

Law of Ukraine on the Judiciary and Status of Judges

This Law defines the organization of judicial power and the administration of justice in Ukraine which operates based on the rule of law according to European standards and ensures to everyone the right to a fair trial.

Section I

PRINCIPLES OF ORGANISATION OF JUDICIAL POWER

Article 1. Judicial Power

1. In accordance with the constitutional principles of separation of powers, judicial power in Ukraine is exercised by independent and impartial courts established by law.
2. Judicial power is exercised by judges and, in cases determined by law, jurors, through administering justice within the framework of respective court procedures.

Article 2. Purposes of a Court

1. A court, in the course of administering justice based on the rule of law, ensures the right of any person to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine and international treaties consent to be bound by which has been expressed by the Verkhovna Rada of Ukraine.

Article 3. The system of the Judiciary of Ukraine

1. Courts of Ukraine constitute a single system.
2. The establishment of extraordinary and special courts is prohibited.

Article 4. Legislation on the Judiciary and the Status of Judges

1. The judiciary and status of judges in Ukraine shall be determined by the Constitution of Ukraine and law.
2. Amendments to this Law may be introduced exclusively by laws on amending the Law of Ukraine “On the Judiciary and the Status of Judges”.

Article 5. Administering Justice

1. Justice in Ukraine is administered exclusively by courts and according to judicial procedures stipulated by law.
2. Delegating courts' functions as well as appropriation/usurpation of those functions by other bodies or officials are not permitted. Any person that assumed/usurped functions of a court shall be answerable as stipulated by law.
3. The people are involved in the administration of justice through jurors.

Article 6. Independence of Courts

1. In administering justice, courts are independent of any illegal influence. Courts administer justice on the basis of the Constitution and laws of Ukraine and principles of the rule of law.
2. Applications to court from citizens, organizations or officials that, under the law, are not court process participants regarding consideration of specific cases, shall not be considered by the court unless otherwise stipulated by law.
3. Interference with the administration of justice, influence on court or judges in any manner, contempt of court or judges, collection, storage, use and dissemination of information orally, in writing or otherwise, with the purpose to discredit court or influence the impartiality of the court, calls to non-enforcement of court decisions are prohibited and entail liability stipulated by the law.
4. Bodies of state power and local self-government bodies, their officials must refrain from statements and actions which may undermine the independence of the judiciary.
5. In order to protect the professional interests of judges and address issues of internal operation of courts under this Law, the judicial self-government shall operate.

Article 7. The Right to a Fair Trial

1. Everyone is guaranteed the protection of his/her rights, freedoms and interests within a reasonable time frame by an independent, impartial and fair court established by law.
2. Foreigners, stateless persons and foreign legal entities shall be entitled to judicial protection in Ukraine on an equal basis with citizens and legal entities of Ukraine.
3. Accessibility of justice for every person is ensured according to the Constitution and in the manner established by laws of Ukraine.

Article 8. The Right to a Competent Court

1. No one may be deprived of the right to consideration of his case in court under the jurisdiction of which it falls according to the procedural law.
2. A judge shall consider the cases received under the procedure for case assignment established in accordance with law. The distribution of cases among judges may not be influenced by the wish of the judge or any other persons.

Article 9. Equality Before the Law and the Court

1. Justice in Ukraine is administered on the basis of equality of all participants to a court process before the law and the court regardless of race, color, political, religious and other opinion, gender, ethnic or social origin, property status, place of residence, language and other characteristics/status.
2. A court shall establish such conditions in which each participant to a court process is guaranteed equality in the exercise of the granted procedural rights and in the performance of procedural duties determined by the procedural law.

Article 10. Professional Legal Assistance in Exercising the Right to a Fair Trial

1. Everyone has the right to professional legal assistance. In cases envisaged by law, the state shall ensure the provision of professional legal assistance free of charge.
2. Everyone is free to choose a defender of their rights and a person providing legal assistance.
3. To provide professional legal assistance the bar shall operate. The exercise of the right to defense against criminal charges and representation in court shall be ensured by an attorney except as established by law.
4. Costs of professional legal assistance for participants to a court process shall be compensated in the manner stipulated by law.

Article 11. Transparency and Openness of Court Proceedings

1. Court decisions, court hearings and information on cases considered by the court are open unless otherwise provided by law. No one may be restricted in their right to receive in court oral or written information about the results of consideration of his/her lawsuit. Everyone is entitled to free access to judgment in the manner specified by law.
2. Information about a court hearing the case, the parties to the dispute and the subject matter of the claim, the date of receipt of the claim or a statement of appeal or cassation complaint, application for review of a judgement, the current status of the proceedings, venue, date and time of the court session, transfer of a case from one court to another shall be open and published immediately on the official web-portal of the judiciary in Ukraine, except in cases stipulated by law.
3. Consideration of cases in courts shall be open, except in cases stipulated by law. Any person may be present at an open court hearing. In case a person has committed acts demonstrating contempt of court or disrespect to participants in court proceedings, such person, upon a reasoned court decision, may be removed from the courtroom.
4. Persons present in the courtroom, representatives of mass media may in the courtroom take photos, video and audio recording with use of portable video and audio-technical devices without a special court sanction but having regard to limitations established by law. Broadcast shall be carried out with consent of the court. I fall participants to the case take part in the court hearing via videoconference, broadcast of the court hearing in the Internet shall be mandatory. Taking photographs, video recording and broadcasts of court hearings in the courtroom shall be without obstructing the session and without preventing the participants of the trial from exercising their procedural rights. The court may determine the location in the courtroom from which photographs should be taken and video recorded.
5. Consideration of a case in camera shall be permitted upon a reasoned decision of the court exclusively in cases determined by law.

6. In the course of consideration of cases, court proceedings are recorded by technical means in the manner stipulated by law.

7. Pursuant to a court decision, participants to court process shall be granted a possibility to participate in court hearing via video conference in the manner stipulated by law.

It is a duty of the court that received a judgment on holding video conference to ensure that the video conference is conducted regardless of specialization and instance of the court that passed such a decision.

8. The court proceedings shall be conducted exclusively in a courtroom specifically equipped for that — in a courtroom suitable to accommodate the parties and other trial participants and enable them to exercise procedural rights granted and perform procedural obligations.

Article 12. Language of the Judicial Proceedings and Case Management in Courts

1. Judicial proceedings and case management in courts of Ukraine shall be conducted in the state language.

2. The courts shall ensure the equality of rights of citizens in a court process regarding their language.

3. Courts shall use the official language in the course of the judicial proceedings and guarantee citizens' right to use their native language or the language they speak in the course of the proceedings.

Article 13. Binding nature of Court Decisions

1. A judgment that ends the consideration of a case in a court shall be delivered in the name of Ukraine.

2. Judgments that took effect shall be binding upon all bodies of the state power, bodies of local self-government and their officials and employees, natural persons and legal entities and associations thereof throughout Ukraine. The binding nature of judgments for other courts (prejudicial) shall be defined by law.

3. Control over the enforcement of judgments shall be exercised by court within the powers granted to it by law.

4. Failure to comply with judgments shall entail legal responsibility as stipulated by law.

5. Conclusions regarding the application of legal rules specified in rulings of the Supreme Court shall be mandatory for all government entities that use in their activity the normative-legal act containing the legal rule in question.

6. Conclusions as to the application of legal rules set forth in rulings of the Supreme Court shall be taken into account by other courts in the application of such legal rules.

7. Judgments may not be reviewed by other bodies or persons outside the judiciary except for decisions on amnesty and pardon.

State power bodies and local self-government bodies and their officials may not adopt decisions which cancel court decisions or halt their enforcement.

8. Court decisions of other states, decisions of international arbitration tribunals, decisions of international judicial institutions and similar decisions of other international organizations regarding dispute resolution are binding on the territory of Ukraine on terms specified by law and in accordance with international treaties consent to be bound by which has been expressed by the Verkhovna Rada of Ukraine.

Article 14. Right to a Review of a Case and Challenging a Court Decision

1. Parties to a case subject to consideration and other persons have the right to appeal review and in cases stipulated by law – to cassation.

Article 15. Personal Composition of the Court and the Manner it is Determined

1. Cases in courts are considered by one judge, and in cases prescribed by the procedural law — by a panel of judges as well as with the participation of jurors.

2. A judge who considers a case alone acts as a court.

3. A Unified Court Information (Automated) system shall operate in courts.

4. A judge or a panel of judges to consider a specific case are assigned by the Unified Court Information (Automated) system in the manner determined by procedural law.

5. Cases are assigned taking into account the specialization of judges, caseload of each judge, prohibitions to participate in the review of decisions for a judge who participated in rendering the court decision in question (except for the review upon newly discovered circumstances), vacation leaves of judges, absence due to temporary incapacity to work, business trips and other cases provided for by law when a judge may not administer justice or participate in case consideration.

In courts located in several localities the location of judges' workplaces in respective localities as well as criteria set forth in law for determining jurisdiction of the court shall be taken into account when assigning cases.

6. If the case is considered with the participation of the jury, the personal composition of such jury shall be determined with the help of the Unified Court Information (Automated) System unless otherwise stipulated by law.

7. Information on the results of case assignment is stored in the automated system and must be protected against unauthorized access and interference.

8. Unauthorized interference with the operation of the automated system and the assignment of cases among judges shall entail liability in accordance with the law.

9. The automated system is not applied to the assignment of a judge (a panel of judges, if the case is considered collectively) for consideration of a specific case exclusively when circumstances arise that objectively make it impossible for the system to function and last for more than five work days. The specific features of case assignment in such circumstances shall be determined by the Regulation on the Unified Court Information (Automated) System.

10. The Regulation on the Unified Court Information (Automated) System shall be approved by the High Council of Justice [new] upon proposal of the State Judicial

Administration of Ukraine and after consultations with the Council of Judges of Ukraine.

Article 15-1. Unified Judicial Information and Telecommunication System

1. The Unified Judicial Information and Telecommunication System shall function in courts, in the High Council of Justice, in the High Qualification Commission of Judges of Ukraine, in the State Judicial Administration of Ukraine, their bodies and divisions, which shall ensure:

- 1) electronic record keeping, including the transmitting electronic documents within and between the relevant authorities and institutions, registration of incoming and outgoing documents and stages of their transmission;
- 2) centralized storage of procedural and other documents and information in a single database;
- 3) secure storage, automated analytical and statistical processing of information;
- 4) keeping cases and other documents in the electronic archive;
- 5) the exchange of documents and information (sending and receiving documents and information, joint work on documents) in electronic form between courts, other bodies of the judiciary, participants to the trial as well as conducting real time broadcast;
- 6) automatization of the work of courts, of the High Council of Justice, of the High Qualification Commission of Judges of Ukraine, of the State Judicial Administration of Ukraine, their bodies and subdivisions;
- 7) forming and maintaining judicial dossier (dossier of a candidate for a position of judge) in electronic form;
- 8) remote access of users of this system to any information stored in it, in electronic form according to differentiated access rights;
- 9) determining a judge (reporting judge) for consideration of a particular case in the manner stipulated by the procedural law;
- 10) selection of persons to participate in the administration of justice as jurors;
- 11) distribution of cases in the High Qualification Commission of Judges of Ukraine, in the High Council of Justice, and its bodies;
- 12) audio and video recording of court sessions, meetings of the High Qualification Commission of Judges of Ukraine, of the High Council of Justice, its bodies, and their broadcasting on the Internet in the manner prescribed by law;
- 13) maintenance of the unified state register of court decisions;
- 14) functioning of the official web portal of the judiciary of Ukraine, the websites of the High Council of Justice and of the High Qualification Commission of Judges of Ukraine;
- 15) functioning of a single contact center for managing requests, and other applications;
- 16) the possibility of automated interaction of this system with other automated, information, information and telecommunication systems of bodies and institutions of the justice system, of law enforcement agencies, of the Ministry of Justice of Ukraine and its subordinate bodies and institutions;

17) the possibility for the participants to the case who intend to take part in the court session in the video conference mode, to check the connection with the court in the test mode in advance;

18) other functions stipulated by the Regulation on the Unified Judicial Information and Telecommunication System.

2. Registration of persons in the Unified Judicial Information and Telecommunication System shall be carried out in accordance with the Regulation on the Unified Judicial Information and Telecommunication System free of charge no later than the next working day after receipt of the corresponding application of such person.

3. Submission, forwarding, exchange of documents and performing other actions in electronic form with the help of the Unified Judicial Information and Telecommunication System shall be carried out using electronic digital signature equivalent to a personal signature in accordance with the law.

The peculiarities of the use of electronic digital signature in the Unified Judicial Information and Telecommunication System shall be determined by the Regulation on the Unified Judicial Information and Telecommunication System.

4. Courts, the High Council of Justice, the High Qualification Commission of Judges of Ukraine and their bodies shall consider cases based on materials in electronic form. Procedural and other documents and evidence in writing shall, no later than the next day from the day of their receipt by the court, by the High Council of Justice, by the High Qualification Commission of Judges of Ukraine, their bodies be transferred into electronic form and shall be attached to the materials of the electronic case in the manner established by the Regulation on the Unified Judicial information and telecommunication system. If necessary, the relevant body may request, consider and attach a document in writing to the case materials.

The documents in writing submitted to the relevant body shall be stored in the annex to the electronic case.

5. Unauthorized interference with the functioning of the Unified Judicial Information and Telecommunication System and the automated distribution of cases in court, in the High Qualification Commission of Judges of Ukraine, in the High Council of Justice and its bodies entails responsibility established by law.

6. The unified judicial information and telecommunication system shall be protected with the use of an integrated system of information security with verified compliance.

7. The Regulation of the Unified Judicial Information and Telecommunication System shall be approved by the High Council of Justice upon submission of the State Judicial Administration of Ukraine and after consultation with the Council of Judges of Ukraine.

Article 16. Symbols of the Judiciary

1. The symbols of the judiciary are the state symbols of Ukraine — the National Emblem of Ukraine and the State Flag of Ukraine.

2. Judges administer justice wearing a robe and a lapel badge. Specimens of the robe and the lapel badge are approved by the Council of Judges of Ukraine.
3. Court as a state body has a seal with the image of the State Emblem and its name depicted.

Section II JUDICIARY

Chapter 1. Organizational foundation of the judiciary

Article 17. The System of Courts

1. The court system is built based on the principles of territoriality, specialization and instance hierarchy.
2. The highest court in the court system is the Supreme Court.
3. The court system is comprised of:
 - 1) local courts;
 - 2) courts of appeal; and
 - 3) Supreme Court;To consider certain categories of cases under this Law high specialized courts shall operate in the court system.
4. The unity of the court system is ensured by:
 - 1) the unified principles of organization and operation of courts;
 - 2) the unified status of judges;
 - 3) rules of court proceedings established by law mandatory for all courts;
 - 4) unity (unified nature) of case law;
 - 5) mandatory nature of enforcement of judgments on the territory of Ukraine;
 - 6) the unified procedure for organizational support of the courts' operation;
 - 7) financing of courts exclusively from the State Budget of Ukraine;
 - 8) resolving the matters of internal functioning of courts by bodies of judicial self-government.

Article 18. Specialization of Courts

1. Courts specialize in hearing civil, criminal, commercial, administrative cases and cases of administrative offenses.
2. In instances stipulated by law and upon the decision of a meeting of judges of a relevant court specialization of judges for consideration of specific categories of cases may be introduced.
3. Local courts of general jurisdiction and courts of appeal have specialization of judges for criminal proceedings regarding juveniles.
4. Judges (a judge) authorized to conduct criminal proceedings regarding juveniles are elected from among judges of the respective court by a meeting of judges of that court upon proposal of the Chief Judge or upon a proposal of any judge of that court if the proposal of the Chief Judge was not supported, for a period not exceeding three years and may be re-elected again.

5. The number of judges authorized to conduct criminal proceedings regarding juveniles shall be determined separately for each court by meetings of judges of that court.
6. A judge who has at least ten years' experience as a judge, experience in criminal court proceedings and high moral and professional qualities may be elected to be a judge authorized to conduct criminal proceedings concerning juveniles. In case there are no judges at the court who have the necessary work experience, a judge authorized to conduct criminal proceedings for juveniles shall be elected from among judges who have the longest work experience as a judge.
7. Judges authorized to conduct criminal proceedings for juveniles are not relieved of judge's duties of the respective instance, however, the fact that he/she is authorized to conduct such criminal proceedings regarding juveniles shall be taken into account when assigning cases and shall be a priority.

Article 19. The Procedures for Establishment and Liquidation of Courts

1. A court is established and liquidated by law.
2. A draft law on the establishment and liquidation of a court shall be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine after consultations with the High Council of Justice [new].
3. The location, territorial jurisdiction and status of a court shall be determined with the principles of territoriality, specialization and instance hierarchy taken into account.
4. Change of the court system defined by this Law, the need to improve access to justice, the need to optimize government expenditures or changes in the administrative and territorial structure shall serve as a basis for the establishment or liquidation of a court.
5. A court may be established through the establishment of a new court or reorganization (merger or division) of courts.
6. The number of judges in a court shall be determined by the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new], taking into account the court workload and within the funding quotas determined in the State Budget of Ukraine for maintenance of courts and judges' salaries.
7. The maximum number of judges in the Supreme Court is determined by this Law.
8. A court is a legal entity unless otherwise stipulated by law.

Article 20. The procedure for Appointment of Judges to Administrative Positions and Dismissal from Administrative Positions

1. Administrative positions in a court are the position of the Chief Judge and Deputy Chief judge(s).
2. The Chief judge of the local court, his/her Deputies, Chief Judge of the court of appeal, his/her Deputies, Chief Judge of the high specialized court and his/her Deputies shall be elected to their positions by meetings of judges of the respective court among the judges of that court.

3. The Chief Judge of the local court, his/her Deputy, Chief Judge of the court of appeal, his/her Deputies, Chief Judge of the high specialized court and his/her Deputies shall be elected to his/her position by meeting of judges by secret ballot by a majority of the judges of the respective court for a period of three years but shall not exceed the term of office of a judge under the procedure established by law.
4. The Chief Judge of the local court, his/her Deputy, Chief Judge of the court of appeal, his/her Deputies, Chief Judge of the high specialized court and his/her Deputies may be early dismissed on the initiative of at least one third of all the judges of the respective court by secret ballot of at least two-thirds of the judges of that court.
5. The grounds for dismissing a judge from administrative office is his/her application or continuous unsatisfactory discharge of duties of Chief Judge, Deputy Chief Judge respectively, systematic or gross one-time violation of law while discharging the duties.
6. A judge who was early dismissed from the administrative position in court (except the dismissal from the administrative position upon his/her application) may not be elected to any administrative position in courts within two years after such early dismissal.
7. Dismissal from a position of a judge, termination of his/her powers and expiry of the term of the judge's administrative office in court shall terminate such judge's powers at such administrative position.
8. The Chief Justice of the Supreme Court and his/her Deputy are elected to the position and dismissed by the Plenary Meeting of the Supreme Court following the procedures in a manner stipulated by this law.
9. A judge elected to an administrative position may not occupy one administrative position in the respective court for more than two consecutive terms unless otherwise stipulated by law.
10. In courts where the number of judges exceeds ten, a Deputy Chief Judge of the court may be elected and in courts with more than thirty judges - no more than two Deputy Chief Judges may be elected.
11. Election of a judge to an administrative position without compliance with the requirements of law shall not be permitted.
12. A judge's administrative office duties in the court do not relieve him/her from exercising the powers of a judge of the respective court under this Law.

Chapter 2. Local courts

Article 21. Types and composition of Local Courts

1. Local general courts are district courts which are established in one or several raions or districts in the city or in a city or in a raion (raions) and city (cities).
2. Local commercial courts are district commercial courts.
3. Local administrative courts are district administrative courts and other courts determined by procedural law.

4. A local court shall consist of local court judges, one of whom shall be appointed as Chief Judge of the court and, in cases determined by law, Deputy Chief Judge or Deputy Chief Judges.

5. From among the judges of the local general court, investigating judge(s) are elected to exercise the powers of judicial supervision over observance of rights, freedoms and interests of individuals in criminal proceedings in the manner determined by procedural law.

6. The number of investigating judges is determined separately for each court by a meeting of judges of that court.

7. Investigating judge(s) shall be elected by a meeting of judges of that court at the proposal of the Chief Judge of the court or at the proposal of any judge of the court if the proposal by the court Chief Judge was not supported, for a period not exceeding three years and investigating judge(s) may be re-elected again. Before an investigating judge of the respective court is elected, his powers shall be exercised by the oldest judge of that court.

8. The investigating judge shall not be relieved of his/her duties of a judge of the court of the first instance, however, the exercise of their powers of judicial supervision over observance of rights, freedoms and interests of persons in criminal proceedings shall be taken into account when assigning cases and shall be a priority.

Article 22. Powers of a Local Court

1. A local court is the court of the first instance and it shall administer justice in the manner stipulated by procedural law.

2. Local general courts shall hear civil, criminal and administrative cases and cases of administrative offenses in the instances and manner stipulated by procedural law.

3. Local commercial courts hear cases arising from commercial legal relations as well as other cases ascribed by law to their jurisdiction.

4. Local administrative courts hear cases of administrative jurisdiction (administrative cases).

5. Jurisdiction of local courts regarding certain categories of cases as well as the procedures for their consideration is determined by law.

Article 23. A Judge of a Local Court

1. A judge of a local court shall administer justice in the manner stipulated by procedural law as well as other powers envisaged by law.

Article 24. The Chief Judge of the Local Court

1. The Chief Judge of the local court shall:

1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, natural persons and legal entities;

- 2) determine administrative responsibilities of Deputy Chief Judge of the local court;
 - 3) supervise the efficiency of the court staff, approve the appointment of chief of staff, deputy chief of staff and propose that incentives or disciplinary measures are to be applied to the chief of staff or his/her deputy, in accordance with law;
 - 4) issue a respective order on the basis of an act on the appointment of a judge to the office, transfer of a judge or dismissal of a judge from the office as well as due to termination or powers of a judge;
 - 5) notify the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the judiciary, about any vacant positions of judges in the court within three days upon the date of opening of such vacant positions;
 - 6) ensure the implementation of decisions adopted by the meetings of local court judges;
 - 7) organize maintenance of statistics records in court and information and analytical support for judges to improve the quality of court proceedings;
 - 8) promote compliance with the requirements for on-going training of local court judges;
 - 9) submit proposals regarding the number and personal composition of investigating judges to be considered by the court meeting;
 - 10) exercise other powers envisaged in law.
2. The Chief judge of the local court shall issue orders and instructions on matters within his/her administrative powers.
 3. In the absence of the Chief judge of the local court, his/her administrative powers shall be exercised by one of the Deputy Chief judges designated by the Chief judge, in the absence of such designation - by the Deputy Chief judge who has more years of experience as a judge, and in the absence of the Deputy Chief judge - by a judge of the court that has the longest work experience as a judge.

Article 25. Deputy Chief Judge of a Local Court

1. Deputy Chief Judge of a local court shall exercise administrative powers defined by the Chief Judge of the court.

Chapter 3. Courts of Appeal

Article 26. Types and Composition of Courts of appeal

1. Courts of appeal shall operate as courts of the appellate instance and in cases determined by procedural law – as courts of the first instance for consideration of civil, criminal, commercial, administrative cases and cases of administrative offenses.
2. Courts of appeal for consideration of civil and criminal cases and cases of administrative offenses are courts of appeal established in the appellate circuits.
3. The courts of appeal for consideration of commercial cases and the courts of appeal for consideration of administrative cases are the appellate commercial

courts and the appellate administrative courts established in respective appellate circuits.

4. Judicial chambers may be established within a court of appeal for consideration of certain categories of cases.

5. A judicial chamber shall be headed by the Secretary of judicial chamber elected from among the judges of that court for a period of three years.

6. The decision on the establishment of a judicial chamber, its personal composition and the election of the Secretary of the judicial chamber shall be adopted by the meeting of judges of the court of appeal upon the proposal by Chief Judge of court.

7. The secretary of judicial chamber shall:

- 1) organize the work of the respective chamber;
- 2) supervise analysis and summarizing of the case law on matters within the purview of the Chamber; and
- 3) inform the meetings of judges of the court of appeal on the activities of the Chamber.

Article 27. Powers of a Court of appeal

1. A court of appeal shall:

- 1) administer justice in the manner stipulated by the procedural law;
- 2) analyze judicial statistics, study and generalize the case law and notify respective local courts and the Supreme Court of the results of court practice generalization;
- 3) provide methodological assistance to local courts in applying the legislation; and
- 4) exercise other powers stipulated by law.

Article 28. A judge of a Court of appeal

1. A judge of a court of appeal may be a person who meets the requirements to judicial candidates, confirmed his/her capability to administer justice in the court of appeal based on results of qualification evaluation and meets one of the following requirements:

- 1) has at least five years of experience as a judge;
- 2) has an academic degree in the field of law and at least seven years of scientific work experience in the field of law;
- 3) has at least seven years of professional experience as an attorney representing clients in court and/or defending against criminal charges; and

4) has cumulatively at least seven years of service (professional experience) according to the requirements set forth in paragraphs 1-3 of this part.

2. A judge of a court of appeal shall administer justice in the manner stipulated by procedural law as well as other powers set forth in law.

Article 29. Chief Judge of a Court of Appeal

1. The Chief Judge of the court of appeal shall:
 - 1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, natural persons and legal entities;
 - 2) determine administrative powers of Deputy Chief Judges of a court of appeal;
 - 3) supervise the efficiency of court staff, approve the appointment of the chief of staff, deputy chief of staff, and submit a proposal on incentives or disciplinary measure for chief of staff and their deputy in accordance with the legislation;
 - 4) issue a respective order based on act on appointing a judge, transfer of a judge or dismissal of a judge from the office and due to the termination of powers of a judge;
 - 5) notify the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the judiciary, of any vacant positions of judges in a court of appeal within three days upon the date of opening of any such vacant positions;
 - 6) ensure the implementation of decisions adopted by meetings of judges of the court of appeal;
 - 7) organize the maintenance and analysis of judicial statistics; organize examination and summarizing of judicial practices /case law, information and analytical support for judges to improve the quality of court proceedings;
 - 8) facilitate fulfillment of the requirements regarding on-going training of judges of the court of appeal and improvement of their professional knowledge;
 - 9) exercise the powers of an investigating judge and appoint, from among the judges of the court of appeal, judges (judge) to exercise such powers in cases stipulated by the procedural law;
 - 10) exercise other powers envisaged by law.
2. The Chief Judge of the court of appeal shall issue orders and instructions on matters within his/her administrative authority.
3. In the absence of the Chief judge of the court of appeal, his/her administrative powers shall be exercised by one of Deputy Chief judges of the court designated by the Chief judge, and in the absence of such designation – by the Deputy Chief judge who has more experience as a judge, and in the absence of the Deputy Chief judge — a judge of the court with the longest experience as a judge.

Article 30. Deputy Chief Judge of a Court of appeal

1. Deputy Chief judge of the court of appeal shall exercise administrative powers determined by the Chief Judge of the court.

Chapter 4. High specialized courts

Article 31. Types and Composition of High Specialized Courts

1. Within the court system, high specialized courts shall function as courts of the first instance and courts of appeal for consideration of certain categories of cases.
2. The high specialized courts are:
 - 1) the High Court on Intellectual Property; and
 - 2) the High Anti-Corruption Court.

3. High specialized courts shall consider cases which fall under their jurisdiction pursuant to procedural law.

4. Court chambers may be established in a high specialized court for the purpose of considering particular categories of case in the first instance. In addition, a Chamber of Appeal shall be set up to consider cases in the appellate instance.

5. A Court Chamber for consideration of particular categories of cases in the first instance shall be chaired by the Secretary of Court Chamber to be elected from among judges of respective chamber for a period of three years. The Chamber of Appeal shall be chaired by the Chief Judge of the chamber to be elected from among judges of that chamber for a period of three years.

6. The Secretary of the Court Chamber for consideration of particular categories of cases in the first instance shall:

1) organize functioning of respective chamber;

2) supervise the processes of analyzing and summarizing judicial practice in cases within the purview chamber;

3) inform the meeting of judges of respective high specialized court on the functioning of the court chamber.

7. The Chief Judge of the Chamber of Appeal shall:

1) exercise powers specified by paragraphs 1-3 of Part 6 of this Article;

2) represent the Chamber of Appeal as to matters of its functioning before government authorities, bodies of local self-government, natural persons and legal entities;

3) inform the meeting of judges of a high specialized court and the Supreme Court of the generalization of judiciary practice;

4) facilitate fulfillment of requirements with regard to maintenance of the qualification of judges of the chamber and their professional development;

5) supervise performance of an independent structural unit responsible for organizational support of the functioning of the Chamber of Appeal;

submit proposals on appointing its chairperson and approve his/her dismissal;

submit a proposal on awarding or disciplining his/her according to the legislation;

approve draft regulation on such structural units and amendments thereto;

6) approve draft estimate budget of a high specialized court with regard to funding the functioning of the Chamber of Appeal as well as approve the use of budget funds allocated for maintenance of the Chamber of Appeal;

7) notify the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine as well as via the web-portal of the judiciary about judicial vacancies in a court within three days of the vacancies being available;

8) exercise other powers specified by law.

8. In the absence of the Chief Judge of the Chamber of Appeal his/her duties shall be discharged by a judge of the chamber with the longest service record in the position of a judge.

9. Decisions on establishment and composition of court chambers for considering particular categories of cases in the first instance, on election of secretaries of these court chambers shall be made by the meeting of judges of respective high

specialized court upon proposal of Chief Judge of the Court. A decision on electing the Chief Judge of the Chamber of Appeal shall be made by the meeting of the judges of the Chamber of Appeal by secret vote by a majority vote of the judges of the Chamber of Appeal.

Article 32. Powers of the High Specialized Court

1. High Specialized Court shall:

- 1) administer justice as a court of the first instance and as a court of appeal in the manner determined by procedural law;
- 2) analyze judicial statistics, study and generalize case law, inform the Supreme Court about the results of summarizing case law, and
- 3) exercise other powers envisaged by law.

Article 33. A Judge of a High Specialized Court

1. Appointed as a judge of the court on intellectual property may be a judge who meets the requirements to judicial candidates, and who based on the results of a qualification examination has confirmed his/her ability to administer justice in the High Court on Intellectual Property and meets one of the following requirements:

- 1) has at least three years of experience working as a judge;
- 2) has at least five years of professional experience as a representative in intellectual property cases (patent attorney);
- 3) has at least five years of professional experience as a lawyer representing clients in court in cases on intellectual property; and
- 4) has at least five years on a general record of service (professional experience) according to requirements set forth in paragraphs 1-3 of this part.

2. A judge may be appointed as a judge of the High Anti-Corruption Court if he/she meets the requirements to judicial candidates and based on results of qualification examination he/she has confirmed his/her ability to administer justice in the High Anti-Corruption Court and meets other requirements stipulated by law.

3. A judge of a high specialized court shall administer justice in the manner stipulated by the law, as well as exercise other powers stipulated by law.

Article 34. The Chief Judge of a High Specialized Court

1. The Chief Judge of a high specialized court shall:

- 1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, natural persons and legal entities as well as the judicial bodies of other countries and international organizations;
- 2) determine administrative responsibilities of Deputy Chief Judges of the high specialized court;
- 3) supervise the efficiency of the court staff, approve the appointment of the chief of staff, deputy chief of staff and submit a proposal on incentives or disciplinary measures for the chief of staff and his/her deputy in accordance with the law;

- 4) based on the act on the appointment, transfer or dismissal of a judge from the office and due to the termination of powers of a judge, issue a respective order;
 - 5) notify the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the judicial authorities, of any vacancies within three days upon the date of opening of any such vacant positions;
 - 6) ensure implementation of decisions of meetings of judges of the high specialized court;
 - 7) organize maintenance and analysis of judicial statistics, organize examination and summarizing of court practices/case law, information and analytical support for judges to improve the quality of justice;
 - 8) facilitate fulfillment of the requirements regarding on-going training of judges of the high specialized court and improvement of their professional knowledge; and
 - 9) exercise other powers envisaged by the law.
2. On matters within their administrative authority, the Chief Judge of a high specialized court shall issue orders and instructions.
 3. In the absence of the Chief judge of the high specialized court, his/her administrative powers shall be exercised by one of the Deputy Chief judges of the court designated, by the Chief Judge, and in the absence of such designation – by the Deputy Chief judge who has more experience as a judge, and in the absence of the Deputy Chief judge — a judge of that court with the longest experience as a judge.

Article 35. Deputy Chief Judge of the High Specialized Court

1. Deputy Chief judge of a high specialized court shall exercise administrative powers defined by the Chief Judge of the Court.

Chapter 5. The Supreme Court

Article 36. The Supreme Court – the highest court in the court system of Ukraine

1. The Supreme Court is the highest court in the court system of Ukraine which shall ensure the sustainability and uniformity of case law following the procedures and in the manner specified by procedural law.
2. The Supreme Court shall:
 - 1) administer justice as a court of cassation instance and in cases stipulated by procedural law – as a court of first or appellate instance in the manner established by procedural law;
 - 2) analyze judicial statistics and generalize case law;
 - 3) issue conclusions on draft laws concerning the judiciary, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the court system;

- 4) issue an opinion on presence or absence of attributes of treason or other crimes in actions of which the President of Ukraine is accused of; upon request of the Verkhovna Rada of Ukraine, submit a written motion on incapability of the President of Ukraine to exercise his/her powers for health reasons;
- 5) address the Constitutional Court of Ukraine regarding the constitutionality of laws and other legal acts as well as regarding the official interpretation of the Constitution of Ukraine;
- 6) ensure uniform application of provisions of law by courts of different specialization following the procedure and in the manner stipulated by the procedural law; and
- 7) provide local courts and courts of appeal with methodological information on application of the legislation;
- 8) exercise other powers envisaged by law.

Article 37. The Composition and Structure of the Supreme Court

1. The Supreme Court shall consist of not more than two hundred judges.
2. Within the Supreme Court there shall be:
 - 1) the Grand Chamber of the Supreme Court;
 - 2) the Administrative Cassation Court;
 - 3) the Commercial Cassation Court;
 - 4) the Criminal Cassation Court; and
 - 5) the Civil Cassation Court.
3. Each cassation court shall include judges of the respective specialization.
4. In each cassation court chambers for adjudicating certain categories of cases shall be established, taking into account specialization of judges.
The number and specialization of court chambers shall be determined by the decision of the meeting of judges of a cassation court taking into account the requirements of parts 5 and 6 of this Article and court workload.
5. In the Administrative Cassation Court separate court chambers must be established. These chambers shall adjudicate cases on:
 - 1) taxes, fees and other mandatory payments;
 - 2) protection of social rights; and
 - 3) election process and referendum and protection of political rights of citizens.
6. In the Commercial Cassation Court, separate court chambers must be established to consider cases on:
 - 1) bankruptcy;
 - 2) protection of intellectual property rights and rights related to anti-monopoly and competition law; and
 - 3) corporate disputes, corporate rights and securities.
7. Other chambers in cassation courts shall be established upon a decision of the meeting of judges of a cassation court.
8. The Supreme Court shall have the Plenum of the Supreme Court to address issues stipulated by the Constitution of Ukraine and this Law. The personal composition and functioning of the Plenum of the Supreme Court are defined by this Law.

Article 38. A Justice of the supreme court

1. A person may be appointed as a justice of the Supreme Court if he/she meets the requirements to judicial candidates if based on the results of the qualification examination he/she has confirmed his/her ability to administer justice in the Supreme Court and meets one of the following requirements:

- 1) has at least ten years of experience as a judge;
- 2) has an academic degree in the field of law and at least ten years of scientific experience in the field of law;
- 3) has at least ten years of professional experience as an attorney, in particular representing clients in court and/or defending against criminal charges; and
- 4) has at least ten years on a general record of service (professional experience) according to requirements set forth in points 1-3 of this provision.

2. The Justice of the Supreme Court shall:

- 1) administer justice in the manner established by procedural law;
- 2) participate in the consideration of issues on the agenda of a meeting of the Plenum of the Supreme Court;
- 3) analyze case law and take part in its generalizing; and
- 4) participate in consideration of the issues raised at a meeting of judges of a relevant cassation court and exercise other powers stipulated by law.

Article 39. The Chief Justice of the Supreme Court

1. The Supreme Court shall be chaired by the Chief Justice of the Supreme Court who shall be elected to the office and dismissed from the office by secret ballot by the Plenum of the Supreme Court from among Supreme Court justices in the manner established by this Law.

2. The Chief Justice of the Supreme Court shall:

- 1) represent the Supreme Court as the highest court within the court system of Ukraine in relations with bodies of state power, bodies of local self-government, natural persons and legal entities as well as judicial authorities of other countries and international organizations;
- 2) define the administrative powers of Deputy Chief Justice of the Supreme Court;
- 3) convene the Plenum of the Supreme Court; submit proposals for consideration by the Plenum regarding the election of Secretary of the Plenum; submit matters for consideration by the Plenum and preside at its meetings;
- 4) supervise the efficiency of the court staff of the Supreme Court, approve appointment of Chief of staff and his/her first deputy; submit a proposal on awarding or disciplining Chief of staff and his/her first deputy according to the legislation;
- 5) inform the Plenum of the Supreme Court on the activities of the Supreme Court; and
- 6) exercise other powers stipulated by law.

3. The Chief Justice of the Supreme Court shall issue orders and instructions on matters within his/her administrative authority.

4. The Chief Justice of the Supreme Court shall ex officio be a member of the High Council of Justice [new].
5. In the absence of the Chief Justice of the Supreme Court, his/her administrative powers shall be exercised by Deputy Chief Justice of the Supreme Court. In the absence of the Deputy Chief Justice of the Supreme Court, the administrative powers of the Chief Justice of the Supreme Court shall be exercised by a judge who has the longest experience as a justice of the supreme court.

Article 40. The Procedure for Election of the Chief Justice of the Supreme Court

1. The Chief Justice of the Supreme Court shall be elected to the office and dismissed from the office by the Plenum of the Supreme Court by a majority vote of the total membership of the Plenum by secret ballot.
2. The Chief Justice of the Supreme Court shall be elected from among Supreme Court justices for a period of four years with a right to hold the position of Chief Justice of the Supreme Court not more than two consecutive terms in a row.
3. The Chief Justice of the Supreme Court may not hold any other administrative position at the same time.
4. The Plenum of the Supreme Court on the election of the Chief Justice of the Supreme Court shall be convened not later than one month from the date of termination of powers of the previous Chief Justice of the Supreme Court.
5. The dismissal of the Chief Justice of the Supreme Court from the office and termination of his/her powers and expiration of a term for which he/she was elected as Chief Justice of the Supreme Court shall terminate his/her powers as Chief Justice of the Supreme Court.
6. The powers of the Chief Justice of the Supreme Court shall also early terminate because of the no-confidence vote to him by the Plenum of the Supreme Court.
7. The procedure for election of the Chief Justice of the Supreme Court and his/her dismissal from office shall be established by Rules of Procedure of the Plenum of the Supreme Court to be approved by the Plenum. Changing the Rules of Procedure less than six months before the expiry of the term of office of the Chief Justice of the Supreme Court shall not be permitted.

Article 41. Procedure for Early Dismissal of the Chief Justice of the Supreme Court

1. The Chief Justice of the Supreme Court may be early dismissed on the grounds stipulated by law.
2. The procedure for early termination of powers of the Chief Justice of the Supreme Court following no-confidence vote by the Plenum of the Supreme Court shall be determined exclusively by this Article. Rules of Procedure of the Plenum of the Supreme Court shall not apply to that procedure.
3. The issue of no-confidence vote to the Chief Justice of the Supreme Court shall be considered by the Plenum of the Supreme Court on the proposal of at least one-third of the composition of the Plenum of the Supreme Court confirmed by their signatures. The proposal must be reasoned.

4. In order to hold a Plenum of the Supreme Court on the issue of no-confidence vote to the Chief Justice of the Supreme Court, the justices specified in part three of this Article, shall establish an organizing committee and appoint its Head and Deputy Head, of which minutes shall be made.

5. The organizing committee shall ensure preparation and holding of the Plenum of the Supreme Court on the issue of no-confidence vote to the Chief Justice of the Supreme Court within twenty days from the date of its establishment. The participants of the meeting of the Plenum of the Supreme Court shall be notified by the organizing committee of the date and time of convening the Plenum of the Supreme Court and the issues submitted for its consideration with forwarding respective materials in the manner stipulated by this Law. Adding other issues to the agenda of the Plenum of the Supreme Court, apart from no-confidence vote to the Chief Justice of the Supreme Court shall be prohibited.

6. A meeting of the Plenum of the Supreme Court on no-confidence vote to the Chief Justice of the Supreme Court shall be duly constituted if attended by more than one-half of the justices of the Supreme Court. The meeting of the Plenum of the Supreme Court shall be chaired by the Head of the organizing committee, and in his absence — by Deputy Head of the organizing committee.

7. The Head shall submit proposals for approval by the Plenum of the Supreme Court regarding the Secretary of the meeting of the Plenum of the Supreme Court, the personal composition of the counting commission and the ballot form and voting record subject to approval by an open ballot.

8. The issue of no-confidence vote to the Chief Justice of the Supreme Court shall be considered in presence of the Chief Justice of the Supreme Court or in his /her absence. The Chief Justice of the Supreme Court may provide written explanations on any issues raised, which he/she or his/her authorized representative may present at the meeting of the Plenum of the Supreme Court.

9. The organizing committee shall determine the procedure of the meeting and the voting procedure, having account to the requirements of this Law and shall supervise their implementation.

10. The decision on no-confidence vote to the Chief Justice of the Supreme Court shall be taken by secret ballot by the majority vote of the Supreme Court.

11. The decision on no-confidence vote to the Chief Justice of the Supreme Court shall be registered by a Resolution of the Plenum of the Supreme Court signed by Head person and Secretary of the meeting elected by the Plenum of the Supreme Court upon proposal of the Head.

12. No-confidence vote to the Chief Justice of the Supreme Court shall not deprive him/her of powers of a justice of the Supreme Court of Ukraine. In the event of early termination of powers of the Chief Justice of the Supreme Court, the Chief Justice of the Supreme Court shall be elected in the manner stipulated by this Law.

13. The issue of no-confidence vote to the Chief Justice of the Supreme Court may not be raised again for one year after its consideration at a meeting of the Plenum of the Supreme Court.

14. Procedures for dismissal of the Chief Justice of the Supreme Court on grounds other than no-confidence vote by the Plenum of the Supreme Court shall be determined by law and the Rules of Procedure of the Plenum of the Supreme Court.

Article 42. Chief Judge of a Cassation Court

1. A cassation court shall be chaired by its Chief Judge.

2. The Chief Judge of a cassation court shall be elected by secret ballot by the meeting of judges of the respective cassation court from among judges of this court.

3. The Chief Judge of a cassation court shall be elected for a four-year term with a right to hold a position of Chief Judge of such cassation court not more than for two consecutive terms.

4. The Chief Judge of a cassation court may be early dismissed from the office upon initiative of at least one-third of the total number of judges of a relevant cassation court by secret ballot by a majority vote of judges of the respective cassation court.

5. The dismissal of a judge from the office and termination of his/her powers and expiration of a term for which he/she was elected as a Chief Judge of a relevant cassation court shall terminate his/her powers as a Chief Judge of this court.

6. The Chief Judge of a cassation court shall:

1) represent the cassation court before state authorities, local self-government authorities and natural persons and legal entities on the issues related to the functioning of this court;

2) determine administrative powers of Deputy Chief Judges of a cassation court;

3) supervise the performance of a structural unit of the Supreme Court staff that provides organizational support to the functioning of the respective cassation court, approve the appointment to and dismissal from the office of a head of this unit – deputy chief of staff of the Supreme Court, and submit a proposal on incentives or imposing a disciplinary sanction on him/her under the legislation;

4) notify the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine about judicial vacancies in a cassation court within three days after such vacancy appeared, as well as via the web-portal of the judiciary;

5) convene the meeting of judges of a cassation court; submit issues to be considered at the meeting and preside at the meetings;

6) inform the meeting of judges of a cassation court about the status of justice in respective court specialization and case law in adjudicating certain categories of cases;

7) ensure the enforcement of decisions of the meeting of judges of a cassation court;

8) organize record-keeping and analysis of judicial statistics in a cassation court, the study of case law, information and analytical support to judges in order to improve the quality of judicial proceedings;

- 9) facilitate meeting the requirements for on-going training of judges of a cassation court and increasing their professional level; and
- 10) exercise other powers stipulated by law.
7. The Chief Judge of a cassation court shall issue orders and assignments on issues which are within his/her administrative powers.
8. When the Chief Judge of a cassation court is absent, his/her administrative powers shall be exercised by one of his/her deputies assigned by the Chief Judge of a cassation court, and in the absence of such assignment– by Deputy Chief Judge of a cassation court with a longer record of service as a judge, and in the absence of the Deputy – the judge of this court who has more length of service as a judge.
9. Deputy Chief Judge of a cassation court shall exercise administrative powers determined by the Chief Judge of a cassation court.

Article 43. Deputy Chief Justice of the Supreme Court, Deputy Chief Judge of a Cassation Court

1. The Plenum of the Supreme Court may elect Deputy Chief Justice of the Supreme Court upon proposal of the Chief Justice of the Supreme Court. Deputy Chief Justice of the Supreme Court shall be elected for a period of four years and dismissed from the office by the Plenum of the Supreme Court. The decision on his/her election and dismissal shall be taken by a majority vote of the total membership of the Plenum of the Supreme Court by secret ballot. Deputy Chief Justice of the Supreme Court may be early dismissed in the manner established by the Rules of Procedure of the Plenum of the Supreme Court.
2. The dismissal of a judge from the office and termination of his/her powers, expiration of the term for which he/she was elected as Deputy Chief Justice of the Supreme Court shall terminate his/her powers as Deputy Chief Justice of the Supreme Court.
3. The meeting of judges of a cassation court may elect Deputy Chief Judge of a cassation court. Deputy Chief Judge of a cassation court shall be elected for a period of four years upon proposal of the Chief Judge of a cassation court from among secretaries of court chambers of the relevant cassation court and dismissed from the office by the meeting of judges of such cassation court. A decision on electing Deputy Chief Judge of a cassation court to the office and dismissing him/her from the office shall be taken by a majority vote of judges of a relevant cassation court by secret ballot.
4. Deputy Chief Judge of a cassation court may be early dismissed from the office upon proposal of the Chief Judge of a cassation court or at least one-third of a total number of judges of a relevant cassation court by secret ballot by a majority vote of judges of a relevant cassation court.
5. The dismissal of a judge from the office and termination of his/her powers and expiration of the term for which he/she was elected as Deputy Chief Judge of a cassation court shall terminate his/her powers as Deputy Chief Judge of this court.

Article 44. Court Chambers of the Cassation Court

1. Court Chambers of the cassation court shall:
 - 1) administer justice in the manner stipulated by the procedural law;
 - 2) analyze judicial statistics and study case law; and
 - 3) exercise other powers stipulated by law.
2. Personal composition of court chambers and number of judges in court chambers shall be determined by the meeting of judges of the respective cassation court.
3. A court Chamber shall be headed by the Secretary of the court Chamber who shall:
 - 1) organize work of the respective Judicial Chamber and preside at its meetings;
 - 2) organize analysis of judicial statistics, studying case law;
 - 3) inform the meeting of judges of the cassation court on the activities of the judicial chamber; and
 - 4) exercise other powers stipulated by law.
4. The Secretary of the court chamber shall be elected for a period of four years and dismissed from the office by a majority vote of judges of a relevant court chamber by secret ballot.
5. In the absence of the Secretary of the judicial chamber, his /her duties shall be exercised by a judge of the chamber who has the longest experience as a judge of the relevant cassation court.

Article 45. The Grand Chamber of the Supreme Court

1. The Grand Chamber of the Supreme Court shall be a permanent collegial body of the Supreme Court which shall be composed of twenty-one justices of the Supreme Court.
2. The Grand Chamber of the Supreme Court shall:
 - 1) function as a cassation court in instances stipulated by law in order to ensure uniform application of the norms of law by courts;
 - 2) act as a court of appeal in cases adjudicated by the Supreme Court as a first instance court;
 - 3) analyze judicial statistics and study and generalize case law; and
 - 4) exercise other powers stipulated by law.
3. Justices of the Supreme Court shall be elected to the Grand Chamber by meetings of judges of the respective cassation courts from among judges of such cassation courts.
4. Each cassation court within the Supreme Court shall elect five judges to the Grand Chamber of the Supreme Court. The Grand Chamber of the Supreme Court shall also include ex officio the Chief Justice of the Supreme Court.
5. The justice of the Supreme Court elected to the Grand Chamber shall exercise powers of a justice of the Grand Chamber of the Supreme Court for three years (except for the Chief Justice of the Supreme Court), but not longer than for two consecutive terms.
6. The justice of the Supreme Court elected to the Grand Chamber and the Chief Justice of the Supreme Court shall not administer justice in a relevant cassation court.

7. The justice of the Supreme Court elected to the Grand Chamber may not be elected to any administrative position except the position of Secretary of the Grand Chamber of the Supreme Court.
8. The Secretary of the Grand Chamber of the Supreme Court shall be elected from among justices of the Grand Chamber for three years and dismissed from office by the Grand Chamber by secret ballot by a majority of votes.
9. The dismissal of a justice from the office and termination of his/her powers and expiration of the term for which he/she was elected as Secretary of the Grand Chamber of the Supreme Court shall terminate his/her powers as Secretary of the Grand Chamber of the Supreme Court.
10. The Secretary of the Grand Chamber shall:
 - 1) organize the work of the Grand Chamber and Chair its plenary meetings;
 - 2) organize analysis of case law and study and generalize case law;
 - 3) inform the Plenum of the Supreme Court about the functioning of the Grand Chamber; and
 - 4) exercise other powers stipulated by law.
11. The meeting of the Grand Chamber of the Supreme Court shall be deemed duly constituted if attended by not less than two-thirds of its members.

Article 46. The Plenum of the Supreme Court

1. The Plenum of the Supreme Court shall be a collegial body composed of all the justices of the Supreme Court.
2. The Plenum of the Supreme Court shall:
 - 1) elect and dismiss the Chief Justice of the Supreme Court and Deputy Chief Justice of the Supreme Court in the manner stipulated by this Law;
 - 2) elect, from among the justices of the Supreme Court upon proposal of the Chief Justice of the Supreme Court, and dismiss the Secretary of the Supreme Court;
 - 3) hear reports of the Chief Justice of the Supreme Court on his/her activities, Secretary of the Grand Chamber of the Supreme Court on the functioning of the Chamber;
 - 4) issue opinions on draft laws concerning the judicial system, legal proceedings, the status of judges, enforcement of judgments and other issues related to the functioning of the judiciary of Ukraine;
 - 5) adopt decisions on addressing the Constitutional Court of Ukraine regarding the constitutionality of laws and other legal acts and on the official interpretation of the Constitution;
 - 6) issue an opinion on presence or absence of attributes of treason or other crimes in actions of the President of Ukraine; upon request of the Verkhovna Rada of Ukraine, present a written motion on incapability of the President of Ukraine to exercise his/her powers for health reasons;
 - 7) approve the Rules of Procedure of the Plenum of the Supreme Court;
 - 8) approve the Regulation on the Scientific and Advisory Board under the Supreme Court and its composition;
 - 9) approve the composition of the editorial board of the official publication of the Supreme Court;

- 10) approve budget request of the Supreme Court;
 - 10-¹) with a view to ensuring uniform application of the norms of law in deciding particular categories of cases generalize practice of applying substantive and procedural law, systematize and enable publishing by the Supreme Court of legal opinions of the Supreme Court with reference to judgments in which they were formulated;
 - 10-²) based on results of the analysis of judicial statistics and generalization of judicial practice provide explanations of advisory nature on the application of the legislation in deciding lawsuits;
 - 11) consider and decide other issues referred by law to its powers.
3. Meetings of the Plenum of the Supreme Court shall be duly constituted if attended by at least two-thirds of members of the unless otherwise provided by this Law.
 4. Representatives of bodies of state power, academic establishments, NGOs, mass media and other persons may be invited to a Plenary Meeting.
 5. The Plenum of the Supreme Court shall be convened by the Chief Justice of the Supreme Court as may be necessary or on the request of at least one-fourth of the justices of the Supreme Court, but not less than one time every three months. In the absence of the Chief Justice of the Supreme Court, the Plenum shall be convened by the Deputy Chief Justice of the Supreme Court.
 6. The day and time of convening the Plenum of the Supreme Court and issues brought before it shall be communicated to the participants in the Plenum no later than five working days before the meeting. Within the same timeframe, materials on issues proposed for consideration by the Plenum shall be distributed.
 7. The Plenum shall be conducted by the Chief Justice of the Supreme Court. In the absence of the Chief Justice of the Supreme Court, the Plenum shall be conducted by the Deputy Chief Justice of the Supreme Court.
 8. The work procedure of the Plenum of the Supreme Court shall be established under this Law and adopted according to the Rules of Procedure of the Plenum of the Supreme Court of Ukraine.
 9. The Plenum of the Supreme Court shall adopt resolutions on the issues considered. Resolutions of the Plenum of the Supreme Court shall be signed by the Chief Justice of the meeting of the Plenum and the Secretary of the Plenum and published in the official printed publication and on the website of the Supreme Court.
 10. The Secretary of the Plenum of the Supreme Court shall organize work of the Secretariat of the Plenum, preparation for meetings of the Plenum, ensure record-keeping and supervise the implementation of resolutions adopted by the Plenum of the Supreme Court.
 11. Any specific features of holding a Plenum of the Supreme Court on particular issues including those regarding procedures for convening, due constitution of a meeting, the order of functioning, voting procedures, decision making and signing resolutions passed by the Plenum of the Supreme Court shall be established by law.

Article 47. Scientific and Advisory Board and the Official Publication of the Supreme Court

1. The Scientific and Advisory Board shall be established under the Supreme Court from among highly qualified professionals in the area of law for the purpose of preparation of scientific conclusions on matters of functioning of the Supreme Court requiring scientific support.
2. The procedure for organization and functioning of the Scientific and Advisory Board shall be determined by the Regulation approved by the Plenum of the Supreme Court.
3. The Supreme Court shall have an official publication to publish materials on case law of the Supreme Court and other materials. The official publication may be issued electronically.

Section III JUDGES AND JURORS

Chapter 1. General Provisions on the Status of Judges

Article 48. Independence of a Judge

1. In the course of administering justice judges shall be independent of any illegal influence, pressure or intervention.
2. A judge shall administer justice on the basis of the Constitution and laws of Ukraine guided by the principle of the rule of law. Interference in administering justice by a judge shall be prohibited and entail liability under the law.
3. The judge shall not be required to provide any explanations regarding the merits of cases under his/her consideration except in cases envisaged by law.
4. The judge is obligated to report interference with his/her work in the administration of justice to the High Council of Justice [new] and Prosecutor General.
5. Independence of judges shall be ensured by:
 - 1) special procedure for their appointment, prosecution, dismissal and termination of powers;
 - 2) inviolability and immunity of judges;
 - 3) the irremovability of judges;
 - 4) the procedures for administration of justice defined by procedural law and the secret of decision making;
 - 5) prohibition of interference with the administration of justice;
 - 6) liability for contempt of court or a judge;
 - 7) a separate procedure for funding and organizational support of functioning of courts stipulated by law;
 - 8) adequate financial and social support of judges;

9) functioning of bodies of judicial governance and self-government; 10) means defined by law to ensure personal safety of a judge and members of his/her family, property and other means of legal protection;

11) the right of judges to retirement.

6. The bodies of state power, bodies of local self-government and their officials and employees as well as natural persons and legal entities and their associations shall be obligated to respect the independence of judges and not infringe on it.

7. When adopting new laws or amending the laws in force, the content and scope of guarantees of judicial independence stipulated by the Constitution of Ukraine and law may not be diminished.

Article 49. Inviolability and Immunity of Judges

1. A judge shall be inviolable. A judge may not be detained or arrested without the consent of the High Council of Justice [new] until a verdict of guilty is rendered except for detention of a judge during or immediately after committing a grave or especially grave crime.

A judge may not be brought to liability for court decision adopted by him/her except for committing a crime or disciplinary offense.

2. A judge detained on suspicion of having committed an act entailing criminal or administrative liability shall be released immediately after their identity has been confirmed, except:

1) if the High Council of Justice [new] gave its consent to detain a judge with regard to such act; and

2) a judge was detained during or immediately after committing a grave or especially grave crime if such detention is necessary to prevent a crime, avoid or prevent implications of a crime or to ensure the preservation of evidence of this crime.

3. A judge may not be subjected to detention or brought against his will before any institution or body other than a court, except for cases set forth in paragraph two of this Article.

4. A judge may be notified of suspicion of having committed a criminal offense only by the Prosecutor General or his/her Deputy.

5. A judge may be suspended from administering justice for not more than two months due to bringing him/her to criminal responsibility based on a reasoned request of the Prosecutor General or his/her Deputy in the manner stipulated by law. A decision on suspending a judge from administering justice shall be approved by the High Council of Justice [new].

6. The period for suspension of a judge from administering justice in connection with criminal prosecution shall be extended in the same manner for a period not exceeding two months. A request for an extension of the suspension of a judge from administering justice shall be submitted by the Prosecutor General or his/her Deputy not later than ten days prior to the expiration of the period of the suspension of a judge. Requirements as to the motion on the suspension of a judge from administering justice in connection with criminal prosecution shall be established by procedural law.

7. If a body which considers cases on judicial discipline makes a decision to impose on a judge a disciplinary sanction in a form of a proposal to dismiss the judge from the office, such a judge shall be automatically suspended from administering justice until a decision on his/her dismissal from the office is taken by the High Council of Justice [new].

8. During the suspension from administering justice, the judge shall be deprived of the right to receive bonuses to the basic salary of a judge.

9. Operational and search or investigative actions regarding a judge subject only to permission of a court shall be carried out on the basis of a court ruling upon the motion of the Prosecutor General or his/her Deputy, the Head of the regional prosecutor's office or his/her deputy.

10. Criminal prosecution proceedings against a judge in charges for a criminal offense as well as decisions on search functioning or investigative actions, or imposition of restrictive measures regarding the judge, may not be conducted by the court in which the person charged occupies or occupied the position of a judge. If, according to general rules of determining the jurisdiction criminal proceedings in relation to a judge must take place or the decision on investigative actions or restrictive measures must be taken by the same court in which the person accused occupies or occupied the position of a judge, criminal proceedings or decision to conduct investigative actions shall be carried out by a court geographically nearest to the court in which the person accused occupies or occupied the position of a judge, another administrative and territorial unit (the Autonomous Republic of Crimea, oblast, cities of Kyiv or Sevastopol) unless another court is not determined by law.

11. The state shall be responsible for any damage inflicted by the court on the grounds and in the manner stipulated by law.

Article 50. Responsibility for Contempt of Court or Judge

1. Contempt of court or a judge by persons who are participants to proceedings or are present in the court session shall entail responsibility stipulated by law.

Article 51. Credentials of a judge

1. Judges, Chief Judges of courts and their deputies and retired judges shall have credentials samples of which shall be approved by the Council of Judges of Ukraine.

2. Credentials of a judge, Chief Judge, Deputy Chief Judge, retired judge shall be signed by the President of Ukraine.

3. Credentials of the Chief Justice of the Supreme Court and Deputy Chief Justice of the Supreme Court shall be signed by the Secretary of the Plenum of the Supreme Court.

4. Credentials shall be served by the person who signed it or another person on their behalf.

Chapter 2. Judge

Article 52. Status of a Judge

1. A judge is a citizen of Ukraine who, according to the Constitution of Ukraine and this Law, has been appointed as a judge, holds judicial position in one of the courts of Ukraine and administers justice on the professional basis.
2. Judges in Ukraine shall have uniform status regardless of the status that the court occupies in the court system or the administrative position that the judge occupies in the court.

Article 53. The Irremovability of Judges

1. The judges shall be guaranteed irremovability until they reach the age of sixty-five, except for dismissal or termination of his/her powers pursuant to the Constitution of Ukraine and this Law.
2. A judge may not be transferred to another court without his/her consent, except a transfer:
 - 1) in the event of reorganization, liquidation or termination of the court;
 - 2) as a disciplinary measure.

Article 54. Requirements regarding incompatibility

1. Holding a position of a judge shall be incompatible with holding a position in any other body of state power, the body of local self-government and a representative mandate. Occupying a position of a judge is also incompatible with the effective prohibition to hold office for such a person who is subject to the purification of government in the manner stipulated by the Law of Ukraine "On Purification of Government."
2. A judge may not combine his/her activities with entrepreneurial activities, legal practice, hold any other paid positions, perform other paid work (except for teaching, research or creative activities), or be a member of the governing body or a supervisory board in a company or organization that is aimed at making profit.
3. Persons who are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interests in the functioning of any legal entity aimed at making profit shall be obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third party (without a right of giving instructions to such person regarding disposition of such shares, corporate or other rights or regarding exercise of rights which arise therefrom) for the term of judicial office. A judge may receive interest, dividends and other unearned income from the property he/she owns.
4. A judge may not belong to a political party or a trade union, demonstrate affiliation with them and participate in political campaigns, rallies, strikes. While in office, a judge may not be a candidate for elective positions in bodies of the state power (other than judicial) and bodies of local self-government, as well as participate in the election campaigning.
5. In case of appointment of as a member of the High Council of Justice [new], the High Qualification Commission of Judges of Ukraine, they shall be seconded to work with those bodies on a permanent basis. Judges who are members of those

bodies retain guarantees of material, social and household support envisaged by law for judges.

6. A judge, upon their application, may be seconded for work at the National School of Judges of Ukraine, and a judge elected as Chairperson or Deputy Chairperson of the Council of Judges of Ukraine – at the Council of Judges of Ukraine, with the preservation of the amount of judicial remuneration at the main job and of any bonuses envisaged by law.

7. A judge shall comply with the requirements regarding incompatibility stipulated by anti-corruption legislation. Secondment for work at the High Council of Justice [new], the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine and Council of Judges of Ukraine shall not be regarded as plurality (compatibility of jobs).

Article 55. Secondment as a Temporary Transfer of a Judge to Another Court of the Same Level and Specialization

1. If it is impossible to administer justice in the respective court, in case of excessive workload in the respective court, if court terminated its operation due to natural calamity, military actions, measures to fight terrorism or other extraordinary circumstances, upon the decision of the High Council of Justice [new] taken upon the proposal of the High Qualification Commission of Judges of Ukraine, a judge may be, upon his/her consent, seconded to another court of the same level and specialization to administer justice.

2. A judge shall be seconded to another court of the same level and specialization for a term determined by the High Council of Justice [new] but not more than one year. A judge whose secondment is over shall return to the court from which he/she was seconded.

3. If a court terminates its operation due to natural calamity, military actions, actions to fight terrorism or other extraordinary circumstances, a judge who was seconded from such court must be transferred to a permanent position by the end of the term of secondment.

4. A judge who is seconded to another court of the same level and specialization shall administer justice and receive judicial remuneration in the court to which he/she was seconded.

5. The procedure of seconding a judge to another court of the same level and specialization shall be approved by the High Council of Justice [new] upon the proposal of the High Qualification Commission of Judges of Ukraine agreed upon with the State Judicial Administration of Ukraine.

Article 56. Rights and Duties of a Judge

1. The rights of a judge related to the administration of justice are defined by the Constitution of Ukraine, procedural and other laws.

2. A judge has the right to participate in judicial self-government.

3. Judges may establish non-government associations and participate in them for the purposes of protecting their rights and interests and improving their professionalism.

4. A judge may be a member of national and international associations and other organizations aimed at protecting the interests of judges, strengthening the authority of the judiciary in the society and developing the legal profession and science.

5. A judge shall have the right to improve his/her professional level and receive the respective training for that purpose.

6. A judge must observe their oath.

7. A judge shall be obligated to:

1) fairly, impartially and timely consider and resolve lawsuits according to law, in compliance with the principles and rules of judicial proceedings;

2) comply with the rules of judicial ethics, including displaying and maintaining high standards of conduct in any activity in order to strengthen public trust in court and ensure public confidence in judicial integrity and incorruptibility;

3) submit a declaration of judicial integrity and declaration of family relations of a judge;

4) demonstrate respect to process participants;

5) not to disclose information that constitutes a secret protected by law, including the secret of deliberation room and hearings in camera;

6) comply with and adhere to restrictions established by anti-corruption legislation;

7) submit a declaration of a person authorized to perform functions of the state or local self-government;

8) systematically develop his/her professional knowledge (skills), maintain his/her qualification at the proper level needed for performing judge's duties in the court where he/she is employed;

9) report interference in his/her work as a judge related to the administration of justice to the High Council of Justice [new] and Prosecutor General within five days after they became aware of such interference; and

10) confirm the legality of the source of the property when undergoing qualification evaluation or under disciplinary proceedings against a judge if the circumstances which may result in disciplining the judge raise doubt as to the legality of the source of property or integrity of judge's conduct.

8. A judge shall undergo training at the National School of Judges of Ukraine not less than once every three years.

9. Prior to dismissal or termination of his/her powers, a judge may not be awarded any state awards as well as any other rewards, honorary signs, letters of appreciation. A judge may be awarded state awards only for personal courage and heroism displayed in life-threatening circumstances.

Article 57. Judicial Oath of Office

1. A person appointed to judicial position shall assume judicial powers after taking the judicial oath of office as follows:

"I, (full name), assuming the judicial office, do solemnly swear to Ukrainian people to administer justice objectively, fairly, impartially, independently, justly and in a highly qualified manner in the name of Ukraine, guided by the rule of law principle, obeying only the law, to perform duties and exercise powers of a judge

honestly and in good faith and to observe ethical principles and rules of conduct of a judge, not to perform any action that discredit the title of a judge or undermine the authority of justice. "

2. The judge shall make a solemn declaration at a ceremony in the presence of the President of Ukraine. The Chief Justice of the Supreme Court, Chairperson of the Council of Judges of Ukraine, Chairperson of the High Council of Justice [new] and Chairperson of the High Qualification Commission of Judges of Ukraine shall be invited to the ceremony.

3. The text of the oath shall be signed by the judge and kept in his/her judicial dossier.

Article 58. Judicial Ethics

1. Matters of judicial ethics shall be defined by the Code of Judicial Ethics to be approved by the Congress of Judges of Ukraine upon the proposal of the Council of Judges of Ukraine.

Article 59. Monitoring the Lifestyle of a Judge

1. In order to verify whether the level of life of the judge corresponds to the property owned and income received by the judge and his/her family, the judge's lifestyle shall be monitored in accordance with the law.

2. Monitoring the lifestyle of a judge may be performed upon the request of the High Qualification Commission of Judges of Ukraine and High Council of Justice [new] and in other cases stipulated by law.

3. The body which, according to the law, monitors the lifestyle of a judge shall be obligated to send relevant information based on the monitoring results immediately after monitoring is completed but not later than thirty days after a request to that effect was received.

4. The results of monitoring of the lifestyle of a judge may also be used to evaluate the compliance of a judge with judicial ethics rules.

5. Information received based on results of monitoring of the lifestyle of a judge shall be attached to the judicial dossier.

Article 60. The Full Verification of the Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Governance

1. The complete verification of a declaration of a person authorized to perform the functions of the state or local self-governance submitted by a judge is carried out according to law by a central executive body with a special status which ensures the development and implements the state anti-corruption policy. The verification shall include checking the accuracy of the declared information, the accuracy of evaluation of declared assets, and checking whether there is a conflict of interests and signs of illegal enrichment.

2. The full verification of a declaration of a person authorized to perform the functions of the state or local self-governance shall be carried out for each judge at least once every five years unless otherwise provided by law as well as upon a

relevant request of the High Qualification Commission of Judges of Ukraine or High Council of Justice.

Article 61. Declaration of Family Relations of a Judge

1. A judge is obligated annually to submit a declaration of family relations using the form established by the High Qualification Commission of Judges of Ukraine by filling it out on the official website of the Commission by February 1.

2. The following data shall be mentioned in a declaration of family relations:

1) last name, first name, patronymic of a judge, place of employment and position;
2) last names, first names, patronymics of persons with whom a judge has family relations, their place of employment (service) and positions if such persons are or were during last five years:

a) members of the High Council of Justice [new], High Council of Justice [old], employees of the Secretariat of the High Council of Justice and High Council of Justice [old];

b) members of the High Qualification Commission of Judges of Ukraine, employees of the Secretariat or inspectors of the High Qualification Commission of Judges of Ukraine;

c) members of the Interim Special Commission for Vetting of Judges of General Jurisdiction Courts;

d) judges, court staff;

e) judges of the Constitutional Court of Ukraine, employees of the Secretariat of the Constitutional Court of Ukraine;

f) members of the Public Council of Integrity, members of the Public Council of International Experts to be established under law that determines the principles of organization and functioning of the High Anti-Corruption Court;

g) prosecutors, employees of law enforcement bodies, lawyers and notaries;

h) officials of the State Judicial Administration of Ukraine and its territorial departments;

i) President of Ukraine;

j) Chairperson of the Administration of the President of Ukraine or his/her deputies;

k) Secretary of the National Security and Defense Council of Ukraine or his/her deputies;

l) members of Parliament of Ukraine, members of Parliament of the Verkhovna Rada of the Autonomous Republic of Crimea, oblast, raion, city, district, village and settlement council;

m) members of the Cabinet of Ministers of Ukraine, heads or deputy heads of central executive bodies, including bodies with a special status, members of the Council of Ministers of the Autonomous Republic of Crimea;

n) heads or deputy heads of the National Anti-Corruption Bureau of Ukraine, members of the National Agency for Prevention of Corruption;

o) Ombudsman;

p) members of the Accounting Chamber;

q) members of the Central Election Commission;

- r) members of the Board or Council of the National Bank of Ukraine;
 - s) members of the Anti-Monopoly Committee of Ukraine, national commissions on the regulation of natural monopolies, and National Commission for State Regulation of Communications and Informatization, National Commission for State Regulation of Financial Services Markets and National Commission on Securities and Stock Market;
 - t) heads or deputy heads of local state administrations; and
 - u) city, village and settlement heads or deputy heads.
3. Declaration of family relations of a judge shall be made publicly available by publishing it on the official website of the High Qualification Commission of Judges of Ukraine.
4. Unless there is any other evidence, data submitted by a judge in a declaration of family relations shall be deemed as credible.
5. In case of getting information which may indicate that data submitted by a judge in a declaration of family relations is unreliable (including incomplete), the High Qualification Commission of Judges of Ukraine shall verify the declaration in question.
6. The failure to submit or untimely submission of a declaration of family relations by a judge or submission of knowingly unreliable (including incomplete) information shall result in disciplinary liability stipulated by this Law.
7. Disciplining a judge for non-submission, untimely submission of a declaration of family relations or submission of knowingly unreliable (including incomplete) data shall not relieve a judge of an obligation to submit a relevant declaration with reliable data.
8. Persons with whom a judge has family relations, for the purposes of this Article shall include:
- 1) persons who live together, have common household and mutual rights and obligations with a judge (except persons whose mutual rights and obligations with a judge are not of a family nature), including persons who live together but are not married to a judge;
 - 2) regardless of the conditions mentioned in point 1 – a spouse and relatives of each of the spouses or relatives of persons who live with the judge but are not married to a judge (father, mother, step-father, step-mother, son, daughter, step-son, step-daughter, brother, sister, grandfather, grandmother, great grandfather, great grandmother, grandson, granddaughter, great-grandson, great-granddaughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, nephew, niece, uncle, aunt, cousin, adoptive parent, adoptee)

Article 62. Declaration of Judicial Integrity

- 1. A judge shall be obligated to annually submit a declaration of integrity by filling it out by February 1 on the official website of the High Qualification Commission of Judges of Ukraine in the form established by the Commission.
- 2. The declaration of judicial integrity shall comprise a list of statements the truthfulness of which a judge must declare by confirming or not confirming them.

3. The declaration of judicial integrity shall contain last name, first name, patronymic of a judge, place of employment, position and statements of:
- 1) correspondence of the level of life of a judge to the property owned and income received by the judge and his/her family;
 - 2) timely and complete submission of declarations of a person authorized to perform the functions of the state or local self-governance and reliability of the data declared there;
 - 3) non-commitment of corrupt offenses;
 - 4) absence of grounds to discipline a judge;
 - 5) diligent fulfillment of judicial obligations and observance of the oath;
 - 6) non-interference with justice administered by other judges;
 - 7) undergoing the vetting of judges under the Law of Ukraine “On the Restoration of Trust in Judiciary in Ukraine” and its results; and
 - 8) absence of prohibitions established by the Law of Ukraine “On the Purification of Government”.

Declaration of judicial integrity may contain other statements which are aimed at checking judicial integrity.

4. Declaration of judicial integrity shall be made publicly available through its publication on the official website of the High Qualification Commission of Judges of Ukraine.

5. Unless there is any other evidence, the data submitted by a judge in a declaration of judicial integrity shall be deemed as credible.

6. In case of receiving the information which may indicate the unreliability (including incompleteness) of the data submitted by a judge in a declaration of judicial integrity, the High Qualification Commission of Judges of Ukraine shall verify the declaration in question.

7. Non-submission or untimely submission of a declaration of judicial integrity by a judge or submission of knowingly unreliable (including incomplete) data shall result in disciplinary liability as stipulated by this Law.

Chapter 3. Juror

Article 63. The Status of a Juror

1. A juror is a citizen of Ukraine, who, in cases envisaged by the procedural law and with his/her consent, decides on cases as part of court together with the judge or is engaged in administering justice.

2. Jurors shall carry out the duties specified in Article 56, paragraph seven, points 1, 2, 4–6 of this Law.

Article 64. A List of Jurors

1. To approve the list of jurors, a territorial office of the State Judicial Administration of Ukraine shall submit a request to respective local councils which compile and approve, in the number stated in the request, a list of citizens who

permanently reside in the territories under the jurisdiction of the circuit court, meet the requirements of Article 65 of this Law and gave their consent to be jurors.

2. The list of jurors for consideration of commercial cases shall be approved in the manner stipulated by law from among persons who meet the requirements of Article 65 of this Law and gave their consent to be jurors.

3. In case of failure by the local council to pass the decision on approval of the list of jurors within two months of receipt of the request, the territorial branch of the State Judicial Administration of Ukraine shall submit the request to approve the list of jurors to the respective Oblast Council.

4. A list of jurors shall be approved for three years and revised as necessary to replace the people who dropped out of the list, upon the proposal of the territorial branch of the State Judicial Administration of Ukraine.

5. Upon approval of the list of jurors, such a list is passed to the relevant circuit court, including in an electronic form. The information contained in the above list may not be used for purposes not related to the selection of the jurors.

Article 65. Requirements for a Juror

1. A juror may be a citizen of Ukraine who has reached the age of thirty and is a permanent resident in the territory under the jurisdiction of the relevant circuit court unless otherwise stipulated by law.

2. The following citizens are not included in the list of jurors:

- 1) those recognized by court to be partially legally capable or incapable;
- 2) those who have chronic mental or other diseases that prevent them from performing duties of a juror;
- 3) those who have an unexpunged or not annulled conviction;
- 4) People's Deputies of Ukraine (parliament members), members of the Cabinet of Ministers of Ukraine, judges, public prosecutors, officers of law enforcement agencies (internal affairs bodies), members of the armed forces /servicemen, court staff, other public servants, local self-government officials, lawyers, notaries, members of the High Qualification Commission of Judges of Ukraine, High Council of Justice [new];
- 5) persons on whom during the last year administrative penalties have been imposed for corruption offenses;
- 6) citizens over sixty-five years;
- 7) persons who do not speak the national language.

3. A person included in the list of jurors shall be obligated to inform the court of any circumstances that make it impossible for them to administer justice, if any.

Article 66. Grounds and Procedure for Relieving a Juror of His/Her Duties

1. In case of circumstances referred to in Article 65, paragraph 2 of this Law, the Chief Judge of the court must relieve the person who was included in the list of jurors of the duties of a juror.

2. The Chief Judge of the court shall also relieve of the duties of a juror the following persons:

- 1) a person who is on leave for pregnancy and childbirth, on maternity leave, and a person who has children of preschool or primary school age, or who has dependent disabled children or elderly family members;
 - 2) head or deputy head of a body of local self-government;
 - 3) a person who finds it impossible to participate in the administration of justice due to their religious beliefs;
 - 4) any other person, if the Chief judge of the court finds reasons they refer to be valid.
3. Any person mentioned in part two of this Article shall be relieved of the duties of a juror upon their application submitted prior to performance of those duties.
4. A juror shall be relieved of juror's duties as a result of recusal (self-recusal) in a particular case in the manner stipulated by procedural law or upon a proposal of a presiding judge.

Article 67. Engaging Jurors in Performing Duties in Court

1. A court shall engage jurors in the administration of justice in the rotation for a period not exceeding one month per year, except for cases when the extension of this term is required by the need to complete the consideration of the case that began with their participation.
2. Selection of persons to be invited to participate in administering justice as jurors shall be carried out with the help of the automated system.
3. A written invitation to participate in the administration of justice shall be sent by the court to the juror not later than seven days before the court hearing. The invitation shall contain information on the rights and duties of a juror, requirements to them, and the grounds for relieving of the duty. The invitation shall be accompanied by a written notice to the employer of the person regarding engagement of the person as a juror.
4. Jurors shall be engaged in the performance of their duties in court and summoned in the manner stipulated by procedural law.
5. An employer shall be obligated to grant a leave for the juror for the period of performance of their duties in the administration of justice. Refusal to grant the leave shall be regarded as contempt of court.
6. A juror must arrive in time for participation in a court hearing. Failure to attend a court hearing without a valid reason shall be regarded as contempt of court.

Article 68. Guarantees of the Rights of Jurors

1. For the performance of duties in court, jurors shall be paid compensation calculated on the basis of the salary rate of a local court judge taking into account the actual time of work in the manner determined by the State Judicial Administration of Ukraine. Jurors shall be reimbursed for travel and accommodation expenses, as well as paid per diem allowance. The said payments shall be made at the expense of the state program for administering justice by territorial departments of the State Judicial Administration of Ukraine from the State Budget of Ukraine.

2. For the duration of performance of their duties in court, jurors shall retain all guarantees and privileges at their place of work stipulated by law. The time of performing duties of the juror in court shall be added to records of all types of employment. Dismissal of a juror from work or transfer to another job without their consent during the performance of their duties in court shall not be permitted.
3. The jurors shall be subject to the guarantees of independence and immunity of judges established by law for the duration of performance of duties of administration of justice. Upon a reasoned request of a juror, the safety measures may be applied to them also after the termination of their duties.

Section IV

PROCEDURES FOR ASSUMING THE JUDICIAL OFFICE

Article 65. Requirements to Judicial Candidates

1. A citizen of Ukraine who is at least thirty years old and not older than sixty-five years old, has a higher education in law and at least five years of record of professional work in the field of law, is competent, honest and speaks the state language, may be appointed to the position of a judge.
2. The following citizens may not be appointed to judicial position:
 - 1) recognized by court as partially capable or incapable;
 - 2) those with chronic mental or other diseases that prevent them from performing the functions of the administration of justice;
 - 3) those who have an unexpunged or unspent conviction.
3. An individual to whom a prohibition to hold the respective position under the law is applied may not be a candidate for this position.
4. An individual who was earlier dismissed from a position of judge due to committing a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with the status of judge or who was found to be unfit for the office, who violated the incompatibility requirements, violated the duty to certify the legality of the source of property or due to the entry into force of a conviction regarding such person, except for the decision on dismissal for the said reasons was declared illegal by court or a conviction was cancelled by court, may not be a candidate for a position of judge.
5. A person who was previously dismissed from a judicial position based on results of qualification evaluation may not be a candidate for a position of judge.
6. For the purposes of this Law, the following shall be assumed:
 - 1) higher legal education is higher legal education (master's degree or equal to it higher education of specialist level), acquired in Ukraine as well as higher legal education of the respective degree received in foreign countries and recognized in Ukraine in accordance with the procedures established by law;
 - 2) record of professional work in the field of law shall be the person's experience of work in the professional field after obtaining higher legal education;
 - 3) academic degree – academic degree in the field of law obtained in a higher educational establishment of Ukraine (university, academy or institute, except

higher military educational establishments) or academic establishment of Ukraine or equivalent higher educational establishment of a foreign state. Academic degree obtained in a higher educational establishment of a foreign state must be recognized in Ukraine according to the procedure stipulated by law; and

4) record of scientific work – a record of professional activity in the field of law in positions of research (research and pedagogical) officers in an educational institution of Ukraine (university, academy or institute, except higher military educational institutions) or academic establishment of Ukraine or similar higher educational institution of a foreign state.

Article 70. Procedure for Selecting and Appointing to Judicial Position/Office

1. A judge shall be appointed to the judicial office in the manner stipulated by this Law in the following stages:

- 1) decision of the High Qualification Commission of Judges of Ukraine on announcing the selection of candidates to the position of a judge, with an account to the estimated number of vacant judicial positions;
- 2) placement by the High Qualification Commission of Judges of Ukraine of an announcement regarding the selection of judicial candidates on its official website. The announcement shall specify the final term for submission of documents to the High Qualification Commission of Judges of Ukraine which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year;
- 3) submission by persons who intend to be a judge of a respective application and documents specified in Article 71 of this Law, to the High Qualification Commission of Judges of Ukraine;
- 4) verification by the High Qualification Commission of Judges of Ukraine whether the persons who submitted applications to participate in the selection meet the requirements established in this Law to a candidate for the position of judge on the basis of the documents submitted;
- 5) admission by the High Qualification Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the admission exam;
- 6) taking admission exam by a person who was qualified to participate in the selection;
- 7) determining the results of the admission exam by the High Qualification Commission of Judges of Ukraine and publication of such results on the official website of the High Qualification Commission of Judges of Ukraine;
- 8) conducting a background check regarding the persons who have successfully passed the admission exam under the Anti-Corruption Law, having regard to the provisions contained in Article 74 of this Law;
- 9) completion of the initial training by the candidates who have successfully passed the admission exam and passed the background check procedure; receipt of the certificate confirming the completion of initial training;

- 10) taking a qualification examination by the candidates who went through initial training and determining its results;
 - 11) based upon the results of the qualification examinations the High Qualification Commission of Judges of Ukraine enters the candidates to judicial position, into the reserve list for filling the vacancies of judges; their rating is determined; publication at the official website of the High Qualification Commission of Judges of Ukraine of the list of candidates to positions of judges included in the reserve list and the rating list;
 - 12) announcement by the High Qualification Commission of Judges of Ukraine in accordance with the number of vacant positions of a judge in local courts of a competition for filling such positions;
 - 13) holding by the High Qualification Commission of Judges of Ukraine of a competition for the vacant position of judge on the basis of the rating of the candidates who took part in that competition, and making recommendations to the High Council of Justice [new] regarding appointment of a candidate for a position of a judge;
 - 14) consideration by the High Council of Justice [new] of the recommendation of the High Qualification Commission of Judges of Ukraine and approving decision regarding a candidate for a position of a judge;
 - 15) issuance of a decree of the President of Ukraine on appointing to judicial position – in case the High Council of Justice [new] makes a proposal on appointing a judge to the office.
2. Selection of judicial candidates with at least three years of record of service as judge's assistant shall be conducted with specific features determined by the decision of the High Qualification Commission of Judges of Ukraine.

Article 71. Application of Judicial Candidate to the High Qualification Commission of Judges of Ukraine

1. In order to participate in the selection procedure, a candidate for the position of a judge shall submit:
 - 1) written application for participation in the selection of candidates for a position of a judge;
 - 2) copy of the passport of a citizen of Ukraine;
 - 3) a questionnaire with personal data of a candidate for a position of a judge;
 - 4) a motivation letter stating the motivation for being a judge;
 - 5) declaration of family relations and declaration of integrity of judicial candidate;
 - 6) copies of diplomas confirming the candidate's higher education in Law (with appendices) issued by universities in Ukraine, copies of diplomas in Law issued by foreign universities along with copies of documents confirming recognition of such universities in Ukraine, as well as copies of documents confirming academic degrees (if any);
 - 7) copy of the employment record book or service record credentials (if any) or other documents regarding work of a judicial candidate;

- 8) documents from medical institutions in the established format notifying that the candidate took psychiatric and narcological checkups and whether the candidate is registered with psychoneurological or narcological health care institutions;
- 9) written consent to the collection, storage, processing and use of information on the candidate for the purposes of evaluating their readiness to work on the position of a judge;
- 10) consent to a background check procedure in relation to them under the law;
- 11) a copy of the declaration of the person authorized to perform the functions of the state or local self-government, covering the period of the year preceding the year of submitting the documents, and a link to the relevant page of the Unified State Register of declarations of persons authorized to perform functions of the state or local self-government;
- 12) copy of the military card (for military personnel or obligated reservists);
- 13) documents confirming that a judicial candidate meets the requirements of Article 69 of this Law.

2. The form and content of the application for participation in the selection of judicial candidates and candidates' questionnaires shall be approved by the High Qualification Commission of Judges of Ukraine and posted on its official website.

3. Any documents not specified in this Article may not be requested from the candidate.

4. Acceptance of documents is halted on the day specified in the announcement as the final term for submission. Applications received after the final term shall not be considered.

5. Persons who submitted the necessary documents stipulated in part one of this Article and meet the requirements established by paragraph one of this Article to a judicial candidate as of the day of submission of an application to participate in the selection shall be admitted to the selection of candidates for a position of a judge.

6. Persons who have not submitted all the required documents and/or submitted documents that do not meet the requirements shall not be admitted to the selection. In case of non-admission of a person to the selection of candidates for a position of a judge, the High Qualification Commission of Judges of Ukraine shall pass a reasoned decision.

Article 72. Procedure for Selection of Candidates for Position of Judge

1. Selection of judicial candidates includes admission exam taken by the persons admitted to the selection, organization of the background check regarding the persons by the High Qualification Commission of Judges of Ukraine in the manner provided for by anti-corruption legislation, having regard to specifics stipulated by this Law as well as initial training and qualification examination.

2. The High Qualification Commission of Judges of Ukraine is obligated to ensure transparency of the admission and qualification examination. Mass media, NGOs, judges, lawyers, representatives of bodies of judicial self-government and any candidate for the position of a judge who participated in taking the relevant examination may be present at each stage and in the course of the review of works.

Article 73. Admission Examination

1. Admission/selection examination shall be conducted by the High Qualification Commission of Judges of Ukraine in the form of anonymous testing to check the general theoretical knowledge of a candidate in law, their command of the official language of the country, personal moral and psychological qualities of the candidate.
2. On its official website the High Qualification Commission of Judges of Ukraine notifies the judicial candidates admitted to the admission examination about the date, time and venue of the examination not later than ten days prior to the date of the examination.
3. Immediately after the completion of the admission examination the High Qualification Commission of Judges of Ukraine in the presence of judicial candidates shall ensure the grading of the papers and set, with account to the estimated number of vacant positions, the passing score, which may not be less than 75 percent of the maximum possible score of the respective admission examination.
4. The results of the admission examination shall be published on the official website of the High Qualification Commission of Judges of Ukraine not later than the next day following the exam.
5. Based on the results of admission examination, the High Qualification Commission of Judges of Ukraine shall pass a preliminary decision on admitting the persons who successfully passed the admission examination to the next stage of the selection and publish the decision on the official website of the High Qualification Commission of Judges of Ukraine.
6. The procedure for taking the admission examination and the methodology of evaluating the results shall be governed by the Regulation approved by the High Qualification Commission of Judges of Ukraine.

Article 74. Conducting background check of judicial candidates

1. For the purpose of background check, the High Qualification Commission of Judges of Ukraine after adoption a preliminary decision on the admission of persons who have successfully passed the qualification examination to the next stage of the selection shall send to the authorized bodies requests to verify the relevant information concerning the persons specified.

In case the information is verified through direct access to automated information and reference systems, registries and data banks, the holder (administrator) of which are state bodies or local self-government bodies, requests to the relevant authorities shall not be sent.

The list of authorized state bodies and the requirements for the information to be provided or received are determined by the High Qualification commission of Judges of Ukraine, taking into account the information contained in the personal files of judicial candidates.

2. Individuals and legal entities have the right to submit to High Qualification commission of Judges of Ukraine the information regarding judicial candidates.
3. Based on the background check results, the High Qualification commission of Judges of Ukraine makes a decision to send persons who meet the requirements established for judicial candidates to take the initial training at the National School of Judges of Ukraine.
4. In case of receiving information indicating that the judicial candidate does not meet the requirements established by this Law, the High Qualification commission of Judges of Ukraine adopt a reasoned decision to terminate any further participation of a candidate in the selection.

Article 75. Full Verification of Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Governance Submitted by Judicial Candidate

1. Full verification of a declaration of a person authorized to perform the functions of the state or local self-governance submitted by judicial candidate shall be performed according to the law by a central executive body with a special status which ensures the development and implements the state anti-corruption policy. The verification involves verifying the accuracy of information declared, accuracy of the assets assessment declared and checking the existence of a conflict of interests and signs of illicit enrichment.
2. Full verification of such declaration shall be performed within thirty days after it has been submitted by a judicial candidate.

Article 76. Declaration of Family Relations of Judicial Candidate

1. The judicial candidate is obligated to submit a declaration of family relations by filling it out on the official website of the Commission in the form established by the High Qualification Commission of Judges of Ukraine.
2. Declaration of family relations of a judicial candidate shall contain the information set forth in Article 61, part two of this Law.
3. Declaration of family relations of a judicial candidate is publicly available through publication thereof on the official website of the High Qualification Commission of Judges of Ukraine.
4. Unless there is any other evidence, the data submitted by a judicial candidate in a declaration of family relations shall be deemed credible.
5. In case the information received may indicate the unreliability (including incompleteness) of the data submitted by a judicial candidate in a declaration of family relations, the High Qualification Commission of Judges of Ukraine shall verify the declaration in question and consider it at its meeting. The Commission shall invite such candidate to this meeting. The judicial candidate has a right to access to that information, provide appropriate explanations, refute and deny it.
6. If, based on the results of consideration of information the High Qualification Commission of Judges of Ukraine comes to the conclusion that the information submitted by a judicial candidate in the declaration of family relations is not credible (including incomplete), the Commission shall adopt a reasoned decision

on terminating further participation of the candidate in judicial selection and appointment to judicial position.

7. Persons who have family relations with the judicial candidate are listed in Article 61, part eight of this Law.

Article 77. Initial Training of a Judicial Candidate

1. Initial training of a candidate for a position of a judge includes theoretical and practical training of a judge at the National School of Judges of Ukraine.

2. The program, curriculum and the procedures for initial training of judicial candidates are approved by the High Qualification Commission of Judges of Ukraine upon recommendation of the National School of Judges of Ukraine.

3. Initial training lasts for twelve months (unless other period is determined by decision of the High Qualification Commission of Judges of Ukraine) at the expense of the State Budget of Ukraine.

4. During the training period, the candidates retain their main job, are paid a scholarship in the amount of judge's assistant salary in a local court. The term of initial training at the National School of Judges of Ukraine shall be added to the record of professional activity in the field of law.

5. Based on the results of the initial training, the candidates shall receive a certificate of a standard format approved by the High Qualification Commission of Judges of Ukraine. Successful completion of the training program shall be regarded as completion of the initial training by the candidate.

6. The National School of Judges of Ukraine shall send materials regarding the candidates who have completed initial training to the High Qualification Commission of Judges of Ukraine for taking qualification examination.

7. In case a judicial candidate violated the procedures for the initial training that entailed their expulsion, termination by a candidate of such training on their own initiative, unsuccessful completion of the initial training by the candidate, they have to reimburse the funds spent on their training. Additionally, a judicial candidate has to reimburse the funds spent on their initial training in case they fail to come, without a valid reason, to the qualification examination, or within three years from the day they were entered into to the reserve list, have not submitted an application for participation in a competition to occupy a vacant position of a judge, or if they were excluded from the reserve list upon their request.

Article 78. Qualification Examination

1. The qualification examination is an evaluation of a person who completed initial training and expressed an intention to be recommended for the appointment to a position of a judge.

2. The qualification examination consists of identifying if the candidate has the respective theoretical knowledge and the level of professional training of a judicial

candidate, including those gained during the initial training, and a degree of their ability to administer justice.

3. The qualification examination is conducted with a judicial candidate taking a written anonymous test and doing an anonymous written practical task in order to identify the level of knowledge, practical skills and abilities to apply law and conduct a court session.

4. The qualification examination shall be conducted by the High Qualification Commission of Judges of Ukraine on premises specifically equipped for that purpose. The qualification examination shall be recorded by video and audio recording equipment. Mass media and representatives of professional organizations of lawyers and human rights organizations may be present at any stage of the examination and evaluation of its results.

5. The procedure for undergoing the qualification examination and methodology of the evaluation of candidates shall be established by the regulation approved by the High Qualification Commission of Judges of Ukraine.

6. The results of the qualification examination shall be valid for three years from the date of taking the exam.

7. If a person scored less than 75 percent of the maximum possible score in the qualification examination, he/she shall be deemed as having failed the qualification examination.

8. A person who failed the qualification examination may be admitted to taking the qualification examination again not earlier than in one year. A person who did not pass the qualification examination the second time may be admitted to the next exam not earlier than two years thereafter.

9. The High Qualification Commission of Judges of Ukraine shall rank the candidates for a position of a judge according to the points scored by the candidates in the qualification examination. The ranking shall also separately show the points scored for the questions that test the candidate's ability to be a judge in respective specializations.

10. The High Qualification Commission of Judges of Ukraine shall add to the reserve list to fill the vacant judicial positions those candidates who have scored at least 75 percent of the maximum possible score in the qualification examination.

11. Information on the results of the qualification examination and a judicial candidate's place in the ranking shall be publicly available and published at the official website of the High Qualification Commission of Judges of Ukraine.

12. Violation of the procedure for the qualification examination regarding a candidate for a position of a judge may be challenged in the manner stipulated by the Code of Administrative Proceedings of Ukraine.

Article 79. Competition for a Vacant Position of a Judge

1. A competition for a vacant position of a judge shall be conducted according to this Law and regulation on conducting the competition.

2. The Regulation on Conducting the Competition to Fill a Vacant Position of Judge shall be approved by the High Qualification Commission of Judges of Ukraine.
3. In order to conduct a competition for a vacant position of a judge, the High Qualification Commission of Judges of Ukraine shall approve a decision on its announcement, place the relevant information on its official website and web-portal of the judiciary and publish it in the print media determined by the Commission, not later than one month before the day of the competition.
4. The general procedure for submitting applications for participation in the competition and its terms and conditions shall be established by the High Qualification Commission of Judges of Ukraine.
5. The information on submitting an application for participation in the competition to fill a specific vacant position of a judge shall be published on the official website of the High Qualification Commission of Judges of Ukraine.
6. The competition announcement shall indicate the name of courts that have vacant positions of judges, the number of such positions, terms and conditions of the competition, its date, time and venue.
7. Applications to participate in a competition to occupy a vacant position of a judge shall be submitted to the High Qualification Commission of Judges of Ukraine within the timeframe established by the Commission.
8. The High Qualification Commission of Judges of Ukraine shall conduct a competition for filling a vacant position of judge of a local court based on a rating of judicial candidates and judges who want to be transferred to another local court based on the results of qualification examinations taken under the procedure of judicial selection or under the procedure of qualification evaluation respectively.
9. The High Qualification Commission of Judges of Ukraine shall hold a competition to fill the vacant positions of judges of a court of appeal or justices of the Supreme Court based on the participants ranking as a result of the qualification evaluation.
10. Competition for filling a vacant position of a Supreme Court justice shall be conducted with regard to a vacant position in a relevant cassation court.
11. The High Qualification Commission of Judges of Ukraine shall conduct a competition for filling a vacant position of judges of a high specialized court based on participants rating as a result of qualification evaluation.
12. The competition for filling a vacant position of a judge shall involve determining the competition participant who has the highest position on the rating.
13. In case the judicial candidates and judges who want to be transferred to another local court have the same ranking positions, the preference shall be given to the participant who scored more points for case study during the qualification examination, and in case of the equal score – to a participant who is a judge. In case of equal results in a competition of participants who are judges, the preference shall be given to the participant who has more experience as a judge. In case the participants have no experience as a judge or have identical record of service as a judge, the preference shall be given to the participant who has more professional experience in the field of law.

14. In case of identical ranking positions based on results of qualification evaluation for participation in the competition for a vacant position of judge of a court of appeal or a Supreme Court justice, the preference shall be given to the participant who scored more points for case study during examination conducted under the procedure of qualification evaluation and in case of an equal score – to the participant who has more record of service as a judge. In case participants have no experience as a judge or have identical record of service as a judge, preference shall be given to the participant who has more professional experience in the field of law.

15. In case of identical ranking positions based on results of qualification evaluation for participation in a competition for a vacant position of a judge of the High Court on Intellectual Property, preference shall be given to the participant who has scored more points for case study during examination conducted under the procedure of qualification evaluation, and in case of equal score – to the participant who is a judge.

16. Criteria for determining a winner of the competition for a vacant position of judge of the High Anti-Corruption Court shall be established by law.

17. Based on the results of the competitive selection, the High Qualification Commission of Judges of Ukraine shall send to the High Council of Justice [new], in accordance with the number of vacant judicial positions, its recommendations on the appointment of candidates to judges' positions.

18. In accordance with the recommendations given by the High Qualification Commission of Judges of Ukraine, the High Council of Justice [new] shall consider at its meeting the appointment of a candidate to a position of a judge and, in case of the positive decision, submit a proposal to the President of Ukraine on the appointment of the judge to the office.

19. The High Council of Justice [new] may refuse to submit a proposal to the President of Ukraine regarding the appointment of a judge to the office exclusively on the following grounds:

1) if there is reasonable doubt that the candidate meets the criterion of integrity or professional ethics or other circumstances which may have a negative impact on public trust in the judiciary due to such appointment;

2) violation of the statutory procedure for appointment to a position of a judge.

The High Council of Justice [new] shall determine the grounds set forth in point 1 of this Article, guided by its own evaluation of circumstances related to a judicial candidate and his/her personal qualities.

20. In case of refusal to make the proposal to the President of Ukraine regarding the appointment of a judge to the office, the High Council of Justice [new] takes a reasoned decision that may be appealed to the Supreme Court in the manner stipulated by the procedural law.

21. Decision of the High Council of Justice [new] on the refusal to submit a proposal to the President of Ukraine on appointing a judge to the office may be challenged and canceled solely on the following grounds:

1) members of the High Council of Justice [new] who adopted the relevant decision did not have powers to adopt it;

2) decision is not signed by a member of the High Council of Justice [new] who participated in its adoption; and

3) decision has no reference to the grounds stipulated by law for refusing to submit a proposal to the President of Ukraine on appointing a judge to the office or the reasons on the basis of which the High Council of Justice [new] made the respective conclusions.

22. A candidate for a position of a judge, to whom the High Council of Justice [new] refused to submit a proposal to appoint him /her to a judicial position, may not be re-entered to the reserve list without going anew through the selection procedure.

Article 80. Appointment to a Position of Judge

1. Appointment to a position of a judge shall be done by the President of Ukraine on the grounds and within the proposal of the High Council of Justice [new], without verification of the compliance with requirements for candidates for a position of a judge, established by this Law, and procedure for the selection or qualification evaluation of candidates.

Any inquiries regarding a candidate for a position of a judge shall not prevent their appointment to the office. The facts stated in those inquiries may serve as grounds for the President of Ukraine to raise the issue with the competent authorities of conducting a verification of those facts following a procedure envisaged in law.

2. The President of Ukraine shall issue a decree on the appointment of a judge within thirty days of receipt of the proposal of the High Council of Justice.

Article 81. The Procedure for Appointing a Judge of a court of appeal, a High Specialized Court or Justice of the Supreme Court under a Special Procedure

For the purpose of this Law, a special procedure for appointing persons meeting one of the requirements set forth in Part 1 of Article 28, Part 1 or 2 of Article 33, Part 1 of Article 38 of this Law respectively to the position of a judge of a relevant court shall be deemed a special procedure for appointing to the position of a judge of the Court of Appeal, high specialized court or the Supreme Court.

2. A person may be appointed to the position of Supreme Court justice under a special procedure who meets the requirements to judicial candidates, who with the results of qualification evaluation confirmed his/her ability to administer justice in the Supreme Court and meets one of the requirements set forth in Article 38, part one of this Law.

3. A person who meets the requirements to candidates for the position of a judge, has confirmed his/her ability to administer justice at a relevant court and with relevant specialization based on the results of qualification evaluation, and meets one of the requirements defined in Part 1 of Article 28 (for the Appellate Court), Part 1 or 2 of Article 33 (for a High Specialized Court) of this Law may be appointed to the judicial position of a relevant Court of Appeal or high specialized court under the special procedure.

4. In order to be admitted to qualification evaluation to participate in a competition for judicial position in a court of appeal, high specialized court or the Supreme Court under special procedure, a judicial candidate shall submit to the High Qualification Commission of Judges of Ukraine:

- 1) a written application for participation in the competition and for conducting qualification evaluation;
- 2) documents determined in Article 71, part one, paragraphs 2-13 of this Law; and
- 3) documents certifying compliance with one of the requirements set forth in Part 1 of Article 28, Part 1 or 2 of Article 33, Part 1 of Article 38 of this Law, respectively.

5. The High Qualification Commission of Judges of Ukraine shall:

- 1) based on the documents submitted determine the compliance of a person with requirements to a candidate for the position of a judge of the court of appeal, the high specialized court or the Supreme Court and compiles his/her dossier;
- 2) conduct qualification evaluation of a judicial candidate for a Court of Appeal, high specialized court or the Supreme Court;
- 3) conduct background check regarding judicial candidates who are admitted to the stage of examining their dossier and conducting a qualification evaluation interview.

A list of authorized state bodies and the requirements for the information to be provided or received upon the background check results as well as the timeframes for the authorized bodies to provide the information shall be determined by the High Qualification Commission of Judges of Ukraine, taking into account the information contained in the candidates' dossiers and the timeframe for conducting competition in question.

The background check results shall be taken into consideration when the Commission adopts a decision based on the results of qualification evaluation.

- 4) based on the results of qualification evaluation of a judicial candidate for the position of the court of appeal, of the high specialized court or the Supreme Court, adopts a decision on acknowledging or not acknowledging the capability of such candidate to administer justice in a relevant court and determine his/her rating for participation in the competition.

6. If, based on results of the competition for a vacant position of judge in the court of appeal, in the high specialized court or the Supreme Court the High Qualification Commission of Judges of Ukraine adopts a decision on making a proposal to the High Council of Justice [new] on appointing a candidate to judicial position, such recommendation together with relevant materials shall be forwarded to the High Council of Justice [new] for consideration.

7. The High Council of Justice [new] shall consider the issue on submitting to the President of Ukraine a proposal on appointing a candidate to a judicial position in a court of appeal, in a high specialized court or the Supreme Court and adopt a decision to that effect.

Article 82. Transfer of a Judge to Another Court

1. A judge may be transferred, included temporarily by secondment, to a position of a judge in another court by the High Council of Justice [new] in the manner stipulated by law.
2. A transfer of a judge to a position of a judge in another court shall be carried out on the grounds and within the recommendation of the High Qualification Commission of Judges of Ukraine made based on the results of a competition for vacant positions of a judge conducted in the manner stipulated by Article 79 of this Law.
3. A transfer of a judge to a position of a judge in another court of the same level or a lower level may take place without competition only in event of reorganization, liquidation or termination of the functioning of the court where that judge holds the position of a judge.
4. Transfer of a judge to another court as a disciplinary measure shall be done based on the proposal of a body that adopted the decision on disciplining the judge.

Section V

QUALIFICATIONS LEVEL OF A JUDGE

Chapter 1. Qualification evaluation of judges

Article 83. Objectives of and Grounds for the Qualification Evaluation

1. Qualification evaluation shall be conducted by the High Qualification Commission of Judges of Ukraine in order to establish whether a judge (judicial candidate) is capable of administering justice in a relevant court according to criteria determined by law.
2. The criteria for qualification evaluation shall be:
 - 1) competence (professional, personal, social, etc.);
 - 2) professional ethics; and
 - 3) integrity.
3. Qualification evaluation based on the criterion of professional competence shall be conducted taking into account the principles of instances and specialization.
4. Grounds for scheduling qualification evaluation of a judge shall be as follows:
 - 1) An application by a judge (judicial candidate) for qualification evaluation including for participation in a competition;
 - 2) decision by the High Qualification Commission of Judges of Ukraine on scheduling a qualification evaluation of a judge in cases stipulated by law.
5. The procedure and methodology for qualification evaluation, indicators of meeting the qualification evaluation criteria and methods to establish them shall be approved by the High Qualification Commission of Judges of Ukraine.

Article 84. Qualification evaluation Procedure

1. The High Qualification Commission of Judges of Ukraine within three months upon receipt of the relevant written application shall adopt a decision on scheduling a qualification evaluation unless the qualification evaluation is initiated due to a disciplinary sanction or other cases stipulated by law.

2. Based on the results of the qualification evaluation, the High Qualification Commission of Judges of Ukraine shall adopt one of the decisions determined by this Law.

3. A judge (candidate for the position of a judge) may file with the High Qualification Commission of Judges of Ukraine a relevant request for qualification evaluation of him/her no sooner than one year after the day on which the Commission adopted a decision based on results of the last qualification evaluation except for cases when such a person requests for evaluation for the purpose of taking up a vacant judicial position in a court of a lower instance or another specialization.

A procedure of taking into account results of the last qualification evaluation of a judge (candidate for a judicial position) shall be determined by a decision of the High Qualification Commission of Judges of Ukraine.

4. Qualification evaluation shall be conducted transparently and publicly, in the presence of a judge (judicial candidate) who is being evaluated and any persons concerned. Representatives of the respective bodies of judicial self-government may be present during the consideration of matters related to the judge's qualification evaluation.

5. In case facts which may result in disciplinary liability of a judge are found during qualification evaluation, the High Qualification Commission of Judges of Ukraine may request the body which conducts disciplinary proceedings against judges to resolve the issue of opening a disciplinary case or refusing to open it.

In case there is a request to the body which conducts disciplinary proceedings against a judge to resolve the issue of opening a disciplinary case or refusing to open it or if during qualification evaluation a complaint about judge's conduct that may result in disciplining a judge is filed to the body which conducts disciplinary proceedings against a judge, the High Qualification Commission of Judges of Ukraine has the right to terminate the qualification evaluation of this judge.

6. If in the course of qualification evaluation of a judge the High Qualification Commission of Judges of Ukraine becomes aware of circumstances which may evidence violation by a judge of anti-corruption legislation, the Commission shall immediately inform thereon bodies specifically authorized in the field of preventing corruption. The High Qualification Commission of Judges of Ukraine may terminate qualification evaluation of a judge until it has received a response from bodies specifically authorized in the field of preventing corruption.

7. In case of delivering to a judge (candidate for a judicial position) a notice of suspicion in committing a criminal offence, the High Qualification Commission of Judges of Ukraine may suspend the process of qualification evaluation of this judge (candidate for a judicial position) until a court judgement comes into force or criminal proceedings are closed.

Article 85. Stages of Qualification evaluation

1. Qualification evaluation consists of the following stages:

- 1) taking the examination; and
- 2) review of the judicial dossier and interview.

A decision on the sequence of the stages of qualification evaluation is approved by the High Qualification Commission of Judges of Ukraine.

2. The examination is the primary means to determine meeting by a judge (judicial candidate) with the criterion of professional competence and shall be conducted by way of taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in application of law and ability to administer justice in a relevant court with relevant specialization.

The procedure of holding examination and methodology of determining results thereof shall be approved by the High Qualification Commission of Judges of Ukraine.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The High Qualification Commission of Judges of Ukraine may review in plenary composition the decisions made by a chamber or a panel concerning the results of a case study done by a participant of the examination.

The High Qualification Commission of Judges of Ukraine shall ensure the transparency of the examination. Any persons concerned may be present at any stage of the examination and in the course of evaluation of the results.

3. For the purposes of compiling a judicial dossier (dossier of judicial candidate) the High Qualification Commission of Judges of Ukraine may adopt a decision on introducing and conducting other tests in order to check personal, moral and psychological qualities, general abilities and on using other means to identify the compliance of a judge (judicial candidate) with the criteria of qualification evaluation.

The decision of the Commission on introducing and conducting other tests may not be made with regard to an individual judge or a group of judges.

4. A dossier of a judge must contain the following:

- 1) copies of all statements of the judge related to his/her carrier and any documents attached thereto;
- 2) copies of all decisions regarding the judge adopted by the High Qualification Commission of Judges, High Council of Justice [new], High Council of Justice [old], judicial self-government bodies, President of Ukraine, or other bodies which made relevant decisions;
- 3) information on the judge's participation in competitions for filling any vacant judge's positions;
- 4) information on the results of initial training of candidate judges or judge's on-going training at the National School of Judges of Ukraine while holding the office;
- 5) information on the results of qualification evaluation of the judge and regular evaluation of the judge during his/her term in the office;
- 6) information on teaching/ lecturing activity;

- 7) information on any administrative positions held by a judge, including copies of relevant decisions;
- 8) information about the judge's election (appointment) to bodies of judicial self-governance, High Qualification Commission of Judges, High Council of Justice [new], and High Council of Justice [old];
- 9) information on the efficiency of administering justice by the judge, in particular:
 - a) total number of cases considered;
 - b) the number of canceled court decisions and the reasons for their cancellation;
 - c) the number of decisions that gave grounds for issuance of decisions by international judicial institutions and other international organizations that established violation by Ukraine of its international legal obligations;
 - d) the number of modified court decisions and reasons for their modification;
 - e) observance of time limits for consideration of cases;
 - f) average duration of the preparation of the text of reasoned decision;
 - g) judicial workload compared with other judges in the respective court and region, having account to the instance hierarchy, specialization of the court and specialization of the judge;
- 10) information on the disciplinary responsibility of the judge, in particular:
 - a) the number of complaints against a judge's actions;
 - b) the number of disciplinary proceedings and results thereof;
- 11) information about the judge's compliance with the rules of professional ethics:
 - a) whether the expenditures and property of the judge and members of his/her family, as well as any affiliated persons correspond to the income declared, including copies of relevant declarations submitted by the judge under the anti-corruption laws;
 - b) other information related to judge's compliance with the requirements of anti-corruption laws;
 - c) information stating whether the judge's behavior is in line with the judicial ethics rules;
- 12) information on the compliance of a judge with the criterion of integrity, in particular, whether the expenditures and property of the judge and members of his/her family correspond to the income declared, including copies of relevant declarations submitted by the judge under this Law and anti-corruption legislation;
- 13) declaration of family relations of a judge and declaration of judicial integrity;
- 14) results of tests regarding the compliance of a judge with the criteria of qualification evaluation (if it was conducted);
- 15) results of applying other means of establishing the compliance of a judge with the criteria of qualification evaluation (if they were applied);
- 16) opinion of the Public Council for Integrity (if any); and
- 17) other information and data based on which the compliance of a judge with criteria of qualification evaluation may be established and any other information regarding the judge which is deemed by decisions of the High Qualification Commission of Judges of Ukraine as such which is to be included into judicial dossier.

5. The dossier of a judicial candidate must contain:

- 1) documents submitted by a judicial candidate in line with Article 81, part four of this Law;
- 2) information on meeting by a judicial candidate the criterion of professional ethics;
- 3) materials of the background check and other information on the compliance of judicial candidate with the criterion of integrity, in particular, whether the expenditures and property of the judge and members of his/her family correspond to the income declared, including copies of relevant declarations submitted by the judge under this Law and anti-corruption legislation; and
- 4) other information and materials set forth in part four, paragraphs 6, 13-17 of this Article.

6. Judicial dossier (dossier of judicial candidate) shall be created and maintained in an automated system. Originals of certain documents may be additionally stored in hard copies upon the decision of the High Qualification Commission of Judges of Ukraine.

Judicial dossier (dossier of judicial candidate) shall be formed and maintained in the manner established by the High Qualification Commission of Judges of Ukraine upon consultation with the Council of Judges of Ukraine.

7. Judicial dossier (dossier of judicial candidate) shall be accessible for the public on the official website of the High Qualification Commission of Judges of Ukraine, with the exception of:

- 1) information about place of residence or stay, date of birth of physical persons, their addresses, telephone numbers or other means of communication, e-mails, registration numbers of taxpayers registration forms, serial numbers and numbers of passports, military service cards, location of property (except oblast, raion, settlement where the property is located), and registration numbers of vehicles;
- 2) information about the results of tests aimed at checking personal moral and psychological qualities of a judge (judicial candidate), general abilities of a judge (judicial candidate) and medical data;
- 3) any information and data on minors, except information about the property, proprietary rights, assets and other objects of the declaration which are in their ownership according to the declaration of a person authorized to perform the functions of the state and local self-governance, which is submitted by a judge (judicial candidate); and
- 4) information which contains state secret.

Access to materials of judicial dossier (except those mentioned above in paragraph seven of this Article) as public information shall be allowed exclusively through the website of the High Qualification Commission of Judges of Ukraine.

8. Members and authorized employees of secretariats of the High Qualification Commission of Judges of Ukraine and High Council of Justice [new] as well as authorized employees of the State Judicial Administration of Ukraine shall have full and direct access to judicial dossier (dossier of judicial candidate).

Judges (judicial candidates) shall have access to view their dossier in full.

9. The interview consists of the discussion of the results of the dossier review.

10. Based on results of one round of qualification evaluation of a judge, the High Qualification Commission of Judges of Ukraine shall make a decision on admitting a judge to another round of qualification evaluation.

Article 86. Getting Information during Qualification Evaluation

1. To form a judicial dossier (dossier of judicial candidate) and conduct qualification evaluation of a judge (judicial candidate) the High Qualification Commission of Judges of Ukraine shall have the right to obtain free of charge information and copies of documents and materials (including those with limited access) regarding a judge (judicial candidate) and his/her family members or relatives from any persons who are owners or managers of the information requested (documents and materials). Such persons shall be obligated to provide the information requested (documents and materials) within ten days of getting the request.

2. In case the owner (manager) of information (documents and materials) keeps it in electronic form, it shall be submitted to the High Qualification Commission of Judges of Ukraine in electronic form (if it is technically feasible).

3. The High Qualification Commission of Judges of Ukraine shall have the right to coordinate requests, issue joint orders with owners or managers of the information requested.

4. A person who received a request of the High Qualification Commission of Judges of Ukraine (except a state power body) may refuse to provide information (documents) which contain state and professional secret, secret of pre-trial investigation, bank secret or health secret. Such secrets shall be disclosed upon request of the Commission based on court decision in the manner and on the grounds stipulated by law.

5. In case it is necessary to send a request mentioned in paragraph one of this Article, the High Qualification Commission of Judges of Ukraine shall have the right to suspend the qualification evaluation for the period necessary to obtain relevant information. Depending on the significance of information which was found incomplete or inaccurate during qualification evaluation, the High Qualification Commission of Judges of Ukraine may submit a proposal to the High Council of Justice [new] on temporary suspending a judge from administering justice until the end of qualification evaluation.

6. In case the High Qualification Commission of Judges of Ukraine submits a proposal mentioned in paragraph five of this Article, it shall be subject to immediate consideration by the High Council of Justice [new].

7. Non-provision of information to the High Qualification Commission of Judges of Ukraine and providing knowingly inaccurate information shall result in holding the perpetrators responsible stipulated by law.

Article 87. Public Council of Integrity

1. The Public Council of Integrity is established with the purpose of assisting the High Qualification Commission of Judges of Ukraine in determining eligibility of

a judge (a judicial candidate) in terms of the criteria of professional ethics and integrity for the purpose of qualification evaluation.

2. The Public Council of Integrity shall consist of twenty members.

3. Members of the Public Council of Integrity may be representatives of human rights civic groups, law scholars, attorneys, journalists who are recognized specialists in the sphere of their professional activity of high professional reputation and meet the criterion of political neutrality and integrity.

4. The following persons may not be members of the Public Council of Integrity:

1) persons recognized by a court to be legally incapable or partially incapable;

2) persons who have a conviction that is unspent or unexpunged in accordance with the law;

3) persons on who administrative penalty for an offense related to corruption have been imposed during the preceding year;

4) persons, who in the course of the last five years have been working (serving) in the prosecution bodies, the Ministry of Internal Affairs of Ukraine, the police, other law enforcement bodies, the tax police, the State Security Service of Ukraine, the customs authorities, the National Anti-Corruption Bureau of Ukraine, the National Agency for Prevention of Corruption;

5) persons, who have been in public service for the last five years;

6) persons who are judges or judges emeritus.

5. The Public Council of Integrity shall conduct its activity in four panels, each of them consisting of five Council members.

The Panel of the Public Council of Integrity shall act on behalf of the Council.

6. The Public Council of Integrity shall:

1) collect, check and analyze the information about a judge (a judicial candidate);

2) provide the High Qualification Commission of Judges of Ukraine with the information about a judge (a judicial candidate);

3) with justifiable reasons, provide the High Qualification Commission of Judges of Ukraine with the conclusion that a judge (a judicial candidate) does not meet professional ethics and integrity criteria which shall be included in the dossier of a judicial candidate or the dossier of a judge;

4) delegate an authorized representative for the participation in the meeting of the High Qualification Commission of Judges of Ukraine regarding the qualification evaluation of a judge (a judicial candidate);

5) have the right to set information portal to collect information about professional ethics and integrity of judges and judicial candidates.

7. To fulfill the duties stipulated in this Article, the members of the Public Council of Integrity shall be given the right of free and complete access to open state registers.

8. A member of the Public Council of Integrity shall be obliged to recuse himself/herself from considering the issue of the conclusion on the non-eligibility of a judge (a judicial candidate) in terms of the criteria of professional ethics and integrity in the following cases:

1) if he/she is on friendly terms or in other personal relations with the judge or judicial candidate;

2) if he/she has been involved in cases considered or under consideration of this judge;

3) in case of any other conflict of interests or circumstances which raise doubts about his/her impartiality.

9. The members of the Public Council of Integrity shall be appointed by the meeting of representatives of civic associations for the term of two years and may be re-appointed.

10. The meeting of the representatives of civic associations shall be convened by the Head of the High Qualification Commission of Judges of Ukraine. The announcement about the meeting shall be posted on the official website of the Commission.

11. Civic organizations or civic unions, which in the course of at least last two years prior to the day of the meeting conduct their actions aimed at fighting corruption, protecting human rights, supporting institutional reforms including implementation of projects in these areas shall participate in the meetings of the representatives of civic organizations.

12. Civic organizations or civic unions which have conducted or conduct their activity involving international technical assistance, donors of which are state authorities, local self-government authorities, institutions, organizations or enterprises of the country recognized by the Verkhovna Rada of Ukraine as an aggressor or financed by it may not participate in the meeting of the representatives of civic associations.

13. To participate in the meeting, civic associations shall submit the following documents within fifteen days since the day of posting the announcement about the meeting of the representatives of civic associations:

1) a letter of application in any format signed by the head of the civic association specifying the name of a person authorized to represent the civic association at the meeting;

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

3) copies of reports on the results of the implementation of the projects involving international technical assistance (if any);

4) a recommendation letter from the international organization of impeccable reputation or from the implementer of international technical assistance project about the successful experience in cooperation;

5) copies of reports on the results of the financial audit of at least two implemented projects involving international technical assistance or a copy of the report on the results of the audit of the civic association activity;

6) curriculum vitae of the representative of a civic association;

7) curriculum vitae of a candidate (candidates) for the Public Council of Integrity nominated by a civic association and motivation letter of the candidate and declaration of a person authorized to fulfill the functions of state or local authorities regarding this candidate with his /her signature.

14. The issue of eligibility of a civic association in terms of requirements for the participation in the meeting of the representatives of civic associations shall be

decided by the High Qualification Commission of Judges of Ukraine within ten days since the day of receipt of the application and the documents attached thereto.

15. The list of civic associations meeting the criteria for the participation in the meeting of the representatives of civic associations, the copies of the documents submitted by them and the list of candidates for the Public Council of Integrity shall be published on the official website of the High Qualification Commission of Judges of Ukraine.

16. The time and place of holding the meeting of representatives of civic associations shall be determined by the Head of the High Qualification Commission of Judges of Ukraine who shall send respective invitations to participate in the meeting to civic associations. The announcement about the time and place of holding the meeting of the representatives of civic associations shall be posted on the official website of the High Qualification Commission of Judges of Ukraine at least ten days prior to the meeting.

17. The meeting of the representatives of civic associations shall be considered legitimate on condition that at least five civic associations participate therein.

The meeting of the representatives of civic associations shall be open.

18. The procedure for holding the meeting of representatives of civic associations shall be determined by the decision of the meeting.

19. The Public Council of Integrity shall be considered legitimate on condition that at least ten of its members are appointed.

20. The list of members appointed to the Public Council of Integrity shall be sent to the Secretariat of the High Qualification Commission of Judges of Ukraine for its subsequent posting on the official website of the Commission within five days since the day the work of the meeting of civic associations representatives has been completed.

Article 88. Decision of the High Qualification Commission of Judges of Ukraine

1. The High Qualification Commission of Judges of Ukraine shall adopt a reasoned decision on the confirmation or non-confirmation of the capability of a judge (judicial candidate) to administer justice in a relevant court.

If the Public Council of Integrity states in its conclusion that a judge (judicial candidate) does not meet criteria of professional ethics and integrity, the High Qualification Commission of Judges of Ukraine may adopt a decision on confirming capability of such a judge (judicial candidate) to administer justice in respective court only if such a decision is upheld by not less than eleven members thereof.

2. A judge (judicial candidate) who disagrees with the decision of the High Qualification Commission of Judges of Ukraine regarding his/her qualification evaluation may challenge the decision in the manner stipulated by the Code of Administrative Procedure of Ukraine.

3. Decision of the High Qualification Commission of Judges of Ukraine adopted on the basis of qualification evaluation results may be challenged and canceled exclusively on the following grounds:

- 1) members of the High Qualification Commission of Judges of Ukraine who conducted qualification evaluation did not have the powers to conduct it;
- 2) decision was not signed by a member of the High Qualification Commission of Judges of Ukraine who conducted qualification evaluation;
- 3) a judge (judicial candidate) was not duly informed about qualification evaluation – if the decision was passed on not confirming the capability of a judge (judicial candidate) to administer justice in relevant court on the grounds of failure to attend qualification evaluation; and
- 4) decision has no reference to the grounds for its adoption stipulated by law or the reasons showing why the Commission arrived at respective conclusions.

Chapter 2. Judicial training and regular evaluation

Article 89. Ongoing Training of Judges

1. A judge is obligated to take on-going training at the National School of Judges of Ukraine to maintain his qualification.
2. A judge shall take ongoing training at least once every three years. Such training shall be at least 40 academic hours during every three years of holding the position of judge.
3. The National School of Judges of Ukraine shall provide training for judges according to the need to improve their knowledge, skills and abilities depending on the experience, level and specialization of their courts, taking into account their individual needs.

To this end, the National School of Judges shall organize training sessions that are mandatory in the framework of on-going training and trainings that a judge has the right to choose depending on his/her needs.

Article 90. Objectives and Procedure for Regular Evaluation of a Judge

1. Regular evaluation of a judge during his/her term in the office is aimed at identifying the judge's individual needs in improving and motivating him/her to maintain his/her qualification at the proper level and grow professionally.
2. The regular evaluation of judge shall be conducted by:
 - 1) lecturers (trainers) of the National School of Judges of Ukraine based on the results of training by means of filling in a questionnaire;
 - 2) other judges of the respective court by filling in a questionnaire;
 - 3) the judge himself/herself by filling in a self-evaluation questionnaire;
 - 4) civic associations by providing independent evaluation of the judge's work in court sessions.
3. Upon completion of every training course the lecturer (trainer) shall fill in the evaluation questionnaire about a judge which includes:
 - 1) evaluation of:
 - a) the judge's knowledge, skills and abilities;
 - b) accuracy and timeliness of completing the training assignments;
 - c) analytical abilities and ability to evaluate information;
 - d) the ability to cooperate with colleagues (negotiating skills, teamwork, working under pressure etc.);

- e) communication skills (skills in writing document, speaking skills, etc.); and
 - f) strong points of the judge;
- 2) recommendations for the judge regarding the areas for self-improvement or the need for additional training.
 4. The National School of Judges of Ukraine shall provide the questionnaire to the judge for review not later than five days upon completion of the relevant training course. The judge may provide his/her objections to the evaluation results within ten days of receiving the questionnaire. Having reviewed the objections, the lecturer (trainer) may complete a new evaluation questionnaire within five days. The judge's evaluation questionnaire upon completion of each training course, judge's objections to the evaluation results and revised evaluation questionnaire shall be included into the judge's dossier.
 5. Civic associations have the right to organize independent evaluation of the judge's work in open court sessions. Results of independent evaluation of the judge's work in a court session shall be recorded in the questionnaire that includes such information as duration of the trial, observance by the judge of the procedural rules and respect for rights of the trial participants by the judge, communication culture, level of the judge's impartiality, level of satisfaction of the trial's participants with the judge's conduct, comments on conducting the trial and other information. The completed questionnaire of independent evaluation of the judge's work in court session may be attached to the judge's dossier.
 6. Procedure and methodology for the judge's evaluation and self-evaluation shall be approved by the High Qualification Commission of Judges of Ukraine.

Article 91. Significance of Regular Evaluation Results

1. Results of regular evaluations may be taken into account when considering the issue of conducting the competition for filling a vacancy in the relevant court.

Chapter 3. The High Qualification Commission of Judges of Ukraine

Article 92. Status of the High Qualification Commission of Judges of Ukraine

1. The High Qualification Commission of Judges of Ukraine is a state body of judicial self-government which operates on a permanent basis within the system of justice in Ukraine.
2. The High Qualification Commission of Judges of Ukraine is a legal entity, has a seal with the State Emblem of Ukraine and its name, its own balance and accounts with the State Treasury Service of Ukraine.
3. The procedures for the operation of the High Qualification Commission of Judges of Ukraine shall be determined by this Law.
4. The High Qualification Commission of Judges of Ukraine, by a majority vote of its members, as stipulated by law, shall adopt the Rules of Procedure which establish the procedure for the operation of the Commission within the scope established by this Law.

5. The High Qualification Commission of Judges of Ukraine shall have an official website and an official printed publishing body which are the official sources of information about the work of the Commission. The official publishing body may be issued electronically.

Article 93. Powers of the High Qualification Commission of Judges of Ukraine

1. The High Qualification Commission of Judges of Ukraine shall:

- 1) maintain records on the number of judicial positions in courts, including the vacant ones;
- 2) select candidates to be appointed to a position of a judge, including organizing their background check in accordance with the law and conduct the qualification examination;
- 3) submit to the High Council of Justice [new] its recommendations on appointing a candidate to a judicial position;
- 4) submit a recommendation on transferring a judge in accordance with this Law unless a transfer is a disciplinary sanction;
- 5) identify the need in the state order for the initial training of candidates to a position of a judge in the National School of Judges of Ukraine;
- 6) approve the form and content of the application for participation in the selection of judicial candidates, application form of judicial candidate, procedure of taking the admission examination and methodology for evaluating its results, procedure for initial training of judicial candidates, procedure for taking qualification examination and methodology for assessing candidates, regulation on the competition for a vacant judicial position, procedure and methodology for qualification evaluation, procedure of forming and maintaining judicial dossier (dossier of judicial candidate) and other procedures related to performing of its functions by the Commission;
- 7) conduct qualification evaluation;
- 8) ensure maintenance of judicial dossiers and dossiers of a judicial candidate;
- 9) within the scope of its competence take part in international cooperation, including the establishment of ties with foreign establishments, institutions and organizations, projects of international technical assistance, act as a beneficiary and recipient of international technical aid, principal administrator of international aid from foreign states, banks and international financial organizations; and
- 10) exercise other powers envisaged by law.

2. In order to perform its functions the High Qualification Commission of Judges of Ukraine has the right to demand and obtain the information required from courts, judges, State Judicial Administration of Ukraine, bodies of judicial self-government, other bodies and institutions in the justice system, bodies of state power and bodies of local self-government, their officials, enterprises, institutions, organizations irrespective of the form of ownership and subordination, citizens associations and natural persons. The failure to provide such information at the request of the Commission shall entail liability established by law.

3. Members and authorized employees of the Secretariat of the High Qualification Commission of Judges of Ukraine shall have direct access to automated

information and reference systems, registries and databases, the holder (administrator) of which are state bodies or local self-government bodies, use state (including governmental) communication means, special communication network and other technical means.

4. Information shall be processed by members and authorized employees of the Commission in line with the Law “On personal data protection” and securing the secret protected by law.

5. Access to information which contains state secret shall be provided in the manner established by law on the protection of state secret.

Article 94. Composition of the High Qualification Commission of Judges of Ukraine

1. The High Qualification Commission of Judges of Ukraine shall consist of sixteen elected (appointed) members who are citizens of Ukraine, have a full university degree in law and at least fifteen years of professional activity in the field of law.

2. To the High Qualification Commission of Judges of Ukraine shall be elected (appointed):

1) by the Congress of Judges of Ukraine — eight members of the Commission from among judges who have at least ten years of experience as a judge or retired judges;

2) by the Congress of Representatives of law schools and research institutions — two members of the Commission;

3) by the Congress of Lawyers (the Bar) of Ukraine — two members of the Commission;

4) by the Commissioner of the Verkhovna Rada of Ukraine for Human Rights — two members from among persons who are not judges;

5) by the Head of State Judicial Administration of Ukraine — two members of the Commission from among persons who are not judges.

3. The organizational form of the operation of the High Qualification Commission of Judges of Ukraine shall be meetings of panels, chambers or a plenary session of the Commission as stipulated by this Law and Rules of Procedure of the Commission.

4. A panel of the High Qualification Commission of Judges of Ukraine shall be composed of at least three members of the Commission.

5. Two chambers shall operate within the High Qualification Commission of Judges of Ukraine. Each chamber shall comprise eight members of the Commission. Each chamber shall have equal representation of members of the Commission who are judges or retired judges.

6. The Chairperson of the Commission and his/her deputy may not be members of one chamber at the same time.

7. If necessary, the Commission may make a decision on engaging members of one Chamber in the work of the other Chamber.

8. The term of office of a member of the High Qualification Commission of Judges of Ukraine shall be four years from the date of the appointment (election). One and the same person may not exercise the powers for two consecutive terms.

9. A member of the High Qualification Commission of Judges of Ukraine who is a judge or a public servant shall retain his/her position, status and place of employment for the period of the exercise of powers.

10. For the duration of exercise of their powers, members of the High Qualification Commission of Judges of Ukraine shall be seconded to the Commission and may not be engaged in any other paid work except teaching, research and creative work. Members of the High Qualification Commission of Judges of Ukraine elected by the Congress of Judges of Ukraine may not administer justice.

Members of the High Qualification Commission of Judges of Ukraine who are lawyers shall be obligated to suspend law practice and participation in the bodies of self-government of the Bar for the duration of the exercise of powers of a member of the Commission.

11. Members of the High Qualification Commission of Judges of Ukraine shall be subject to the requirements and restrictions established by anti-corruption legislation.

12. In their activities and beyond, members of the High Qualification Commission of Judges of Ukraine must adhere to the highest standards of ethical conduct, including ethical principles and rules applicable to judges.

13. Members of the High Qualification Commission of Judges of Ukraine may not combine their office with any positions in bodies of the state power and local self-government, bodies of professional self-government, with the status of a People's Deputy of Ukraine (MP), Deputy to the Supreme Council of the Autonomous Republic of Crimea, Oblast, District, City, District in a city, village or town councils, entrepreneurial activities, any other paid employment, or receive remuneration (except teaching, research and creative activities and receiving compensation for it), and be a member of the governing body or a supervisory board of a legal entity aimed at profit-making.

14. Persons who are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interest in the operation of any legal entity aimed at profit-making shall be obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third party (without a right of giving instructions to such person on the disposition of such shares, corporate or other rights or on exercise of rights which arise therefrom) for the term of office of a member of the High Qualification Commission of Judges of Ukraine. A member of the High Qualification Commission of Judges of Ukraine may receive interest, dividends and other unearned income from the property he/she owns.

15. Influencing members of the High Qualification Commission of Judges of Ukraine in any manner shall be prohibited.

16. The following may not be members of the High Qualification Commission of Judges of Ukraine:

1) persons declared by a court to be legally incapable or partially capable;

- 2) persons who have a conviction that was not canceled or expired in the manner stipulated by law;
- 3) persons for who over the past year administrative penalties were levied for offenses related to corruption;
- 4) persons who were members of the High Qualification Commission of Judges of Ukraine or the High Council of Justice before the Law of Ukraine “On the Restoration of Trust in the Judiciary in Ukraine” entered into force;
- 5) persons in administrative positions in courts;
- 6) persons who do not meet the requirements of this Law regarding incompatibility with other activities and did not eliminate that discrepancy within a reasonable time period not exceeding thirty days from the date of emergence of circumstances that caused inconsistency with the incompatibility requirements.

Holding the position of a member of the High Qualification Commission of Judges of Ukraine shall also be incompatible with the existence of a prohibition for that person to hold positions that are subject to the cleansing of power in the manner stipulated by the Law of Ukraine “On the Purification of Government”.

17. The High Qualification Commission of Judges of Ukraine may engage into its activity judicial self-government bodies, judges, retired judges, lawyers, researchers upon their consent to provide assistance and perform advisory functions pro bono without delegating the powers of the High Qualification Commission of Judges of Ukraine or of its members.

Article 95. The Procedures for the Formation of the High Qualification Commission of Judges of Ukraine

1. The formation of the High Qualification Commission of Judges of Ukraine shall be based on principles of the rule of law, publicity and political neutrality in the manner set forth in this Law.
2. In case of necessity to elect a member of the High Qualification Commission of Judges of Ukraine by the Congress of Judges of Ukraine or the Congress of Advocates of Ukraine or the Congress of law schools and research institutions, the body that convenes the Congress shall, not later than forty-five days prior (to the Congress), notify the Secretariat of the Commission of the date and venue of the Congress.
3. Not later than on the following working day after receipt of the notice of the Congress date and venue, the Secretariat of the Commission shall publish an announcement on its website stating the following:
 - 1) the date and venue of the Congress;
 - 2) information about the beginning of accepting documents from candidates for the position of a member of the High Qualification Commission of Judges of Ukraine.
4. A person who meets the requirements set forth in this Law for members of the High Qualification Commission of Judges of Ukraine and intends to be elected as a member of the High Qualification Commission of Judges of Ukraine by the Congress of Judges of Ukraine or the Congress of Advocates of Ukraine or the Congress of law schools and research institutions, shall submit to the Secretariat of

the High Qualification Commission of Judges of Ukraine, not later than thirty days before the date of the respective Congress, an application expressing the intention to be elected as a member of the Commission by the respective Congress.

The application form shall be approved by the High Qualification Commission of Judges of Ukraine.

5. Along with the application expressing the intention to be elected as a member of the High Qualification Commission of Judges of Ukraine, the person in question shall submit:

- 1) curriculum vitae;
- 2) a cover letter outlining motives for election as a member of the High Qualification Commission of Judges of Ukraine;
- 3) a copy of a personal identification document that confirms the citizenship of Ukraine;
- 4) a copy of the work record book (if any);
- 5) a declaration of the person authorized to perform functions of the state or local self-government;
- 6) copies of documents on education, academic titles and degrees;
- 7) certificate of a medical institution on the applicant's health condition with a conclusion as to his/her suitability to occupy a position related to performance of governmental functions;
- 8) a copy of the military card (for military personnel or obligated reservists);
- 9) a written consent to the processing of personal data and making public the copies of the document specified in this Article, except for copies of the documents listed in paragraphs 3, 7 and 8 of this part;
- 10) a written statement on the absence of restrictions regarding membership in the High Qualification Commission of Judges of Ukraine, as well as on compliance with the incompatibility requirements, or a commitment to comply with the incompatibility requirements, in case of election as a member of the Commission;
- 11) an application for conducting a verification determined by the Law of Ukraine "On the Purification of Government"; and
- 12) consent to the background check in accordance with the law.

6. If a person expressed a wish to be elected as a member of the High Qualification Commission of Judges of Ukraine by the Congress of Judges of Ukraine, the Secretariat of the High Qualification Commission of Judges of Ukraine shall establish the presence of the status of a judge.

7. The Secretariat of the High Qualification Commission of Judges of Ukraine shall accept documents in chronological order of receipt of applications and, not later than on the following workday, post on its website the information received along with copies of the documents submitted, except the documents listed in paragraphs 3, 7 and 8 of part three of this Article.

8. The acceptance of documents shall end at midnight on the last day of the period specified in part four of this Article.

The Secretariat of the High Qualification Commission of Judges may not refuse to accept documents on grounds other than the end of the established timeframe.

9. Not later than on the day following the completion of document acceptance, the Secretariat of the High Qualification Commission of Judges of Ukraine shall compile:

- 1) a list of candidates who are judges and retired judges;
- 2) a list of candidates who are not judges or retired judges.

These lists shall be immediately published on the official website of the High Qualification Commission of Judges of Ukraine and in the Holos Ukrainy (“Voice of Ukraine”) newspaper, and promptly sent to the body that convenes the respective Congress.

10. The Secretariat of the High Qualification Commission of Judges of Ukraine shall ensure that the background check regarding the candidates is conducted.

11. Voting at the respective Congress shall be held exclusively regarding the candidates for members of the High Qualification Commission of Judges of Ukraine who submitted documents in the manner stipulated by this Law and were elected as delegates of such Congress.

Voting shall also be conducted in relation to the candidates for the election as members of the High Qualification Commission of Judges of Ukraine who submitted documents in the manner stipulated by this Law and were nominated directly at the Congress by at least 20 percent of the elected delegates of the Congress.

12. Each of the candidates for election as a member of the High Qualification Commission of Judges of Ukraine has the right to address the respective Congress delegates with a speech before the vote. A reasonable time limit for the speech, the same for all candidates may be set by the decision of the respective Congress. A candidate shall provide the respective Congress delegates, at their request, any information about himself/herself, except information related to his/her private life or where there are no reasonable grounds to believe that it may be essential for establishing the candidate’s ability to duly act as a member of the High Qualification Commission of Judges, as well as information which contains a state secret.

13. After the candidates' speeches and the discussion of the candidates, the voting shall be held. A candidate who, based on the results of secret ballot received the majority of votes of the elected delegates of the respective Congress shall be deemed as elected to the position of the High Qualification Commission of Judges of Ukraine.

If based on voting results a member of the High Qualification Commission of Judges of Ukraine was not elected, a repeated voting on two candidates who got the most number of votes compared to other candidates shall be conducted with regard to each vacant position of member of the High Qualification Commission of Judges of Ukraine.

14. Based on the voting results, the Chairperson and the Secretary of the respective Congress shall sign a resolution on the election of members of the High Qualification Commission of Judges of Ukraine.

15. The procedures for convening the Congress of Judges of Ukraine shall be determined by this Law. The procedures for holding the Congress of Judges of

Ukraine shall be determined by the Council of Judges of Ukraine and by decisions of the Congress.

16. The procedures for convening the Congress of Advocates of Ukraine shall be determined by the Law of Ukraine "On the Bar and the Practice of Law". The procedures for holding the Congress of Advocates of Ukraine shall be determined by the Council of Advocates of Ukraine and by decisions of the Congress.

17. The Congress of representatives of law schools and research institutions shall be attended by two representatives from each of the said educational and research institutions.

18. For the purposes of this Law the following representatives shall be admitted to the Congress of the representatives of law schools and research institutions to elect members of the High Qualification Commission of Judges of Ukraine:

1) higher educational institutions (universities, academies or institutes, except higher military educational institutions) which have educational units that as of the day of conducting the Congress have been training students in master programs for at least ten years and have a license to train at least seventy five master students;

2) scientific and research institutions which as of the day of conducting a congress are under the scope of purview of the National Academy of Sciences of Ukraine and national specialized academies of sciences, have passed state assessment and have been engaged in scientific activity in the field of law as major activity for at least ten years.

19. The time and venue of the congress of representatives of law schools and research institutions shall be determined by the High Qualification Commission of Judges of Ukraine, and if the Commission is unable to adopt a decision due to insufficient number of elected members of the Commission, by the central body of executive power in the sphere of education and science.

A notice of the time and venue of the Congress shall be published in the *Holos Ukrainy* ("Voice of Ukraine") paper, not later than forty-five days prior to the Congress, and published on the website of the Commission or the central body of executive power in the sphere of education and science, if the latter has determined the time and venue of the Congress, and shall be immediately sent to educational and research institutions that delegate their representatives to the Congress.

20. A Congress shall be held on the premises of an educational or research institution.

21. The procedures for holding a Congress shall be defined by a decision of the Congress.

22. To decide on organizational and technical matters of preparation for a Congress of representatives of law schools and research institutions, an organization committee may be established by their representatives, with composition of up to ten persons. Invitations to participate in the organization committee shall be sent by the body that convenes the Congress. The officials employed with the central executive body in the field of education and science may not be members of the organizing committee.

23. The Commissioner of the Verkhovna Rada of Ukraine for Human Rights, Chairperson of the State Judicial Administration of Ukraine shall appoint a

member of the High Qualification Commission of Judges of Ukraine from among retired judges or other persons who are not judges, based on the results of a public competition.

24. People's Deputies of Ukraine (MPs) of the current convocation of the Verkhovna Rada of Ukraine, members of the Cabinet of Ministers of Ukraine, Chief judges of courts and their Deputies, secretaries, chairpersons of judicial chambers, their deputies, members of the Council of Judges of Ukraine, the High Council of Justice [new], the Ombudsman, persons who were brought to justice for committing acts of corruption, as well as those who were members of the High Qualification Commission of Judges of Ukraine or the High Council of Justice before the Law "On restoration of trust in the judiciary in Ukraine" took effect may not be elected (appointed) as members of the High Qualification Commissions of Judges of Ukraine.

25. The High Qualification Commission of Judges of Ukraine shall be deemed competent if at least eight members are elected to the Commission.

Article 96. Dismissal of a Member of the High Qualification Commission of Judges of Ukraine

1. Grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine shall be:

- 1) submission of an application for voluntary dismissal/resignation of a member of the Commission;
- 2) inability to exercise his/her powers due to health reasons upon the availability of a medical opinion certified by court;
- 3) finding circumstances regarding his/her failure to meet the requirements set out in part one of Article 34 of this Law;
- 4) substantial violation of requirements set forth by anti-corruption legislation;
- 5) failure to participate in work of the Commission for one calendar month in a row without valid reasons, or repeated refusal to vote on the issues being considered.

2. The decision on the dismissal of a member of the High Qualification Commission of Judges of Ukraine on the grounds determined by points 1 and 2 of part one of this Article shall be adopted by the Commission at its next plenary meeting after the receipt of the application or court decision respectively.

The procedure for the consideration and adoption of the decision by the High Qualification Commission of Judges on the dismissal of the Commission's member shall be initiated by the Chairperson and Deputy Chairperson of the High Qualification Commission of Judges according to the requirements of the Rules of Procedure.

3. A decision on dismissing a member of the High Qualification Commission of Judges of Ukraine from the office on the grounds set forth in points 3-5 of paragraph one of this Article shall be adopted by the body which elected (appointed) this member of the Commission.

4. In case the grounds for dismissing a member of the High Qualification Commission of Judges of Ukraine from the office set forth in points 3-5 of

paragraph one of this Article are found, the Commission by its decision may submit a proposal to the body which elected (appointed) this member of the Commission to dismiss him/her. From the date the decision to submit the mentioned proposal was adopted such member of the Commission shall be suspended from office and his/her powers shall be suspended until a decision of the relevant body is made.

5. A member of the High Qualification Commission of Judges of Ukraine with regard to whom a decision on dismissing from the office or on submitting a proposal to dismiss from the office was approved, shall not participate in voting with regard to such decision.

Article 97. Terminating the Powers of a Member of the High Qualification Commission of Judges of Ukraine

1. The powers of a member of the High Qualification Commission of Judges of Ukraine shall be terminated in case:

- 1) the term for which he/she was elected (appointed) expired;
- 2) a court verdict of guilty regarding him/her comes into force;
- 3) citizenship of Ukraine is terminated or citizenship of another state is obtained;
- 4) he/she was recognized as missing or declared dead, incapable or with limited capability;
- 5) of the death of the Commission member; and
- 6) he/she was dismissed from judicial position (except retirement) or his/her judicial powers are terminated on the grounds stipulated by the Constitution of Ukraine.

2. On the grounds determined in paragraph one of this Article, the powers of a member of the High Qualification Commission of Judges of Ukraine shall terminate with the onset of the respective event.

Article 98. Organization of Work and Meetings of the High Qualification Commission of Judges of Ukraine

1. The High Qualification Commission of Judges of Ukraine in its plenary composition, shall elect in a secret voting by a majority vote of all its members, the Chairperson of the High Qualification Commission of Judges of Ukraine and the Deputy Chairperson who are chairing the chambers, and the Secretaries of chambers of the High Qualification Commission of Judges of Ukraine. The meeting shall be presided by a member of the High Qualification Commission of Judges of Ukraine with the longest record of professional service in the field of law.

2. The Chairperson of the High Qualification Commission of Judges of Ukraine shall organize the work of the Commission, determine the duties of the Deputy Chairperson, preside at the meetings of the Commission, prepare the meetings of the High Qualification Commission of Judges of Ukraine and organize the record keeping/case management.

3. The duties of the Chairperson of the High Qualification Commission of Judges of Ukraine in his absence shall be performed by the Deputy Chairperson of the

Commission, and in the absence of the Deputy Chairperson – by the Commission member elected under the quota of the Congress of Judges of Ukraine with a longer record of service as a judge.

4. The Chairperson of the High Qualification Commission of Ukraine shall issue binding orders, assignments and instructions.

5. The Secretaries of chambers of the High Qualification Commission of Judges of Ukraine shall prepare the meetings of chambers and bear responsibility for the organization of record keeping in the chambers.

6. In order to provide for case assignment, there is an automated system in the High Qualification Commission of Judges of Ukraine to determine a member of the High Qualification Commission of Judges of Ukraine who prepares the case for consideration and report on it.

The regulation on the automated system to determine the members of the Commission for the preparation of the case and reporting on it shall be approved by the High Qualification Commission of Judges of Ukraine.

7. Chairpersons of the chambers of the High Qualification Commission of Judges of Ukraine shall organize the work of chambers and preside at meetings. The duties of the Chairpersons of chambers in their absence shall be performed by the members appointed under the quota of the Congress of Judges of Ukraine with a longer length of service as a judge.

8. The High Qualification Commission of Judges of Ukraine shall approve the Rules of Procedure which regulate pursuant to this Law the procedural issues of the Commission activity.

9. The meetings of the High Qualification Commission of Judges of Ukraine, its chambers and panels shall be open except in cases stipulated by law.

10. The meetings of the Commission, its chambers shall be competent if attended by the majority of the composition of the Commission or chamber, respectively.

Meeting of a panel shall be competent if attended by all members of the panel.

11. The Chairperson of the High Qualification Commission of Judges of Ukraine shall determine the date, time, place and agenda of the meeting of the Commission, and not later than in ten days prior to the meeting notify the person regarding who the issue is to be considered, as well as publish this information on the official website of the High Qualification Commission of Judges of Ukraine (except for the meetings on organizational issues).

12. The Chairpersons of chambers of the Commission shall determine the date, time, place and agenda of meetings of the respective chambers, and not later than in ten days prior to the meeting notify the persons in respect of who the issues are to be considered, as well as publish this information on the official website of the High Qualification Commission of Judges of Ukraine.

13. The Secretariat of the High Qualification Commission of Judges of Ukraine shall inform persons with regard to whom issues will be considered about the date, time and venue of the meeting of a relevant panel not later than ten days before such meeting and publish this information on the official website of the High Qualification Commission of Judges of Ukraine.

Article 99. Rights of a Member of the High Qualification Commission of Judges of Ukraine

1. A member of the High Qualification Commission of Judges of Ukraine shall have the right to:

- 1) get acquainted with the materials submitted for the consideration of the Commission, the respective chamber, where he/she is the member, and panel, to participate in their study and verification;
- 2) present his/her motives/reasons and thoughts, and submit additional documents on issues considered;
- 3) make suggestions on the draft decisions of the High Qualification Commission of Judges of Ukraine with respect to any issues, and vote 'for' or 'against' any decision;
- 4) express written dissenting opinion on the decision of the High Qualification Commission of Judges of Ukraine; and
- 5) exercise other powers prescribed by law.

Article 100. Recusal of the Member of the High Qualification Commission of Judges of Ukraine

1. A member of the High Qualification Commission of Judges of Ukraine may not participate in consideration of issues and adoption of decisions and shall be subject to the recusal (self-recusal) if there is data on the conflict of interest or the circumstances that call his impartiality into question.

In the presence of such circumstances, the member of the High Qualification Commission of Judges of Ukraine shall announce his self-recusal. On the same grounds, the recusal of a member of the Commission may be requested by persons in respect of whom or following whose submission the issue is considered.

2. The recusal shall be substantiated and submitted prior to the consideration of the issue in the form of a written application. The person presiding at the meeting is obligated to acquaint the member of the Commission whose recusal is requested with the application for his/her recusal.

3. The decision on the recusal (self-recusal) shall be approved by the majority vote of the members of the High Qualification Commission of Judges of Ukraine participating in the meeting. The voting shall be conducted in the absence of the member of the Commission regarding whom the issue of recusal is considered.

Article 101. Decisions of the High Qualification Commission of Judges of Ukraine

1. Decision of the High Qualification Commission of Judges of Ukraine is adopted in a plenary composition by the majority of the composition of the Commission established by this Law. Voting shall be conducted in the absence of the person in respect of whom the issue is considered, as well as other persons who are not members of the Commission.

2. Decision of the chamber of the High Qualification Commission of Judges of Ukraine shall be approved by the majority of the composition of the chamber,

taking into account the members of the other chamber, if they are involved in the consideration of a relevant issue.

3. Decision of the panel of the High Qualification Commission of Judges of Ukraine shall be approved by the majority of votes.

4. The chambers and panels of the High Qualification Commission of Judges of Ukraine shall adopt their decisions on behalf of the High Qualification Commission of Judges of Ukraine, stating the composition /members of the chamber or panel that considered the particular case.

The High Qualification Commission of Judges of Ukraine may review decisions adopted by a chamber or a panel regarding admission to competition or selection.

5. The decision of the High Qualification Commission of Judges of Ukraine, chambers and panels of the Commission shall be issued in writing. The decision shall state the date and place of approval, the composition of the Commission (chamber, panel), the issue under consideration and the reasons for the approved decision.

The decision shall be signed by the Chairperson and the members of the Commission (chamber, panel) that participated in the approval of the decision.

6. In case there is a dissenting opinion of a member of the High Qualification Commission of Judges of Ukraine, it shall be issued in writing and attached to the case file, as reported by the presiding at the meeting.

7. The decision of the High Qualification Commission of Judges of Ukraine may be appealed to the court on the grounds established by this Law.

8. Decisions of the High Qualification Commission of Judges of Ukraine on providing recommendations may be challenged only together with the decision adopted based on the respective recommendation.

9. In case of a dissenting opinion of two or more members of the chamber of the High Qualification Commission of Judges of Ukraine who participated in consideration of the issue and adopting of the decision- by the relevant chamber, the Chairperson of the High Qualification Commission of Judges of Ukraine has the right to propose that this issue be submitted for consideration by the High Qualification Commission of Judges of Ukraine which shall adopt the final decision on merits of the issue in the manner established by the rules of procedure.

Article 102. Support to the Operation of the High Qualification Commission of Judges of Ukraine

1. The organizational support for the operation of the High Qualification Commission of Judges of Ukraine shall be provided by the Secretariat.

2. The regulation on the Secretariat of the High Qualification Commission of Judges of Ukraine shall be approved by the High Qualification Commission of Judges of Ukraine.

3. To ensure the exercise of powers by the members of the High Qualification Commission of Judges of Ukraine a service of forty-eight inspectors shall operate within the Secretariat of the High Qualification Commission of Judges of Ukraine.

4. The maximum number of employees of the High Qualification Commission of Judges of Ukraine including the number of members of the Commission and

inspectors determined by this Law shall be approved by the High Qualification Commission of Judges of Ukraine.

5. The staff of the Secretariat of the High Qualification Commission of Judges of Ukraine shall be appointed and dismissed by the Chairperson of the High Qualification Commission of Judges of Ukraine in the manner prescribed by the law on the civil service taking into account specifics determined by this Law.

6. The inspectors of the High Qualification Commission of Judges of Ukraine shall be appointed and dismissed by the Chairperson of the High Qualification Commission of Judges of Ukraine upon the proposal of the respective member of the High Qualification Commission of Judges of Ukraine.

7. The salary rate of the member of the High Qualification Commission of Judges of Ukraine who is not a judge shall equal the amount judicial remuneration of a Supreme Court justice with a coefficient of 1.5.

The salary rate of the member of the High Qualification Commission of Judges of Ukraine who is a judge shall equal the amount of his/her judicial remuneration if such amount exceeds the salary rate of a Supreme Court justice with a coefficient of 1.5.

8. The remuneration to members of the High Qualification Commission of Judges of Ukraine and salaries to the employees of the Secretariat and inspectors of the Commission shall be paid at the expense of funds of the State Budget of Ukraine.

Article 103. Service of Inspectors of the High Qualification Commission of Judges of Ukraine

1. The service of inspectors of the High Qualification Commission of Judges of Ukraine shall be formed of individuals with a complete higher education in law and more than five years of professional activity experience in the field of law.

If a retired judge is appointed as an inspector of the Commission he/she shall retain pension or lifetime monetary allowance and other guarantees determined by this Law.

2. The inspectors of the High Qualification Commission of Judges of Ukraine shall act exclusively upon instruction /direction of the member of the High Qualification Commission of Judges of Ukraine according to acts regulating the operation of the Commission.

3. Upon instruction of the member of the Commission the inspectors shall:

- 1) preliminarily analyze the case files concerning qualification evaluation; and
- 2) perform other tasks within powers of the member of the Commission determined by this Law.

4. The service of inspectors of the High Qualification Commission of Judges of Ukraine shall be headed by a Chairperson of the service of inspectors of the Commission who shall be subordinated directly to the Chairperson of the High Qualification Commission of Judges of Ukraine.

5. Inspectors of the High Qualification Commission of Judges of Ukraine are not civil servants. Their status is determined by this law. The peculiarities of the operation are set forth in the Regulation on inspector of the High Qualification

Commission of Judges of Ukraine that shall be approved by the High Qualification Commission of Judges of Ukraine.

Chapter 4. National School of Judges of Ukraine

Article 104. The Status and Structure of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine is a state institution with a special status within the system of justice which ensures training of highly qualified personnel for the system of justice and conduct research and scientific activity. Legislation on the higher education shall not apply to the National School of Judges of Ukraine.
2. The National School of Judges of Ukraine is established under the High Qualification Commission of Judges of Ukraine and performs its activity in line with this Law and the statute approved by the High Qualification Commission of Judges of Ukraine.
3. The National School of Judges of Ukraine shall be chaired by the rector who shall be appointed to and dismissed from the office by the High Qualification Commission of Judges of Ukraine.
4. Vice-rectors of the National School of Judges of Ukraine shall be appointed to and dismissed from the office by the High Qualification Commission of Judges of Ukraine upon the proposal of the rector of the National School of Judges of Ukraine. The rector of the National School of Judges of Ukraine shall submit to the High Qualification Commission of Judges of Ukraine proposals regarding candidates for relevant vacant positions of vice-rectors.
5. Salary rate of employees of the National School of Judges of Ukraine may not be less than relevant salary rates of the employees of the High Qualification Commission of Judges of Ukraine.
6. The National School of Judges of Ukraine is a legal entity, has a seal with the State Emblem of Ukraine and its name depicted, its own balance and accounts in the bodies of the State Treasury Service of Ukraine and may have regional departments.

Article 105. The Tasks of the National School of Judges of Ukraine

1. The National School of Judges of Ukraine shall:
 - 1) perform initial training of judicial candidates;
 - 2) train judges, including those who were elected to administrative positions in courts;
 - 3) perform regular periodic training of judges aimed at improving their level of qualification;
 - 4) conduct training courses as determined by qualification or disciplinary body to develop the qualification of judges who are suspended from administering justice;
 - 5) train court administration staff and improve their professionalism;
 - 6) conduct research in the field of improving the judiciary, the status of judges and judicial proceedings;

- 7) study international experience of court organization and operation; and
- 8) provide scientific and methodological support to the functioning of courts, the High Qualification Commission of Judges of Ukraine and the High Council of Justice [new].

Section VI

DISCIPLINARY LIABILITY OF A JUDGE

Article 106. Grounds for Disciplinary Liability of a Judge

1. A judge may be brought to disciplinary liability within the procedure of disciplinary proceedings on the following grounds:

1) intentional or caused by negligence:

a) illegal denial of access to justice (including illegal refusal to consider on the merits a claim, an appeal, cassation claim, etc.) or other substantial violation of the norms of procedural law in the course of the administration of justice which has made it impossible for participants of the process to exercise procedural rights granted to them and fulfill procedural duties or caused violation of rules regarding the jurisdiction or composition of court;

b) failure to specify in a court decision the reasons for sustaining or rejecting arguments of the parties on the merits of a dispute;

c) violation of the principles of publicity and openness of a trial;

d) violation of the principles of equality of all court process participants before law and court, adversarial proceedings and their freedom in providing their evidence to the court and in proving strength of their evidence to the court;

e) failure to ensure to a defendant the right to protection, interference with the exercise of the rights of other court process participants; and

f) violation of the rules for recusal (self-recusal);

2) unreasonable delay or failure to take measures for consideration of an application, complaint or case within a timeline established by law, delays in drafting a reasoned court decision, untimely submission of a copy of court decision by a judge to be entered into the Unified State Registry of Court Decisions;

3) the conduct of a judge disgraces the status of judge or undermines the authority of justice, in particular, on the issues of morality, integrity, incorruptibility, congruence of the lifestyle of a judge with his/her status, compliance with other norms of judicial ethics and standards of conduct which ensure public trust in court, disrespect to other judges, lawyers, experts, witnesses or other court process participants;

4) intentional or caused by gross negligence violation by a judge who participated in adopting a court decision, violation of human rights and fundamental freedoms or other gross violation of the law that caused significant negative impact;

5) disclosure of a secret which is protected by law, including a secret of deliberation room or information which became known to a judge during the consideration of a case at a closed court session;

- 6) failure of a judge to inform the High Council of Justice [new] and Prosecutor General about an instance of interference into the activity of a judge regarding administration of justice, including about application of court process participants or other persons, including persons authorized to perform the functions of the state with regard to specific cases which are under consideration of a judge, if such an application was made in any other way than provided for by procedural law within five days after he/she became aware of such instance;
 - 7) failure to inform or untimely informing the Council of Judges of Ukraine about an actual or potential conflict of interests of a judge (except cases when the conflict of interests is regulated within the procedure stipulated by procedural law);
 - 8) interference with the process of administering justice by other judges;
 - 9) non-submission or untimely submission of a declaration of a person authorized to perform the functions of the state or local self-governance in the manner stipulated by law in the field of preventing corruption;
 - 10) indicating in a declaration of a person authorized to perform the functions of the state or local self-governance knowingly inaccurate information or deliberate omission of information stipulated by law;
 - 11) using the status of a judge with the aim of illegitimate receipt of material or other benefits by him/her or third persons if such offense does not contain the signs of a crime or criminal offense;
 - 12) judicial misconduct including expenditures by the judge or members of his/her family in excess of the income of the judge and his/her family; it was found that the level of life of a judge does not correspond to the income declared; failure by the judge to confirm the legality of the source of the property;
 - 13) failure to provide information or providing knowingly inaccurate information at legitimate request of a member of the High Qualification Commission of Judges of Ukraine and/or member of the High Council of Justice [new];
 - 14) failure to take the ongoing training at the National School of Judges of Ukraine upon a referral of a judicial disciplinary body or failure take further qualification evaluation to confirm the capability of a judge to administer justice in a relevant court or failure to confirm the capability of a judge to administer justice in a relevant court based on the results of such qualification evaluation;
 - 15) a judge was found guilty of committing a corruption offense or offense related to corruption in cases stipulated by law;
 - 16) non-submission or untimely submission of a declaration of family relations by a judge within the procedure determined by this Law;
 - 17) submission of knowingly inaccurate (including incomplete) data in the declaration of family relations;
 - 18) non-submission or untimely submission of a declaration of judicial integrity in the manner determined by this Law; and
 - 19) submission of knowingly inaccurate (including incomplete) statements in the declaration of judicial integrity.
2. Cancellation or change of a court decision shall not result in disciplinary liability of a judge who participated in its adoption except the cases when a canceled or

changed decision was adopted as a result of a deliberate violation of the norms of law or improper performance of the office duties.

Article 107. Submission of a Disciplinary Complaint against a Judge

1. Any person shall have the right to submit a complaint against disciplinary offense of a judge (disciplinary complaint). Citizens shall exercise this right in person or via a lawyer, and legal entities – via a lawyer and state bodies and local self-government bodies – via their Chairpersons or representatives.

A lawyer shall be obligated to verify the facts which may result in disciplinary liability of a judge before submitting a relevant disciplinary complaint.

2. A disciplinary complaint shall be submitted in writing and must contain the following data:

- 1) last name, first name, patronymic (name) of a complainant, his/her place of residence (stay) or location, postal code and contact numbers;
- 2) last name, first name, patronymic of a judge (judges) with regard to whom a complaint was filed;
- 3) specific information about the signs of disciplinary offense in judge's conduct, which, according to paragraph one of Article 106 of this Law may constitute grounds for disciplinary liability of a judge; and
- 4) reference to actual data (testimony, evidence) which confirm the data mentioned by a complainant.

A disciplinary complaint shall be signed by a complainant and contain the date of its signing.

3. The High Council of Justice [new] shall approve and post on the official web-portal of the judiciary a sample of a disciplinary complaint.

4. Abuse of the right to apply to the disciplinary body, including initiating the issue of judicial liability without sufficient grounds and using such right as a means of pressure on a judge related to his/her administering justice shall not be allowed.

5. A lawyer may be brought to disciplinary liability as prescribed by law for filing a knowingly unjustified disciplinary complaint.

6. A disciplinary case against a judge may not be initiated based on a complaint which does not contain data on the presence of signs of a disciplinary offense by a judge as well as based on anonymous applications and notifications.

7. In case there are circumstances which cast doubt on the existence or authenticity of a signature of a person who has filed a disciplinary complaint, a relevant body of the High Council of Justice [new] shall have the right to invite such a person to confirm the complaint.

8. In case of repeated filing of obviously unjustified disciplinary complaints by a person, the High Council of Justice [new] shall have the right to make a decision on leaving all subsequent complaints from this person without consideration for one year.

Article 108. The Body Which Conducts Disciplinary Proceedings against a Judge

1. Disciplinary proceedings against a judge shall be conducted by disciplinary chambers of the High Council of Justice [new] within the procedure established by the Law of Ukraine “On the High Council of Justice [new]” taking into account the requirements of this Law.

Article 109. Disciplinary Sanction against a Judge

1. The following sanctions may be imposed on judges:

- 1) admonition;
- 2) reprimand – with deprivation of the right to receive bonuses to judicial salary for one month;
- 3) severe reprimand – with depriving of the right to receive bonuses to judicial salary during three months;
- 4) motion to temporarily (from one to six months) suspend a judge from the administration of justice – with deprivation of the right to receive bonuses to judicial salary and compulsory referral of a judge to the National School of Judges of Ukraine to take a training course determined by the body which conducts disciplinary proceedings against judges and further qualification evaluation to confirm the capability of a judge to administer justice in the respective court;
- 5) motion to transfer a judge to a court of a lower level; and
- 6) motion to dismiss a judge from the office.

2. During the selection of the type of disciplinary sanction against a judge the nature of a disciplinary offense, its implications, a person of the judge, the extent of his/her guilt, existence of other disciplinary sanctions, other circumstances which influence the possibility of disciplining a judge shall be taken into account. A disciplinary sanction shall be imposed taking into account the principle of proportionality.

3. A disciplinary sanction determined by part one, paragraph 1 of this Article shall not be imposed in cases when a judge committed offenses determined by Article 106, part one, paragraphs 16-19 of this Law.

4. Disciplinary sanctions determined by points 1-3 of paragraph one of this Article shall not be imposed in case when a judge committed offenses determined by points 3, 10, 11, 12, 14 and 15 of paragraph one of Article 106 of this Law.

Disciplinary sanction provided by paragraph 5 of part one of this Article shall not be applied to a judge of a high specialized court. Also, within the procedure of imposing a disciplinary sanction determined by paragraph 5 of part one of this Article, transfer of a judge to a high specialized court shall not be allowed.

5. In case a decision on imposing a disciplinary sanction on a judge is made, which does not allow a judge to administer justice in a relevant court, the judge shall be suspended from the administration of justice in this court starting from the day the decision on imposing a disciplinary sanction was adopted.

6. In case a judge has outstanding disciplinary sanctions, a more severe disciplinary sanction shall be imposed on him/her.

7. A judge who has an outstanding disciplinary sanction may not participate in a competition for a vacancy in another court.

8. A disciplinary sanction in a form of a motion to dismiss a judge from the office shall be imposed in case:

1) a judge commits a substantial disciplinary offense, gross or systematic neglect of duties which is incompatible with the status of a judge or which has revealed that he/she is unsuitable for the position he /she occupies; and

2) a judge violates the obligation to confirm the legality of the source of property.

9. A substantial disciplinary offense, gross or systematic neglect of duties which is incompatible with the status of a judge or which has revealed that he/she is unsuitable for the position he/she occupies may be, in particular, any of the following facts:

1) a judge has allowed conduct which disgraces the title of a judge or undermines the authority of justice, including the issues of morality, integrity, incorruptibility, congruence of the lifestyle of a judge with his/her status, compliance with other ethical norms and standards of conduct which ensure public trust in court;

2) a judge has committed a disciplinary offense having an outstanding disciplinary sanction (except admonition or reprimand) or has two outstanding disciplinary sanctions;

3) a fact of judge's dishonest conduct was found, including a judge or his/her family members making expenses which exceed income of such judge and income of his/her family members the legality of origin of which is confirmed; incongruence of the level of life of a judge with the declared income was found; using the status of a judge with the aim of illegal receipt of material benefits or other benefits by him/her or by third persons;

4) a judge was found guilty by a court of committing a corruption offense or corruption-related offense;

5) a judge did not fulfill the requirements of decision of the judicial disciplinary body made on the basis of paragraph 4 of part one of this Article or based on results of qualification evaluation scheduled according to point 4 of part one of this Article, a judge did not confirm his/her capability to administer justice in a relevant court;

6) a judge deliberately failed to submit a declaration of integrity or declaration of family relations within the established timeframe or deliberately declared inaccurate (including incomplete) statements in the declaration of integrity; and

7) a judge committed other gross violation of law which undermines public trust in court.

10. Decision on submitting a motion to the High Council of Justice [new] on dismissing a judge on the grounds set forth in paragraph 2 of part eight of this Article may be made if, upon request of the disciplinary body the judge has not confirmed the legality of the source of origin of his/her property.

11. A disciplinary sanction shall be imposed on a judge not later than three years after the offense excluding the time of temporary incapacity to work or vacation, or conducting relevant disciplinary proceedings.

12. If a decision of the European Court of Human Rights has found the facts which may constitute grounds for imposing a disciplinary sanction on a judge, the

mentioned period shall be calculated starting from the date when such decision of the European Court of Human Rights becomes final.

13. Information on disciplining a judge shall be published on the official website of the High Council of Justice [new] and website of the court where the judge works. This information must contain data on the disciplined judge, disciplinary sanction imposed and a copy of the decision of the judicial disciplinary body on imposing such sanction.

Article 110. Satisfying Disciplinary Sanction

1. A judge shall be considered as such who has no disciplinary sanction if:

1) within six months from the date of adopting a decision on imposing a disciplinary sanction in a form of admonition a new disciplinary sanction is not imposed on him/her and there is no ground for imposing a new sanction during the period mentioned;

2) within one year from the date of making the decision on imposing a disciplinary sanction in a form of reprimand a new disciplinary sanction is not imposed on him/her and there is no ground for imposing a new sanction during the period mentioned;

3) within eighteen months from the date of approving a decision on imposing a disciplinary sanction in a form of censure a new disciplinary sanction is not imposed on him/her and there is no ground for imposing a new sanction during the mentioned period;

4) within two years from the date of making decision on imposing a disciplinary sanction in a form of a proposal to temporarily suspend a judge from the administration of justice a new disciplinary sanction is not imposed on him/her and there is no ground for imposing a new sanction during the period mentioned, and on condition of successful ongoing training prescribed by the judicial disciplinary body and further confirmation of the capability to administer justice in a relevant court based on qualification evaluation;

5) within three years from the date of making a decision on imposing a disciplinary sanction in a form of proposal to transfer a judge to a court of a lower level a new disciplinary sanction is not imposed on him/her and there is no ground to impose a new sanction during the period mentioned; however, a judge may not be returned to office in the previous court only as a result of satisfying such disciplinary sanction.

Article 111. Challenging a Judicial Disciplinary Decision

1. A judge may challenge a disciplinary decision on the grounds and in the manner stipulated by the Law of Ukraine “On the High Council of Justice [new]”.

Section VII

DISMISSAL OF A JUDGE FROM THE OFFICE AND TERMINATION OF HIS/HER POWERS

Chapter 1. Dismissal of a judge from the office

Article 112. General Conditions of Dismissing a Judge From the Office

1. A judge may be dismissed from the office solely on the grounds determined by part six of Article 126 of the Constitution of Ukraine.
2. The decision on dismissal of a judge from the office shall be made by the High Council of Justice [new] in the manner established by the Law of Ukraine “On the High Council of Justice [new]”.

Article 113. Dismissal of a Judge from the Office due to Health Reasons

1. A judge shall be dismissed in case he/she is not able to exercise powers for health reasons upon availability of a medical opinion provided by the medical board established by a specially authorized central executive power body in charge of health protection upon request of the High Council of Justice [new].
2. Having recognized that the health status does not allow a judge to permanently or for a long time exercise his powers, the High Council of Justice [new] shall make a decision on dismissing a judge from the office.

Article 114. Dismissal of a Judge in Case of Violation of the Requirements of Incompatibility

1. The judge shall be dismissed from the office in case of his violating the requirements of incompatibility based on the decision of the High Council of Justice [new].

Article 115. Dismissal of a Judge in Case of Committing a Substantial Disciplinary Offence, Gross or Systematic Neglect of Duties

1. In accordance with paragraph 3 of part six of Article 126 of the Constitution of Ukraine, committing a substantial disciplinary offence, gross or systematic neglect of duties incompatible with the status of a judge or which has revealed that he/she is unsuitable for the position he/she occupies shall constitute grounds for dismissing a judge from the office.
2. The facts that prove commission a substantial disciplinary offense, gross or systematic neglect of duties which is incompatible with a status of a judge or which has revealed that he/she is unsuitable for the position he/she occupies shall be established by the High Council of Justice [new] (its relevant body).

Article 116. Dismissal of Judges upon Resignation or Voluntary Termination of Service

1. A judge who has worked as a judge at least twenty years as determined in accordance with Article 137 of this Law, shall have the right to submit a resignation.

2. The judge shall have the right, at any time of holding office regardless of motives to apply for voluntary termination of service.
3. The application for resignation, voluntary termination of service shall be submitted by the judge to the High Council of Justice [new], which within one month as of the date of receipt of the relevant application shall approve a decision to dismiss a judge from the office.
4. A judge shall exercise his/her powers until the of decision on his/her dismissal has been approved.
5. A judge dismissed upon his/her resignation letter shall retain the justiceship and guarantees of immunity provided for such a judge before the resignation.

Article 117. Dismissing a Judge from the Office due to Refusal to be Transferred to Another Court in Case of Liquidation or Reorganization of a Court in which the Judge Holds a Position

1. Refusal to be transferred to another court (including evading to comply with a decision on transfer) in case of liquidation or reorganization of a court where the judge holds a position shall be a ground for dismissing a judge based on a decision made by the High Council of Justice [new].

Article 118. Dismissing a Judge from the Office due to Violation of a Duty to Confirm the Legality of the Source of Property

1. According to paragraph 6 of part six of Article 126 of the Constitution of Ukraine judicial violation of a duty to confirm the legality of the source of origin of his/her property shall constitute a ground for dismissing a judge from the office.
2. Judge's violation of the duty to confirm the legality of the source of his/her property may be found:
 - 1) under the disciplinary proceedings against judges – by the High Council of Justice [new] (its bodies);
 - 2) under the qualification evaluation of a judge – by the High Qualification Commission of Judges of Ukraine; and
 - 3) by a court during the adjudication of a relevant case.

Chapter 2. Terminating judicial powers

Article 119. Terminating Judicial Powers

1. The powers of a judge shall be terminated solely on the grounds stipulated in part seven of Article 126 of the Constitution of Ukraine.

Article 120. Terminating Judicial Powers due to his/her Reaching the Age of Sixty Five

1. The powers of a judge shall be terminated the following day after he/she reached the age of sixty-five.
2. The Chief Judge of the court where a judge held the position not later than one month prior to the day mentioned in part one of this article shall notify the High

Council of Justice [new], the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine of the existence of a ground to terminate the powers of this judge. The documents certifying the fact of reaching of the age of sixty-five by a judge shall be attached to the notification.

3. A judge may not administer justice starting from the following day after his/her reaching of the age of sixty-five.

Article 121. Terminating Judicial Powers due to the Termination of Citizenship of Ukraine or Obtaining Citizenship of another State

1. The powers of a judge shall be terminated in case of the termination of his/her citizenship according to the Law of Ukraine “On the Citizenship of Ukraine” or obtaining citizenship of another state – from the day of termination of citizenship of Ukraine or obtaining citizenship of another state.

2. Obtaining the citizenship of another state for the purposes of this Article shall be deemed the following:

1) obtaining the status of a citizen of another state by a judge as a result of actions taken by such judge or on his/her behalf at his/her instruction or upon his/her consent to create relevant legal consequences;

2) in case a judge has obtained the status of a citizen of another state by virtue of law or in other way without his/her consent – the failure by the judge to take actions to be deprived of the status of a citizen of another state within ten days after the judge became aware of obtaining such status.

Article 122. Terminating Judicial Powers due to Entry into Force of a Court Decision on Recognizing a Judge Missing or Announcing him/her Dead, Recognizing Incapable or with Limited Capability

1. A court which rendered a judgment on recognizing a person who is a judge as missing or announcing him/her dead, recognizing incapable or with limited capability shall immediately inform the High Council of Justice [new], the High Qualification Commission of Judges of Ukraine and State Judicial Administration of Ukraine thereon.

2. The powers of a judge shall be terminated on the day when such judgment comes into force.

Article 123. Termination of Powers of a Judge due to his/her Death

1. The powers of a judge shall terminate in the event of his/her death.

2. The presence of grounds for termination of powers of a judge shall be reported by the chief judge of the court in which the judge held the position to the High Council of Justice [new], the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine. Documents confirming death shall be annexed to the report.

Article 124. Terminating Judicial Powers due to Entry into Force of a Verdict of Guilty for Committing a Crime

1. A court which rendered a verdict of guilty regarding a person who is a judge shall immediately inform the High Council of Justice [new], the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine thereon.
2. The powers of a judge shall be terminated on the day when such a verdict of guilty enters into force. Such judge shall forfeit the guarantees of judicial independence and immunity, right to monetary, including judicial, remuneration, and other support determined by law.

Article 125. Terminating Labor Relations with a Judge as a Result of Termination of Powers

1. Termination of judicial powers shall be a ground for terminating labor relations of a judge with a relevant court. The Chief Judge shall issue an order thereon.

Section VIII JUDICIAL SELF-GOVERNANCE

Chapter 1. General principles of judicial self-governance

Article 126. Objectives of Judicial Self-Governance

1. In order to protect the professional interests of judges and address the issues of internal operation of courts in Ukraine, there shall be the judicial self-governance – independent collective resolution of the indicated issues by the judges.
2. The judicial self-governance is one of the guarantees of ensuring the independence judges. The activity of self-governance bodies should promote the establishment of proper organizational and other conditions for adequate operation of courts and judges, maintain the independence of the judiciary, protect judges from interference with their activity and raise the level of work with personnel within the court system.
3. The issues of internal operation of the courts shall include organizational support for courts and activity of judges, social protection of judges and their families as well as other issues which are not directly related to the administration of justice.
4. The objectives of the judicial self-governance shall include the resolution of issues regarding:
 - 1) ensuring the organizational unity of operation of the judiciary;
 - 2) strengthening independence of courts, judges, protection of judges' professional interests including protection against interference with their work;
 - 3) participation in identifying the needs of personnel, financial, logistical and other support of courts and monitoring compliance with the established standards of such support;

- 4) election of judges to administrative positions in courts in the manner prescribed by this Law;
- 5) appointment of judges of the Constitutional Court of Ukraine;
- 6) election of judges to the High Council of Justice [new] and the High Qualification Commission of Judges of Ukraine in the manner prescribed by law.

Article 127. Organizational Forms of Judicial Self-Governance

1. The organizational forms of judicial self-governance shall be meetings of judges, the Council of Judges of Ukraine, the Congress of Judges of Ukraine.
2. The judicial self-governance in Ukraine shall be implemented through:
 - 1) meetings of judges of local courts, courts of appeal, high specialized court (and in cases stipulated by this Law – appeal chamber of high specialized court), the Plenum of the Supreme Court;
 - 2) The Council of Judges of Ukraine;
 - 3) The Congress of Judges of Ukraine.
3. The procedure for implementing judicial self-governance shall be determined, in accordance with the Constitution of Ukraine, by this Law, other laws as well as rules and provisions adopted by the bodies of judicial self-governance under the Constitution of Ukraine and this Law.

Chapter 2. Judicial self-government bodies

Article 128. Meetings of Judges

1. The meeting of judges is the meeting of judges of a respective court at which they discuss issues related to internal operation of the court and adopt collective decisions on the issues discussed.
2. The meeting of the judges shall be convened by the Chief Judge of the respective court on his/her own initiative or at request of at least one-third of the total number of judges of this court.
3. The meeting of judges shall be convened as necessary but at least once every three months.
4. The meeting of judges shall be considered duly constituted if attended by at least two-thirds of the number of judges of this court. Only the judges of the court in question shall be eligible to vote.
The court staff, retired judges, representatives of civic associations, journalists and other persons may be invited to the meetings of judges.
5. The meeting of judges shall:
 - 1) discuss issues concerning internal operation of the court or work of certain judges or court staff and adopt decisions thereon that are binding on judges and staff of the respective court;
 - 2) determine the specialization of judges for consideration of specific categories of cases;

- 3) determine the caseload of judges of the relevant court taking into account their performance of administrative and other duties;
 - 4) hear reports of judges holding administrative positions in the given court and the Chief of staff of the court;
 - 5) submit a motion to discipline a lawyer, prosecutor, official of a state body or local self-government body for actions or failure to take actions violating guarantees of independence of court and judge; and
 - 6) exercise other powers determined by this Law.
6. Meeting of judges of every court (except trial general courts) shall elect, by secret voting, delegates for Congress of Judges of Ukraine.
7. Meeting of judges of every local general court shall elect, by secret voting, delegates for a joint meeting of judges of local general courts in the Autonomous Republic of Crimea, every oblast and cities of Kyiv and Sevastopol under 'one delegate from ten judges' principle. If the court has less than ten judges, one delegate shall be delegated from such a court.
- Joint meeting of judges of local general courts in the Autonomous Republic of Crimea, every oblast and cities of Kyiv and Sevastopol shall be held to elect delegates for the Congress of Judges of Ukraine by secret voting.
- The procedure of convening and holding joint meetings of judges of local general courts shall be defined by the Council of Judges of Ukraine.
- A judge holding an administrative position in court may not be elected as a delegate for a joint meeting of judges of local general courts.
8. Meeting of judges shall submit proposals on issues related to the activity of the court to state power bodies and local governments that are required to consider these proposals within fifteen days and provide a substantive response.
 9. The meeting of judges shall discuss the issues related to the practices of application of law; develop respective proposals for improving such practices and the legislation. The meeting of judges of the local or court of appeal, the high specialized court may submit respective proposals for consideration to the Supreme Court.
 10. The meeting of judges of local general courts shall elect investigating judges in the manner prescribed by this Law.
 11. The meeting of judges shall adopt decisions by a majority of votes of the judges present at the meeting through open voting unless there is a decision to conduct secret voting. The decisions on the election of delegates to the joint meeting of judges of local general courts shall be adopted by secret voting.
 12. The implementation of decisions of the meeting of judges upon the instruction of the meeting shall be vested in the chief judge or deputy chief judge of the respective court.
 13. The provisions of parts 1-9, 11 and 12 of this Article apply to meetings of judges of appeal chamber of the high specialized court.

Article 129. The Congress of Judges of Ukraine

1. The highest body of judicial self-governance shall be the Congress of Judges of Ukraine.
2. The Congress of Judges Ukraine shall:
 - 1) hear reports of the Council of Judges of Ukraine on the implementation of objectives of judicial self-government bodies in ensuring independence of courts and judges, on the organizational and financial support of the courts' operation;
 - 2) hear reports of the High Qualification Commission of Judges of Ukraine on its activity;
 - 3) hear reports from the Chairperson of the State Judicial Administration of Ukraine on its activity, including the organizational, financial and technical support of judicial power bodies;
 - 4) appoint the judges of the Constitutional Court of Ukraine in accordance with the Constitution and laws of Ukraine;
 - 5) elect the members of the High Council of Justice [new] and decide on their dismissal from the office of a member of the High Council of Justice [new] in accordance with the Constitution and laws of Ukraine;
 - 6) elect the members of the High Qualification Commission of Judges of Ukraine and make decision to dismiss them from the office under this Law;
 - 7) submit proposals on the operation of courts to state authorities and their officials;
 - 8) elect the Council of Judges of Ukraine;
 - 9) consider other issues related to judicial self-governance in accordance with the law.
3. The Congress of Judges Ukraine shall adopt decisions binding on all bodies of judicial self-governance and all the judges.

Article 130. The Procedure for Convening the Congress of Judges of Ukraine

1. An ordinary Congress of Judges of Ukraine shall be convened by the Council of Judges of Ukraine once every two years. An extraordinary Congress of Judges of Ukraine may be convened upon the decision of the Council of Judges of Ukraine.
2. If necessary, the meeting of judges may submit to the Council of Judges of Ukraine a proposal to convene an extraordinary Congress of Judges of Ukraine. The Council of Judges of Ukraine shall be obliged to convene an extraordinary Congress of Judges of Ukraine at request of the meetings of judges of not less than one-fifth of all courts.
3. The Council of Judges of Ukraine which convenes the Congress of Judges of Ukraine in the manner determined in part one of this Article shall approve a preliminary list of issues proposed for consideration of the Congress and determine the date and venue of the Congress. In case the Congress of Judges of Ukraine is convened at request of the meeting, the preliminary list of issues shall include all the issues that are subject of the request mentioned.
4. Other persons, in addition to the delegates, may be invited to the Congress of Judges of Ukraine. The invited persons shall not participate in the voting in the course of adoption of decisions of the Congress of Judges of Ukraine.

5. In case the Council of Judges of Ukraine does not convene the Congress of Judges of Ukraine within the time frame determined by parts one and two of this Article, such Congress shall be convened at the request of the meeting of judges of not less than one-fifth of all courts without the participation of the Council of Judges of Ukraine.

In this case, the initiators of the convocation of the Congress of Judges of Ukraine shall establish an organizing committee in charge of convening the Congress of Judges of Ukraine which shall have the powers of the Council of Judges of Ukraine in respect to the convocation of the Congress. The organizing committee shall immediately publish information on its establishment in the newspapers *the Holos Ukrainy* and *the Uryadovyi Courier* and determine the date of holding the Congress of Judges not later than in two months as of the date of establishment of the organizing committee.

6. An announcement on convocation of the Congress of Judges of Ukraine and agenda of the Congress shall be published in *the Holos Ukrainy* and *the Uryadovyi Courier* newspapers not later than thirty days prior to the Congress, and in cases of convening the Congress under part two of this Article, of an extraordinary Congress at request of the meeting or conference of judges –fifteen days prior to the Congress.

7. If the Congress of Judges is convened for electing members of the High Council of Justice [new] or High Qualification Commission of Judges of Ukraine, the announcement shall be published not later than forty-five days prior to the Congress.

Article 131. Election of Delegates to the Congress of Judges of Ukraine

1. The meeting of judges of every court (except local general court, high specialized court and the Supreme Court) shall elect to the Congress of Judges of Ukraine one candidate from twenty judges employed in that court. If the court has less than twenty judges, the court shall delegate one delegate.

2. Delegates to the Congress of Judges of Ukraine from judges of local general courts shall be elected by joint meetings of judges in every oblast, Autonomous Republic of Crimea and the cities of Kyiv and Sevastopol under the principle 'one delegate from twenty judges' of the total number of judges of local general courts in each oblast, Autonomous Republic of Crimea and the cities of Kyiv and Sevastopol.

3. The meeting of judges of high specialized courts shall elect three delegates to the Congress of Judges of Ukraine each, from among the judges of these courts.

4. The Plenum of the Supreme Court shall elect twelve delegates to the Congress of Judges of Ukraine from among justices of the Supreme Court.

5. Delegates to the Congress of Judges of Ukraine shall be elected by secret ballot on an alternative basis with free nomination of candidates for election from among judges of relevant courts or retired judges regardless of their place of employment before retirement.

6. Judges holding administrative positions in courts, the judges that are members of the High Council of Justice [new] or the High Qualifications Council of Judges of Ukraine may not be elected as delegates to the Congress of Judges of Ukraine.

Article 132. Procedure for Holding the Congress of Judges of Ukraine

1. The Congress of Judges Ukraine shall be considered duly constituted if attended by at least two-thirds of the total number of the delegates elected.
2. The Congress of Judges Ukraine shall be opened by the Chairperson of the Council of Judges of Ukraine, and in case of his/her absence – by the eldest member of the Council of Judges of Ukraine.
3. The Congress of Judges Ukraine shall elect, by open voting, the Congress Presidium with quantitative composition determined by the decision of the Congress. The Presidium shall organize the work of the Congress of Judges of Ukraine.
4. The Congress of Judges Ukraine shall discuss and approve the agenda and rules of procedure of the Congress, elect a counting commission, the Secretariat and other working bodies of the Congress.
5. Minutes shall be made of work of the Congress of Judges of Ukraine.
6. The decision of the Congress of Judges of Ukraine shall be adopted by the majority vote of the elected delegates by open or secret vote. The decisions on issues referred to in paragraphs 4–6, 8 of part two of Article 129 of this Law shall be adopted by secret voting.
7. Other issues of the procedure for conducting the Congress of Judges of Ukraine shall be governed by the rules of procedure of the Congress of Judges of Ukraine adopted by the Congress.

Article 133. The Council of Judges Ukraine

1. The Council of Judges of Ukraine is the supreme body of judicial self-governance and shall function as the executive body of the Congress of Judges of Ukraine.
2. The Council of Judges of Ukraine shall be elected by the Congress of Judges of Ukraine. The Council of Judges of Ukraine shall include:
 - 1) eleven judges of local general courts;
 - 2) four judges of local administrative courts;
 - 3) four judges of local commercial courts;
 - 4) four judges of the courts of appeal for civil, criminal cases and cases in administrative offenses;
 - 5) two judges of administrative courts of appeal;
 - 6) two judges of the commercial courts of appeal;
 - 7) one judge of each high specialized court;
 - 8) four justices of the supreme court.
3. The proposals on nominations to the Council of Judges of Ukraine may be submitted by judges participating in the Congress of Judges of Ukraine.
4. The judges who hold administrative positions in courts or are members of the High Council of Justice [new] or the High Qualification Commission of Judges of

Ukraine may not be elected to the Council of Judges of Ukraine. In the event of the election of a member of the Council of Judges of Ukraine to the administrative position in court, his powers in the Council of Judges of Ukraine shall be terminated.

5. The members of the Council of Judges of Ukraine, at the meeting of the Council, shall elect, by a secret voting, from among its members the Head of the Council of Judges of Ukraine, his deputy and secretary.

6. The Council of Judges of Ukraine shall ensure the implementation of decisions of the Congress of Judges of Ukraine and supervision over their implementation as well as decide on convening the Congress of Judges of Ukraine.

7. The powers and work arrangements of the Council of Judges of Ukraine shall be defined by Law and the Regulation on the Council of Judges of Ukraine approved by the Congress of Judges of Ukraine.

8. The Council of Judges of Ukraine shall:

1) develop and provide for the implementation of measures to ensure independence of courts and judges, improvement of the organizational support for courts operation;

2) consider the issues related to the legal protection of judges, social security of judges and their families, adopt respective decisions on these matters;

3) oversee the organization of operation of courts, hear the reports on these issues by the Chairperson of the State Judicial Administration of Ukraine, his deputies, heads of departments and territorial departments of the State Judicial Administration of Ukraine;

4) submit proposals on issues related to the operation of courts to state power bodies and local self-government bodies;

5) approve sample certificates of judges, retired judges;

6) exercise supervision over compliance with legislation on resolving the conflict of interests in the activity of the judges, the Chairman or members of the High Qualification Commission of Judges of Ukraine, the Chairperson of the State Judicial Administration of Ukraine or his deputies; adopt decisions on resolving actual or potential conflict of interest in the activity of the above-mentioned persons (if such a conflict may not be resolved in the manner prescribed by procedural law);

7) exercise other powers determined by this Law.

9. Decisions of the Council of Judges of Ukraine adopted within the scope of powers defined by this Law shall be published on the official web-portal of the judiciary on the next day the decisions were adopted.

Decisions of the Council of Judges of Ukraine adopted within the scope of powers defined by this Law shall be binding for all bodies of judicial self-governance except for Congress of Judges of Ukraine. The decision of the Council of Judges of Ukraine may be canceled by the Congress of Judges of Ukraine or in court.

10. If a judge (except when the conflict of interest is governed by procedural law), the Chairman or Deputy Chairman of the High Qualification Commission of Judges of Ukraine, Chairperson of the State Judicial Administration of Ukraine and his deputy has any actual or potential conflict of interest, such a person shall notify

this to the Council of Judges of Ukraine in writing not later than the next working day of the occurrence of such conflict of interest.

11. A body of state power, local self-governance body, including officials employed in such bodies and managers of companies, institutions and organizations and associations of citizens that received a letter of the Council of Judges of Ukraine related to ensuring the safety of judges shall consider such a letter within ten days upon receipt and take measures to eliminate any threats to judges' safety.

Article 134. Support for the Operation of the Bodies of Judicial Self-Governance

1. The work of the Congress of Judges of Ukraine and joint meetings of judges of local general courts, the activity of the Council of Judges of Ukraine shall be supported by the State Judicial Administration of Ukraine and its regional departments at the expense of the State Budget of Ukraine according to the requirements set forth in Section XI of this Law.

Section IX

PROVISION OF FACILITIES TO JUDGES

Article 135. Remuneration of Judges

1. The remuneration of judges shall be governed by this Law and may not be determined by other normative legal acts.

2. Judicial remuneration shall be paid to a judge starting from the date he/she was hired by a relevant court unless otherwise stipulated by this Law. The remuneration of judges shall consist of the official salary and additional payments for:

- 1) years of service;
- 2) holding an administrative position in court;
- 3) scientific degree; and
- 4) work that envisages access to state secret.

3. The basic amount of judicial salary shall equal:

- 1) 30 minimum salaries – for judges of a local court;
- 2) 50 minimum salaries – for judges of a court of appeal, high specialized court;
- 3) 75 minimum salaries – for justices of the Supreme Court.

4. Additionally, the following regional coefficients shall be applied to the basic amount of a salary determined by part three of this Article:

- 1) 1.1 – if a judge administers justice in the court located in a locality with the population of at least one hundred thousand persons;
- 2) 1.2 – if a judge administers justice in the court located in a locality with the population of at least five hundred thousand persons;
- 3) 1.25 – if a judge administers justice in the court located in a locality with the population of at least one million persons.

In case a court is located in several localities, a regional coefficient shall be applied according to the location of a body that performed a state registration of such a court.

5. The judges shall receive a monthly bonuses for the years of service as follows: for work experience of more than 3 years - 15 percent, more than 5 years - 20 percent, more than 10 years - 30 percent, more than 15 years - 40 percent, more than 20 years - 50 percent, more than 25 years - 60 percent, more than 30 years - 70 percent, more than 35 years - 80 percent of the official salary.

6. The judges who hold positions of Deputy Chief Judge of the court, Secretary, Head of the court chamber, Secretary of the Plenum of the Supreme Court and Secretary of the Grand Chamber of the Supreme Court shall receive a monthly premium of 5 percent of the official salary of a judge of the respective court, the Chief Judge of the court - 10 percent of the official salary of the judge of the respective court.

7. The judges shall receive a monthly bonus for the degree of Ph.D. or Doctor in the respective field /major in the amount of 15 and 20 percent of the official salary of the judge of the respective court.

8. The judges shall receive a monthly bonus for work that envisages access to state secret depending on the degree of secrecy of the information: the data and their carriers having a degree of secrecy 'Top Secret' - 10 percent of the official salary of the judge of the respective court; the data and their carriers having a degree of secrecy 'Secret' - 5 percent of the official salary of the judge of the respective court.

9. The expenditures on the payment of remuneration to judges shall be allocated under a separate code of economic classification of expenditures.

10. A judge that does not administer justice (except for the reasons of temporary incapacitation, annual paid leave) shall not be entitled to receive the bonuses to the official salary.

Article 136. Annual Leave

1. The judges shall be granted an annual paid leave of 30 working days with remuneration, additionally to the judicial remuneration, allowance for recreation in the amount of the official salary. Judges that have the length of service of more than 10 years shall be provided with an additional paid leave of 15 calendar days.

Article 137. Length of Service of a Judge

1. The length of service as a judge shall include the service in the position of:

1) judge of the courts of Ukraine, arbitrator (judge) of the arbitration courts of Ukraine, state arbitrator of the former State Arbitration Court of Ukraine, the arbitrator of departmental arbitrations of Ukraine and judges of the Constitutional Court of Ukraine;

2) member of the High Council of Justice [new], the High Council of Justice [old], the High Qualification Commission of Judges of Ukraine;

3) judge in courts and the arbitrators in the state and departmental arbitrations of the former USSR and its republics.

2. The years of service as a judge shall include the years (experience) of work (professional activity) the requirement regarding which is established by law and entitles to be appointed to a judicial position.

Article 138. Provision of Housing for Judges

1. After the appointment to the position, a judge who needs improvement of the housing conditions shall be provided with service housing (given for the period of service) at the location of the court by the local self-government bodies in the manner specified by the Cabinet of Ministers of Ukraine unless other manner of providing housing is stipulated by law.

Article 139. Providing for the Needs of Judges Related to Their Activity

1. The judge, at the expense of the State Budget of Ukraine, shall be provided with the judicial robe and a lapel badge.

2. The judge shall be provided with a separate office, workplace and tools necessary for his work.

Article 140. State Protection of Judges and Their Families

1. The judges, their families and property shall be under special protection of the state. The Service of Court Security and law enforcement agencies shall take measures necessary to ensure the safety of judges, members of their families, their property if a judge submits an application to that effect.

2. The infringement on the life and health in connection with the official duties of the judge, the destruction or damage to property, threats of murder, violence or destruction of property of the judge, insult or slander against him as well as the infringement on the lives and health of family members of the judge (parents, spouse, children), threat of their murder, destruction of property shall entail liability under the law.

3. The judge shall have the right to be provided with the means of protection granted to him/her by the Service of Court Security established according to this Law.

Article 141. Social Insurance of Judges

1. Mandatory state insurance of life and health of judges shall be provided at the expense of the Fund of Ukraine for Social Insurance Against Accidents at Work and Occupational Diseases according to the Law of Ukraine “On mandatory state social insurance”.

Section X
STATUS OF RETIRED JUDGES

Article 142. Pension or Monthly Lifetime Allowance for Retired Judges

1. The judges that retired after reaching the age of 62 years for men, and for women – the retirement age established by Article 26 of the Law of Ukraine “On

mandatory state pension insurance”, shall receive a pension under the conditions envisaged by the Law in question or at the judge’s choice, a monthly lifetime allowance. Prior to reaching the age indicated, the right to age pension or monthly lifetime allowance shall be granted to men born in 1955 and older, upon reaching the following age:

- 1) 61 years - born from January 1, 1954 to December 31, 1954;
- 2) 61 years and 6 months - born from January 1, 1955 to December 31, 1955.
2. A retired judge that has not reached the age specified in part one of this Article shall receive a monthly lifetime allowance. Upon reaching the age specified in part one of this Article, such a judge shall retain the right to receive monthly allowance or, at his choice, a pension under the conditions envisaged by the Law of Ukraine “On mandatory state pension insurance”.
3. Monthly lifetime allowance shall be paid to a retired judge in the amount of 50 percent of the remuneration of a judge holding the respective position. For each full year of service as a judge for over 20 years, the amount of monthly lifetime allowance shall be increased by two percent of the allowance of a judge.
4. In case of change of components of remuneration of judges holding the respective position, the amount of the previously designated monthly lifetime allowance shall be recalculated.
5. The pension or monthly lifetime allowance of a judge shall be paid regardless of income (profit) received by a judge after the resignation. The monthly lifetime allowance shall be paid to judges by the bodies of the Pension Fund of Ukraine at the expense of the State Budget of Ukraine.

Article 143. Judge’s Severance Pay due to Retirement

1. A judge who has retired shall receive severance pay in the amount of 3 monthly judicial remunerations in the last position occupied.
2. If a judge whose retirement was terminated due to the second appointment to the office submits another application for retirement, he/she shall not be paid severance due to retirement.

Article 144. Medical Care and Sanatorium Treatment of Judges and Their Family Members

1. A judge and his/her family members shall have the right to free medical care in state health care institutions. Family members of a judge may use the services of medical institutions where the judge is treated.

Article 145. Termination of Resignation of a Judge

1. The resignation of a judge shall be terminated in case of:
 - 1) he/she is reappointed to the position of a judge;
 - 2) entry into force of a verdict of guilty for committing an intentional crime;
 - 3) termination of citizenship or obtaining citizenship of another state; and
 - 4) recognition of the judge as missing or presumed dead.

2. The termination of resignation of a judge shall constitute the grounds for termination of payment of a monthly lifetime allowance that was assigned due to resignation.
3. In the event of termination of the resignation of a judge on the grounds envisaged in paragraph 2 of part one of this Article, the pension of the judge shall be calculated based on general grounds.
4. The decision on the termination of the resignation of a judge shall be adopted by the High Council of Justice [new].

Section XI

ORGANIZATIONAL SUPPORT TO THE FUNCTIONING OF COURTS

Chapter 1. General issues of support of courts

Article 146. Special Aspects of Providing for the Functioning of the Judiciary

1. The state shall provide the funding and proper conditions for the functioning of courts and work of the judges under the Constitution of Ukraine.
2. The support for the functioning of the judiciary shall envisage:
 - 1) a separate allocation in the State Budget of Ukraine of expenses for the support of courts at least on the level that ensures full and independent administration of justice according to law;
 - 2) legislative guarantees of full and timely funding of courts;
 - 3) ensuring a sufficient level of social security of judges.
3. Expenditures for the support of court shall be determined having account to the proposals of the High Council of Justice [new].

Article 147. System for Ensuring the Functioning of the Judiciary

1. In Ukraine there shall be a unified system of ensuring the functioning of the judiciary – courts, judicial self-government bodies, other state bodies and institutions of the justice system.
2. The High Council of Justice [new], the High Qualification Commission of Judges of Ukraine, the State Judicial Administration of Ukraine and the National School of Judges of Ukraine and other state bodies and local self-government bodies shall participate in providing organizational support to the functioning of courts in cases and in the manner stipulated by this and other laws.
3. The State Judicial Administration of Ukraine shall ensure the implementation of decisions on the establishment or liquidation of courts.
4. The State Judicial Administration of Ukraine may set shorter terms for procedures of dissolving courts as legal entities provided it fulfills civil obligations of the dissolved court based on the creditors' claims made within the period stipulated by law.
5. To perform actions regarding the registration of a newly established court as a legal entity, ensuring the actions necessary to due commencement of its functioning and representing such a court as a state power body in relations with

other state bodies, local self-government bodies, natural persons and legal entities, the State Judicial Administration of Ukraine shall adopt a decision on appointing an acting chief of staff of a newly established court. The acting chief of staff shall exercise the mentioned powers of Chief of a court as a legal entity until at least one judge is appointed, elected or transferred to judicial position in such court and shall continue exercising the duties of the Chief of staff until a relevant chief of staff is appointed according to the procedures determined by legislation on the civil service, having regard to specifics determined by this Law.

6. If a court which renders justice in the territory of a relevant administrative and territorial unit (relevant administrative and territorial units) is dissolved and a new court which renders justice in this territory is established, the dissolved court shall stop administering justice starting from the date when the Chief Judge of the newly established court publishes a notice of the commencement of the functioning of the newly established court in the *“Holos Ukrainy”* newspaper.

The court which is being liquidated within a month from the date it terminated administering justice shall transfer to the newly established court materials and documents related to exercising powers by such a court, in particular, archived files on the main activity the timeframe for temporary storage of which has not yet expired, documents for which the case management has not been completed as well as documents on personnel issues in paper and electronic form, library fund. The court cases and materials of proceedings that are in the possession of the court being liquidated shall be immediately transferred prior to the date the newly established court starts functioning.

7. Due to a natural calamity, military actions, actions aimed at fighting terrorism or other extraordinary circumstances, the functioning of a court may be terminated by the decision of the High Council of Justice [new] which shall be adopted upon request of the Chief Justice of the Supreme Court.

Article 148. The principles of Funding Courts

1. The funding of all the courts in Ukraine shall be performed at the expense of the State Budget of Ukraine.

2. The expenditures of the general fund of the State Budget of Ukraine for the maintenance of courts shall be included in the protected items of expenditures of the State Budget of Ukraine.

3. The functions of the main manager of the funds of the State Budget of Ukraine concerning the financial support of courts shall be exercised by:

1) the Supreme Court of Ukraine – regarding financial provision for its functioning;

1-¹) high specialized court – regarding financial provision for its functioning;

2) The State Judicial Administration of Ukraine – with regard to financial support of the activity of all other courts, the activity of the High Qualification Commission of Judges of Ukraine, bodies of judicial self-governance, the National School of Judges of Ukraine, the Service of Court Security and the State Judicial Administration of Ukraine;

- 3) the High Council of Justice [new] – with regard to financial provision of its functioning.
4. The functions of the manager of budget funds with regard to local courts shall be performed by territorial departments of the State Judicial Administration of Ukraine.
5. The expenditures for the maintenance of courts shall be set out in the State Budget of Ukraine as a separate item for the Supreme Court, the High Council of Justice [new], the chamber of appeal of the high specialized court as well as and in general for courts of appeal, local courts.
6. The expenditures of each local and court of appeal of all types and specialization, the High Qualification Commission of Judges of Ukraine, judicial self-government bodies, the National School of Judges of Ukraine, the Service of Court Security and the State Judicial Administration of Ukraine shall be set forth in the State Budget of Ukraine in a separate annex.
7. The expenditures for maintenance of courts set forth in the State Budget of Ukraine may not be reduced during the current fiscal year.
8. The supervision over the compliance with the provisions of this Law concerning the funding of courts shall be exercised in the manner prescribed by law.
9. The specific features of preparation and consideration of draft law on the State Budget of Ukraine with regard to the funding of courts and other bodies and institutions of the system of justice shall be determined by law.

Article 149. Procedure for Funding Courts

1. Courts shall be funded under the estimated budgets and monthly allocations of expenditures adopted in accordance with this Law, within the amount of annual expenditures determined in the State Budget of Ukraine for the current fiscal year in the manner established by the Budget Code of Ukraine.

Article 150. Civil Service in the System of Justice, Remuneration of Labor and Social Guarantees

1. The appointment to the office of civil servants, workers and service staff, remuneration and social guarantees for court staff of local courts, courts of appeal, high specialized courts, court staff of the Supreme Court, the Secretariats of the High Council of Justice [new] and the High Qualification Commission of Judges of Ukraine, the State Judicial Administration of Ukraine shall be governed by the norms of legislation on civil service taking into account the specifics stipulated by this Law.

2. The Commission on the Issues of the Higher Corps of Civil Service in the System of Justice established in conformity with the law shall operate under the High Council of Justice [new].

The Commission on the Issues of the Higher Corps of Civil Service in the System of Justice shall exercise the powers of the Commission on the Issues of the Higher Corps of Civil Service determined by the Law of Ukraine “On the Civil Service” regarding issues of civil service in the system of justice.

3. The specifics of conducting competitions for appointment to positions of civil servants in courts, bodies and institutions of the system of justice shall be determined by the Regulation to be approved by the High Council of Justice [new] upon request of the State Judicial Administration of Ukraine after consultations with the central executive power body which ensures the development and implements government policy in the field of civil service.

The Regulation in question shall set forth the specifics of appointing civil servant to the office in cases determined by this Law.

4. The amount of salary of a court staff member whose position belongs to the lowest in terms of remuneration for civil service position shall be established in the amount determined by legislation on the civil service.

The salary amount of other employees of court staff shall be increased by a relevant coefficient in proportion to salaries of employees whose positions belong to the preceding in the ranking of civil service positions in such a court in terms of remuneration taking into account jurisdictions of state bodies.

5. The amount of salary of the employee of the Secretariat of the High Council of Justice [new], the High Qualification Commission of Judges of Ukraine, the State Judicial Administration of Ukraine whose position belongs to the lowest position of civil service in terms of remuneration shall be established at the level of a relevant employee of court staff of the Supreme Court, and salary of an employee of the territorial department of the State Judicial Administration of Ukraine - at the level of a relevant court staff member of a court of appeal.

6. A table of salaries with coefficients for civil servants of courts, bodies and institutions of the system of justice shall be approved by the Cabinet of Ministers of Ukraine upon request of the State Judicial Administration of Ukraine.

7. Main managers of funds of the State Budget of Ukraine in terms of financial provision of court functioning shall cover expenditures of courts on funerals and commemoration of judges, including retired judges within expenditures envisaged for courts in the state budget for the relevant year.

8. The estimated budgets of the Supreme Court, the High Council of Justice [new], the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine shall include funds for expense accounts.

Chapter 2. State Judicial Administration of Ukraine

Article 151. Status of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine is a state body in the system of justice that provides organizational and financial support of the judiciary within powers established by law.

2. The State Judicial Administration of Ukraine shall be accountable to the High Council of Justice [new] within the limits established by this Law.

3. The State Judicial Administration of Ukraine shall have its territorial departments. A decision on establishment of territorial departments and determination of their number shall be adopted by the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new].

4. The legal status of officials of the State Judicial Administration of Ukraine, its regional departments shall be determined by the Law of Ukraine “On the Civil Service”.

5. The State Judicial Administration of Ukraine is a legal entity, has a seal with the State Emblem of Ukraine and its name depicted, its own balance sheet and accounts in the State Treasury of Ukraine.

6. The Regulation on the State Judicial Administration of Ukraine and model regulation on its territorial department shall be approved by the High Council of Justice [new] after consultations with the Council of Judges of Ukraine.

Article 152. Powers of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall:

- 1) represent courts in relations with the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine during the preparation of a draft law on the State Budget of Ukraine for the respective year, within powers established by this Law;
- 2) ensure proper conditions of the functioning of courts, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine and the bodies of judicial self-governance within powers established by this Law;
- 3) study practices related to the organization of the functioning of courts, develop and submit in the prescribed manner proposals for improvements;
- 4) examine court staff human resources issues, estimate the need for specialists and submit requests for the training of the respective specialists;
- 5) provide the conditions necessary for on-going training of the court staff, establish a system for professional development;
- 6) organize keeping of court statistics, case management and archiving; monitor documentation management in courts;
- 7) prepare budget request;
- 8) provide for the computerization of courts for administering justice, documentation management, information and regulatory support of court functioning and operation of the Unified Court Information (Automated) System; provide courts with necessary equipment for recording trials within the funds allocated by the State Budget of Ukraine for the funding of respective courts;
- 9) ensure the implementation of the e-court; take measures for the exchange of electronic documents between courts and other state bodies and institutions;
- 10) ensure the maintenance of the Unified State Register of court decisions and the Register of email addresses of state power bodies, their officials and staff, maintain a system of video-conferencing for individuals to participate in hearings through via video conference;
- 11) interact with relevant authorities and agencies, including those of other states in order to improve the organizational support of the courts;
- 12) develop and approve, in consultation with the High Council of Justice [new], the Standard Regulations on the court staff;
- 13) organize the functioning of the Court Bailiffs Service;
- 14) exercise control over the functioning of the Service of Court Security;

- 15) approve the Regulation on the court library;
- 16) manage the state property in the purview of the State judicial administration of Ukraine; and
- 17) exercise other powers stipulated by law.

Article 153. The Chairperson of the State Judicial Administration of Ukraine

1. The State Judicial Administration of Ukraine shall be headed by the Chairperson of the State Judicial Administration of Ukraine.
2. The Chairperson of the State Judicial Administration of Ukraine shall be appointed to and dismissed from office by the High Council of Justice [new]. The Chairperson of the State Judicial Administration of Ukraine shall be appointed on a competitive basis.
3. The Chairperson of the State Judicial Administration of Ukraine may not concurrently perform other work, except teaching, research and creative activity outside working time, may not be a member of the governing body or a supervisory board of a business entity aimed at making profit.
4. The Chairperson of the State Judicial Administration of Ukraine shall:
 - 1) supervise the functioning of the State Judicial Administration of Ukraine, be responsible for the performance of tasks entrusted to it;
 - 2) organize the functioning of the State Judicial Administration of Ukraine;
 - 3) submit for the consideration to the High Council of Justice [new] the proposals on determining the maximum number of staff of the State Judicial Administration of Ukraine, including its regional departments;
 - 4) establish relevant competition commissions to conduct a competition for vacant positions of categories “B” and “C” of civil service in courts, bodies and institutions of the system of justice;
 - 5) appoint and dismiss employees of the State Judicial Administration of Ukraine; appoint in consultation with chief judges of respective courts the chiefs of staff of appellate courts, high specialized courts, the Supreme Court, their deputies and dismiss them; appoint, in consultation with Chief Justice of the Supreme Court, first deputy Chief of Staff of the Supreme Court and dismiss him/her;
 - 6) on proposal of the Chief Judge of the respective court apply incentives or disciplinary sanctions to chiefs of staff of appellate courts, high specialized courts, Supreme Court, their deputies; on proposal of Chief Justice of the Supreme Court apply incentives or disciplinary sanctions to first deputy Chief of Staff of the Supreme Court;
 - 7) on proposal of Chief Judge of the relevant court, assign civil servant ranks to the chiefs of staff of appellate courts, high specialized courts, the Supreme Court and their deputies in accordance with legislation on the civil service; on proposal of Chief Justice of the Supreme Court, assign civil servant rank to first deputy Chief of Staff of the Supreme Court in accordance with legislation on civil service;
 - 8) adopt Regulation on the regional departments of the State Judicial Administration of Ukraine and regulation on the structural divisions of the State Judicial Administration of Ukraine;

- 9) establish official salaries for employees of the State Judicial Administration of Ukraine, assign the ranks of civil servants, apply incentives and impose disciplinary sanctions in accordance with law;
 - 10) report on the activity of the State Judicial Administration of Ukraine to the High Council of Justice [new], inform the Congress of Judges of Ukraine and the Council of Judges of Ukraine on the activity of the State Judicial Administration of Ukraine regarding the issues related to organizational and financial support of courts of respective court specialization;
 - 11) participate in the preparation of proposals to a draft law on the State Budget of Ukraine concerning the funding of the judiciary;
 - 12) approve the structure, staff chart of the State Judicial Administration of Ukraine and its regional departments;
 - 13) exercise other powers determined by law.
5. The Chairperson of the State Judicial Administration of Ukraine shall issue orders on matters within his powers.
6. The Chairperson of the State Judicial Administration of Ukraine shall have the deputies who are appointed to and dismissed from the office by the High Council of Justice [new] according to the law on the civil service.
- The Deputy Chairperson of the State Judicial Administration of Ukraine shall be appointed on a competitive basis.
7. Deputy Chairpersons of the State Judicial Administration of Ukraine shall perform the functions defined by the Chairperson of the State Judicial Administration of Ukraine. The Chairperson of the State Judicial Administration of Ukraine shall distribute the powers between Deputy Chairpersons of the State Judicial Administration of Ukraine.
8. The Chairperson of the State Judicial Administration of Ukraine shall submit for consideration to the High Council of Justice [new] the proposals to determine the maximum number of staff of the State Judicial Administration of Ukraine including its regional departments.

Article 154. Territorial Departments of the State Judicial Administration of Ukraine

1. The regional offices of the State Judicial Administration of Ukraine shall be territorial departments of the State Judicial Administration of Ukraine.
2. The territorial department of the State Judicial Administration of Ukraine shall be headed by a head appointed to the office on a competitive basis and dismissed from the office by the Chairperson of the State Judicial Administration of Ukraine.
3. The head of the territorial department of the State Judicial Administration of Ukraine shall have a deputy to be appointed to the office on a competitive basis and dismissed from the office by the Chairperson of the State Judicial Administration of Ukraine.
4. The head of the territorial department of the State Judicial Administration of Ukraine in consultation with the Chief Judge of the local court shall appoint the chief of staff of the local court, deputy chief of staff of the local court and dismiss them; based on the proposal of the chief judge of the local court, shall apply

incentives or impose disciplinary penalties in accordance with law; assign to the chief of staff of a local court, his deputy ranks of the civil servants in accordance with legislation on the civil service.

5. The structure and staff chart of the territorial department of the State Judicial Administration of Ukraine shall be approved by the Chairperson of the State Judicial Administration of Ukraine based on the proposal of the head of the territorial department of the State Judicial Administration of Ukraine.

6. The territorial department of the State Judicial Administration of Ukraine is a legal entity with a seal with the State Emblem of Ukraine and its name depicted, its own balance sheet and accounts in the State Treasury of Ukraine.

7. The territorial departments of the State Judicial Administration of Ukraine shall function in accordance with the relevant regulation approved by the Chairperson of the State Judicial Administration of Ukraine based on a standard regulation on the territorial department.

Chapter 2. Court Staff, Services for the Organizational Support to the Functioning and Security of Court

Article 155. The Court Staff

1. The organizational support of the court functioning shall be ensured by court staff headed by Chief of Staff.

2. The regulation on court staff shall be drafted based on the standard regulation on the court staff and approved by the meeting of judges of a respective court.

Interim regulation on the court staff of a newly established court shall be approved by acting chief of the court staff of that court.

The standard regulation on the court staff shall be approved by the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new].

3. The chief of staff shall be personally responsible for the proper organizational support of the court, judges and the judicial process, the operation of the Unified Court Information (Automated) System, shall inform the meeting of judges on his/her activity. Meetings of judges may express no confidence in the chief of staff which results in his/her dismissal.

4. The chief of staff of the local court, his/her deputy shall be appointed upon the approval of the Chief Judge of a relevant court and dismissed by the head of the respective territorial department of the State Judicial Administration of Ukraine, and the chiefs of staff of the courts of appeal, the high specialized court, the Supreme Court, their deputies shall be appointed upon approval of the Chief Judge of a relevant court and dismissed from the office by the Chairperson of the State Judicial Administration of Ukraine.

5. The chief of staff shall appoint and dismiss the court staff and apply incentives and disciplinary penalties to them. The court staff shall be selected on a competitive basis except secondment of civil servants under the legislation on civil service.

6. The legal status of the court staff shall be determined by the Law of Ukraine "On the Civil Service" taking into account the specifics determined by this Law.

7. The structure and staff structure of local courts, in consultation with chief judge, shall be approved by the relevant territorial department of the State Judicial Administration of Ukraine; for court staff of courts of appeal, high specialized courts – by the State Judicial Administration of Ukraine in consultation with the chief judge within the funding allocated for the respective court. Provisional structure and provisional court staff list of a newly-established court shall be approved by acting chief of court staff of that court in consultation with the Chairperson of the State Judicial Administration of Ukraine.

8. Offices, departments, divisions, sectors performing their functions by virtue of powers approved by the head of the secretariat of the court staff of respective court in court staff.

An independent structural division shall be established within the staff of a high specialized court to provide organizational support for the functioning of the appellate chamber of this court, the functioning of which is controlled and the head of which is subordinated to the head of the appellate chamber of a high specialized court. This division in charge of ensuring the functioning of the appellate chamber is not subordinated to the Chief of staff of a high specialized court.

9. The court staff shall provide for the maintenance of personal records of judges in the manner specified by the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine.

10. Within court staff, the Office of the Registrar shall be established for daily acceptance and registration of documents submitted to the respective court during business hours. Office of the Registrar shall also perform other functions determined by the regulation approved by the chief of court staff of the respective court.

11. The staff of the court shall also include secretaries of court hearings, scientific consultants and bailiffs. Scientific consultants shall have an academic degree.

Article 156. Special Aspects Related to the Court Staff of the Supreme Court

1. The organizational support for the functioning of the Supreme Court shall be carried out by the court staff of the Supreme Court.

2. The Regulation on court staff, the structure and staff list of the Supreme Court shall be approved by Plenum of the Supreme Court based on the proposal of the Chief Justice of the Supreme Court.

3. The Supreme Court staff shall be headed by Chief of Staff. Deputy Chiefs of Staff of the Supreme Court are first deputy and deputies. Deputy Chiefs of Staff of the Supreme Court serve as heads of structural units of the Supreme Court staff that provide organizational support for the work of the cassation courts (secretariats).

4. Secretariats, offices, departments, units, sections may be established within the Supreme Court staff that are functioning on the basis of regulations approved by the Chief of Staff of the Supreme Court.

5. The Chief of Staff the Supreme Court shall represent the Supreme Court as a legal entity.

6. The files related to the functioning of the Supreme Court shall be stored in its archive.

Article 157. Judges' Assistants

1. Every judge shall have an assistant (assistants), whose status and conditions of work shall be determined by this Law and the Regulation on the Judges' Assistants approved by the Council of Judges of Ukraine.
2. The judge's assistant may be a citizen of Ukraine having a degree in Law and fluent in the state language. Assistants of justices of the Supreme Court shall also have at least three years of professional activity in the field of law.
3. Judges shall independently select assistants. The assistant of a judge shall be appointed and dismissed by the chief of staff of the respective court based on the proposal of the judge.
4. The judges' assistants involved in preparation of cases for consideration shall be accountable to the respective judge only.

Article 158. Library of the Court

1. In order to provide the courts with normative and legal acts, specialized scientific literature, case law materials, a court library may be established in each court. The library fund shall consist of printed publications and computer databases.
2. The regulation on the library of the court shall be approved by the State Judicial Administration of Ukraine.

Article 159. Court Bailiffs Service

1. Each court shall have the service of court bailiffs. Court bailiffs shall ensure observance of the rules by persons present in court, their compliance with orders of the presiding judge in the hearing.
2. The court bailiffs shall be appointed and dismissed by the chief of staff of the respective court.
3. The court bailiffs shall be provided with uniforms, the samples of which are approved by the Chairperson of the State Judicial Administration of Ukraine in consultation with the Council of Judges of Ukraine.
4. In their work court bailiffs shall be guided by this Law, the requirements of the procedural law, relevant rules and instructions, orders of chief judge and judges.
5. The procedure for the establishment and functioning of the service of court bailiffs shall be established by the regulation to be approved by the Chairperson of the State Judicial Administration of Ukraine in consultation with the High Council of Justice [new].

Chapter 4. Service of Court Security

Article 160. Ensuring security and maintaining public order in courts

1. The Service of Court Security shall maintain public order in court,

discontinue manifestations of contempt of court, provide security of court premises, premises of the bodies and institutions of the system of justice, perform the functions of state support to the personal security of judges and their families, court employees and ensure security of the participants in legal proceedings in court.

Article 161. Status of the Court Security Service

1. The Court Security Service is a state body in the system of justice established to provide security and maintaining public order in courts.

2. The Court Security Service shall be answerable to the High Council of Justice and controlled by the State Judicial Administration of Ukraine.

3. The functioning of the Court Security Service shall be managed by the Head of the Court Security Service who shall be appointed to the office according to the results of an open competition and shall be dismissed from office by the High Council of Justice.

The Head of the Court Security Service has deputies who are appointed on his motion according to the results of an open competition and dismissed from the office by the High Council of Justice.

4. The Court Security Service has its central executive agency and territorial units of the Service.

The maximum number of employees in the central executive agency and territorial units of the Court Security Service is shall be decided on by the State Judicial Administration.

A territorial unit of the Court Security Service shall be established by a decision of the Head of the Service in consultation with the State Judicial Administration of Ukraine.

The structure and staff number of the central executive agency and territorial units of the Court Security Service shall be approved by the Head of the Service in consultation with the State Judicial Administration of Ukraine.

5. The central executive agency of the Court Security Service is a legal entity a having a seal with the national emblem of Ukraine and its name depicted, own balance sheet and accounts in bodies of the State Treasury Service of Ukraine.

6. The Territorial units of the Court Security Service shall be established as legal entities or as structural divisions of the central executive agency of the Service not having a status of a legal entity.

7. The Court Security Service shall be funded from the National Budget of Ukraine.

Article 162. Powers of the Court Security Service

1. The Court Security Service shall:

1) ensure entry of persons to the buildings (premises) of courts, bodies and institutions of the justice system and access of vehicles to their territory;

2) ensure and respond to violations of public order during court hearings, take measures to discontinue display of contempt of Court;

3) take measures to guard and ensure the inviolability and integrity of premises of the courts, bodies and institutions of the system of justice, inviolability and integrity of property located on such premises, prevent, avoid or discontinue unlawful actions regarding such property;

4) take measures to prevent threats to personal security of judges, their families, court employees and in the court - to the court process participants, identify and neutralize such threats; subject to a relevant request of a judge, take necessary measures to ensure safety of the judge and his family;

5) respond, within its powers defined in law, to unlawful actions associated with encroachment upon judges, their family members, court employees, participants to legal proceeding.

2. With a view to exercising their powers, the Court Security Service and its officers have the right to:

1) Request that persons entering the premises of courts, bodies and institutions of the judicial system present their identity documents; check identity documents of the persons entering the premises of courts, bodies and institutions of judicial system and, where there are reasonable grounds to believe that the presence of the person on the premises of the court, body or institution of the justice system poses a threat to the security of judges, staff of the court, body or institution of the justice system or disrupt public order, restrict access of such persons to the premises of the court, body or institution of the justice system;

2) Perform casual inspection of the persons entering the premises of the court, body or institution of the justice system by means of visual examination of such persons and their belongings, including scanning their clothing with a special equipment or device;

3) Detain the persons who have unlawfully entered or are attempting to enter the premises of the court, body or institution of the justice system, check their identity documents, perform a search on the persons detained in accordance with the procedure established by law and inspect their belongings, and transfer them to law enforcement bodies;

4) Deny access of citizens to certain premises of the court, body or institution of the justice system, order them to stay in specified locations or leave such, temporarily restrict actual possession of any item of property if this is required to ensure public order in court, personal security of judges and their families, that of court staff and safety of participants to legal proceedings;

5) Make use of informational resources in compliance with the procedure provided for the National Police of Ukraine by the law of Ukraine "On the National Police", duly obtain, upon a written request of the Head of the Service or their Deputies the information required for the Service to exercise its powers from heads of public authorities of Ukraine, bodies of local government, enterprises, establishment and organizations of any form of ownership;

6) Take measures to prevent unlawful encroachment on judges, their family members and court staff, infliction of intentional damage or destruction of property of courts, bodies and institutions of the justice system;

- 7) Use technical devices and devices with photographing, filming or sound recording options, and photographing, filming, and video recording equipment;
- 8) Inspect the territory, buildings, and premises of courts, bodies, and institutions of the justice system;
- 9) Engage, in coordination with the heads of law enforcement and other state authorities, the personnel of the latter, staff, military servicemen, technical, and other means;
- 10) Use weapons, means of physical coercion and special equipment in the manner and in cases provided for by the laws of Ukraine “On National Police” and On the Law-enforcement activities”.

Article 163. Service in the Court Security Service

1. Candidates for the positions in the Court Security Service shall meet the requirements stipulated by the Law of Ukraine On the National Police for candidates to police officers.

The special qualification requirements for candidates to the positions in the Court Security Service shall be determined by the Head of the Service.

2. Officers of the Court Security Service shall be appointed to and dismissed from positions in the central executive agency and to positions of heads and deputy heads of the territorial units of the Service by the Head of the Court Security Service, and other employees of the Court Security Service in the territorial units shall be done by the heads of the relevant territorial units.

Appointment to positions in the Court Security Service (except for appointment to equivalent or lower positions) shall be made exclusively based on the results of selection competition conducted by the State Judicial Administration of Ukraine in the manner determined by the High Council of Justice.

3. Officers of the Court Security Service shall be subject to such restrictions and requirements as established by the Law of Ukraine “On the Prevention of Corruption” as well as the restrictions provided for the policemen by the Law of Ukraine “On the National Police” in relation to the police service.

4. The time of service in the Court Security Service counts towards the pensionable service, length of service in the profession\specialty, as well as to the length of service of the civil service, length of service in the police, other law enforcement agencies.

The length of service in the Court Security Service shall include the length of service in the police, bodies of internal affairs, military service in the Armed Forces of Ukraine, the Security Service of Ukraine, the State Border Guard Service of Ukraine, the National Guard of Ukraine, the Office of State Guard of Ukraine and other military formations created in accordance with the law.

5. For the purpose of evaluating the business aptitude, professional, personal qualities, educational and qualification levels and physical fitness, identifying the adequacy for the positions held by the officers of the Court Security Service and deciding on the matter of transfer to a lower position or dismissal of the officers of the Court Security Service due to incompetence, the latter are undergoing a

performance review in accordance with the procedure determined by the Head of the Court Security Service.

6. The career structure of the officers of the Court Security Service is defined in the relevant Regulations as approved by the High Council of Justice at request of the Head of the Court Security Service in consultation with the State Judicial Administration of Ukraine

7. The officers of the Court Security Service shall be provided with uniforms and insignia at the expense of the state.

The samples of the uniform of the officers of the Court Security Service, the uniform dress code, and the rates of issue shall be approved by the State Judicial Administration of Ukraine upon submission of the Head of the Court Security Service.

8. The use of special ranks, uniforms and service IDs of an officer of the Court Security Service by a person who is not a member of the Court Security Service is prohibited and shall entail responsibility in accordance with the law.

Article 164. Special ranks of officers of the Court Security Service

1. Officers of the Court Security Service have the following special ranks titles:

1) Special ranks of junior officers:

Private of the Court Security Service;

Corporal of the Court Security Service;

Sergeant of the Court Security Service;

Senior sergeant of the Court Security Service;

2) Special ranks of middle-rank officers:

Junior Lieutenant of the Court Security Service;

Lieutenant of the Court Security Service;

Senior Lieutenant of the Court Security Service;

Captain of the Court Security Service;

Major of the Court Security Service;

Lieutenant Colonel of the Court Security Service;

Colonel of the Court Security Service;

3) Special rank of senior staff:

General of the Court Security Service.

2. The following periods of service shall be established for the special ranks of the Court Security Service: Corporal of the Court Security Service — 1 year; Sergeant of the Court Security Service — 3 years; Junior Lieutenant of the Court Security Service — 1 year; Lieutenant of the Court Security Service — 2 years; Senior Lieutenant of the Court Security Service — 3 years; Captain of the Court Security Service — 4 years; Major of the Court Security Service — 4 years; Lieutenant Colonel of the Court Security Service — 5 years.

3. No periods of service are provided for the grades of Private of the Court Security Service, Senior Sergeant of the Court Security Service, Colonel of the Court Security Service, and General of the Court Security Service.

4. The maximum special ranks of the junior and middle-rank personnel of the Court Security Service in staff positions shall be determined by the Head of the Court Security Service.

The maximum special rank of the senior staff of the Court Security Service in staff positions shall be determined by the President of Ukraine.

5. The special rank of the senior level of the Court Security Service is assigned by the President of Ukraine; other special ranks of the Court Security Service, in accordance with the career structure of the Court Security Service.

6. An officer of the Court Security Service (except for the personnel in the special ranks of senior rank) may be subject to a one rank reduction as a disciplinary action on such grounds and in such manner as provided for the police by the Disciplinary Regulations of the National Police of Ukraine.

The officers of the Court Security

Service who have been subjected to a one-rank reduction shall be promoted in special ranks in accordance with the procedure provided for by this Law and the career structure of the Court Security Service.

Article 165. Social Protection of Officers of the Court Security Service

1. The payment for the personnel of the Court Security Service consists of an official salary, a rank pay, monthly supplementary pay types (an increase in the official salary, allowances, and permanent premiums), bonuses, and one-time monetary supplements.

2. The payment to personnel of the Court Security Service shall be paid at the rates established by the Cabinet of Ministers of Ukraine at a level not lower than that of the members of the police and should provide incentives for providing to the Court Security Service qualified staff.

3. There shall be guaranteed to officers of the Court Security Service other forms of social protection in the amounts and in accordance with the procedure provided for by the Law of Ukraine “On the National Police” for members of the police at the expense of the funds provided in the State Budget of Ukraine for financing the Court Security Service.

Section XII

FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come into force on the day the Law of Ukraine “On Amending the Constitution of Ukraine (Regarding Justice)” comes into force, except points 39 and 48 of this Section which shall come into force on the day following the day of publication of this Law.

2. The Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41-45, p. 529; 2015, No 18-20, p. 132 with subsequent changes) shall be deemed as null and void upon the entry into force of this Law, except provisions set forth in points 7, 23, 25 and 36 of this Section.

3. Raion, interraion, district in cities, city, city-raion courts shall continue to exercise their powers until the local district court the jurisdiction of which covers respective territory is established and starts functioning.

The Commercial courts of the Autonomous Republic of Crimea, of oblasts, cities of Kyiv and Sevastopol shall continue exercising their functions without any time frame limitation until the establishment and the commencement of functioning of district commercial courts the jurisdiction of which covers the respective territory.

Courts of appeal established before this law came into force shall continue to exercise their functions until courts of appeal in respective appellate districts are established. Such courts of appeal in respective appellate circuits shall be established and start administering justice not later than three years of the day this law came into force.

4. Within six months after this Law comes into force:

1) the Supreme Court shall be established in the manner and in a composition determined by this Law;

2) justices shall be appointed to the Supreme Court based on results of competition held pursuant to this Law.

5. The Supreme Court shall be established on material and technical base of the Supreme Court of Ukraine, the High Specialized Court of Ukraine for Civil and Criminal Cases, the High Commercial Court of Ukraine and High Administrative Court of Ukraine.

5-¹. Acting chief of the court staff of the Supreme Court shall approve provisional structure and provisional staff list of the court staff of the Supreme Court and shall appoint employees to the positions of the court staff of the Supreme Court in the number necessary to commence the functioning of the Supreme Court.

6. The Supreme Court of Ukraine, the High Specialized Court of Ukraine for Civil and Criminal Cases, the High Commercial Court of Ukraine and the High Administrative Court of Ukraine shall function within their powers determined by procedural law until the Supreme Court starts functioning in the composition determined by this Law and until the relevant procedural law which regulates the procedure for consideration of cases by the Supreme Court in the composition determined by this Law comes into force.

7. Starting from the day of commencement of the functioning of the Supreme Court in the composition determined by this Law, the Supreme Court of Ukraine, the High Specialized Court of Ukraine for Civil and Criminal Cases, the High Commercial Court of Ukraine and the High Administrative Court of Ukraine cease functioning and shall be liquidated in the manner stipulated by law. Until termination of the functioning the status, structure, powers and procedure of functioning, the rights, obligations and guarantees of judges of these courts shall be determined by the Law of Ukraine "On the Judiciary and Status of Judges" (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41-45, p. 529; 2015, No 18-20, p. 132 with subsequent changes).

8. The day of the commencement of the functioning of the Supreme Court in the composition determined by this Law shall be determined by a decision of its

Plenum which shall be published on the web-portal of the judiciary and in the newspaper *Holos Ukrainy*.

9. The Supreme Court shall start functioning provided that at least sixty-five justices of the Supreme Court are appointed based on results of the competition conducted according to this Law.

10. The number of positions in each of the cassation courts shall be determined taking into account the requirements of this Law regarding the chambers that shall be mandatory established in a cassation court, procedure of establishing the Grand Chamber of the Supreme Court and taking into account other requirements stipulated by law.

11. Not later than five days of appointing the sixty-fifth justice of the Supreme Court, the organizational committee shall be established based on the principle of equal representation from each cassation court. The committee shall convene the Plenum of the Supreme Court within thirty days.

12. Not later than ten days of the commencement of the functioning of the Supreme Court, justices of each cassation court shall conduct a meeting to address the issues of internal functioning of the cassation court according to this Law and elect justices to the Grand Chamber of the Supreme Court.

13. The competition for the positions of justices of the Supreme Court in respective cassation courts shall start not later than two months after this Law comes into force.

14. Justices of the Supreme Court of Ukraine, judges of the High Specialized Court of Ukraine for Civil and Criminal Cases, the High Commercial Court of Ukraine and the High Administrative Court of Ukraine shall have the right to participate in the competition for positions of justices of the Supreme Court in relevant cassation courts in the manner established by this Law.

In case candidates from among judges have identical ranking positions determined based on results of qualification evaluation for participation in the competition for the position of justice of the Supreme Court under all other identical conditions, the preference shall be given to the judge who has more years of experience in courts of cassation instance or the Supreme Court of Ukraine.

15. The High Court on Intellectual Property shall be established and a competition for positions of judges in this court must be announced within twelve months after this Law comes into force.

16. The High Anti-Corruption Court shall be established and a competition for positions of judges in this court must be announced within twelve months after coming into force of the Law which determines special requirements to judges of this court.

17. The powers of judges appointed to the office for a five-year period before this Law came into force shall be terminated when their term of office expires. Judges whose powers have been terminated due to the expiry of such a period may be appointed to a judicial position based on the results of competition conducted within the procedure established by this Law.

18. Judges elected to positions of Chief Judge or Deputy Chief Judge before this Law came into force shall exercise powers of Chief Judge, Deputy Chief Judge until the term for which they were elected expires.

19. Participation of judicial candidates, who as of the sixtieth day after this Law came into force do not comply with requirements for appointment to a judicial position according to the Constitution of Ukraine in selection or appointment procedures, shall be terminated.

20. The panels of the High Qualification Commission of Judges of Ukraine in the manner established by this Law shall evaluate whether the judge who was appointed to the position for five years or who was elected as a judge for a lifetime term before the Law of Ukraine “On Amending the Constitution of Ukraine (Regarding Justice)” came into force is eligible for the position held by him/her.

Non-eligibility of a judge to the position held by him/her based on criteria of competence, professional ethics or integrity identified in result of such evaluation shall constitute a ground for dismissing the judge from the office by a decision of the High Council of Justice [new] upon request of the respective panel of the High Qualification Commission of Judges of Ukraine.

21. The High Qualification Commission of Judges of Ukraine shall complete the procedures of qualification evaluation commenced before this Law came into force based on the rules which were effective as of the day of commencement of such qualification evaluation.

Judges who, according to results of these procedures, confirmed their capability to administer justice in a relevant court shall not be subject to the procedure of qualification evaluation to confirm that they are eligible for the position held.

22. Judges who, based on results of qualification evaluation, have confirmed that they are eligible for the position held by them (eligibility to administer justice in a relevant court) or who were appointed to the office based on results of competition conducted after this Law came into force shall have the right to receive judicial remuneration in the amount determined by this Law.

Judges who of the date of this Law coming into force passed qualification evaluation and confirmed their eligibility to administer justice in the respective court before 1 January 2017 shall receive remuneration determined under the provisions of the Law of Ukraine “On the judiciary and the status of judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41-45, p. 529; 2015, No 18-20, p. 132 with subsequent changes).

23. Until he/she takes qualification evaluation, a judge shall receive judicial remuneration determined according to the provisions of the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41-45, p. 529; 2015, No 18-20, p. 132 with subsequent changes).

24. The amount of salary of a judge, except mentioned in point 23 of this Section, shall equal:

1) starting from January 1, 2017:

a) for a judge of a local court – 15 minimum salaries;

b) for a judge of a court of appeal and high specialized court – 25 minimum salaries;

- c) for a justice of the Supreme Court – 75 minimum salaries;
- 2) from January 1, 2018:
 - a) for a judge of a local court – 20 minimum salaries;
 - b) for a judge of a court of appeal and high specialized court – 30 minimum salaries;
- 3) from January 1, 2019:
 - a) for a judge of a local court – 25 minimum salaries;
 - b) for a judge of a court of appeal and high specialized court – 40 minimum salaries;
- 4) since January 1, 2020:
 - a) for a judge of a local court – 30 minimum salaries;
 - b) for a judge of a court of appeal and high specialized court – 50 minimum salaries;

25. A judge who based on results of qualification evaluation confirmed that he /she is eligible for the position held (his/her eligibility to administer justice in a relevant court) or who was appointed to judicial office based on results of competition conducted after this Law came into force and has worked in judicial position for at least three years after a relevant decision with regard to him/her was adopted based on results of such evaluation or competition shall have the right to receive monthly lifetime allowance in the amount determined by this Law.

In other cases when a judge retires after this Law comes into force, the amount of monthly lifetime allowance shall equal 80 per cent of judicial remuneration calculated according to the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41-45, p. 529; 2015, No 18-20, p. 132 with subsequent changes). For each full year of service in a judicial position for over 20 years the amount of monthly lifetime allowance shall increase by two percent of judicial allowance but may not exceed 90 percent of judicial remuneration calculated pursuant to the Law in question.

26. Members of the High Qualification Commission of Judges of Ukraine elected (appointed) to positions before this Law came into force shall continue to exercise their powers until the expiry of a term for which they were elected (appointed).

To establish that until 1 January 2017 the amount of official salary for the members of the High Qualification Commission of Ukraine shall constitute 10 amounts of minimum salary increased by coefficient 1.3 and bonuses and additional payments provided for by the legislation that was effective as of this Law coming into force.

27. Within thirty days after this Law came into force the Ombudsman of the Verkhovna Rada of Ukraine and the Chairperson of the State Judicial Administration of Ukraine shall appoint additionally one member of the High Qualification Commission of Judges of Ukraine each.

28. Within forty-five days after this Law came into force the High Qualification Commission of Judges of Ukraine must adopt a decision on the formation and composition of its chambers.

29. Judicial candidates who were included into a reserve list for filling vacant judicial positions and into a rating list, if the termination of a three-year term falls

on the period of one year before this Law comes into force, and candidates with regard to whom recommendations of the High Qualification Commission of Judges of Ukraine were made as of the day when this Law comes into force but who were not appointed to judicial position shall have the right to participate in judicial selection within in the manner set forth by this Law without taking selection examination and undergoing special training. Such candidates shall take qualification examination for the second time and participate in the competition for judicial position according to results of such examination.

30. Materials and recommendations of the High Qualification Commission of Judges of Ukraine on electing judges for an unlimited term with regard to whom decision of the Verkhovna Rada of Ukraine was not adopted as of the day when this Law came into force shall be submitted by the Verkhovna Rada of Ukraine to the High Council of Justice [new] within ten days after it came into force. At its meeting the plenary composition of the High Council of Justice [new] shall address the issue regarding each judge and his/her appointment or refusal to be appointed and concurrently return the materials to the High Qualification Commission of Judges of Ukraine.

The decision of the High Council of Justice on refusing to submit to the President of Ukraine a proposal to appoint a judge shall be a basis for termination of the employment of a judge with respective court in accordance with Article 125 of this Law.

31. Applications regarding (complaints against) conduct of judges of local courts and courts of appeal received by the High Qualification Commission of Judges of Ukraine before this Law came into force shall be submitted to the High Council of Justice [new] for consideration if no decision on opening or refusing to open a disciplinary case was adopted by the Commission as of the day when this Law came into force.

If as of the day when this Law came into force the High Qualification Commission of Judges of Ukraine made a decision on opening a disciplinary case, such case shall be considered by the panels of the Commission determined by its decisions within according to the procedure which was in effect as of the day when the disciplinary case was opened. In adopting decisions based on results of consideration of such disciplinary cases the High Qualification Commission of Judges of Ukraine shall impose disciplinary sanctions determined by this Law.

32. Applications regarding (complaints against) conduct of justices of the Supreme Court of Ukraine, judges of the High Specialized Court of Ukraine for Civil and Criminal Cases, the High Commercial Court of Ukraine and the High Administrative Court of Ukraine and disciplinary cases initiated by the High Council of Justice [old] before this Law came into force with regard to which no decisions were adopted shall be transferred to the disciplinary bodies of the High Council of Justice [new] for consideration and adopting decisions. In adopting decisions based on results of consideration of such disciplinary cases the disciplinary bodies of the High Council of Justice [new] shall impose disciplinary sanctions determined by this Law. Disciplinary cases opened before this Law came into force shall be considered by the disciplinary bodies of the High Council of

Justice [new] within the procedure which was in effect as of the day when the disciplinary case was opened.

33. The disciplinary bodies of the High Council of Justice [new] shall consider the applications transferred by the Interim Special Commission on Vetting of Judges of General Jurisdiction Courts to the High Council of Justice [old] according to paragraph five of Article 2 of the Law of Ukraine “On the Restoration of Trust in the Judiciary in Ukraine” in the manner and within timelines established by law for carrying out disciplinary proceedings. Based on results of consideration of such applications disciplinary sanctions set forth by this Law shall be imposed.

34. Point 10 of Section II “Final and Transitional provisions” of the Law of Ukraine “On Ensuring the Right to Fair Trial” (Vidomosti of the Verkhovna Rada of Ukraine, 2015, No 18-20, p. 132) shall be deemed null and void as of the day when this Law comes into force.

A judge who was assigned to another court based on the decision of the High Qualification Commission of Judges of Ukraine shall have the right to receive salary for the period from the end of the term of such assignment to the day when the High Qualification Commission of Judges of Ukraine adopts a decision on his/her secondment.

A judge who was assigned to another court based on decision of the High Qualification Commission of Judges of Ukraine according to point 10 of Section II “Final and Transitional provisions” of the Law of Ukraine “On Ensuring the Right to Fair Trial” shall be deemed as assigned to such court until the High Qualification Commission of Judges of Ukraine adopts a decision on his/her secondment. The term of such assignment may not exceed six months after the entry into force of this Law.

The length of service of judges elected or appointed to the position before this Law comes into force shall be determined according to legislation effective at the time of their appointment (election).

35. The Chairperson of the State Judicial Administration of Ukraine, Deputy Chairpersons of the State Judicial Administration of Ukraine shall continue to exercise their powers until the Chairperson of the State Judicial Administration of Ukraine and his/her deputies are appointed according to this Law.

36. Starting from the day when this Law comes into force and until relevant amendments are made in the legislation on the Constitutional Court of Ukraine, financial support to the functioning and activity of the Constitutional Court of Ukraine, the amount of remuneration of judges of the Constitutional Court of Ukraine and the amount of monthly lifetime allowance of judges of the Constitutional Court of Ukraine shall be determined according to the Law of Ukraine “On the Judiciary and Status of Judges” (Vidomosti of the Verkhovna Rada of Ukraine, 2010, No 41-45, p. 529; 2015, No 18-20, p. 132 with subsequent changes).

The record of service which entitles a judge of the Constitutional Court of Ukraine to retirement and payment of compensation due to retirement shall include the record of other practical, scientific, pedagogical work and the length of civil service.

37. The lists of jurors shall be compiled according to the procedure provided for by this Law within six months after it comes into force. The lists of jurors may include citizens who were elected as people's assessors.

38. Until an automated system of forming and maintaining judicial dossiers (dossiers of judicial candidates) starts functioning such dossiers may be formed and maintained in a paper form.

39. Temporarily, for the period until the Service of Court Security starts to exercise its powers in full, the units of the National Police of Ukraine and National Guard of Ukraine shall maintain public order in court, stop the manifestation of contempt of court and ensure security of court premises, bodies and institutions of the system of justice, perform the functions of the state related to ensuring personal security of judges, their family members and court staff, and ensure security of parties to the court process.

40. The provisions of this Law shall be applied taking into account the provisions of Section XV "Transitional provisions" of the Constitution of Ukraine.

41. The High Qualification Commission of Judges of Ukraine shall:

1) approve the forms of declarations of family relations of a judge and judicial candidate, form of declaration of judicial integrity and publish the approved forms of declarations on the official website of the Commission within thirty days after this Law comes into force;

2) take organizational and technical measures necessary to fill in declarations of family relations of a judge (judicial candidate) and declaration of judicial integrity on the official website of the Commission according to this Law within six months after this Law comes into force;

3) ensure the commencement of the functioning of the automated system of compiling and maintaining judicial dossiers (dossiers of judicial candidates) within two months after this Law comes into force.

42. Judges shall be obligated to submit to the High Qualification Commission of Judges of Ukraine a declaration of family relations of a judge and declaration of judicial integrity:

1) justices of the Supreme Court of Ukraine, judges of high specialized courts – within sixty days after this Law comes into force;

2) judges of courts of appeal – within ninety days after this Law comes into force;

3) judges of local courts – within six months after this Law comes into force;

43. Until the High Qualification Commission of Judges of Ukraine implements sub-point 2 of point 41 of this Section, declarations of family relations of a judge (judicial candidate) and declarations of judicial integrity shall be submitted in a paper form.

44. The High Council of Justice [new] shall:

1) jointly with the Ministry of Internal Affairs of Ukraine, upon the proposal of the State Judicial Administration of Ukraine within one month after this Law comes into force approve an interim procedure of ensuring the security of courts and bodies and institutions of the justice system as well as maintain public order therein.

45. The Cabinet of Ministers of Ukraine shall:

1) ensure the accommodation of the Supreme Court in facilities which are released due to the dissolution of the Supreme Court of Ukraine, the High Specialized Court of Ukraine for Civil and Criminal Cases, the High Commercial Court of Ukraine and the High Administrative Court of Ukraine within one year after this Law comes into force;

2) within three months after this Law comes into force:

a) bring its legal and regulatory acts in compliance with this Law;

b) ensure that ministries and other central executive bodies bring their legal and regulatory acts in compliance with this Law;

3) provide for expenses related with the implementation of provisions of this Law in draft laws of Ukraine on the State Budget of Ukraine for 2017 and subsequent years; and

4) approve an exhaustive list of courts, bodies and institutions of the system of justice the security of which shall be ensured by the units of the National Police of Ukraine and National Guard of Ukraine within two months after this Law comes into force.

46. The State Judicial Administration of Ukraine shall:

2) ensure full exercise of powers by the Service of Court Security provided for by this law not later than by January 1, 2019.

47. Until the commencement of the functioning of the Unified Judicial Information (Automated) System the assignment of a specific case to a judge or panel of judges shall be performed by the automated case management system of court.

48. Starting from the day following the day of publication of this Law:

1) the High Council of Justice [old] may refuse to submit to the President of Ukraine a proposal on appointing a judge to the office solely on the grounds which it determines guided by its own evaluation of circumstances related to a judicial candidate and his/her personal qualities:

a) availability of a reasonable doubt as to meeting by a candidate the criteria of integrity or professional ethics or other circumstances which may have a negative impact on public trust in the judiciary due to such appointment; and

b) violation of the procedure established by law regarding appointment to judicial office;

2) in case of refusal to submit to the President of Ukraine a proposal on appointing a judge to the office the High Council of Justice [old] shall adopt a reasoned decision which may be challenged in the manner stipulated by procedural law;

3) decision of the High Council of Justice [old] on refusal to submit to the President of Ukraine a proposal on appointing a judge to the office may be challenged and canceled solely on the following grounds:

a) members of the High Council of Justice [old] who approved a relevant decision did not have powers to approve it;

b) decision was not signed by a member of the High Council of Justice [old] who participated in its approval; and

c) decision does not have reference to the grounds determined by law for refusal to submit to the President of Ukraine a proposal on appointing a judge to the office or motivation of the High Council of Justice [old] for making relevant conclusions;
4) decisions of the High Qualification Commission of Judges of Ukraine shall be challenged according to Article 88 of this Law.

President of Ukraine

P. Poroshenko

Kyiv

June 2, 2016

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