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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

LAW

**ON AMENDMENTS TO CERTAIN LEGISLATIVE ACTS OF UKRAINE
TO CLARIFY PROVISIONS ON COMPETITIVE SELECTION OF
CANDIDATES FOR THE POSITION OF A JUDGE OF THE
CONSTITUTIONAL COURT OF UKRAINE**



LAW OF UKRAINE

On Amendments to Certain Legislative Acts of Ukraine to Clarify Provisions on Competitive Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine

The Verkhovna Rada of Ukraine **resolves**:

I. To amend the following legislative acts of Ukraine:

1. Part four of Article 22 of the Code of Administrative Procedure of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436) shall be amended to read as follows:

"4. The Supreme Court as a court of first instance has jurisdiction over cases concerning the determination by the Central Election Commission of the results of elections or all-Ukrainian referendum, cases on the claim for early termination of powers of a Member of Parliament of Ukraine, as well as cases on appeal against acts, actions or omissions of the Verkhovna Rada of Ukraine, the President of Ukraine, the High Council of Justice, the High Qualification Commission of Judges of Ukraine, decisions, actions or omissions of bodies that elect (appoint), dismiss members of the High Council of Justice, on issues of election (appointment) of members of the

2. In the Rules of Procedure of the Verkhovna Rada of Ukraine, approved by the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" (Vidomosti Verkhovna Rada of Ukraine, 2010, No. 14-17, p. 133, as amended):

1) in Article 208:

parts four, five, sixteen, seventeen and nineteen shall be set forth in the following wording:

"4. Within 30 days from the date of publication of the announcement on the start of the competitive selection, the Secretariat of the Verkhovna Rada shall receive from the persons applying for participation in such selection for the position of a judge of the Constitutional Court of Ukraine the documents specified in part two of Article 10⁵ of the Law of Ukraine "On the Constitutional Court of Ukraine" and register them in the chronological order of receipt. Information about persons applying for participation in the competitive selection for the position of a judge of the Constitutional Court of Ukraine, together with copies of the submitted documents, shall be published on the official website of the Verkhovna Rada, subject to the restrictions established by law.

Persons applying for participation in the competitive selection for the position of a judge of the Constitutional Court of Ukraine shall submit documents in paper form in person or by post.

The acceptance of documents submitted in person shall be completed at the end of the working hours of the Secretariat of the Verkhovna Rada. The Secretariat of the Verkhovna Rada shall not have the right to refuse to accept documents on other grounds than the expiry of the said deadline.

Acceptance of documents submitted by postal means shall be completed by the Secretariat of the Verkhovna Rada on the fifth day after the expiry of the term for acceptance of such documents provided for in paragraph one of this part.

5. Within 20 days from the date of expiry of the term stipulated in the first paragraph of part four of this Article, the Committee, whose subject matter includes issues of the legal status of the Constitutional Court of Ukraine, shall consider the submitted documents from persons who have expressed their intention to hold the position of a judge of the Constitutional Court of Ukraine.

The Committee, which is in charge of the legal status of the Constitutional Court of Ukraine, may address persons who have expressed their intention to hold the position of a judge of the Constitutional Court of Ukraine with a proposal to provide explanations regarding the submitted documents within 10 working days if their content is contradictory. Failure to provide such explanations shall not preclude consideration of the documents.

Based on the submitted documents, the Committee, whose jurisdiction includes issues of the legal status of the Constitutional Court of Ukraine, at its meeting shall determine the compliance of persons who have expressed their intention to hold the position of a judge of the Constitutional Court of Ukraine with the requirements set forth in the Constitution of Ukraine (in terms of citizenship, proficiency in the state language, age, education and length of service) and shall make a reasoned decision on admission or non-admission of candidates to the competitive selection.

Persons who have expressed their intention to hold the position of a judge of the Constitutional Court of Ukraine shall be invited to the meeting of the Committee, whose subject matter includes issues of the legal status of the Constitutional Court of Ukraine. Failure of such persons to attend the meeting of the Committee shall not prevent consideration of their documents.

Errors and inaccuracies found in the documents submitted by a person, if their presence does not impede the understanding of the content of the specified information, shall not be grounds for refusing admission to the competitive selection.

With regard to persons who have expressed their intention to hold the position of a judge of the Constitutional Court of Ukraine but do not meet the requirements set forth in the Constitution of Ukraine, the committee in charge of the legal status of the Constitutional Court of Ukraine shall make a reasoned decision to refuse admission to the competitive selection.

If a person who has expressed his/her intention to hold the position of a judge of the Constitutional Court of Ukraine meets the requirements set forth in the Constitution of Ukraine and the law, but has not submitted all the necessary documents specified by law or has submitted them with errors and inaccuracies that are not grounds for refusal of admission to the competitive selection, the committee in charge of the legal status of the Constitutional Court of Ukraine shall grant such person an additional term for submission and correction of the relevant documents, which may not exceed 10 working days. In case of failure to submit or correct the relevant documents within the additional term, the committee in charge of the legal status of the

Constitutional Court of Ukraine, depending on the nature and content of such documents, shall decide on admission or refusal of admission to the competitive selection.

If the number of persons admitted to the competitive selection is less than two for one vacant position, a new competitive selection shall be announced for such vacant position."

"16. To determine the ranking of candidates for the position of a judge of the Constitutional Court of Ukraine, the Verkhovna Rada conducts an open ranking vote separately for each candidate who is included by the Advisory Group of Experts in the list of evaluated candidates and received 6 votes in favour from the Advisory Group of Experts.

If no candidate for the position of a judge of the Constitutional Court of Ukraine receives this number of votes, the voting shall be held for those candidates who received one less vote from the Advisory Group of Experts.

17. Voting for the appointment of a judge of the Constitutional Court of Ukraine shall be carried out by the Verkhovna Rada in respect of the candidate who, according to the results of the rating vote, received the largest number of votes of the people's deputies.

If only one candidate receives 6 votes in favour from the Advisory Group of Experts, the Verkhovna Rada immediately holds a vote on the appointment of such a candidate to the position of a judge of the Constitutional Court of Ukraine."

"19. If, according to the results of the voting, no candidate who received 6 votes in favour from the Advisory Group of Experts received a majority of votes of the people's deputies from the constitutional composition of the Verkhovna Rada, the Verkhovna Rada shall vote according to the procedure provided for in parts fifteen to eighteen of this Article on those candidates who received one less vote from the Advisory Group of Experts, until the list of candidates assessed by the Advisory Group is exhausted."

part twenty shall be deleted;

part twenty-one shall be amended to read as follows:

"21. If, based on the results of the voting, no candidate included in the list of the Advisory Group of Experts receives a majority of votes of the MPs from the constitutional composition of the Verkhovna Rada, a new competitive selection is announced, which is conducted in accordance with the procedure established by the Law of Ukraine "On the Constitutional Court of Ukraine";

2) in Article 208:

parts three and four shall be set out in the following wording:

"3. The Secretariat of the Verkhovna Rada, upon submission of the committee in charge of the legal status of the Constitutional Court of Ukraine, publishes on the official website of the Verkhovna Rada an announcement on the start of accepting proposals for candidates to the Advisory Group of Experts from parliamentary factions (parliamentary groups) no later than two months before the expiry of the term for which the member of the Advisory Group of Experts was appointed.

In the event of early termination of powers of a member of the Advisory Group of Experts, the announcement of the start of accepting proposals for candidates to the Advisory Group of Experts from parliamentary factions (parliamentary groups) shall be made public within 10 days from the date of the relevant vacancy. At the same time, if such a member of the Advisory Group of Experts had an elected deputy and such deputy is appointed to the vacant position of a member

of the Advisory Group of Experts, such an announcement shall be made public within 10 days from the date of expiration of the term of office of this deputy.

4. Within 10 days from the date of publication of the respective announcement, the parliamentary factions (parliamentary groups) shall submit to the committee in charge of the legal status of the Constitutional Court of Ukraine proposals for the Advisory Group of Experts together with documents confirming the compliance of such candidates with the requirements of Article 10² of the Law of Ukraine "On the Constitutional Court of Ukraine", as well as the candidate's written consent to the processing of his/her personal data and disclosure of copies of such documents.

A parliamentary faction (parliamentary group) proposes only one candidate for the Advisory Group of Experts.

The parliamentary factions (parliamentary groups) may agree on a joint proposal for a candidate to the Advisory Group of Experts.

Information on the persons nominated by the parliamentary factions (parliamentary groups) to the Advisory Group of Experts, together with copies of the submitted documents confirming compliance of such candidates with the requirements of Article 10² of the Law of Ukraine "On the Constitutional Court of Ukraine", shall be published on the official website of the Verkhovna Rada, subject to the restrictions established by law."

to be supplemented by part seventeen as follows:

"17. The Verkhovna Rada shall consider the election of a deputy member of the Advisory Group of Experts according to the rules and in accordance with the provisions of this Article.

A parliamentary faction (parliamentary group) may propose only one candidate for deputy member of the Advisory Group of Experts."

3. Article 28 "Final Provisions" of the Law of Ukraine "On the Legal Regime of Martial Law" (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 28, p. 250; 2018, No. 10, p. 54) shall be supplemented with paragraph 2² as follows:

"2². To establish that temporarily, during the period of martial law in Ukraine, introduced by the Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" of 24 February 2022 No. 64/2022, approved by the Law of Ukraine "On Approval of the Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" of 24 February 2022 No. 2102-IX, persons applying for the position of a judge, a judge of the Constitutional Court of Ukraine, a member of the High Council of Justice, a member of the High Qualification Commission of Judges of Ukraine are subject to a special check in accordance with the law, as well as the check provided for by the Law of Ukraine "On Purification of Government".

4. In the Law of Ukraine "On the Constitutional Court of Ukraine" (Vidomosti Verkhovnoi Rady Ukrayiny, 2017, No. 35, p. 376, as amended):

1) in Article 10²:

part seventeen shall be amended to read as follows:

"17. In case of receipt from the Advisory Group of information on termination of powers of the member of the Advisory Group whom he/she appointed, the appointing authority shall appoint another person to the Advisory Group in accordance with the rules of this Article, unless such

member of the Advisory Group had an elected deputy and such deputy was appointed to the vacant position of the member of the Advisory Group in accordance with Article 10¹² of this Law."

the second paragraph of part twenty-four shall be amended to read as follows:

"The decision of the Advisory Group shall be drawn up in a protocol and shall be published on the official website of the Constitutional Court within three days from the date of its adoption, unless other terms are established by this Law, indicating the results of the roll-call vote."

parts twenty-eight and thirty shall be amended to read as follows:

"28. The Advisory Group has the right, in the manner prescribed by law, to receive information and copies of documents and materials (including those with restricted access) concerning a candidate for the position of a judge of the Constitutional Court free of charge from any persons who are owners or managers of the requested information (documents, materials)."

"30. If a member of the Advisory Group has or had personal, business or other relations with a candidate for the position of a Constitutional Court judge that may affect his/her objectivity or impartiality as a member of the Advisory Group and/or in case of any other conflict of interest or circumstances that may affect his/her objectivity or impartiality as a member of the Advisory Group he/she is obliged to recuse himself/herself within two days from the date when he/she learned or should have learned about such circumstances, but not later than the beginning of the interviews with all candidates for the position of a judge of the Constitutional Court by the Advisory Group in accordance with part one of Article 10⁸ of this Law.

On the same grounds, a member of the Advisory Group may be recused by a candidate for the position of a judge of the Constitutional Court, but not later than the beginning of the interviews with all candidates for the position of a judge of the Constitutional Court by the Advisory Group in accordance with part one of Article 10⁸ of this Law.

The self-recusal of a member of the Advisory Group, as well as applications for recusal, shall be considered by the Advisory Group in accordance with the Regulations. By its decision, the Advisory Group may refuse to satisfy the request for recusal of a member of the Advisory Group or refuse or satisfy the request for recusal filed by a candidate. A member of the Advisory Group who has recused himself or herself or who has been recused by a candidate for the position of a judge of the Constitutional Court shall not participate in the voting."

to supplement part thirty-two with the following reading:

"32. The decision of the Advisory Group in the process of competitive selection of candidates for the position of a judge of the Constitutional Court (on the assessment of candidates for the position of a judge of the Constitutional Court based on the criteria of high moral qualities and recognised level of competence in the field of law) may be appealed in court and cancelled solely on the following grounds:

- 1) the composition of the Advisory Group that made the relevant decision was incompetent;
- 2) the resolution is not signed by any of the members of the Advisory Group who participated in its adoption;
- 3) the decision does not contain the reasons for the Advisory Group's conclusions";
- 2) the first paragraph of part two of Article 10 of⁵ shall be amended to read as follows:

"2. Persons who have expressed an intention to hold the position of a judge of the Constitutional Court and meet the requirements for a judge established by the Constitution of Ukraine and this Law, within thirty days from the date of publication of the announcement of the start of the competitive selection, shall submit the following documents to the competition commission, the Office of the Verkhovna Rada of Ukraine, and the Council of Judges of Ukraine."

3) part two of Article 10^s shall be amended to read as follows:

"2. On the basis of the submitted documents, the competition commission, the Committee, the Council of Judges of Ukraine shall determine the compliance of persons who have expressed their intention to hold the position of a judge of the Constitutional Court with the requirements for a judge (in terms of citizenship, proficiency in the state language, age, education and length of service) set forth in the Constitution of Ukraine and this Law, and then decide on admission or refusal to admit them to the competitive selection.

If a person who has expressed his/her intention to hold the position of a judge of the Constitutional Court meets the requirements set forth in the Constitution of Ukraine and this Law, but has not submitted all the necessary documents specified in part two of Article 10^s of this Law, or has submitted them with errors and inaccuracies that are not grounds for refusal of admission to the competitive selection, the competition commission, Committee, Council of Judges of Ukraine shall grant such person an additional term for submission and correction of the relevant documents, which may not exceed ten working days. In case of failure to submit or correct the relevant documents within the additional term, the competition commission, the Committee, the Council of Judges of Ukraine, depending on the nature and content of such documents, shall decide on admission or refusal to admit such person to the competitive selection.

If fewer than two persons are admitted to the competitive selection for one vacant position, the competition commission, Committee, Council of Judges of Ukraine shall immediately, but not later than twenty days, announce a new competitive selection for such vacant position, which shall be conducted in accordance with the procedure established by this Law."

4) in Article 10^s:

part two shall be supplemented by the fourth paragraph as follows:

"The advisory group may decide to assess the candidates' compliance with the criteria of high moral qualities and a recognised level of competence in the field of law in one stage."

parts four to eight shall be set out in the following wording:

"4. Based on the results of the assessment of the high moral qualities of candidates for the position of a judge of the Constitutional Court, the Advisory Group makes a reasoned decision on the assessment of each candidate's compliance.

Candidates receive a "pass" or "fail" grade for high moral character.

In case the Advisory Group gives the candidate a "does not meet" score based on the criterion of high moral qualities, the candidate is considered to have failed the relevant stage of the competitive selection for the position of a judge of the Constitutional Court from the date of publication of the relevant decision by the Advisory Group. In the decision on such a candidate, the Advisory Group states that for the purposes of the competitive selection of candidates for the position of a judge of the Constitutional Court on a competitive basis, the candidate does not meet the criterion of high moral qualities.

If, according to the results of the assessment, the number of candidates meeting the criterion of high moral qualities is less than two persons for one vacant position of a judge of the Constitutional Court, the competition commission, the Committee, the Council of Judges of Ukraine shall immediately, but not later than within twenty days, announce a new competitive selection for such vacant position, which shall be conducted in accordance with the procedure established by this Law.

5. Candidates who have received a "meets" rating from the Advisory Group on the criterion of high moral character shall be assessed for compliance with the criterion of legal competence. The Advisory Group may decide to conduct additional interviews with all such candidates.

6. Based on the results of the assessment of the recognised level of competence in the field of law of the candidates for the position of a judge of the Constitutional Court, the Advisory Group shall make a reasoned decision on the assessment of the eligibility of each candidate.

Candidates receive a "pass" or "fail" grade based on the recognised level of competence in the field of law.

In case the Advisory Group gives the candidate a "does not meet" assessment based on the criterion of recognised level of competence in the field of law, the candidate shall be deemed to have failed the relevant stage of the competitive selection for the position of a judge of the Constitutional Court from the date of publication of the relevant decision by the Advisory Group. In the decision on such a candidate, the Advisory Group states that for the purposes of competitive selection of candidates for the position of a judge of the Constitutional Court on a competitive basis, the candidate does not meet the criterion of a recognised level of competence in the field of law.

If, based on the results of the assessment, the number of candidates meeting the criterion of a recognised level of competence in the field of law is less than two persons for one vacant position of a judge of the Constitutional Court, the competition commission, the Committee, the Council of Judges of Ukraine shall immediately, but not later than within twenty days, announce a new competitive selection for such vacant position, which shall be conducted in accordance with the procedure established by this Law.

7. As for the candidates who have been assessed as "compliant" according to the criteria of high moral character and recognised legal competence, the Advisory Group shall compile a general list of all assessed candidates.

Once the list is formed, the Advisory Group conducts a ranking vote on all evaluated candidates and forms their ranking list.

Candidates are ranked according to the number of votes received from the Advisory Group, from the highest (6 votes in favour) to the lowest (0 votes in favour).

The results of the ranking vote of each member of the Advisory Group are public, recorded by name and published on the official website of the Constitutional Court.

The Advisory Group publishes the lists of assessed candidates and reasoned decisions on each candidate for the position of a judge of the Constitutional Court on the official website of the Constitutional Court and submits them to the Competition Commission, the Committee, and the Council of Judges of Ukraine, respectively, not later than three days after the date of their preparation.

With respect to candidates who received a "fail" grade based on the criteria of high moral character or recognised legal competence, the Advisory Panel shall publish only the resolution part of the decision, without giving the reasons that served as the basis for its adoption. The full text of the decision with the reasons shall be made public by the Advisory Panel upon written request of the candidate who received a "fail" grade.

8. After receiving from the Advisory Group the list of assessed candidates for the position of a judge of the Constitutional Court, decisions of the Advisory Group on the assessment of each candidate's eligibility, the competition commission, the Committee, and the Council of Judges of Ukraine shall interview the candidates included in the list of assessed candidates.

Based on the results of the examination of documents and information provided by the candidates, taking into account the list of evaluated candidates, decisions of the Advisory Group on the assessment of the eligibility of each candidate and interviews with the candidates, the competition commission, the Committee, the Council of Judges of Ukraine shall decide on the recommendation for the appointment of a judge of the Constitutional Court."

5) Article 10^u shall be amended to read as follows:

"Article 10^u . The procedure for appointment of a judge of the Constitutional Court by the Congress of Judges of Ukraine

1. 1. The Congress of Judges of Ukraine shall appoint a judge of the Constitutional Court by secret ballot in two stages:

- 1) rating voting;
- 2) voting for the appointment of a judge of the Constitutional Court.

2. The ballot for the secret ballot shall include all candidates who have received a "meets" rating from the Advisory Group based on the criteria of high moral character and recognised level of legal competence.

3. The ballot paper for the secret ballot for the appointment of a judge of the Constitutional Court shall include the candidate who, according to the results of the ranking vote, received the largest number of votes of the elected delegates of the Congress.

If, according to the results of the secret ballot for the appointment of a judge of the Constitutional Court, such a candidate does not receive a majority of votes of the elected delegates of the Congress of Judges of Ukraine, his/her candidacy shall be deemed rejected, and a second secret ballot shall be held for the next candidate in the ranking.

4. The next ranked candidate shall be included in the ballot for the repeated secret ballot for the appointment of a judge of the Constitutional Court until the list of all candidates assessed by the Advisory Group is exhausted.

5. If, according to the results of repeated secret ballots, no candidate included in the list of candidates evaluated by the Advisory Group receives a majority of votes of the elected delegates to the Congress of Judges of Ukraine, a new competition shall be immediately announced and held in accordance with the procedure established by this Law.

6. The decision of the Congress of Judges of Ukraine on the appointment of a judge of the Constitutional Court shall be signed by the chairperson of the Congress and the Secretary.

7. The procedure for convening and holding the Congress of Judges of Ukraine shall be determined by the Law of Ukraine "On the Judicial System and Status of Judges";

6) Chapter 2¹ to supplement Article 10² with the following content:

"Article 10² . Deputy member of the Advisory Group

1. The appointing authority shall simultaneously with the appointment of a member of the Advisory Group elect one deputy member of the Advisory Group for the term of his/her office in accordance with the procedure and rules established by Article 10² of this Law.

A person who meets the requirements for a member of the Advisory Group may be elected as an alternate member of the Advisory Group.

2. The appointing authority shall decide on the election of a deputy member of the Advisory Group in accordance with the rules established by Article 10² of this Law.

3. An alternate member of the Advisory Group shall have the right to attend as an observer all meetings of the Advisory Group and any matters considered by it.

The deputy shall be subject to the restrictions on the use of information provided for by this Law for members of the Advisory Group.

4. If a member of the Advisory Group who has a deputy is recused (self-recused), the powers of such member of the Advisory Group to consider issues and vote on the decision of the Advisory Group shall be exercised by his deputy, who shall not be subject to recusal (self-recusal).

5. If the powers of a member of the Advisory Group who has a deputy are terminated early, the deputy shall be appointed to the relevant vacant position of the member of the Advisory Group by the decision of the Advisory Group for the duration of the term of office of such member."

7) in Section IV "Transitional Provisions":

paragraphs 4, 8-14, 16, 17 shall be amended to read as follows:

"4. Within six years from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine" (hereinafter - the transitional period of selection), the composition of the Advisory Group of Experts shall be formed and act in accordance with the peculiarities specified in this section.

From the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine", all procedures for appointing candidates to the first composition of the Advisory Group of Experts, which were started and not completed as of the date of its entry into force, shall be deemed terminated without a separate decision of the appointing entities."

"8. Within thirty days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine", the President of Ukraine appoints a person to the first composition of the Advisory Group of Experts and elects his/her deputy, and issues a decree on this.

9. The Secretariat of the Verkhovna Rada of Ukraine, upon submission of the Committee of the Verkhovna Rada of Ukraine responsible for the legal status of the Constitutional Court of

Ukraine, within thirty days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine", publishes on the official website of the Verkhovna Rada of Ukraine an announcement on the start of accepting proposals for the first composition of the Advisory Group of ex-judges of the Constitutional Court of Ukraine.

10. Within thirty days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine", the Council of Judges of Ukraine shall appoint a person to the first composition of the Advisory Group of Experts and elect its deputy, and shall adopt a decision on this.

11. The central executive body that ensures the formation and implementation of the state policy in the field of foreign relations shall, within ten days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine", apply to the European Commission for Democracy through Law for a proposal on the candidacy of a member of the first composition of the Advisory Group of Experts and his/her deputy, and then pass the received proposals to the

12. The central executive body that ensures the formation and implementation of the state policy in the sphere of foreign relations, together with the Secretariat of the Cabinet of Ministers of Ukraine, within fifteen days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine", shall form a list of international organisations.

Within five days from the date of compilation of the relevant list, the central executive body responsible for the formation and implementation of the state policy in the field of foreign relations shall address international organisations included in such a list to receive proposals from them regarding the candidates for the first members of the Advisory Group of Experts and their deputies. The proposals are submitted to the Cabinet of Ministers of Ukraine.

If international organisations do not submit their proposals for the first members of the Advisory Group of Experts, their deputies or do not propose an insufficient number of them within thirty days from the date of receipt of the relevant request, additional proposals for the first members of the Advisory Group of Experts may be submitted by the European Commission for Democracy through Law.

If international organisations have proposed a total number of candidates for members of the Advisory Group of Experts and their alternates that exceeds two persons, the Cabinet of Ministers of Ukraine shall decide to appoint two candidates and elect two alternates from the proposals submitted.

13. The Cabinet of Ministers of Ukraine shall, within three days from the date of receipt of the relevant proposals for the first composition of the Advisory Group of Experts from the European Commission for Democracy through Law and international organisations, issue a resolution on the appointment of persons to the first composition of the Advisory Group of Experts and the election of their deputies. A person shall acquire the status of a member of the Advisory Group of Experts from the date of issuance of the relevant order.

14. The European Commission for Democracy through Law and international organisations may submit a list of nominees for deputy members of the Advisory Group of Experts along with their proposals for the first members of the Advisory Group of Experts. The list shall include one alternate for each position of a member of the Advisory Group of Experts.

If a member of the Advisory Group of Experts who has a deputy is recused (self-recused), the powers of such member of the Advisory Group of Experts to consider issues and vote on the decision of the Advisory Group shall be exercised by his deputy, who is not subject to recusal (self-recusal).

If the term of office of a member of the Advisory Group of Experts who has an alternate is terminated early, the alternate shall be appointed to the relevant vacant position of the member of the Advisory Group of Experts for the duration of the term of office of such member by a decision of the Advisory Group of Experts.

If all the deputies refuse to be members of the Advisory Group of Experts, the central executive body responsible for the formation and implementation of state policy in the field of foreign relations shall apply to the European Commission for Democracy through Law and international organisations, respectively, for additional proposals."

"16. From the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine", all procedures for the selection of candidates for the position of a judge of the Constitutional Court on a competitive basis, initiated by the appointing authorities and not completed as of the date of its entry into force, shall be deemed terminated without a separate decision of the appointing authorities.

Persons who participated in the procedures for the selection of candidates for the position of a judge of the Constitutional Court on a competitive basis, but were not appointed as subjects of appointment to the position of a judge of the Constitutional Court as of the day of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine" shall be considered not appointed to the position of a judge of the Constitutional Court. Such persons shall have the right to participate in the procedures of competitive selection of candidates for the position of a judge of the Constitutional Court announced after the entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Competitive Selection of Candidates for the Position of a Judge of the Constitutional Court of Ukraine" on equal and general terms.

17. The subjects of appointment of judges of the Constitutional Court shall immediately, but not later than thirty days from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Clarification of Provisions on Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine", announce competitive selection for all positions of judges of the Constitutional Court vacant as of the date of its entry into force. New competitive selection for the position of a judge of the Constitutional Court shall be conducted in accordance with this Law."

to add paragraph 20 as follows:

"20. During the transitional period of selection, the Advisory Panel of Experts takes decisions by at least four votes of its members, of which at least two are proposed by international organisations or the European Commission for Democracy through Law.

If the Advisory Panel is unable to reach a decision due to an equal number of votes in favour and against, a second vote shall be taken.

In the event of an equal number of votes in favour and against, the votes of three members of the Advisory Group of Experts, of whom at least two are nominated by international organisations or the European Commission for Democracy through Law, shall be decisive in the second vote."

II. This Law shall enter into force on the day following the day of its publication.

President of Ukraine

V. ZELENSKY

**m. Kyiv
27 July 2023
NO. 3277-IX**