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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

**LAW ON INTRODUCING AMENDMENTS TO SOME
LEGISLATIVE ACTS OF UKRAINE REGARDING IMPROVEMENT OF
THE PROCEDURE OF COMPETITIVE SELECTION OF CANDIDATES
TO THE POSITION OF THE JUDGE OF THE CONSTITUTIONAL COURT
OF UKRAINE***

(*) Unofficial translation

The Verkhovna Rada of Ukraine is hereby resolving:

1. To introduce amendments to the following legislative bills of Ukraine:

1) in the Rules of Procedure of the Verkhovna Rada of Ukraine adopted by the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" (Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 14–17, p. 133, as subsequently amended):

title of Chapter 33 shall read as follows:

"Chapter 33

APPOINTMENT OR SELECTION TO POSITIONS, DISMISSAL FROM POSITIONS, TERMINATION OF AUTHORITIES, GRANTING OF CONSENT TO APPOINTMENT OR DISMISSAL OF OFFICIALS, EXPRESSION OF NO CONFIDENCE TO THE PROSECUTOR GENERAL IN INSTANCES SET OUT BY THE CONSTITUTION AND LAWS OF UKRAINE";

Article 208⁴ shall read as follows:

"Article 208⁴. Procedure of appointment to the position of the judge of the Constitutional Court of Ukraine

1. According to para. 26 of Article 85(1), Article 148(2) of the Constitution of Ukraine, the Verkhovna Rada shall appoint judges of the Constitutional Court of Ukraine to the position of the judge.
2. Selection of candidates to the position of the judge of the Constitutional Court of Ukraine shall be carried out based on a competition following the procedure set out by the Law of Ukraine "On the Constitutional Court of Ukraine" and taking into account peculiarities stipulated by this Article. The committee, which is responsible for issues relating to the legal status of the Constitutional Court of Ukraine, shall carry out competitive selection of candidates for the position of the judge of the Constitutional Court of Ukraine in the Verkhovna Rada.
3. Not later than ninety days prior to the expiration of the term of authorities or reaching of the threshold age of holding the judicial office at the Constitutional Court of Ukraine or not later than within twenty days of the date, on which a vacant position of the judge of the Constitutional Court of Ukraine appears in case authorities of a judge of the Constitutional Court of Ukraine have been terminated early or he/she has been dismissed from the position based on grounds set out by Article 149¹ of the Constitution of Ukraine, upon submission of the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine, the Apparatus of the Verkhovna Rada shall publish an announcement on the start of competitive selection of candidates for the position of the judge of the Constitutional Court of Ukraine at the official website of the Verkhovna Rada. Should more than one vacant position of the judge of the Constitutional Court of Ukraine emerge at the same time, competitive selection of candidates for all vacant positions may be announced and conducted.
4. Within ten days of publication of the announcement on the start of competitive selection, the Apparatus of the Verkhovna Rada shall accept the documents set out by Article 10⁵(2) of the Law of Ukraine "On the Constitutional Court of Ukraine" from persons who want to participate in such competition for the judicial office at the Constitutional Court of Ukraine and shall register them in the chronological order of their receipt. Information about persons who want to participate in the competition for the judicial office at the Constitutional Court of Ukraine, along with copies of submitted documents shall be published at the official website of the Verkhovna Rada, taking into consideration restrictions stipulated by the law. Receipt of documents shall stop at 24 hours on the last day of the term set out by para. 1 of this part in case documents are submitted in the electronic format and at the time of the end of working hours of the Apparatus of the Verkhovna Rada in case documents are submitted in the paper format. The Apparatus of the Verkhovna Rada does not have the right to deny in accepting documents based on grounds other than expiration of the term.
5. Within twenty days of the date on which the term set out by para. 1 of part 4 of this Article expires, the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall consider documents submitted by persons who intend to hold the judicial office at the Constitutional Court of Ukraine.

Based on the submitted documents, the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall establish compliance of persons who have expressed their intention to hold the judicial office of the Constitutional Court of Ukraine with requirements stipulated by the Constitution of Ukraine (regarding citizenship, knowledge of the state language, age, education, and employment record) and shall adopt a decision on admission or denial in admission of candidates to the competitive selection.

Errors and inaccuracies found in documents submitted by the person shall not be a ground for denial in admission to the competitive selection in case they do not prevent from understanding the content of this information.

With respect to persons who have expressed the intention to hold the judicial office at the Constitutional Court of Ukraine, but do not comply with requirements stipulated by the Constitution of Ukraine, the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall adopt a justified decision on denial in admission to the competitive selection.

If a person who has expressed the intention to hold the judicial office at the Constitutional Court of Ukraine has not submitted all required documents set out by the law, the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall adopt a decision on denial in admission of such person to the competitive selection.

If the number of persons admitted to the competitive selection is fewer than two persons, a new competitive selection shall be announced.

6. Within three days of adopting the decision on admission of a candidate to the competitive selection for the position of the judge of the Constitutional Court of Ukraine, the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall hand over documents of such candidate to the Apparatus of the Verkhovna Rada of Ukraine to organize conduct of a special check pursuant to the Law of Ukraine "On Prevention of Corruption", as well as copies of such documents to the Advisory Group of Experts which carries out its activities pursuant to the Law of Ukraine "On the Constitutional Court of Ukraine" with a view to evaluating moral qualities and the level of competence in the sphere of law of candidates and providing a list of evaluated candidates for the position of the judge of the Constitutional Court of Ukraine.
7. Within three days of receipt of information about results of the special check from the central executive body which implements the state policy in the sphere of public service, the Apparatus of the Verkhovna Rada shall prepare and hand over a statement on results of the special check regarding a candidate for the position of the judge of the Constitutional Court of Ukraine to the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine and to the Advisory Group of Experts.

In case it is established pursuant to results of the special check that there is information about the candidate that he/she does not comply with requirements stipulated by the law for holding the position, participation of such candidate in the competitive selection for the position of the judge of the Constitutional Court of Ukraine shall be considered as terminated.
8. The Advisory Group of Experts shall provide the Verkhovna Rada with a list of evaluated candidates for the position of the judge of the Constitutional Court of Ukraine, as well as a motivated decision on evaluation of compliance of moral qualities and level of competence in the sphere of law regarding each candidate.
9. Within three days of receipt of the list of evaluated candidates for the position of the judge of the Constitutional Court of Ukraine from the Advisory Group of Experts, the Apparatus of the Verkhovna Rada shall publish a respective list at the official website of the Verkhovna Rada.
10. Upon receipt of the list of evaluated candidates for the position of the judge of the Constitutional Court of Ukraine, as well as respective decisions of the Advisory Group of Experts, the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall conduct interviews with such candidates and shall take a decision on recommendations regarding appointment to the position of the judge of the Constitutional Court of Ukraine.
11. The committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall submit the committee's decision, statement on results of the special check, list of candidates evaluated by the Advisory Group of Experts, as well as documents submitted by the candidate for consideration of the Verkhovna Rada.

12. Not later than within five days before the date of consideration of the respective issue by the Verkhovna Rada, people's deputies shall be provided with all documents about candidates for the position of the judge of the Constitutional Court of Ukraine.
13. There shall be held a discussion at the plenary session of the Verkhovna Rada before the start of voting regarding candidates.

Representatives of deputy factions (deputies' groups), representatives of committees, people's deputies participate in the discussion of candidates for the position of the judge of the Constitutional Court of Ukraine.

Each of the candidates for the position of the judge of the Constitutional Court of Ukraine has the right to make a speech at the plenary session of the Verkhovna Rada during the discussion.

People's deputies may ask questions to a candidate at the plenary session of the Verkhovna Rada regarding any information about the candidate, except for information relating to his/her private life and with respect to which there are no reasonable grounds to believe that it may be important to determine the candidate's capacity to properly fulfill authorities of the judge of the Constitutional Court of Ukraine, as well as information which constitutes state secrecy.
14. Voting shall take place after discussion of candidates, completion of candidates' speeches, and provision of their answers to questions of the people's deputies.
15. Appointment for the position of the judge of the Constitutional Court of Ukraine shall be carried out by the Verkhovna Rada via open voting in two stages:
 - 1) ranked-choice voting;
 - 2) voting for appointment to the position of the judge of the Constitutional Court of Ukraine.
16. In order to determine the ranking of candidates for the position of the judge of the Constitutional Court of Ukraine, the Verkhovna Rada shall carry out open ranked-choice voting separately with respect to each candidate who has received score "most compliant" under the criterion of the recognized level of competence in the sphere of law from the Advisory Group of Experts.

If none of the candidates for the position of the judge of the Constitutional Court of Ukraine has received score "most compliant" from the Advisory Group of Experts, voting shall take place with respect to those candidates who have received score "compliant".
17. Voting for appointment for the position of the judge of the Constitutional Court of Ukraine shall be carried out by the Verkhovna Rada with respect to the candidate who has received the largest number of votes of people's deputies pursuant to results of the ranked-choice voting.

If only one candidate has received score "most compliant" from the Advisory Group of Experts, the Verkhovna Rada shall immediately hold voting for appointment to the position of the judge of the Constitutional Court of Ukraine with respect to such candidate.

The Verkhovna Rada shall appoint the candidate for the position of the judge of the Constitutional Court of Ukraine by means of open voting of the majority of people's deputies from the constitutional composition of the Verkhovna Rada.
18. If the candidate for the position of the judge of the Constitutional Court of Ukraine has not received the majority of votes of people's deputies from the constitutional composition of the Verkhovna Rada pursuant to results of open voting, his/her candidacy shall be considered as rejected, there shall be held another round of voting for a next-ranked candidate.

If pursuant to results of another round of voting such candidate has not received the majority of votes of people's deputies from the constitutional composition of the Verkhovna Rada, his/her candidacy shall be considered as rejected, there shall be held repeated voting for a next-ranked candidate.
19. If pursuant to results of voting none of the candidates who have received score "most compliant" under the criterion of the recognized level of competence in the sphere of law from the Advisory Group of Experts has not received the majority of votes of people's deputies from the constitutional composition of the Verkhovna Rada, the Verkhovna Rada shall hold voting following the procedure set out by para. 15 – 18 of this Article with respect to those candidates who have received score "compliant" under the criterion of the recognized level of competence in the sphere of law from the Advisory Group of Experts.

If only one candidate for the position of the judge of the Constitutional Court of Ukraine has received score "compliant" from the Advisory Group of Experts, the Verkhovna Rada shall immediately hold

voting with respect to such candidate for appointment for the position of the judge of the Constitutional Court of Ukraine.

20. If pursuant to results of voting none of the candidates who have received score “compliant” from the Advisory Group of Experts has received the majority of votes of people’s deputies from the constitutional composition of the Verkhovna Rada, the Verkhovna Rada shall hold voting following the procedure set out by para. 15 – 18 of this Article with respect to those candidates who have received score “non-compliant” under the criterion of the recognized level of competence in the sphere of law from the Advisory Group of Experts.

If only one candidate has received score “non-compliant” from the Advisory Group of Experts, the Verkhovna Rada shall immediately hold voting regarding appointment of such candidate for the position of the judge of the Constitutional Court of Ukraine.

21. If pursuant to results of voting none of the candidates who have received score “non-compliant” from the Advisory Group of Experts has received the majority of votes of people’s deputies from the constitutional composition of the Verkhovna Rada, there shall be announced a new competition carried out following the procedure set out by the Law of Ukraine “On the Constitutional Court of Ukraine”.
22. Decision on appointment for the position of the judge of the Constitutional Court of Ukraine shall be executed with a resolution of the Verkhovna Rada”;
it shall be supplemented with Article 208⁵ which reads as follows:

“Article 208⁵. Procedure of appointment of a member of the Advisory Group of Experts

1. According to Article 10² of the Law of Ukraine “On the Constitutional Court of Ukraine”, the Verkhovna Rada shall appoint one person to the composition of the Advisory Group of Experts.

The committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall prepare appointment of the member of the Advisory Group of Experts in the Verkhovna Rada.

2. The Verkhovna Rada shall appoint a person as the member of the Advisory Group of Experts based on suggestions of deputy factions (deputies’ groups).

3. Upon submission of the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine, the Apparatus of the Verkhovna Rada shall publish an announcement at the official website of the Verkhovna Rada on the start of acceptance of suggestions regarding candidates to the Advisory Group of Experts from deputy factions (deputies’ groups) not later than two months prior to the expiration of the term for which the member of the Advisory Group of Experts has been appointed, and within ten days of the date on which the respective vacant position emerges in case of early termination of authorities of the member of the Advisory Group of Experts.

4. Within 10 days of publication of the respective announcement, deputy factions (deputies’ groups) shall submit suggestions to the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine regarding candidates to the Advisory Group of Experts, along with information which confirms compliance of such candidates with requirements set out by Article 10² of the Law of Ukraine “On the Constitutional Court of Ukraine”.

A deputy faction (deputies’ group) shall suggest only one candidate to the Advisory Group of Experts.

Deputy factions (deputies’ groups) may agree on the joint suggestion regarding the candidate to the Advisory Group of Experts.

5. Within fifteen days after expiration of the term set for submission of suggestions regarding candidates to the Advisory Group of Experts from deputy factions (deputies’ groups), the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall evaluate compliance of suggested candidates with requirements set out by Article 10² of the Law of Ukraine “On the Constitutional Court of Ukraine” at its open meeting.

6. The meeting of the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine may be attended by candidates to the Advisory Group of Experts suggested by deputy factions (deputies’ groups).

Failure of candidates to the Advisory Group of Experts suggested by deputy factions (deputies’ groups) to arrive at the meeting of the committee shall not prevent the committee from considering the issue relating to evaluation of compliance of such candidates with requirements set out by Article 10² of the Law of Ukraine “On the Constitutional Court of Ukraine”.

7. The committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall take a decision on rejection of candidates who fail to comply with requirements set out by Article 10² of the Law of Ukraine “On the Constitutional Court of Ukraine”.

8. The committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine shall submit candidates which comply with requirements set out by Article 10² of the Law of Ukraine “On the Constitutional Court of Ukraine” for the consideration of the Verkhovna Rada.

9. Not later than five days prior to the date on which the Verkhovna Rada will consider the respective issue, people’s deputies shall be provided with all documents concerning candidates to the Advisory Group of Experts suggested by deputy factions (deputies’ groups).

10. Discussion shall be held before the start of voting regarding candidates at the plenary session of the Verkhovna Rada.

All representatives of deputy factions (deputies’ groups), representatives of committees, people’s deputies shall participate in the discussion of candidates.

During the discussion each of the candidates has the right to make a speech at the plenary session of the Verkhovna Rada.

People’s deputies may ask questions to the candidate at the plenary session of the Verkhovna Rada about any information concerning the candidate, except for information about his/her personal life and with respect to which there are no reasonable grounds to believe that it may be important to determine the candidate’s capacity to properly fulfill authorities of the member of the Advisory Group of Experts, as well as information which constitutes the state secrecy.

11. Voting shall be held after completion of candidates’ speeches and discussion of the candidates.

12. Appointment of the person to the Advisory Group of Experts shall be carried out by the Verkhovna Rada via open voting in two stages:

- 1) ranked-choice voting;
- 2) voting for appointment of the person as the member of the Advisory Group of Experts.

13. In order to determine the ranking of candidates, the Verkhovna Rada shall hold open ranked-choice voting regarding each candidate separately.

14. Voting for appointment of the person as the member of the Advisory Group of Experts shall be held by the Verkhovna Rada with respect to the candidate who has received the largest number of votes of people’s deputies pursuant to results of the ranked-choice voting.

The Verkhovna Rada shall appoint the person as the member of the Advisory Group of Experts via open voting by the majority of votes of people’s deputies from the constitutional composition of the Verkhovna Rada.

15. If pursuant to results of open voting the candidate has not received the majority of votes of people’s deputies from the constitutional composition of the Verkhovna Rada, his/her candidacy shall be considered as rejected, there shall be held another round of voting for the next-ranked candidate. If pursuant to results of another round of open voting none of the candidates suggested by deputy factions (deputies’ groups) has received the majority of votes of people’s deputies from the constitutional composition of the Verkhovna Rada, upon submission of the committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine, the Apparatus of the Verkhovna Rada shall publish an announcement at the official website of the Verkhovna Rada on the start of a new procedure of acceptance of suggestions regarding candidates to the Advisory Group of Experts from deputy factions (deputies’ groups).

16. Results of voting for appointment of the person as the member of the Advisory Group of Experts shall be executed with a resolution of the Verkhovna Rada”;

2) **Article 56(2) of the Law of Ukraine “On Prevention of Corruption”** (Official Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 49, p. 2056, as subsequently amended) shall be complemented with paragraph six which reads as follows:

“With respect to candidates to the position of the judge of the Constitutional Court of Ukraine appointed by the Congress of Judges of Ukraine, the Council of Judges of Ukraine shall be responsible for arranging conduct of the special check”;

3) the Law of Ukraine “On the Constitutional Court of Ukraine” (Official Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 35, p. 376, as subsequently amended): shall be complemented with Chapter 2¹ which reads as follows:

“Chapter 2¹. Procedure of Selection of Candidates for the Position of the Judge of the Constitutional Court

Article 10¹. Competitive principles for the selection of candidates for the position of the judge of the Constitutional Court

1. Selection of candidates for the position of the judge of the Constitutional Court shall take place based on a competition following the procedure stipulated by this Law.

2. Competitive selection of candidates for the position of the judge of the Constitutional Court with respect to persons appointed by the President of Ukraine shall be carried out by the selection commission established by the President of Ukraine.

Composition of the selection commission established by the President of Ukraine shall be formed from among lawyers with the recognized level of competence who do not participate in the competition for the position of the judge of the Constitutional Court of Ukraine.

The President of Ukraine shall adopt a regulation on conduct of the competitive selection of candidates for the position of the judge of the Constitutional Court with respect to persons appointed by the President of Ukraine.

3. The committee responsible for issues relating to the legal status of the Constitutional Court of Ukraine (hereinafter referred to as the Committee) shall arrange preparation for consideration of candidates for the position of the judge of the Constitutional Court in the Verkhovna Rada of Ukraine based on the competition following the procedure set out by the Rules of Procedure of the Verkhovna Rada of Ukraine, taking into account provisions of this Law.

4. The Council of Judges of Ukraine shall be responsible for preparing for consideration of candidates for the position of the judge of the Constitutional Court based on the competition by the Congress of Judges of Ukraine.

5. During the competition any form of participation and involvement of citizens of the country recognized as the occupying state and/or aggressor state with respect to Ukraine pursuant to the law, as well as of civil society associations founded by such persons shall be prohibited.

6. During the competition, the selection commission, Committee, and Council of Judges of Ukraine shall follow requirements set out by the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Women and Men”.

Article 10². Advisory Group of Experts

1. The Advisory Group of Experts (hereinafter referred to as the Advisory Group) shall be established with a view to assisting entities responsible for nominating judges of the Constitutional Court with evaluation of moral qualities and level of competence in the sphere of law of candidates for the position of the judge of the Constitutional Court.

2. The Advisory Group shall carry out its activities pursuant to the Constitution of Ukraine, this Law, and Regulation on the Advisory Group of Experts (hereinafter referred to as the Regulation) which is developed and adopted by the Advisory Group.

3. The Advisory Group shall consist of six members appointed for the term of three years and participating in its work pro bono.

A person may not hold the position of the member of the Advisory Group for more than two terms in a row.

4. The following person may be a member of the Advisory Group:

- 1) who has achieved the age of forty five as of the date of appointment;
- 2) who has higher legal education with the Master’s degree obtained in Ukraine and/or higher legal education of the respective degree obtained abroad;
- 3) who has professional employment record of at least twenty years in the sphere of law;
- 4) who has high moral qualities;
- 5) who is a lawyer with a recognized level of competence;
- 6) who complies with the criterion of political neutrality.

5. The following person may not be a member of the Advisory Group:
 - 1) who is a member or holds a position in a political party, other political association or participates in political activities;
 - 2) who holds an elective position in a public authority or local self-governance body, has a representative mandate;
 - 3) who participates in the competitive selection of candidates for the position of the judge of the Constitutional Court;
 - 4) who has been recognized as incapable or with limited civil capacity pursuant to the court decision;
 - 5) who has conviction for committing a criminal offence if such conviction has not expired or cancelled following the procedure established by the law (except for a rehabilitated person) or who has been subject to administrative sanction for committing a corruption-related offence;
 - 6) who is a judge, prosecutor, investigator, interrogating officer, civil servant or holds a political position pursuant to the Law of Ukraine "On the Cabinet of Ministers of Ukraine". Restriction regarding appointment of judges shall not cover persons appointed by the Congress of Judges of Ukraine;
 - 7) who has citizenship of the state recognized as the occupying state and/or aggressor state with respect to Ukraine pursuant to the law.
6. The Advisory Group shall consist of:
 - 1) one person appointed by the President of Ukraine;
 - 2) one person appointed by the Verkhovna Rada of Ukraine;
 - 3) one person appointed by the Congress of Judges of Ukraine;
 - 4) one person appointed by the National Academy of Legal Sciences of Ukraine;
 - 5) one person appointed by the congress of representatives of legal higher educational institutions and academic entities ;
 - 6) one person appointed by the congress of representatives of civil society associations which have carried out activities in the sphere of constitutional reform and/or rule of law and/or human rights protection and/or prevention and action against corruption for the past five years.
7. The President of Ukraine shall issue a decree on appointment of a person to the Advisory Group. A person acquires the state of the member of the Advisory Group since the date on which the respective decree of the President of Ukraine is issued.
8. The procedure of appointment of a person to the Advisory Group by the Verkhovna Rada of Ukraine shall be established by the Rules of Procedure of Verkhovna Rada of Ukraine. A person acquires the status of the member of the Advisory Group since the date of the Verkhovna Rada of Ukraine adopting a respective resolution.
9. The Congress of Judges of Ukraine shall adopt a decision on appointment of the person to the Advisory Group following the procedure set out by Article 10¹¹ of this Law. A person acquires the status of the member of the Advisory Group since the date of the Congress of Judges of Ukraine adopting the respective decision.
10. The National Academy of Legal Sciences of Ukraine shall adopt a decision on appointment of a person to the Advisory Group. A person acquires the status of the member of the Advisory Group since the date of the National Academy of Legal Sciences of Ukraine adopting the respective decision.
11. The congress of representatives of legal higher educational institutions and academic entities shall adopt a decision on appointment of a person to the Advisory Group following the procedure set out by Article 10³ of this Law. A person acquires the status of the member of the Advisory Group since the date of the congress adopting the respective decision.
12. The congress of representatives of civil society associations which have carried out activities for the past five years in the sphere of constitutional reform and/or rule of law and/or human rights protection and/or prevention and action against corruption shall adopt a decision on appointment of a person to the Advisory Group following the procedure set out by Article 10⁴ of this Law. A person acquires the status of the member of the Advisory Group since the date of the congress adopting the respective decision.

13. The Advisory Group shall be considered as fully competent provided that it consists of at least four members.

14. Authorities of the member of the Advisory Group shall terminate due to expiration of the term for which he/she has been appointed.

15. Authorities of the member of the Advisory Group may be terminated early pursuant to the Advisory Group's decision in case:

1) he/she submits a personal application on termination of authorities of the member of the Advisory Group;

2) the Advisory Group expresses no confidence to him/her;

3) the guilty verdict of the court with respect to him/her comes into force;

4) he/she is subject to an administrative sanction for committing an offence related to: corruption; failure to pay alimonies; driving under the influence of alcohol, narcotic, or other intoxication; cruel treatment of animals; domestic and other violence; failure to fulfill obligations relating to upbringing of children; violation of intellectual property rights; weapons handling; legalization of proceeds (money laundering);

5) he/she is declared dead, gone missing; recognized as incapable pursuant to the court decision; with limited civil capacity pursuant to the court decision;

6) non-compliance of the member of the Advisory Group with requirements set out by this Article is established;

7) his/her death.

In case of systematic failure of the member of the Advisory Group to fulfill his/her duties or interferences with the Advisory Group's work, which is recorded in at least two of its decisions, the Advisory Group shall consider the issue of expressing no confidence to such member and terminating his/her authorities pursuant to the appeal of at least three other members.

Authorities of the member of the Advisory Group shall be terminated early on the date on which the respective decision is adopted.

16. The Advisory Group shall notify the nominating entity about termination of authorities of its member not later than three months prior to the date on which his/her authorities expire, and within no more than three days of the date of early termination of his/her authorities in case of such early termination of authorities of the member of the Advisory Group.

17. In case the nominating entity has received information from the Advisory Group about termination of authorities of the member of the Advisory Group whom it has been appointed, it shall appoint another person to the Advisory Group following rules set out by this Article.

18. Members of the Advisory Group shall select from among themselves the chair and secretary of the Advisory Group. Distribution of authorities and duties regarding organizational issues of the Advisory Group's work among the chair, secretary, and other members of the Advisory Group shall be determined by the Regulation.

19. The main form of the Advisory Group's work is a meeting convened by the chair of the Advisory Group and by the secretary of the Advisory Group in case of the chair's absence and by the oldest member of the Advisory Group in case of absence of both the chair and secretary.

The Advisory Group's meeting may also be convened upon request of at least three of its members.

20. The Advisory Group's meeting shall be considered as fully competent if at least four members are present at it.

21. Not later than five days prior to the date of the meeting, the Advisory Group shall publish information about the date, time, venue, and agenda of the meeting at the official website of the Constitutional Court, unless other terms are stipulated by this Law.

22. Meetings of the Advisory Group shall be held openly, except for instances set out by this Law. A body which ensures organizational support of activities of the Constitutional Court shall provide for live broadcast of meetings of the Advisory Group at the official website of the Court.

23. The Advisory Group may hold its meetings remotely using electronic videoconference means. Separate members of the Advisory Group have the right to participate, if necessary, in meetings and decision-making of the Advisory Group remotely with the use of electronic videoconference means.

24. The Advisory Group shall adopt the decision with at least four votes, except for instances set out by this Law.

The Advisory Group's meeting shall be executed with the minutes and shall be published at the official website of the Constitutional Court within three days of its adoption, unless this Law stipulates otherwise.

25. Authorities of the Advisory Group include the following:

- 1) development and adoption of the Regulation on the Advisory Group of Experts;
- 2) development and adoption of the methodology of evaluation of moral qualities and level of competence in the sphere of law of candidates for the position of the judge of the Constitutional Court. The Advisory Group shall develop the methodology of evaluation of moral qualities and level of competence in the sphere of law, taking into account the best international standards and practices (including with respect to selection of judges of the European Court of Human Rights, judges of the Court of Justice of the European Union, etc.);
- 3) consideration, check, and analysis of documents of a candidate for the position of the judge of the Constitutional Court sent to the Advisory Group, including confidential information and personal data, receipt of other information required by the Advisory Group to fulfill its authorities from public bodies and local self-governance bodies, enterprises, institutions, and organizations, citizens of Ukraine, other persons;
- 4) address to candidates for the position of the judge of the Constitutional Court, as well as to any legal entity, individual, public authority, or local self-governance body, their officials, any other persons who own or possess information with a request to provide explanations, documents, or information with a view to evaluating moral qualities and level of competence in the sphere of law of candidates for the position of the judge of the Constitutional Court;
- 5) conduct of an interview with candidates for the position of the judge of the Constitutional Court according to the Regulation;
- 6) evaluation of moral qualities and level of competence in the sphere of law of candidates for the position of the judge of the Constitutional Court;
- 7) adoption of a justified decision on evaluation of compliance of moral qualities and level of competence in the sphere of law of candidates for the position of the judge of the Constitutional Court regarding each candidate, compiling of a list of evaluated candidates and submission to nominating entities;
- 8) fulfillment of other authorities set out by this Law.

26. In order to fulfill its authorities, the Advisory Group shall have the right to receive information from open state registers, judicial dossiers (dossiers of candidates for the position of the judge) free-of-charge.

27. Upon request of the Advisory Group, additional experts, representatives of civil society associations may be involved to support its activities.

28. The Advisory Group has the right to receive free-of-charge information and copies of documents and materials (including the ones with restricted access) regarding a candidate for the position of the judge of the Constitutional Court from any persons who own or dispose of requested information (documents, materials).

Owners or administrators of requested information (documents, materials), except for the candidate's family members or close persons shall provide information (documents, materials) to the Advisory Group within ten days of receiving this request.

29. A member of the Advisory Group shall:

- 1) not use personal data and other information which he/she has learned while working in the Advisory Group for purposes other than fulfillment of duties related to the Advisory Group's work;
- 2) take measures to ensure protection of personal data and confidential information which have become known to him/her in connection with fulfillment of duties related to the Advisory Group's work.

30. If a member of the Advisory Group has or had personal or business relations with the candidate for the position of the member of the Constitutional Court which might impact his/her objectivity or impartiality as the Advisory Group's member, he/she shall recuse oneself within two days since the moment when he/she learned or should have learned about such circumstances.

A candidate for the position of the judge of the Constitutional Court may request recusal of the member of the Advisory Group based on the same grounds.

Self-recusal of the member of the Advisory Group, as well as statements on recusal shall be considered by the Advisory Group. With its decision the Advisory Group may refuse to the member of the Advisory Group in satisfying the application on self-recusal or reject the application on recusal submitted by the candidate or satisfy it. A respective member of the Advisory Group who has requested self-recusal or whose recusal has been requested does not participate in voting.

If satisfaction of self-recusal, recusal results in a decrease in the number of votes in the Advisory Group to four while deciding on some issue, the Advisory Group shall take a decision on such issue with the simple majority of present members' votes.

31. A body which provides organizational support of activities of the Constitutional Court shall be responsible for organizational and technical support of activities of the Advisory Group within the scope of expenses envisioned in the State Budget of Ukraine for a respective year for funding of the Constitutional Court's activities.

Article 10³. Procedure of appointment of the member of the Advisory Group by the congress of representatives of legal higher educational institutions and academic entities

1. With a view to appointing the member of the Advisory Group, the congress of representatives of legal higher educational institutions and academic entities shall be convened by the central executive body which ensures formation and implementation of the state policy in the spheres of education and science.

The congress shall be held not later than two months prior to the date on which the term for which the member of the Advisory Group has been appointed expires, and within two months since the date on which the vacant position emerges in case of early termination of authorities of the Advisory Group member.

2. Announcement on convocation of the congress of representatives of legal higher educational institutions and academic entities shall be published at the official website of the central executive body which ensures formation and implementation of the state policy in the spheres of education and science.

3. For purposes of this Law, representatives of the following entities participate in the congress of representatives of legal higher educational institutions and academic entities for appointment of the member of the Advisory Group:

1) higher educational institutions (universities, academies, or institutes, except for higher military educational institutions) that have academic units in their structure which provide for training of specialists with Master's higher educational degree during at least ten years and have licensed scope of at least 75 persons for training of specialists with the Master's degree under the specialty of 'Law', 'International Law' as of the date of the congress conduct;

2) academic and research institutions that are subordinate to the National Academy of Sciences of Ukraine, national specialized academies of sciences as of the date of the congress conduct, have passed state attestation, and carry out academic activities in the sphere of law for at least ten years.

4. Every legal higher educational institution and academic entity may determine two representatives delegated to participate in the congress and no more than one candidate to the Advisory Group.

Legal higher educational institutions and academic entities may jointly determine a candidate to the Advisory Group.

5. Information about representatives delegated for participation in the congress and candidates to the Advisory Group shall be submitted to the central executive body which ensures formation and implementation of the state policy in the spheres of education and science within fifteen days of the date on which the announcement about the congress convocation is published.

6. The list of representatives delegated for participation in the congress, as well as list of candidates to the Advisory Group shall be published at the official website of the central executive body which ensures formation and implementation of the state policy in the spheres of education and science within thirty days of the date on which the announcement about the congress convocation is published, but in any case not later than ten days prior to the date of the congress conduct.

7. Time and venue of conduct of the congress of representatives of legal higher educational institutions and academic institutions shall be determined by the central executive body which ensures formation and implementation of the state policy in the spheres of education and science.

The congress shall be held in the premises of the educational institution or academic entity.

8. The notification about time and venue of conduct of the congress shall be published not later than twenty calendar days prior to the date of its conduct at the website of the central executive body which ensures formation and implementation of the state policy in the spheres of education and science.

9. The congress shall be held openly. The procedure of the congress conduct shall be determined by the decision of the congress.

10. The congress of representatives of legal higher educational institutions and academic entities shall appoint a member of the Advisory Group by means of secret voting.

11. A candidate who has received the majority of votes of selected delegates of the congress of representatives of legal higher educational institutions and academic entities pursuant to results of secret voting shall be considered as appointed for the position of the member of the Advisory Group.

12. Pursuant to results of voting the chair and secretary of the congress of representatives of legal higher educational institutions and academic entities shall sign a decision on appointment of the member of the Advisory Group.

Article 10⁴. Procedure of appointment of the member of the Advisory Group by the congress of representatives of civil society associations

1. The congress of representatives of civil society associations which have carried out activities in the sphere of constitutional reform and/or rule of law and/or human rights protection and/or prevention and action against corruption for the past five years (hereinafter referred to as the congress of civil society associations) shall be convened by the central executive body which ensures formation and implementation of the state legal policy.

Announcement about convocation of civil society associations shall be published at the official website of the central executive body which ensures formation and implementation of the state legal policy.

The congress shall be held not later than two months prior to the expiration of the term for which the member of the Advisory Group has been appointed and within two months of the date on which the vacant position emerges in case of early termination of authorities of the member of the Advisory Group.

2. The congress of civil society associations shall be attended by civil society associations which have carried out activities in the sphere of constitutional reform and/or rule of law and/or human rights protection and/or prevention and action against corruption for the past five years, including implementation of projects in these spheres.

3. The congress of civil society associations may not be attended by civil society associations which carried out or carry out activities with engagement of international technical assistance, donors of which are public authorities, local self-governance bodies, institutions, organizations, or enterprises of the country that has been recognized as the occupying state and/or aggressor state with respect to Ukraine pursuant to the law or which have been funded by them.

4. In order to participate in the congress, within fifteen days of the date on which the announcement on convocation of the congress is published civil society associations shall submit the following documents to the central executive body which ensures formation and implementation of the state legal policy:

1) an application in a free form signed by the head of the civil society association with indication of the person authorized to represent the civil society association at the congress;

2) copy of the charter and excerpt from the Unified State Register of Legal Entities and Individual Entrepreneurs;

3) copies of reports pursuant to results of implementation of projects with involvement of international technical assistance;

4) letters of reference on successful experience of cooperation from two international or foreign organizations which have been providing international technical assistance to Ukraine during the past

five years pursuant to international or interstate treaties in the sphere of constitutional reform and/or rule of law, and/or protection of human rights, and/or prevention and action against corruption;

5) copies of reports pursuant to results of the financial audit regarding at least two implemented projects with involvement of international technical assistance or copy of the report pursuant to results of the audit of the civil society association's activities;

6) curriculum vitae of a representative of the civil society association to be delegated by the latter for participation in the congress;

7) curriculum vitae of a candidate to the Advisory Group nominated by the civil society association and the candidate's motivation letter signed by him/her, copy of the declaration of the person authorized to fulfill functions of the state or local self-governance for a year preceding the year when the announcement on convocation of the congress is published, and link to a respective page in the Unified State Register of Declarations of Persons Authorized to Fulfill Functions of the State or Local Self-Governance.

5. Every civil society association which complies with requirements for participation in the congress may determine one representative delegated for participation in the congress and no more than one candidate to the Advisory Group.

6. The issue regarding compliance of the civil society association with requirements to participation in the congress stipulated by this Article shall be decided by the central executive body which ensures formation and implementation of the state legal policy within ten days of receiving respective applications and accompanying documents.

7. The list of civil society associations which comply with requirements to participation in the congress and of their representatives, copies of documents submitted by them, list of candidates to the Advisory Group shall be published at the official website of the central executive body which ensures formation and implementation of the state legal policy within thirty days of publication of the announcement on convocation of the congress, but not later than ten days prior to the date of the congress.

8. Date, time, and venue of conduct of the congress of civil society associations shall be determined by the central executive body which ensures formation and implementation of the state legal policy.

Notification about date, time, and venue of conduct of the congress of civil society associations shall be published at the official website of the central executive body which ensures formation and implementation of the state legal policy not later than ten days prior to the date of its conduct.

9. The congress shall be considered as fully competent provided that at least five representatives of civil society associations participate in them. The procedure of the congress conduct shall be determined by the decision of the congress.

10. The congress shall be held openly.

11. A candidate who has received the majority of votes of representatives of civil society associations delegated for participation in the congress shall be considered as appointed for the position of the member of the Advisory Group.

12. Within five days of the end of the congress its decision on appointment of the member of the Advisory Group shall be sent to the central executive body which ensures formation and implementation of the state legal policy to be published at its official website.

Article 10⁵. Start of competitive selection

1. Announcement about the start of the competitive selection of candidates for the position of the judge of the Constitutional Court shall be published at the official website respectively of the President of Ukraine, Verkhovna Rada of Ukraine, Council of Judges of Ukraine not later than ninety days prior to the date on which authorities expire or on which the judge of the Constitutional Court reaches the threshold age, or not later than within twenty days of emergence of the vacant position of the judge of the Constitutional Court in case authorities of the judge of the Constitutional Court have been terminated or he/she has been dismissed from the position based on grounds set out by Article 149¹ of the Constitution of Ukraine.

In case more than one vacant position of the judge of the Constitutional Court emerges at once, the competitive selection of candidates may be announced and held by a respective entity responsible for appointment for the position of the judge of the Constitutional Court for all vacant positions.

2. Persons who have expressed an intention to hold the position of the judge of the Constitutional Court and comply with requirements to the judge stipulated by the Constitution of Ukraine shall submit the following documents to the selection commission, Apparatus of the Verkhovna Rada of Ukraine, Council of Judges of Ukraine within ten days of publication of the announcement on the start of the competitive selection:

- 1) application on participation in the competitive selection in a free form;
- 2) autobiography;
- 3) motivation letter of a candidate for the position of the judge of the Constitutional Court;
- 4) copy an identification document which confirms citizenship of Ukraine;
- 5) copies of documents which confirm employment record in the sphere of law;
- 6) copy of the declaration of the person authorized to fulfill functions of the state or local self-governance for a year preceding the year when documents are submitted, as well as a link to a respective page of the Unified State Register of Declarations of Persons Authorized to Fulfill Functions of the State or Local Self-Governance;
- 7) copy of a diploma on higher legal education (with annexes) of the Master's degree obtained in Ukraine and/or copies of documents on higher legal education of a respective level obtained abroad, along with copies of documents which confirm their recognition in Ukraine, as well as copies of documents about academic degree, academic title (of any);
- 8) copy of a document which confirms knowledge of the state language at the level determined by the National Commission on State Language Standards;
- 9) written consent to processing of personal data and publication of copies of documents set out by this Article, except for the copy of the document stipulated by para. 4 of this clause;
- 10) application on conduct of the check set out by the Law of Ukraine "On Purification of Power" or conclusion pursuant to results of such check (if any);
- 11) written consent to conduct of the special check pursuant to the law;
- 12) other documents stipulated by the Law of Ukraine "On Prevention of Corruption" for conduct of the special check.

3. With respect to persons who have expressed intention to hold the position of the judge of the Constitutional Court, the selection commission, Apparatus of the Verkhovna Rada of Ukraine, Council of Judges of Ukraine shall publish documents submitted by the candidate for the position of the judge of the Constitutional Court pursuant to clause 2 of this Article at the official website of accordingly the President of Ukraine, Verkhovna Rada of Ukraine, Council of Judges of Ukraine, except for:

- 1) information about place of residence or stay, dates of birth of these individuals, addresses, telephone numbers or other communication means, email addresses, registration number of the taxpayer's card, series and number of passport, military record, location of owned objects (except for the region, district, settlement where the object is located), registration numbers of vehicles;
- 2) medical records;
- 3) any information and data about minor children, except for information about property, property rights, assets, other objects to be declared which are owned by them according to the declaration of the person authorized to fulfill functions of the state or local self-governance which is submitted by the candidate for the position of the judge of the Constitutional Court;
- 4) information which contains state secrets.

Article 10⁶. Admission to the competitive selection

1. Within twenty days of expiration of the term set out by Article 10⁵(2) of this Law, the selection commission, Committee, Council of Judges of Ukraine shall check completeness of documents submitted by persons who have expressed the intention to hold the position of the judge of the Constitutional Court.

Errors and inaccuracies found in documents submitted by the person shall not be a ground for denial in access to the competitive selection in case they do not prevent from understanding the text of this information.

2. Based on submitted documents, the selection commission, Committee, Council of Judges of Ukraine shall establish compliance of persons who have expressed the intention to hold the position of the judge of the Constitutional Court with requirements to the judge set out by the Constitution of Ukraine and this Law (with respect to citizenship, knowledge of the state language, age, education, and employment record), and then they shall adopt a decision on admission or denial in admission to the competitive selection.

If the person who has expressed the intention to hold the position of the judge of the Constitutional Court has not submitted all required documents set out by Article 10⁵(2) of this Law, the selection commission, Committee, Council of Judges of Ukraine shall take a decision on denial in admission of such person to the competitive selection.

If fewer than two persons have been admitted to the competitive selection, the selection commission, Committee, Council of Judges of Ukraine shall announce a new competition carried out following the procedure stipulated by this Law at once, but not later than within twenty days.

3. Decisions of the selection commission, Committee, Council of Judges of Ukraine on admission or denial in admission to the competitive selection regarding persons who have expressed the intention to hold the position of the judge of the Constitutional Court shall be published at the official website of accordingly the President of Ukraine, Verkhovna Rada of Ukraine, Council of Judges of Ukraine not later than on the day following the date of the decision adoption.

4. Not later than within three days of adoption of the decision on admission of candidates for the position of the judge of the Constitutional Court of Ukraine to the competitive selection, the selection commission, Apparatus of the Verkhovna Rada of Ukraine, Council of Judges of Ukraine shall send copies of documents submitted by candidates for the position of the judge of the Constitutional Court, to the Advisory Group for evaluation of moral qualities and level of competence in the sphere of law of candidates for the position of the judge of the Constitutional Court and provision of the list of candidates evaluated by the Advisory Group.

5. Since the day on which the decision on admission to the competitive selection, individuals and civil society associations have the right to send information and materials to the selection commission, Committee, Council of Judges of Ukraine, and Advisory Group regarding compliance or non-compliance of a specific candidate or candidates for the position of the judge of the Constitutional Court with requirements to the judge of the Constitutional Court as stipulated by the Constitution of Ukraine and this Law.

The selection commission, Committee, Council of Judges of Ukraine, and Advisory Group may take into consideration such information and materials while conducting the competitive selection.

At the same time, information and materials received from anonymous sources, as well as information and materials, sources of origin of which are impossible to establish, are not taken into consideration by the selection commission, Committee, Council of Judges of Ukraine, and Advisory Group while conducting the competitive selection.

Article 10⁷. Appointment and conduct of the special check

1. Special check shall be carried out with respect to all candidates admitted to the competitive selection following the procedure set out by the Law of Ukraine "On Prevention of Corruption".

2. Results of the special check shall be taken into consideration while carrying out the competitive selection.

3. The selection commission, Apparatus of the Verkhovna Rada of Ukraine, Council of Judges of Ukraine shall send the statement on results of the special check of the candidate for the position of the judge of the Constitutional Court to the Advisory Group at once, but not later than on the following day.

4. In case information about the candidate which does not correspond to requirements established by the law for filling in the position is revealed pursuant to results of the special check, participation of such candidate in the competitive selection shall be considered as terminated.

Article 10⁸. Completion of the competitive selection

1. Within four months of receiving all documents submitted by candidates for the position of the judge of the Constitutional Court, the Advisory Group shall consider and study submitted documents, results of the special check, other information and materials received by the Advisory Group in the

process of fulfilling its authorities and hold an interview with candidates for the position of the judge of the Constitutional Court.

2. Within fifteen days of the date of interviewing all candidates, the Advisory Group shall evaluate moral qualities of each candidate for the position of the judge of the Constitutional Court.

Within fifteen days of adoption of the decision regarding evaluation of compliance of all candidates with the criterion of high moral qualities, the Advisory Group shall evaluate the level of competence in the sphere of law of each candidate for the position of the judge of the Constitutional Court.

The Advisory Group shall hold discussion of candidates in a closed mode.

3. While evaluating moral qualities and level of competence in the sphere of law, the Advisory Group shall be guided by the following:

1) a candidate for the position of the judge of the Constitutional Court may be considered as compliant with the criterion of high moral qualities only if he/she has integrity, as well as if there are no reasonable doubts about legality of sources of origin of property, correspondence of the level of life of the candidate or his/her family members with their declared income, correspondence of the candidate's lifestyle with his/her status;

2) a candidate for the position of the judge of the Constitutional Court shall be considered as compliant with the criterion of recognized level of competence in the sphere of law if the candidate possesses necessary knowledge to fulfill authorities of the judge of the Constitutional Court;

3) evaluation is based on information without temporal or territorial limitations;

4) a candidate does not comply with these criteria in case his/her non-compliance is proved or there are reasonable doubts about compliance;

5) any previous conclusion or evaluation of a national or international body concerning the candidate shall not be decisive and binding for the Advisory Group.

4. Pursuant to results of evaluation of moral qualities of candidates for the position of the judge of the Constitutional Court, the Advisory Group shall adopt a justified decision regarding evaluation of each candidate's compliance.

Score "compliant" is given to a candidate who has received at least four votes "for" from the Advisory Group.

Score "non-compliant" is given to a candidate who has received three and fewer votes "for" from the Advisory Group.

In case a candidate receives score "non-compliant" from the Advisory Group under the criterion of high moral qualities, the candidate shall be considered as failing to pass a respective stage of the competitive selection for the position of the judge of the Constitutional Court since the moment the Advisory Group publishes such decision. In the decision regarding such candidate the Advisory Group shall specify that the candidate does not comply with the criterion of high moral qualities for purposes of selection of candidates for the position of the judge of the Constitutional Court.

If the Advisory Group may not adopt a decision regarding evaluation of any of the candidates due to the same number of votes "for" and "against" within the term established by this Article, one more interview shall be held.

If pursuant to results of the second interview the number of votes "for" and "against" regarding evaluation of compliance of the candidate is the same, he/she shall receive score "non-compliant". In the decision regarding such candidate the Advisory Group shall specify that the candidate has received score "non-compliant" under the criterion of high moral qualities exclusively because of the equal number of votes "for" and "against" of members of the Advisory Group regarding the candidate.

5. Candidates who have received score "compliant" under the criterion of high moral qualities from the Advisory Group shall be evaluated in terms of compliance with the criterion of the level of competence in the sphere of law.

If pursuant to results of evaluation the number of candidates who comply with the criterion of high moral qualities amounts to fewer than two persons per each vacant position of the judge of the Constitutional Court, the selection commission, Committee, Council of Judges of Ukraine shall announce a new competition carried out following the procedure stipulated by this Law at once, but not later than within 20 days.

6. Pursuant to results of evaluation of the level of competence in the sphere of law of candidates for the position of the judge of the Constitutional Court, the Advisory Group shall adopt a

justified decision regarding evaluation of every candidate's compliance and compile the general list of all evaluated candidates.

Candidates shall be placed in the list following the alphabetical order depending on the score which they have received under the criterion of the level of competence in the sphere of law: "most compliant", "compliant", "non-compliant".

Score "most compliant" is given to the candidate who has received at least five votes "for" from the Advisory Group.

Score "compliant" is given to the candidate who has received at least four votes "for" from the Advisory Group.

Score "non-compliant" is given to the candidate who has received three and fewer votes "for" from the Advisory Group.

If the Advisory Group may not adopt a decision regarding evaluation of compliance of the any of the candidates in connection with the equal number of votes "for" and "against" within the term established by this Article, one more interview shall be held.

If pursuant to results of the second interview the number of votes "for" and "against" regarding evaluation of compliance of the candidate is the same, he/she shall receive score "non-compliant". In the decision regarding such candidate the Advisory Group shall specify that the candidate has received score "non-compliant" under the criterion of the level of competence in the sphere of law exclusively because of the equal number of votes "for" and "against" of members of the Advisory Group regarding the candidate.

7. The Advisory Group shall publish lists of evaluated candidates and justified decisions concerning each candidate for the position of the judge of the Constitutional Court at the official website of the Constitutional Court and shall hand them over to the selection commission, Committee, Council of Judges of Ukraine accordingly not later than within three days of their compiling.

8. Upon receipt of the list of evaluated candidates for the position of the judge of the Constitutional Court, decisions of the Advisory Group regarding evaluation of each candidate's compliance from the Advisory Group, the selection commission, Committee, Council of Judges of Ukraine shall hold interviews with candidates.

Pursuant to results of studying documents and information provided by the candidates, taking into account the list of evaluated candidates, decisions of the Advisory Group regarding evaluation of each candidate's compliance and interviews with candidates, the selection commission, Committee, Council of Judges of Ukraine shall adopt decisions concerning recommendations on appointment for the position of the judge of the Constitutional Court.

9. All cases related to challenging of decisions, actions, or inaction of entities responsible for appointment of judges of the Constitutional Court in the process of competitive selection of candidates for the position of the judge, as well as evaluation of candidates for the position of the judge of the Constitutional Court by the Advisory Group shall belong to the jurisdiction of the Supreme Court as the court of the first instance and of the Grand Chamber of the Supreme Court as the court of appeal following the procedure of administrative proceedings.

Article 10⁹. Procedure of appointment of the judge of the Constitutional Court by the President of Ukraine

1. Pursuant to results of competitive selection, the President of Ukraine shall issue a decree on appointment for the position of the judge of the Constitutional Court.

2. If a decree on appointment for the position of the judge of the Constitutional Court is not issued within thirty days of the date on which the selection commission adopts a decision on recommendation about appointment to the position of the judge of the Constitutional Court, the selection commission has the right to announce a new competitive selection.

Article 10¹⁰. Procedure of appointment of the judge of the Constitutional Court by the Verkhovna Rada of Ukraine

1. Procedure of appointment of the judge of the Constitutional Court by the Verkhovna Rada of Ukraine shall be established by the Rules of Procedure of the Verkhovna Rada of Ukraine.

Article 10¹¹. Procedure of appointment of the judge of the Constitutional Court by the Congress of Judges of Ukraine

1. The Congress of Judges of Ukraine shall appoint a person to the position of the judge of the Constitutional Court by means of secret voting by casting ballots.
2. The ballot for secret voting regarding appointment to the position of the judge of the Constitutional Court shall include those candidates who have received score "most compliant" from the Advisory Group under the criterion of the recognized level of competence in the sphere of law. If none of the candidates has received score "most compliant" from the Advisory Group, the ballot shall include candidates who have received score "compliant".
3. If pursuant to results of secret voting none of the candidates has received the majority of votes of selected delegates of the Congress of Judges of Ukraine, their candidacies shall be considered as rejected, and another round of secret voting shall be held.
4. The ballot for the second round of secret voting regarding appointment for the position of the judge of the Constitutional Court shall include those candidates who have received score "compliant" from the Advisory Group under the criterion of the recognized competence in the sphere of law. If pursuant to results of the second round of secret voting none of the candidates has received the majority of votes of selected delegated of the Congress of Judges of Ukraine, one more round of secret voting shall be held.
5. The ballot for one more round of secret voting regarding appointment for the position of the judge of the Constitutional Court shall include those candidates who have received score "non-compliant" from the Advisory Group under the criterion of the recognized level of competence in the sphere of law.
6. If pursuant to results of one more round of secret voting none of the candidates has received the majority of votes of selected delegates of the Congress of Judges of Ukraine, there shall be immediately announced a new competition which shall be carried out following the procedure stipulated by this Law.
7. Decision of the Congress of Judges of Ukraine on appointment for the position of the judge of the Constitutional Court shall be signed by the presiding chair and secretary.
8. The procedure of convocation and conduct of the Congress of Judges of Ukraine shall be determined by the Law of Ukraine "On the Judiciary and Status of Judges";
Articles 12–15 shall be removed;

Chapter IV "Transitional Provisions" shall be supplemented with clauses 4–19 which read as follows:

4. Within six years of the Law of Ukraine "On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine" coming into effect (hereinafter referred to as the transitional selection period), the composition of the Advisory Group of Experts shall be formed taking into consideration peculiarities stipulated herein.
5. During the transitional selection period the Advisory Group of Experts shall consist of:
 - one person appointed by the President of Ukraine;
 - one person appointed by the Verkhovna Rada of Ukraine;
 - one person appointed by the Congress of Judges of Ukraine. The Council of Judges of Ukraine shall fulfill authorities regarding appointment of the person to the first composition of the Advisory Group of Experts instead of the Congress of Judges of Ukraine;
 - one person appointed by the Cabinet of Ministers of Ukraine upon suggestion of the European Commission for Democracy through Law;
 - two persons appointed by the Cabinet of Ministers of Ukraine upon suggestions of international and foreign organizations which have provided international technical assistance to Ukraine pursuant to international or interstate treaties in the sphere of constitutional reform and/or rule of law and/or human rights protection and/or prevention and action against corruption (hereinafter referred to as international organizations) for the past five years.
6. The European Commission for Democracy through Law, international organizations may also suggest experts and citizens of Ukraine to the composition of the Advisory Group of Experts.

7. The Advisory Group of Experts shall be considered as established provided that at least four of its members are appointed.

8. Within thirty days of the Law of Ukraine “On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect, the President of Ukraine shall appoint a person to the first composition of the Advisory Group of Experts and issue a decree about that.

9. Upon submission of the committee of the Verkhovna Rada of Ukraine responsible for issues relating to the legal status of the Constitutional Court of Ukraine, within fifteen days of the Law of Ukraine “On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect, the Apparatus of the Verkhovna Rada of Ukraine shall publish an announcement at the official website of the Verkhovna Rada of Ukraine about the start of accepting suggestions concerning candidates to the first composition of the Advisory Group of Experts from deputy factions (deputies’ groups).

10. Within thirty days of the Law of Ukraine “On Introducing Amendments to Some Legislative Bills of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect, the Council of Judges of Ukraine shall appoint a person to the first composition of the Advisory Group of Experts and adopt a decision about that.

11. Within five days of the Law of Ukraine “On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect, the central executive body which ensures formation and implementation of the state policy in the sphere of international relations shall address the European Commission for Democracy through Law to receive suggestions regarding the first composition of the Advisory Group of Experts and then it shall hand over such suggestion to the Cabinet of Ministers of Ukraine.

12. Within fifteen days of the Law of Ukraine “On Introducing Amendments to Some Legislative Bills of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect, the central executive body which ensures formation and implementation of the state policy in the sphere of foreign relations together with the Secretariat of the Cabinet of Ministers of Ukraine shall form a list of international organizations.

Within five days of compiling the respective list, the central executive body which ensures formation and implementation of the state policy in the sphere of foreign relations shall address international organizations from this list to receive suggestions from them regarding the first composition of the Advisory Group of Experts. Suggestions shall be handed over to the Cabinet of Ministers of Ukraine. In case international organizations fail to provide their suggestions regarding the composition of the Advisory Group of Experts within thirty days of receiving the respect request or in case they have suggested an insufficient number of candidates, the European Commission for Democracy through Law may provide additional suggestions regarding composition of the Advisory Group of Experts. In case international organizations have suggested in total more candidates than two persons, the Cabinet of Ministers of Ukraine shall take a decision on appointment of two candidates from the given suggestions.

13. Within three days of receiving respective suggestions regarding the first composition of the Advisory Group of Experts from the European Commission for Democracy through Law and international organizations, the Cabinet of Ministers of Ukraine shall issue a decree on appointment of persons to the Advisory Group of Experts. The person shall acquire the status of the member of the Advisory Group of Experts since the date on which the respective decree is issued.

14. Along with providing suggestions regarding the first composition of the Advisory Group of Experts, the European Commission for Democracy through Law, international organizations may submit the list of suggested substitute candidates. The list shall include no more than two persons per each position of the member of the Advisory Group of Experts who may substitute the respective member in case of early termination of his/her authorities.

In case of early termination of authorities of such member of the Advisory Group of Experts, the Cabinet of Ministers of Ukraine shall appoint a person from the list of substitute candidates from the European Commission for Democracy through Law, international organizations accordingly to replace such member.

If all persons from the respective list have refused from membership in the Advisory Group of Experts, the central executive body which ensures formation and implementation of the state policy in the sphere of foreign relations shall address the European Commission for Democracy through Law, international relations respectively to receive suggestions regarding composition of the Advisory Group.

Suggestions shall be selected following rules of this chapter.

15. Within thirty days of its establishment, the Advisory Group of Experts shall:

- 1) hold its first meeting, during which it selects the chair and secretary of the Advisory Group of Experts;
- 2) adopt the Regulation on the Advisory Group of Experts.

16. Since the date of the Law of Ukraine “On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect, all procedures of competitive selection of candidates for the position of the judge of the Constitutional Court initiated by nominating entities and not completed as of the date of the Law coming into effect shall be considered as terminated without a separate decision of nominating entities.

Persons who participated in procedures of competitive selection of candidates for the position of the judge of the Constitutional Court, but were not appointed by nominating entities to the position of the judge of the Constitutional Court as of the date of the Law of Ukraine “On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect shall be considered as not appointed to the position of the judge of the Constitutional Court. Such persons have the right to take part in the competitive selection of candidates for the position of the judge of the Constitutional Court announced on equal and general conditions once the Law of Ukraine “On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” has come into effect.

17. At once, but not later than within thirty days of the Law of Ukraine “On Introducing Amendments to Some Legislative Acts of Ukraine Regarding Improvement of the Procedure of Competitive Selection of Candidates to the Judicial Office at the Constitutional Court of Ukraine” coming into effect, entities responsible for appointing judges of the Constitutional Court shall announce competitive selection for all positions of judges of the Constitutional Court which are vacant as of the date of this Law coming into effect. New competitive selections for the position of the judge of the Constitutional Court shall be carried out according to this Law.

18. On the day following the date on which the transitional selection period set out by clause 4 of this chapter ends, authorities of members of the Advisory Group of Experts appointed by the Cabinet of Ministers of Ukraine upon suggestions of the European Commission for Democracy through Law, international organizations shall be considered as terminated without adoption of a separate decision by the Advisory Group of Experts.

Emerging vacant positions shall be filled in following the procedure set out by this Law.

19. During the transitional selection period additional experts, specialists of international organizations may be involved upon request of the Advisory Group of Experts to support its activities and work of its members at the expense of such organizations.

Organizational and technical support of activities of the Advisory Group of Experts may be provided at the expense of involved international technical assistance”;

4) in the Law of Ukraine “**On Ensuring Functioning of Ukrainian as the State Language**” (Official Bulletin of the Verkhovna Rada of Ukraine, 2019, No. 21, p. 81; No. 42, p. 238):

Article 9(1) shall be complemented with clause 9¹ which reads as follows:

“9¹) judges of the Constitutional Court of Ukraine”;

in Article 10(2) figures“9, 10” shall be substituted with figures “9, 9¹, 10”.

2. This Law shall come into effect as of the day following the date of its publication.

Chairperson of the Verkhovna Rada of Ukraine

RUSLAN STEFANCHUK

Kyiv

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