

## **PROCEDURE for Conducting Special Background Check In Respect of Candidates For the Position of Judge**

This Procedure has been developed in accordance with the Law of Ukraine “On the Judiciary and the Status of Judges” (hereinafter referred to as the Law), the Law of Ukraine “On Prevention of Corruption”, and the Procedure for Conducting Special Background check of Persons Applying for Positions Involving a Responsible or Particularly Responsible Role, or Positions with a High Corruption Risk. It sets out the mechanism and specific features for organising special background check in respect of candidates for the position of judge during the selection of candidates for the position of judge of a local court, competitions to fill vacant positions of judges of courts of appeal, high specialised courts or the Supreme Court, and while candidates remain in the reserve for filling vacant judicial positions.

### **SECTION 1. General Provisions**

1.1. The Chairman of the Commission, or the person acting in his or her capacity, shall organise special background check in respect of candidates for the position of judge.

1.2. Organisational support for conducting special background check in respect of candidates for the position of judge shall be provided by employees of the structural unit of the Commission’s Secretariat whose main functions include the relevant powers (hereinafter, the “authorised employees”).

1.3. On the basis of an order issued by the Head of the Commission’s Secretariat or the person acting in his or her capacity, other employees of the Commission’s Secretariat may be involved in supporting special background check in respect of candidates for the position of judge, within the main areas of activity of the relevant structural units.

1.4. The Commission member acting as rapporteur shall verify information concerning a candidate for the position of judge as to his or her compliance with the requirements established by the Law and the authenticity of the documents submitted.

1.5. Special background check shall cover information concerning the compliance of a candidate for the position of judge with the requirements established by the Law and the authenticity of the documents submitted. In particular, such information includes:

1.5.1. The presence, in the Unified State Register of Court Decisions, of information that the candidate for the position of judge has been held criminally liable, as well as the existence of a criminal record and its removal or expungement.

1.5.2. Whether the candidate for the position of judge holds corporate rights.

1.5.3. The presence, in the Unified State Register of Persons Subject to the Provisions of the Law of Ukraine “On Purification of Power”, of information concerning the candidate for the position of judge.

1.5.4. The presence, in the Unified State Register of Persons Who Have Committed Corruption or Corruption-Related Offences, of information concerning the candidate for the position of judge, and the accuracy of the information indicated by the candidate for the position of judge in the declaration of a person authorised to perform the functions of the state or local self-government for the previous year.

1.5.5. The state of health of the candidate for the position of judge, including whether he or she is registered with any psychoneurological or narcological healthcare institutions.

1.5.6. Education, and whether the candidate for the position of judge holds an academic degree or academic title.

1.5.7. The candidate’s status with regard to the performance of military duty.

1.6. The special background check materials, namely information on the results of special background check and documents relating to its conduct, shall be confidential unless they contain information constituting a state secret. They shall be kept in the dossiers of candidates for the position of judge and shall not be open to general access.

1.7. A candidate for the position of judge in respect of whom special background check has been conducted shall have the right to inspect the special background check materials.

## **SECTION 2. Procedure for Conducting Special Background Check**

2.1. Special background check shall be conducted in respect of candidates for the position of judge in respect of whom the Commission has adopted a decision:

2.1.1. On admission to the special background check stage during the selection procedure for the position of judge of a local court.

2.1.2. On admission to the stage of dossier review and the qualification assessment interview during a competition to fill a vacant position of judge of a court of appeal, a high specialised court or the Supreme Court.

2.1.3. On conducting special background check of candidates for the position of judge who are in the reserve for filling vacant judicial positions.

2.2. For the purpose of special background check, a candidate for the position of judge shall submit to the Commission written consent to special background check in the form set out in Annex 1, together with the documents required for special background check in accordance with the Law of Ukraine “On Prevention

of Corruption” and the Procedure for Conducting Special Background Check of Persons Applying for Positions Involving a Responsible or Particularly Responsible Role, or Positions with a High Corruption Risk, approved by Resolution of the Cabinet of Ministers of Ukraine of 25 March 2015 No. 171 (as amended by Resolution of the Cabinet of Ministers of Ukraine of 27 August 2022 No. 959, as amended):

2.2.1. A curriculum vitae as of the date of giving consent to special background check.

2.2.2. A copy of the pages of a Ukrainian citizen’s passport in booklet form containing details of the surname, first name and patronymic (if any), the passport issue details and the address of the registered place of residence, or copies of the front and reverse sides of a Ukrainian citizen’s passport in ID-card form and an extract from the register of the territorial community confirming information on the place of residence (stay).

2.2.3. Copies of documents on education, including appendices, academic titles and academic degrees.

2.2.4. A medical certificate on the state of health in the form approved by the Ministry of Health of Ukraine, confirming whether the person is registered with any psychoneurological or narcological healthcare institutions.

2.2.5. A copy of the military registration document: for a conscript – a certificate of registration with a conscription office; for a person liable for military service or a reservist – a military ID card or a temporary certificate of a person liable for military service; for military personnel – a military ID card or a service member’s identity card.

2.2.6. A certificate confirming clearance for access to state secrets, if applicable, drawn up in the form prescribed by legislation on state secrets.

2.2.7. The application provided for in part one of Article 6 of the Law of Ukraine “On Purification of Power”.

2.3. The time limit for submitting to the Commission written consent to special background check and the documents required for special background check shall be determined by a decision of the Commission.

2.4. The Commission shall send to the relevant state bodies whose competence includes special background check of the information specified in paragraph 1.5 of Section 1 of this Procedure, or to their territorial bodies, where applicable, a request to verify information concerning a person applying for a position involving a responsible or particularly responsible role, or a position with a high corruption risk, in the form set out in Annex 2.

2.5. Written requests may be sent by the Commission to authorised state bodies for the purpose of preparing for special background check. The stage of the competition at which preparations for special background check are carried out shall be determined by the Chairman of the Commission.

2.6. The request shall be signed by the Chairman of the Commission or, in his or her absence, by the person acting as Chairman of the Commission or by the Deputy Chairman of the Commission.

2.7. Requests shall be sent to authorised state bodies no later than three working days from the date on which the stage of the competition at which preparations for special background check are to be carried out is determined, or from the date on which the Commission adopts the decision provided for in paragraph 2.1 of Section 2 of this Procedure.

2.8. The list of authorised state bodies and requirements for the information to be provided to the Commission for the purposes of conducting special background check of candidates for the position of judge are as follows:

2.8.1. The State Judicial Administration of Ukraine – regarding the presence in the Unified State Register of Court Decisions of information that the candidate for the position of judge has been held criminally liable.

2.8.2. The Ministry of Internal Affairs of Ukraine – regarding the existence of a criminal record and its removal or expungement.

2.8.3. The Ministry of Justice of Ukraine and the National Commission on Securities and the Stock Market – regarding whether the candidate for the position of judge holds corporate rights.

2.8.4. The Ministry of Justice of Ukraine – regarding the presence in the Unified State Register of Persons Subject to the Provisions of the Law of Ukraine “On Purification of Power” of information concerning the candidate for the position of judge.

2.8.5. The National Agency on Corruption Prevention – regarding the presence in the Unified State Register of Persons Who Have Committed Corruption or Corruption-Related Offences of information concerning the candidate for the position of judge, as well as the accuracy of the information indicated by the candidate for the position of judge in the declaration of a person authorised to perform the functions of the state or local self-government for the previous year.

2.8.6. The Ministry of Health of Ukraine, the relevant executive authorities of the Autonomous Republic of Crimea, and structural units of regional, Kyiv and Sevastopol city state administrations – regarding the state of health of the candidate for the position of judge, including whether he or she is registered with any psychoneurological or narcological healthcare institutions.

2.8.7. The Ministry of Education and Science of Ukraine, the relevant executive authorities of the Autonomous Republic of Crimea, structural units of regional, Kyiv and Sevastopol city state administrations, central executive authorities, other state bodies to which educational institutions are subordinated, and heads of educational institutions – regarding the candidate’s education and whether he or she holds an academic degree or academic title.

2.8.8. The Security Service of Ukraine – regarding the candidate’s status with regard to the performance of military duty, where the person liable for military service or reservist is included in the personnel and qualitative records of the Security Service of Ukraine.

2.8.9. The Ministry of Defence of Ukraine – regarding the candidate’s status with regard to the performance of military duty, in respect of military personnel of

the Armed Forces; the territorial recruitment and social support centres of the Autonomous Republic of Crimea, the regions, Kyiv and Sevastopol – regarding the candidate's status with regard to the performance of military duty, except where persons liable for military service or reservists are included in the personnel and qualitative records of the Security Service of Ukraine or the Foreign Intelligence Service.

2.8.10. The Foreign Intelligence Service – regarding the candidate's status with regard to the performance of military duty, where the person liable for military service or reservist is included in the personnel and qualitative records of the Foreign Intelligence Service.

2.9. The following copies shall be attached to the request:

2.9.1. Written consent to special background check and the documents specified in subparagraphs 2.2.1 and 2.2.2 of paragraph 2.2 of Section 2 of this Procedure – for submission to all bodies (units) that will verify information concerning the candidate for the position of judge.

2.9.2. The documents specified in subparagraphs 2.2.3–2.2.6 of paragraph 2.2 of Section 2 of this Procedure – for submission to the bodies (units) that will verify the information specified in paragraph 2.8 of Section 2 of this Procedure.

2.10. If the Commission verifies information through electronic interaction with automated information and reference systems, registers and databases maintained or administered by state authorities, other state bodies or local self-government bodies, requests shall not be sent to the relevant bodies.

2.11. A decision of the Commission may determine an additional list of authorised state bodies, time limits and requirements for the information to be provided for the purposes of conducting special background check of candidates for the position of judge.

2.12. If a request to verify information concerning a candidate for the position of judge is returned without consideration in the cases provided for by the Procedure for Conducting Special Background check of Persons Applying for Positions Involving a Responsible or Particularly Responsible Role, or Positions with a High Corruption Risk, approved by Resolution of the Cabinet of Ministers of Ukraine of 25 March 2015 No. 171 (as amended by Resolution of the Cabinet of Ministers of Ukraine of 27 August 2022 No. 959, as amended), authorised employees shall, within three days, take measures to rectify all deficiencies and resubmit the revised request to the body (unit) conducting the special background check.

2.13. For the purpose of establishing the results of special background check, the Commission or a Commission member may take other measures in accordance with the powers conferred by legislation.

### **SECTION 3. Consideration of Submissions (Information and Materials) Concerning the Non-Compliance of a Candidate for the Position of Judge With the Requirements Established by the Law**

3.1. From the date on which the Commission publishes its decision to admit candidates for the position of judge to the special background check stage in the selection procedure or to the stage of dossier review and the qualification assessment interview in a competition, any person shall have the right to submit to the Commission information and materials concerning the non-compliance of a candidate for the position of judge with the requirements established by the Law.

3.2. Submissions (information and materials) received from anonymous sources, as well as information and materials whose source of origin cannot be established, shall not be considered.

3.3. Submissions that do not state the place of residence, are not signed by their author(s), or from which authorship cannot be established shall not be considered and shall be deemed anonymous.

3.4. A candidate for the position of judge shall have the right to inspect information and materials received by the Commission that may indicate his or her non-compliance with the requirements established by the Law, and to provide explanations and evidence in rebuttal.

3.5. Information and materials concerning the non-compliance of a candidate for the position of judge with the requirements established by the Law may be taken into account when establishing the results of special background check.

3.6. If, based on the results of the background check, a panel of the Commission establishes that such information is substantiated, a reasoned decision on the candidate's non-compliance with the requirements established by the Law shall be adopted at a meeting to which the candidate for the position of judge must be invited. The candidate's failure to attend the meeting shall not preclude the adoption of the decision.

### **SECTION 4. Results of Special Background Check**

4.1. Following the verification of information concerning a candidate for the position of judge, the Commission shall receive from the authorised state bodies that carried out the verification information on whether information indicating non-compliance with the requirements established by the Law for holding the position of judge has been identified.

4.2. If, as a result of special background check, discrepancies are identified in the curriculum vitae and/or the declaration of a person authorised to perform the functions of the state or local self-government for the previous year submitted by a candidate for the position of judge, the Commission shall provide the candidate for the position of judge with an opportunity, within five working days, to submit a written explanation regarding such fact and/or to correct such discrepancy.

4.3. Notifications proposing that a written explanation be submitted shall be prepared by authorised employees, signed by the Chairman of the Commission or, in his or her absence, by the person acting as Chairman of the Commission or by the Deputy Chairman of the Commission, and sent to candidates for the position of judge.

4.4. Written explanations must concern the circumstances that caused discrepancies in the curriculum vitae and/or the declaration of a person authorised to perform the functions of the state or local self-government for the previous year submitted by the candidate for the position of judge. Copies of supporting documents shall be attached to such explanations.

4.5. Upon receipt of responses to the requests, authorised employees shall prepare a special background check certificate in the form set out in Annex 3, which, together with the special background check materials, shall be forwarded to the Commission member acting as rapporteur, who shall verify information concerning the candidate for the position of judge as to his or her compliance with the requirements established by the Law and the authenticity of the documents submitted.

4.6. A preliminary review of the documents submitted by a candidate for the position of judge, the information provided by authorised state bodies, the special background check certificate, as well as other information and materials received by the Commission that may indicate the non-compliance of a candidate for the position of judge with the requirements established by the Law, shall be carried out by the Commission member acting as rapporteur or by an inspector of the Commission on the rapporteur's instructions.

4.7. The following information established as a result of special background check may prevent a person from holding the position of judge:

4.7.1. Submission of forged documents or false information.

4.7.2. Inclusion in the declaration of a person authorised to perform the functions of the state or local self-government of inaccurate information concerning property or another declarable object, if such information differs from the accurate information by an amount equal to or exceeding 100 subsistence minimums for able-bodied persons as of the date of submission of such declaration.

4.7.3. Failure of a candidate for the position of judge who is a conscript, a person liable for military service or a reservist and is subject to military registration to be registered for military service at the place of residence (place of registration and/or actual residence), or evasion of military registration by a candidate for the position of judge who is a conscript, a person liable for military service or a reservist.

4.7.4. The candidate for the position of judge holds citizenship of a foreign state (or states).

4.8. The Commission shall establish the results of special background check at meetings of its panels.

4.9. When establishing the results of special background check in respect of candidates for the position of judge, the Commission, sitting as a panel, may adopt one of the following decisions:

4.9.1. On the non-compliance of the candidate for the position of judge with the requirements established by the Law and the termination of his or her further participation in the selection procedure for the position of judge.

4.9.2. On the absence, during special background check, of information that may indicate the non-compliance of the candidate for the position of judge with the requirements established by the Law.

4.9.3. On taking into account, during the interview with the winner of a competition to fill a vacant position of judge of a local court or when adopting a decision based on the results of qualification assessment, information obtained during special background check that may indicate the non-compliance of the candidate for the position of judge with the requirements established by the Law.

4.10. In the context of a competition to fill a vacant position of judge of a court of appeal, a high specialised court or the Supreme Court, the results of special background check may be announced during the interview with the candidate for the position of judge and shall be taken into account when the Commission adopts a decision based on the results of qualification assessment.

4.11. If, during special background check, information is identified that may result in the adoption of a decision on the non-compliance of a person with the requirements established by the Law for a candidate for the position of judge, the Commission shall consider this matter at a meeting to which such candidate must be invited. The candidate's failure to attend the meeting shall not preclude the adoption of the decision.

4.12. The conduct of special background check in respect of a candidate for the position of judge during the selection procedure for the position of judge of a local court, a competition to fill a vacant position of judge of a court of appeal, a high specialised court or the Supreme Court, or while the candidate remains in the reserve for filling vacant judicial positions, shall not constitute grounds for not conducting special background check in respect of such candidate within other similar procedures.

## **SECTION 5. Transitional Provisions**

5.1. The High Qualification Commission of Judges of Ukraine shall complete special background check of candidates for the position of judge within the competition to fill vacant judicial positions in courts of appeal, announced by Commission decision of 14 September 2023 No. 94/zp-23, and the competition to fill vacant judicial positions in the High Anti-Corruption Court, announced by Commission decision of 3 June 2025 No. 112/zp-25, in accordance with the rules that were in force before 30 March 2026.

Annex 1  
To the Procedure for Conducting  
Special Background Check in Respect  
of Candidates for the Position of  
Judge

CONSENT  
to special background check

I, \_\_\_\_\_,  
(last name, first name and patronymic (if any) of the candidate for the position of judge)

\_\_\_\_\_,  
(date and place of birth of the candidate for the position of judge)

address of registered place of residence \_\_\_\_\_

\_\_\_\_\_  
address of actual place of residence \_\_\_\_\_

\_\_\_\_\_,  
taxpayer registration number\* \_\_\_\_\_

I am applying for the position of \_\_\_\_\_

\_\_\_\_\_  
(title of the position for which the candidate for the position of judge is applying)

and hereby consent to special background check of information concerning me, including information submitted by me personally.

\_\_\_\_\_ 20\_\_

\_\_\_\_\_  
(signature)

\* If there is no taxpayer registration number, it shall be stated that the person has refused to accept a taxpayer registration number. If the person has submitted a copy of a Ukrainian citizen's passport in booklet form, a copy of the passport page containing the endorsement confirming the right to make any payments using the passport series and number shall be attached (for persons who, because of their religious beliefs, refuse to accept a taxpayer registration number, have notified the relevant supervisory authority thereof and have an endorsement in their passport).

Annex 2  
 To the Procedure for Conducting  
 Special Background Check in Respect  
 of Candidates for the Position of  
 Judge

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(name of the body (unit)  
 to which the request is sent)

**REQUEST**  
 to verify information concerning a person applying for  
 a position involving a responsible role  
 or a particularly responsible role, or a position  
 with a high corruption risk

For the purpose of preparing for special background check in accordance with Articles 56–58 of the Law of Ukraine “On Prevention of Corruption”, we request that information regarding the following person be submitted to the High Qualification Commission of Judges of Ukraine in accordance with the Procedure for Conducting Special Background check of Persons Applying for Positions Involving a Responsible or Particularly Responsible Role, or Positions with a High Corruption Risk, approved by Resolution of the Cabinet of Ministers of Ukraine of 25 March 2015 No. 171 (as amended by Resolution of the Cabinet of Ministers of Ukraine of 27 August 2022 No. 959, as amended):

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(last name, first name and patronymic (if any) of the candidate for the position of judge in the nominative case)

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(date and place of birth)

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(series (if applicable) and number of the Ukrainian citizen’s passport, by whom and when issued)

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(address of registered place of residence and address of actual place of residence)

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(place of work and position held as of the date of giving consent to special background check)

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(name of the body and title of the position for which the candidate is applying)

Enclosures:           copies of the person’s written consent to special background check, curriculum vitae, Ukrainian citizen’s passport and other documents, depending on the competence of the body (unit), on \_\_\_\_\_ sheets in 1 copy.

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(title of the Head of the High Qualification Commission of  
 Judges of Ukraine or other person sending the request)

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(signature)

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(first name and surname)

Annex 3  
 To the Procedure for Conducting  
 Special Background Check in Respect  
 of Candidates for the Position of  
 Judge

**CERTIFICATE**  
 on special background check of  
 \_\_\_\_\_, who is applying for  
 a position involving a responsible role  
 or a particularly responsible role, or a position  
 with a high corruption risk

\_\_\_\_\_  
 (last name, first name and patronymic (if any) of the candidate for the position of judge in the nominative case)

candidate for the position of judge

\_\_\_\_\_  
 (name of the court in the genitive case, if applicable)

In accordance with Articles 56–58 of the Law of Ukraine “On Prevention of Corruption” and the Procedure for Conducting Special Background check of Persons Applying for Positions Involving a Responsible or Particularly Responsible Role, or Positions with a High Corruption Risk, approved by Resolution of the Cabinet of Ministers of Ukraine of 25 March 2015 No. 171 (as amended by Resolution of the Cabinet of Ministers of Ukraine of 27 August 2022 No. 959, as amended), the High Qualification Commission of Judges of Ukraine has organised special background check in respect of

\_\_\_\_\_  
 (last name, first name and patronymic (if any), date and place of birth, address of registered place of residence and actual place of residence of the candidate for the position of judge)

For the purpose of special background check, copies have been submitted of the written consent of the person applying for the position to undergo special background check, his or her curriculum vitae, Ukrainian citizen’s passport, documents on education, academic titles and academic degrees, a medical certificate on the state of health in the form approved by the Ministry of Health confirming whether the person is registered with any psychoneurological or narcological healthcare institutions, a military registration document, the application provided for in part one of Article 6 of the Law of Ukraine “On Purification of Power”, and copies of other documents

\_\_\_\_\_  
 (to be specified if applicable)

Requests for information concerning \_\_\_\_\_  
 (last name, first name and patronymic (if any) of the candidate for the position of judge)

were sent to \_\_\_\_\_  
 (names of bodies (units))

For the purpose of conducting special background check of information concerning the person applying for the position, the National Agency on Corruption Prevention has been provided with a declaration of a person authorised to perform the functions of the state or local self-government for the previous year, submitted in accordance with the procedure established by part one of Article 45 of the Law of Ukraine “On Prevention of Corruption”, or in accordance with the procedure established by the National Agency on Corruption Prevention pursuant to Article 52-1 of the Law of Ukraine “On Prevention of Corruption”.

Information was received in response to requests from:

\_\_\_\_\_

(name of the body (unit))

regarding

\_\_\_\_\_;

(brief description of the information received)

\_\_\_\_\_

(name of the body (unit))

regarding

\_\_\_\_\_;

(brief description of the information received)

\_\_\_\_\_

(name of the body (unit))

regarding

\_\_\_\_\_.

(brief description of the information received)

In addition, information was checked in:

- the Unified State Register of Court Decisions, and (information was found / no information was found) on restriction of legal capacity or legal incapacity;
- the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Associations, and (information was found / no information was found) on

\_\_\_\_\_

(brief description of the information, if found)

An explanation was received from the candidate for the position of judge on \_\_\_\_\_  
(date to be specified, if available)

\_\_\_\_\_  
(title of the position of the Head of the Structural Unit of the Secretariat of the High Qualification Commission of Judges of Ukraine, whose core functions include organisational support for conducting a special background check of candidates for judicial positions)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(first name and last name)

\_\_\_\_\_ 20\_\_