints) filed to the High Judicial Qualifications Commission of Ukraine earlier than three years before the Law of Ukraine "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII enters into force.

The requests and complaints regarding the actions of judges, towards whom by September 29, 2016, the term on bringing the judge to disciplinary responsibility has expired, shall not be considered (and if the proceedings thereunder started, they shall be terminated), except for the requests and complaints on the actions of judges mentioned in [Article 3](#) of the Law of Ukraine "On the Restoration of Trust to the Judicial Power in Ukraine". The complaints and requests shall be added to judicial dossiers.

18. The decision of the respective authority to impose the disciplinary sanction on the judge or prosecutor in disciplinary cases, if initiated before the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII entered into force, may be appealed to the High Council of Justice and be considered by it at the plenary session in the manner prescribed by this Law.

The complaints on decisions of the respective body on bringing to disciplinary responsibility the judge or prosecutor in disciplinary cases that have not been considered by the High Council of Justice before the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII enters into force, shall be considered by the High Council of Justice at the plenary session in the manner prescribed by this Law.

19. The requests (complaints) regarding the conduct of judges of local and courts of appeal provided by the High Qualification Commission of Judges of Ukraine to the High Council of Justice shall be considered by the Disciplinary Chambers of the High Council of Justice in the manner prescribed by this Law. The member of the High Council of Justice shall check the request (complaint) sitting alone on the validity of the requirements applicable for the date of its submission.

The decisions of the High Qualification Commission of Judges of Ukraine on forwarding the recommendation to the High Council of Justice on initiating a dismissal of the judge from office if it had been approved before the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII entered into force, shall be considered by the High Council of Justice in the manner established by [Chapter 6](#) of Section II of this Law. Based on the results of the review of the recommendation the High Council of Justice may adopt a decision to dismiss the judge from office based on [clause 3](#) of part six of Article 126 of the Constitution of Ukraine.

20. The preliminary check of requests (complaints) regarding the conduct of judges of the Supreme Court of Ukraine, the High Specialised Court of Ukraine on Civil and Criminal Cases, the High Commercial Court of Ukraine, the High Administrative Court of Ukraine that had been submitted to the High Council of Justice before the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII entered into force, shall be carried out by a member of the High Council of Justice defined by the automated distribution between the members of the High Council of Justice that had taken place before this Law came into force.

21. The disciplinary cases that had been initiated by the High Council of Justice, before the [Law of Ukraine](#) "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII entered into force, shall be considered by the Disciplinary Chambers of the High Council of Justice in the manner prescribed by [clause 32](#) of Section XII of the 'Final and Transitional Provisions' of the Law of Ukraine "On the Judicial System and the Status of Judges" of June 2, 2016, No. 1402-VIII taking into consideration the procedure established by the Rules of Procedure of the High Council of Justice.

Requests and complaints provided for the review to the member of the High Council of Justice based on the automated distribution before the disciplinary bodies of the High Council of Justice were established, shall remain with this member and may be considered by a disciplinary body in which the member participates in cases envisaged by this Law.

22. The sessions of the High Council of Justice or of its bodies shall be recorded in writing if the technical equipment for the full recording of the sessions of the High Council of Justice and its bodies is not ensured, which shall be done by 1 July 2017.

23. Within twenty days from the date when this Law enters into force, the High Council of Justice shall:

1) establish the Commission on the Reorganisation of the High Council of Justice and Establishment of the High Council of Justice;

2) develop and approve the order or actions due to reorganisation of the High Council of Justice and establishment of the High Council of Justice.

24. The Cabinet of Ministers of Ukraine:

1) prepare and submit to the Verkhovna Rada of Ukraine within a month proposals on the financing of top-priority measures for the implementation of this Law;

2) within three months from the date when this Law enters into force:

a) to bring its regulatory acts in line with this Law;

б) to ensure that ministries and other central executive bodies bring their regulatory and legal acts in accordance with this Law;

в) to provide the expenses associated with the implementation of the provisions of this Law in the draft laws of Ukraine on the State Budget of Ukraine for 2017 and for subsequent years.

**President of Ukraine**

**Petro POROSHENKO**

**City of Kyiv  
December 21, 2016  
No. 1798-VIII**