The Law of Ukraine “On the High Council of Justice”
(with amends from May 7, 2022)

This Law governs the status, powers, principles of organization, and the procedures of the High Council of Justice.

SECTION I
GENERAL PART

Chapter 1. General Provisions

Article 1. The status of the High Council of Justice

1. The High Council of Justice is a collective independent constitutional body of public authority and judicial governance which functions in Ukraine on a permanent basis to guarantee the independence of the judiciary and its functioning on the grounds of responsibility, accountability before the society, to guarantee establishing of an honest and highly professional judicial corps in compliance with the provisions of the Constitution and the laws of Ukraine, as well as with the professional ethics in the functioning of judges and prosecutors.

2. The High Council of Justice is a legal entity with a separate funding line in the state budget of Ukraine.

Article 2. Legal basis for functioning of the High Council of Justice

1. The status, powers, principles of organization and procedures of the High Council of Justice are defined by the Constitution of Ukraine, this Law and the Law of Ukraine "On the judiciary and the status of judges".

2. The High Council of Justice shall approve the rules of procedure of the High Council of Judges regulating the procedural aspects of the execution of its powers.

Article 3. Powers of the High Council of Justice

1. The High Council of Justice shall have the powers to:
   1) submit a motion for an appointment of a judge;
   2) adopt a decision on violations of incompatibility requirements by a judge or a prosecutor;
   3) provide the administering of the disciplinary proceedings as a disciplinary body with regard to a judge;
   4) establish bodies to review disciplinary cases against judges;
   5) review complaints against the decisions of relevant bodies to bring a disciplinary sanction against a judge or a prosecutor;
   6) adopt a decision on a dismissal of a judge;
   7) give consent to an arrest or a detention of a judge;
   8) adopt a decision on a suspension of a judge from administering justice;
9) take measures to guarantee authority and independence of justice;
10) adopt a decision on a transfer of a judge from one court to another or assign a judge temporarily to another court of the same level and specialization,
11) adopt a decision on recalling judges from retirement;
12) agree on the number of judges in a court in the manner prescribed by the Law of Ukraine “On the Judiciary and the Status of the Judges”;
13) approve of the Regulation on the Integrated Judicial Information System (Automatized) and/or the provisions determining the procedure for the functioning of its individual subsystems (modules), the Regulation on the State Judicial Administration of Ukraine and a model regulation on its territorial agencies, the Regulation on the Court Security Service, the Regulation on a competition-based selection of candidates to civil service positions in courts, judicial agencies and institutions, and the Regulation on the Commission on Senior Corps of the Civil Service in the Justice System, the Regulation on the procedure of management of the Integrated State Register of Judicial Decisions;
14) agree on a Model Regulation on court personnel and a Regulation on the procedure of establishment and functioning of the marshals service;
15) provide advisory opinions, which are obligatory for examination, regarding draft laws on establishment, reorganization or liquidation of courts, on the judiciary and the status of judges; integrate recommendations from courts, judicial agencies and institutions regarding the legislation on their status and functioning, on the judiciary and the status of judges;
16) act as the main budget holder of funds for the state budget of Ukraine for financing of its functioning; participate in allocation of expenses of the state budget of Ukraine for the expenditures of courts, judicial agencies and institutions in accordance with the Budget Code of Ukraine;
17) upon submission from the State Judicial Administration of Ukraine, approve standard requirements for staffing, financial, technical and other resources of courts;
18) approve, within the established procedure, the redistribution of budget funds between courts, except the Supreme Court;
19) appoint and remove the Head of the State Judicial Administration of Ukraine and his/her deputies;
20) upon submission from the Head of the State Judicial Administration of Ukraine, establish the limits on the number of the personnel of the State Judicial Administration of Ukraine, including its territorial directorates;
20-1) appoint and remove from office members of the High Qualifications Commission of Judges of Ukraine;
20-2) make a decision on the dismissal of members of the High Council of Justice;
21) execute other powers defined by this Law and the Law of Ukraine "On the judiciary and the status of judges".

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

3. The High Council of Justice may engage the services of bodies of judicial self-governance, judges, retired judges, defense counsels, prosecutors and other professionals, the Public Integrity Council, subject to their consent, in an auxiliary or advisory capacity, on a pro bono basis.
Article 4. Insignias and location of the High Council of Justice

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

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

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

Chapter 2. Composition of the High Council of Justice

Article 5. Composition of the High Council of Justice

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

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

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

3. If the High Council of Justice becomes non-functional due to the expiration of the term in the office of its member, the corresponding member of the High Council of Justice shall continue to serve until his/her successor is elected (appointed) but in any case not longer than three months from the date of expiration of the term of office for which this member of the High Council of Justice was elected (appointed).

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

1. To be eligible for the election (appointment) to the High Council of Justice, a candidate must be a citizen of Ukraine who has attained the age of thirty five, has command of the state language, has a university degree in law and not less than fifteen years of working experience in the area of law, belongs to the legal profession and meets the criteria of political neutrality, as well as the criteria of professional competence, professional ethics and integrity.

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

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

4. Members of the High Council of Justice shall be obliged to comply with the ethical standards for judges, both in their professional activity and beyond it.
5. Members of the High Council of Justice shall meet the criteria of political neutrality. In particular, a person may not be elected (appointed) a member of the High Council of Justice if on the date of election (appointment) this person:

1) is a member of or holds any position in any political party or another organization with political goals or participates in political activities;

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

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

6. Members of the High Council of Justice shall not take their position alongside with: any other involvement in a state authority or local self-government body, bodies of judicial, attorneys or prosecutorial self-governance, being members of the Parliament of Ukraine, members of the Parliament of the Autonomous Republic of Crimea, members of oblast, district, city, city district, village, or township councils, being involved in business activities or any other salaried position (except the office of the President of the Supreme Court), being involved in any other paid work or receiving other salary than that of the member of the High Council of Justice (with the exception of lecturing, research, or creative work and the remuneration linked to it) or being members of management or supervisory boards of legal entities that aim for profit. Members of the High Council of Justice shall not be members of political parties, trade unions and shall not participate in any political activities.

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

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

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

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

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

1) persons declared by court legally incapable or partially incapable;

2) persons with a record of conviction that has not been expunged or removed from the record under the procedure established by law;

3) persons on whom any administrative sanctions were imposed during the previous year for any corruption offense;

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 restoring trust in the judiciary in Ukraine’ entered in force;
5) persons holding administrative positions in courts (except for the President of the Supreme Court);

6) persons who do not meet the incompatibility criteria established by this Law and fail to remove such incompatibility within a reasonable time but not longer than thirty days from the day of the circumstances constituting violation of the incompatibility requirements or within another term established by the High Council of Justice in accordance with this Law;

7) persons who violated the requirements of the Law of Ukraine “On Preventing Treats to National Security Associated with Excessive Influence by Persons Who Wield Significant Economic and Political Weight in Public Life” (oligarchs) in terms of submission, observing the terms for submitting a declaration of contacts.

11. Based on a request of a person who does not meet the incompatibility criteria established by this Law and has no possibility to remove such incompatibility for reasons independent from him/her within thirty days, the High Council of Justice may extend this term but no longer than for thirty more days.

12. The membership in the High Council of Justice shall also be incompatible with any existing restriction on holding offices that are subject to cleansing under the procedures established by the Law of Ukraine ‘On government cleansing’.

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

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

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

Article 8. Submission of application by a candidate for election (appointment) to the High Council of Justice

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

   1) a written request for election (appointment) for the member of the High Council of Justice;

   2) a curriculum vitae;

   3) a motivation letter with a statement of the candidate’s motivation to be elected (appointed) as a member of the High Council of Justice;

   4) a copy of a document identifying the person and confirming Ukrainian citizenship;

   5) information about an employment activity from the register of insured persons of the State Register of Compulsory State Social Insurance, a copy of a career progress record (if available);
6) a declaration statement of a person authorized to perform government or local self-
    government functions for the year preceding the year when the vacancy was announced, in the
    format established by the Law of Ukraine ‘On preventing corruption’, a declaration of family
    relations, and a declaration of integrity of a judge;

7) a copy of a certificate of higher education in law (including annexes), obtained in Ukraine,
    and/or copies of certificates of higher education in law obtained abroad, and copies of
    certificates of their recognition in Ukraine, as well as copies of certificates of academic rank or
    title (if available);

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

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

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

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

12) a request for undertaking a check in accordance with the Law of Ukraine ‘On
    government cleansing’ or a conclusion and the findings of such a check;

13) a consent to a special check in accordance with the law;

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

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

3. It is prohibited to request that candidates provide any other documents except those
    specified by this Article.

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

1. The selection of candidates for the positions of members of the High Council of Justice
    shall be carried out under the criteria of professional competence, professional ethics and
    integrity. In the case of election of members of the High Council of Justice by the congress of
    judges of Ukraine, the congress of advocates of Ukraine, the congress of representatives of
    higher education and research institutions in the area of law or the Ukrainian national
    conference of prosecutors, the respective convening agency shall, not later than forty five days
    prior, notify the secretariat of the High Council of Justice of the date and the place of the
    congress/conference.
2. The secretariat of the High Council of Justice shall, no later than on the next working day following the receipt of the notification of the date and the place of the congress/conference, publish an announcement on its official website indicating the following information:

1) the date and the place of the congress/conference;
2) information that the process of submission of applications for candidates for membership in the High Council of Justice has commenced.

3. Candidates to the members of the High Council of Justice shall submit documents specified by Article 8.1 of this Law to the secretariat of the High Council of Justice not later than thirty days before the date of the congress/conference.

4. The secretariat of the High Council of Justice processes the documents submitted by the candidates in a chronological order according to their time of submission; and not later than on the following working day it publishes the information about the candidates, together with the copies of the documents submitted, except for the documents specified in items 4, 8, and 9 of Article 8.1 of this Law, on the official website of the High Council of Justice.

5. Submission of application documents of candidates shall end at 12 p.m. of the last day of the time period established by paragraph 3 of this Article, if the documents are submitted in electronic form or at the last hour of work of the secretariat of the High Council of Justice of the last day provided for by paragraph 3 of this Article. The secretariat of the High Council of Justice may not refuse the acceptance of documents on any grounds other than the expiry of the established deadline.

6. Not later than on the next working day following the end of submission of application documents, the secretariat of the High Council of Justice shall draw lists of candidates for the positions of members of the High Council of Justice, which shall immediately be published at the official website of the High Council of Justice and forwarded to convening agency of a respective congress/conference, as well as shall be published in “The Holos Ukrainy” (Voice of Ukraine) newspaper.

7. The secretariat of the High Council of Justice shall initiate a special check of candidates for the position of members of the High Council of Justice in accordance with the Law of Ukraine “On the Prevention of Corruption”. The secretariat of the High Council of Justice shall forward a conclusion with findings of the special check to the respective convening agency together with an opinion whether the candidate and the candidate’s application documents meet the requirements established by this Law.

8. Not later than on the next working day following the end of submission of application documents, the secretariat of the High Council of Justice shall send copies of documents submitted by candidates for the positions of members of the High Council of Justice to the Ethics Council to establish candidates’ compliance with the criteria of professional ethics and integrity.

The Ethics Council shall provide convening agency of a respective congress/conference with an opinion on the compliance of each candidate with the criteria of professional ethics and integrity, as well as list of candidates recommended for election to the positions of members of the High Council of Justice. Such a list should contain a number of candidates at least twice the number of vacant positions of members of the High Council of Justice.

If the number of candidates recommended by the Ethics Council who meet the criteria of professional ethics and integrity is less than the number of candidates specified in the paragraph
2 of this part, a new competition shall be announced and held in the manner prescribed by this Law.

9. If the results of a special check of a candidate establish information that does not meet the legislative requirements for holding position, and/or if the candidate is not included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice, such a candidate shall cease participation in competition for the position of a member of the High Council of Justice.

10. In the case of appointment of a member of the High Council of Justice by the President of Ukraine, an announcement of competition for the position of a member of the High Council of Justice shall be posted on the website of the Official Internet Representation of the President of Ukraine.

11. Applicants for a competition shall submit application documents specified by Article 8.1 of this Law within fifteen days from the day of announcement of an open competition at the official website of the President of Ukraine.

12. Information about the persons applying for participation in the competition, together with copies of the submitted documents, except for the documents specified in paragraphs 4, 8, 9 of the first part of Article 8 of this Law, shall be published on the website of the Official Internet Representation of the President of Ukraine not later than the next working day from the date of receipt of documents.

13. The President of Ukraine shall approve the Regulations on holding competition for the selection of candidates for appointment of a member of the High Council of Justice by the President of Ukraine and establish the Competition Commission.

14. The Competition Commission shall consider the documents of persons, specified in the first part of Article 8 of this Law, applying for participation in the competition for the selection of candidates for appointment of a member of the High Council of Justice by the President of Ukraine, and decide on the compliance of candidates’ documents with the requirements established by this Law.

Persons applying for participation in the competition for the selection of candidates for appointment of a member of the High Council of Justice by the President of Ukraine, in respect of whom under the submitted documents the Competition Commission made a decision on non-compliance with the requirements that established by this Law, shall terminate participation in the competition.

15. The organization of a special check of candidates for the position of a member of the High Council of Justice, in respect of whom the Competition Commission has made a decision on compliance with the requirements established by this Law, shall be carried out in accordance with the Law of Ukraine “On the Prevention of Corruption”.

The Competition Commission shall immediately send copies of the documents of candidates for the position of a member of the High Council of Justice, as well as an opinion on the results of a special check of a candidate for the position of a member of the High Council of Justice to the Ethics Council to establish candidate's compliance with the criteria of professional ethics and integrity for the position of a member of the High Council of Justice.

The Ethics Council shall provide the Competition Commission with an opinion on the compliance of each candidate with the criteria of professional ethics and integrity for holding
the position of a member of the High Council of Justice, as well as list of candidates recommended for appointment to the position of members of the High Council of Justice. Such a list should contain a number of candidates at least twice the number of vacant positions of members of the High Council of Justice.

If the results of a special check of a candidate establish information that does not meet the legislative requirements for holding position, and/or if the candidate is not included in the list of candidates recommended by the Ethics Council for election to the position of a member of the High Council of Justice, such a candidate shall cease participation in competition for the position of a member of the High Council of Justice.

16. A candidate who has passed a special check and is included in the list of candidates recommended by the Ethics Council for appointment to the position of a member of the High Council of Justice, the Competition Commission shall conduct an interview to determine his/her professional competence.

Based on the results of the interview, the Competition Commission draws up a list of candidates recommended for appointment by the President of Ukraine to the position of a member of the High Council of Justice.

17. The Competition Commission shall submit for consideration to the President of Ukraine a list of candidates recommended for appointment to the positions of members of the High Council of Justice, together with information on the results of a special check of candidates, opinions of the Ethics Council, as well as documents submitted by candidates.

18. In the case of election of a member of the High Council of Justice by the Verkhovna Rada of Ukraine, the Apparatus of the Verkhovna Rada of Ukraine shall post on the official website of the Verkhovna Rada of Ukraine an announcement on the competition for the position of a member of the High Council of Justice.

19. Information about the persons applying for participation in the competition, together with copies of the submitted documents, except for the documents specified in paragraphs 4, 8, 9 of the first part of Article 8 of this Law, shall be published on the official website of the Verkhovna Rada of Ukraine Official Internet Representation of the President of Ukraine on the next working day from the date of receipt of documents.

20. The procedure for election of members of the High Council of Justice by the Verkhovna Rada of Ukraine shall be determined by the Rules of Procedure of the Verkhovna Rada of Ukraine.

**Article 9-1. Ethics Council**

1. The Ethics Council shall be formed in order to assist the bodies that elect (appoint) members of the High Council of Justice in establishing compliance of a candidate for the position of a member of the High Council of Justice with the criteria of professional ethics and integrity.

2. Members of the Ethics Council may be persons who have an impeccable goodwill, high professional and moral qualities, public authority, meet the criteria of professional ethics and integrity, have at least fifteen years of experience in administering justice, in advocacy or prosecution activities, or scientific activity in the field of law.

Persons who do not meet the specified requirements, as well as the requirements provided for by paragraph ten of Article 6 of this Law may not be members of the Ethics Council.
3. The Ethics Council shall consist of:

1) three persons from among judges or retired judges proposed by the Council of Judges of Ukraine;

2) one person nominated by the Council of Prosecutors of Ukraine;

3) one person nominated by the Bar Council of Ukraine;

4) one person proposed by the National Academy of Legal Sciences of Ukraine represented by the Presidium.

Candidates for the position of a member of the Ethics Council who are judges or retired judges may be judges or retired judges who have successfully passed the qualification assessment.

4. A subject of formation of the Ethical Council shall submit to the High Council of Justice a list of candidates for the Ethics Council within thirty days from the date of receipt of the appeal of the Chairman of the High Council of Justice along with information confirming the compliance of such candidates with the requirements of part two of this article. It is prohibited to require the subject of formation of the Ethics Council or a candidate for the Ethics Council to provide other documents.

5. Lists of candidates for the Ethics Council, submitted by the subjects of formation of the Ethics Council shall be published on the official website of the High Council of Justice and the official web portal of the judiciary of Ukraine on the next working day from the date of their receipt.

6. The Chairman of the High Council of Justice shall appoint members of the Ethics Council not later than five working days after expiration of the deadline for submitting lists of recommended candidates of all subjects of formation of the Ethics Council.

If the Chairman of the High Council of Justice shall not appoint members of the Ethics Council within determined terms, the first three on the list of candidates submitted by the Council of Judges of Ukraine, the first candidate nominated by the Council of Prosecutors of Ukraine, the first candidate nominated by the Bar Council of Ukraine, the first candidate nominated by the National Academy of Legal Sciences of Ukraine, represented by the Presidium, are considered appointed.

7. The Ethics Council shall be considered authorized if at least four members are approved in its composition.

8. The term of office of a member of the Ethics Council is six years without the right to be reappointed.

9. The powers of a member of the Ethics Council shall be terminated early in the event of:

1) submission of a written application for termination of the powers of a member of the Ethics Council at his/her own request;

2) entry into force of a court conviction against him/her or bringing him/her to administrative responsibility for a corruption offense and/or an administrative offense related to corruption;
3) entry into force of a court decision on declaring him/her incompetent or restricting his/her civil capacity, declaring him missing or declaring him/her dead;

4) his/her death.

10. Decision on early termination of the powers of a member of the Ethics Council shall be made by the Chairman of the High Council of Justice, who after making such a decision not later than the next working day applies to the subject of formation, by initiative of which such a member of the Ethics Council was appointed, to nominate a candidate for its composition, takes measures for appointment of a new member of the Ethics Council.

11. Meetings of the Ethics Council shall be held openly. Information about the time and place of the meeting, agenda and decisions of the Ethics Council are published on the official web portal of the judiciary of Ukraine.

12. The State Judicial Administration of Ukraine shall provide video and audio recording and broadcasting of meetings of the Ethics Council in real time on the official web portal of the judiciary of Ukraine.

13. A member of the Ethics Council has the right to participate in meetings and decision-making of the Ethics Council remotely via videoconference using electronic means of communication.

14. The Ethical Council shall conduct the selection of candidates for the positions of members of the High Council of Justice in two stages:

1) selection of candidates based on the results of consideration of documents submitted by candidates, the results of a special check and relevant information from open sources, and formation of a list of candidates admitted to the interview;

2) conducting interviews with selected candidates and determining the list of candidates for recommendation to the bodies of election (appointment) members of the High Council of Justice.

Such a list should contain a number of candidates at least twice the number of vacant positions of members of the High Council of Justice.

15. If the number of candidates selected by the Ethics Council for the positions of members of the High Council of Justice, who meet the criteria of professional ethics and integrity, is less than the number of candidates provided for by paragraph fourteen of this article, the Ethics Council shall notify the subject of appointment (election) on the need of a new competition.

16. A candidate for the position of a member of the High Council of Justice shall be considered to meet the criteria of professional ethics and integrity if he/she is independent, honest, impartial, incorruptible, conscientious, observes ethical standards and demonstrates impeccable conduct in professional activities and personal life; and also about whom there are no doubts about the legality of the sources of property origin, the conformity of the living standard of the candidate or members of his/her family with the declared income, the conformity of the candidate’s lifestyle with his/her status.

17. A candidate shall be considered to meet the criteria of professional competence if he/she has the necessary knowledge to fulfil the duties of a member of the High Council of
Justice, has demonstrated analytical skills, oral and written communication skills, ability to interact with colleagues and ability to work hard.

18. To check a candidate’s compliance with the criteria of professional ethics and integrity, the Ethics Council shall apply these indicators as follows:

1) assessment of compliance with indicators is based on information without time or territorial restrictions;

2) candidate does not meet the indicator in the case of non-compliance is proven or in the case of reasonable doubts in compliance;

3) any opinion or assessment of a national or international body regarding the professional ethics and integrity of a candidate is not pre-determined and binding on the Ethics Council.

19. Decision of the Ethics Council shall be considered adopted if at least four members of the Ethics Council voted for it.

20. The Ethics Council to exercise of its powers shall:

1) develop, approve and publish the rule of procedure for the work of the Ethics Council;

2) develop, approve and publish the methodology for assessing the compliance of a candidate for the position of a member of the High Council of Justice with the criteria of professional ethics and integrity, the indicators of compliance with the criteria for such assessment and the means to establish those;

3) review, study and analyse submitted to the Ethics Council documents of a candidate for the position of a member of the High Council of Justice;

4) collect, verify and analyse information about a candidate for the position of a member of the High Council of Justice, including confidential information with personal data received from public authorities and local governments, information received from individuals and legal entities, the media and other sources necessary to exercise the powers of the Ethics Council;

5) has the right to apply to a candidate for the position of a member of the High Council of Justice, as well as to specially authorized entities in the field of corruption combating, other state authorities, local self-governments, enterprises, institutions and organizations, regardless of the form of ownership and subordination, their officials, any legal entities to provide explanations, documents or information in order to check candidates for the position of a member of the High Council of Justice.

The body or person that received the request of the Ethics Council is obliged to provide the necessary explanations, information and/or relevant documents (their copies) within ten calendar days from the date of its receipt;

6) form a list of candidates for an interview based on the results of consideration of documents submitted by the candidates, the results of a special check and analysis of relevant information from open sources;

7) conduct interviews with selected candidates;
8) approve and publish on the official website of the High Council of Justice a reasoned opinion on the compliance of each candidate for the position of a member of the High Council of Justice with the criteria of professional ethics and integrity, draw up and publish a list of candidates recommended by the Ethics Council for election (appointment) to the position of a member of Justice;

9) forward to the body electing (appointing) a member of the High Council of Justice an opinion on each candidate and a list of candidates recommended by the Ethics Council for election (appointment) to the positions of members of the High Council of Justice. The list should contain a number of candidates at least twice the number of vacant positions of members of the High Council of Justice;

10) exercise other powers determined by law.

To exercise their powers, members of the Ethical Council have the right of free and full access to open state registers, judicial dossiers (dossier of candidates for the position of a judge).

21. A member of the Ethics Council is obliged to:

1) participate in its work in person, without the right to delegate his/her powers to other persons;

2) not to use, transfer or disclose personal data and other information that became known in connection with the exercise of the powers of a member of the Ethics Council, for purposes other than to perform his/her duties as a member of the Ethics Council;

3) refuse to participate in the collection of information about the candidate and to consider the matter of candidate for the position of a member of the High Council of Justice, if the member of the Ethics Council has or had a personal or working relationship with the candidate and/or if there is another conflict of interest or circumstances that may affect objectivity or impartiality of a member of the Ethics Council;

4) take measures to protect personal data and other information that became known due to the exercise of the powers of a member of the Ethics Council.

22. Organizational and technical support for the activities of the Ethics Council shall be carried out by the State Judicial Administration of Ukraine.

23. At the request of the Ethics Council, to support its activities and the work of its members, it may be involved additional experts, specialists from international and foreign organizations that in accordance with international or interstate treaties providing Ukraine with international technical assistance in the field of judicial reform and/or preventing and combating corruption at the expense of these organizations.

24. Members of the Ethics Council shall exercise their powers on a voluntary basis and shall be released for the duration of their work in the Ethics Council from their official duties at their main place of work while maintaining the average salary.

Article 10. Procedures for election of members of the High Council of Justice by the Congress of Judges of Ukraine

1. The Congress of Judges of Ukraine shall elect members of the High Council of Justice from among judges or retired judges by a secret ballot.
2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law, meet the requirements specified in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the positions of members of the High Council of Justice.

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

4. Based on the voting results, the presiding chair and the secretary of the Congress of Judges of Ukraine shall sign the decisions on the election of members of the High Council of Justice.

5. If the Congress of Judges of Ukraine shall not elect a member of the High Council of Justice, a new competition shall be announced immediately and be held in accordance with the procedure determined by this Law.

6. The procedure for convening the congress of judges of Ukraine is established by the Law of Ukraine 'On the judiciary and status of judges'.

Article 11. Procedures for election of members of the High Council of Justice by the Congress of Advocates of Ukraine

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

2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law, meet the requirements specified in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the positions of members of the High Council of Justice.

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

4. Based on the voting results, the presiding chair and the secretary of the congress of advocates of Ukraine shall sign the decisions on the election of members of the High Council of Justice.

5. If the Congress of Advocates of Ukraine shall not elect a member of the High Council of Justice, a new competition shall be announced immediately and be held in accordance with the procedure determined by this Law.

6. The procedure for convening the congress of advocates of Ukraine is established by the Law of Ukraine 'On the bar and the practice of law'.

Article 12. Procedure for election of members of the High Council of Justice by the Ukrainian National Conference of Prosecutors

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

2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law, meet
the requirements specified in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the positions of members of the High Council of Justice.

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

4. Based on the voting results, the presiding chair and the secretary of the Ukrainian national conference of prosecutors of Ukraine shall sign the decisions on the election of members of the High Council of Justice.

5. If the Ukrainian National Conference of Prosecutors shall not elect a member of the High Council of Justice, a new competition shall be announced immediately and be held in accordance with the procedure determined by this Law.

6. The procedure for convening and holding the Ukrainian national conference of prosecutors is established by the Law of Ukraine 'On the public prosecutor's office'.

Article 13. Procedure for election of members of the High Council of Justice by the Congress of Representatives of Higher Education and Research Institutions in the Area of Law

1. The congress of representatives of higher education and research institutions in the area of law shall elect members of the High Council of Justice by a secret ballot.

2. The voting shall be carried out only with regard to the candidates who applied for the membership in the High Council of Justice under the procedure established by this Law, meet the requirements specified in Article 6 of this Law, and are included in the list of candidates recommended by the Ethics Council for election to the positions of members of the High Council of Justice.

3. A candidate shall be considered as elected to the High Council of Justice if, by a secret ballot, he/she wins a majority of votes of the delegates of the congress of representatives of higher education and research institutions in the area.

4. Based on the voting results, the presiding chair and the secretary of the congress of representatives of higher education and research institutions in the area of law shall sign the decisions on the election of members of the High Council of Justice.

5. If the Congress of Representatives of Higher Education and Research Institutions in the Area of Law shall not elect a member of the High Council of Justice, a new competition shall be announced immediately and be held in accordance with the procedure determined by this Law.

6. Every higher education institution or research institution in the area of law shall delegate two representatives to the congress of representatives of higher education and research institutions in the area of law.

7. For the purposes of this Law, the following representatives shall be eligible for participation in the congress of higher education and research institutions in the area of law to elect members of the High Council of Justice:
1) representatives of higher education institutions, i.e., universities, academies or institutes (except for the military higher education institutions) that have academic departments which, as of the date of the congress, have been offering master’s degree programs for at least ten years and are licensed to confer at least seventy-five master’s degrees in law or international law;

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

8. The time and the place of the congress of representatives of higher education and research institutions in the area of law shall be determined by the High Council of Justice. In the case of a lack of the sufficient number of elected (appointed) members of the High Council of Justice required for this decision, it is adopted by the central executive agency for education and science.

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

10. The congress shall be held on the premises of a higher education or a research institution.

11. The procedure for holding the congress shall be established by a decision of this congress.

12. Representatives of higher education and research institutions in the area of law may set up a working group consisting of up to ten members responsible for any organizational or technical issues related to the preparation for the congress.

The convening agency shall send invitations to participate in the working group.

The officials of the central executive agency for education and science are not allowed to be members of the working group.

**Article 14. Terms for convening a congress or a conference to elect members of the High Council of Justice**

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

**Article 15. Voting procedures at a congress or a conference**

1. Each candidate for the membership in the High Council of Justice shall be entitled to address the delegates of the congress or the conference before the voting commences. The congress or the conference may establish a reasonable time limit for the candidate’s speech, which shall be the same for all candidates.
2. Candidates shall, at the request of the congress or conference delegates, provide any information about themselves except for the information about their private lives where there are no reasonable grounds to assume that it may be important for establishing whether a candidate is capable of properly executing the powers of a member of the High Council of Justice, and any information that constitutes a state secret.

3. The voting shall take place following the candidates’ speeches and deliberations on the candidates.

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

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

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

6. The voting intention of delegates shall be indicated by marking the ballots against the names of candidates.

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

7. The ballot paper templates and other organizational and technical issues related to the voting and ballot counting processes shall be established by the Congress of Judges of Ukraine, the Congress of advocates of Ukraine, the Congress of representatives of higher education and research institutions in the area of law, and the Ukrainian national conference of prosecutors.

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

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

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

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

Article 18. Functionality of the High Council of Justice

1. The High Council of Justice shall be considered fully functional if it at least fifteen of its members are elected (appointed), out of whom the majority are judges, including retired judges, and who took the oath of the office.
Chapter 4. The Status of the Member of the High Council of Justice

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

1. The persons elected (appointed) as members of the High Council of Justice shall take the following oath:

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

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

3. A refusal to take the oath shall result in the annulling of the decision on the membership in the High Council of Justice that was adopted following the election (appointment) of this person.

4. A person becomes the member of the High Council of Justice upon having taken the oath but not earlier than on the following day when the term in the office of a corresponding member of the High Council of Justice expires.

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

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

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

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

   3) review any materials concerning the session agenda of the High Council of Justice or the bodies of the High Council of Justice to which they belong;

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

   5) submit proposals on draft decisions of the High Council of Justice, participate in the adoption of the decisions and provide separate opinions in writing regarding the decisions of the High Council of Justice or the bodies of the High Council of Justice to which they belong;

   6) initiate sessions of the High Council of Justice or the bodies of the High Council of Justice to which they belong.

2. Members of the High Council of Justice shall also enjoy other rights established by the law.
3. Members of the High Council of Justice shall be obliged to:

1) respect the oath they took;

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

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

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

5) submit statements of interference into the functioning of the High Council of Justice within five days after such an interference becomes known to the member;

6) exercise other duties established by the law and the rules of procedure of the High Council of Justice.

4. Members of the High Council of Justice shall not be entitled to any state awards or any other awards, distinctions or honours before their dismissal from the office or termination of their official duties. Members of the High Council of Justice may only be entitled to state awards in case they have demonstrated personal courage and heroism under the circumstances involving the risk to life.

5. A member of the High Council of Justice must refuse from reviewing any issues where:

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

2) he/she is personally interested, whether directly or indirectly, in the case under the judicial review which is made by the judge in question;

3) there are other circumstances or conflict of interest questioning his/her impartiality.

6. If actions of a member of the High Council of Justice provide sufficient grounds for a dismissal of this member of the High Council of Justice in accordance with items 3-6 of paragraph one of Article 24 of this Law, the High Council of Justice may decide to terminate the powers of this member even before the procedure envisaged by the law is completed, within which respective facts need to be established, and the procedure takes in total the period of not more than four months. The decision to terminate the powers of a member of the High Council of Justice shall be considered approved if the majority of members of the High Council of Justice from its composition voted for it.

7. Members of the High Council of Justice in their activities and outside of it must comply with the ethical standards established for a judge as part of the professional ethics of a member of the High Council of Justice.
Article 21. Work-related guarantees for the members of the High Council of Justice

1. The members of the High Council of Justice from among judges and prosecutors shall be guaranteed that the positions they hold at the time of their selection (appointment) to the High Council of Justice will be reserved for them throughout the whole term of their work in the High Council of Justice.

2. The remuneration of the members of the High Council of Justice shall amount to the salary of the Supreme Court judges multiplied by 1.5.

   The remuneration of the judge, who is a member of the High Council of Justice, shall amount to his/her judicial salary if it exceeds the salary of a Supreme Court judge multiplied by 1.5.

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

3. Members of the High Council of Justice, who are not judges, are entitled to a paid holiday period and a financial healthcare assistance, as established by the Law of Ukraine 'On the judiciary and the status of judges'.

4. The members of the High Council of Justice in their work shall be independent from any illegal influence, pressure or interference.

Article 22. Chairman of the High Council of Justice

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

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

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

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

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

   1) to organize the functioning of the High Council of Justice, to gather plenary sessions and to preside at these sessions;

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

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

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

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

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

8) to represent the High Council of Justice before other agencies in the justice system, central and local governments, companies, organizations, official bodies of foreign states and international organizations.

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

7. The Chairman of the High Council of Justice shall have the power to issue decisions and instructions regarding the issues within his/her administrative competence.

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

Article 23. Deputy Chairman of the High Council of Justice

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

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

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

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

Article 24. Dismissal of members of the High Council of Justice

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

1) inability to perform their duties due to health reasons confirmed by a medical certificate;

2) a voluntary resignation from the office by a submission of a retirement statement;

3) a gross or systematic neglect of their duties which is incompatible with the status of the member of the High Council of Justice or which reveals a lack of skills and knowledge required for the position held, or if the behaviour undermines the authority and public trust in justice and the judiciary, including non-compliance with the ethical standards of a judge as part of the professional ethics of a member of the High Council of Justice;
4) a disclosure of facts concerning non-compliance with the requirements set forth by Article 6 of this Law;

5) a substantial violation of requirements envisaged by the anti-corruption legislation, violation of requirements envisaged by the anti-corruption legislation, violation of the requirements of the Law of Ukraine “On Preventing Threats to National Security Associated with Excessive Influence by Persons Who Wield Significant Economic and Political Weight in Public Life” (oligarchs) in terms of submission, observing the terms for submitting a declaration of contacts;

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

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

The decision to dismiss a member of the High Council of Justice on the grounds envisaged by items 3-6 of this Article shall be adopted by the body that had elected (appointed) the members, upon the motion of the High Council of Justice. The decision on forwarding submission on dismissal of a member of the High Council of Justice shall be taken by a majority of the members of the High Council of Justice. Starting from the date of when the motion is submitted, the respective member of the High Council of Justice shall be suspended from executing the powers, and these powers shall be terminated upon a decision of an agency that had elected (appointed) this member of the High Council of Justice.

4. If the High Council of Justice considers a dismissal of its member or has received a retirement statement from its member, this member shall not participate in the voting and adoption of the relevant decision.

**Article 25. Termination of powers of members of the High Council of Justice**

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

1) expiration of the term for which the member was elected (appointed), except for the provision defined in the paragraph 3 of Article 5 of this Law;

2) entry into force of a criminal court sentence against the member;

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

4) a declaration by the court with regard to the member as missing, dead, lacking legal capacity or limited in such capacity;

5) a termination of powers of the judge or his/her dismissal (except for his/her retirement) on the grounds envisaged by the Constitution of Ukraine.

6) the death of the member;
7) the entry into force of a court decision to recognize his/her assets or assets acquired on his/her behalf by other persons or in other cases provided for in Article 290 of the Civil Procedure Code of Ukraine as unfounded and their recovery to the state revenue.

The powers of the President of the Supreme Court as the member of the High Council of Justice shall be terminated upon the completion of his/her term in the office as the President of the Supreme Court or his/her dismissal from this administrative post, including by a vote of non-confidence at a plenary session of the Supreme Court.

2. The termination of powers of the members of the High Council of Justice on the grounds set forth by paragraph 1 of this Article shall take effect upon occurrence of the relevant event.

Chapter 5. Organizational structure of the High Council of Justice

Article 26. Organizational structure and administration of work of the High Council of Justice

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

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

3. The number of the Disciplinary Chambers and the number of members of each Chamber shall be established by a decision of the High Council of Justice in line with the requirements of this Law.

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

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

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

6. The High Council of Justice may establish other bodies for the execution of powers established by the Constitution of Ukraine, this Law and the Law of Ukraine 'On the judiciary and the status of judges'.

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

Article 27. The Secretariat of the High Council of Justice

1. Organizational, informational and other support to the High Council of Justice and its bodies shall be provided by its secretariat.
2. The Secretariat of the High Council of Justice shall be headed by the Head of the Secretariat.

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

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

5. The Disciplinary Inspectorate Service acts within the Secretariat of the High Council of Justice as an independent structure unit, which shall be established for realization of powers of the High Council of Justice regarding carrying out disciplinary proceedings concerning judges and acts by the principle of functional independence from the High Council of Justice.

The status and powers of the Disciplinary inspectorate service shall be determined by this Law. The procedure of establishment, financing, interaction of the disciplinary inspectorate service with other bodies of the High Council of Justice and the procedures of the activities shall be determined by the Regulation on the disciplinary inspectorate service that shall be approved by the High Council of Justice.

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

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

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

8. The regulation on the Secretariat of the High Council of Justice, its organizational structure and the number of employees shall be defined by the High Council of Justice, taking into account the requirements established by this Law.

Article 28. The Disciplinary Inspectorate Service of the High Council of Justice

1. The Disciplinary Inspectorate Service of the High Council of Justice shall employ persons who obtained a complete university education in law and who not less than fifteen years, at least eight of which are the total experience on positions of a judge, prosecutor, lawyer.

Disciplinary inspectors of the High Council of Justice shall be appointed to positions by the results of a competition in the order, prescribed by the legislation on civil service, taking into account specifics, determined by this Law.

Decision on appointing to the position of the disciplinary inspector of the High Council of Justice shall be approved after passing by the winner of the competition of special check according to the Law of Ukraine “On Corruption Prevention”, and also the checks on integrity and compliance with ethical standards established for the judge.
Should a retired judge be appointed to the position of the disciplinary inspector of the High Council of Justice, that judge shall continue enjoying his/her right to pension or lifetime financial support, as well as other guarantees under the Law of Ukraine ‘On the judiciary and the status of judges’.

2. Legal status of disciplinary inspectors of the High Council of Justice is determined by the Law of Ukraine “On civil service” taking into account specifics, determined by this Law.

Specifics of the activities of disciplinary inspectors of the High Council of Justice shall be determined by the Regulation on the disciplinary inspector of the High Council of Justice, which shall be approved by the High Council of Justice.

3. Disciplinary inspectorate service of the High Council of Justice shall be headed by the Deputy Head of the Secretariat of the High Council of Justice – Head of the Disciplinary Inspectorate Service, who shall be appointed to the position and dismissed from the position by the High Council of Justice in the order, prescribed by the legislation on civil service, taking into account specifics, determined by this Law.

The powers of the Head of the Disciplinary Inspectorate Service include:
1) organization of work of the Disciplinary Inspectorate Service;
2) activity coordination of disciplinary inspectors;
3) appointment of the Deputy Head of the Disciplinary Inspectorate Service;
4) approval of appointment to positions and dismissal from positions of disciplinary inspectors, applying to them incentive measures, disciplinary influence, raising in the prescribed manner an issue on an assignment of ranks of civil servants to disciplinary inspectors;
5) distribution of powers with the Deputy Head of the Disciplinary Inspectorate Service;
6) other powers, determined by this Law and the Regulation on disciplinary inspectorate.

4. Disciplinary inspector of the High Council of Justice shall:
1) hold a preliminary check of a disciplinary complaint, transferred to him/her by the results of the automated case distribution;
2) analyse materials of disciplinary cases;
3) collect, if it is necessary, information, documents, other materials;
4) prepare draft decisions of a disciplinary chamber and the High Council of Justice within disciplinary proceedings concerning a judge;
5) analyse materials on complaints against decisions in disciplinary cases concerning judges and prosecutors, prepares draft opinions and decisions of the High Council of Justice;
6) analyse and generalize the practice of carrying out disciplinary proceedings and decisions made on bringing or refusal in bringing a judge to disciplinary liability.

5. Acting in their capacity and beyond it, the disciplinary inspectors of the High Council of Justice shall:
1) respect the rules of judicial ethics;
2) not disclose and not use the classified information or the information that came to their knowledge – otherwise than for the execution of their powers;

3) comply with the requirements and the restrictions established by the legislation on civil service and in the field of corruption prevention.

**Article 29. The Commission on Senior Civil Servants in the Justice System**

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

2. The Commission shall consist of:

   1) two members of the High Council of Justice who are not judges or retired judges;
   2) two members of the High Qualification Commission of Judges of Ukraine who are not judges or retired judges;
   3) two members of the Council of Judges of Ukraine;
   4) three judges of the Supreme Court.

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

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

5. The Commission shall exercise the powers of the Commission for Senior Civil Servants envisaged by the Law of Ukraine “On the civil service” regarding the civil service in the justice system.

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

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

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

9. The administrative and logistical support to the Commission shall be provided by the Secretariat of the High Council of Justice.
Section II
Special Part

Chapter 1. Exercise of Powers by the High Council of Justice and its Bodies

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

1. Sessions of the High Council of Justice and of the Disciplinary Chambers shall be open to the public. A closed session shall be held in exceptional cases, if there are grounds specified in this Law.

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

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

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

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

6. A judge is deemed to be duly notified if the notification was sent to the address of his/her residence or temporary residence or to the address of the court or a prosecution office where he/she sits. Shall this not be possible, such a notice shall be published on the official website of the High Council of Justice.

7. The minutes of sessions of the High Council of Justice, the Disciplinary Chambers shall be drawn along with a full recording of the sessions with relevant technical equipment.

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

Persons present in the session room may take written notes and use portable audio technical devices. The consent of the chairperson shall be obtained for photo-, video-, audio recording with the stationary equipment in the session room.

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

The chairperson of the session may take a motivated decision to deprive persons illicitly hindering the work of the session from being present at the session.
Article 31. Requests by the High Council of Justice, its Bodies, members of the High Council of Justice and disciplinary inspectors of the High Council of Justice

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

1) judges, courts, bodies of judicial self-governance, other bodies and institutions within the justice system;
2) central and local government agencies and their officials;
3) juridical persons.

2. The right to submit requests on behalf of the High Council of Justice rests with the Chairman and the Deputy Chairman of the High Council of Justice. The members of the High Council of Justice, disciplinary inspector of the High Council of Justice shall have the right to file requests in relation to the cases in which they are acting as rapporteurs.

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

If a request concerns provision of information concerning the approval for detention, keeping under custody or an arrest of a judge, the information and documents shall be provided immediately and not later than three days after the receipt of the request.

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

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

6. Case files (or their copies), comments by judges or prosecutors regarding court cases may only be provided upon request of the High Council of Justice, its bodies, a member of the High Council of Justice or disciplinary inspector of the High Council of Justice only on the cases in which the judicial hearing is over. A member of the High Council of Justice or disciplinary inspector of the High Council of Justice may not request the information on a case if the judicial review is still pending, expect for the copies of case files if a disciplinary complaint has been filed on the grounds envisaged by item two of paragraph one of Article 106 of the Law of Ukraine 'On the judiciary and the status of judges'.

7. If a judicial proceeding on a case has been re-opened or assigned to a new judge, and the investigation involves verification of information concerning the conduct of a judge who heard this case originally, the High Council of Justice, its bodies, a member of the High Council of Justice or disciplinary inspector of the High Council of Justice may request the case files in the part heard by that judge or related to his/her action or a lack of action.
9. The High Council of Justice or its bodies may adopt a decision to suspend the review of an issue or proceedings if a certain period of time is necessary to obtain the requested information or documents.

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

11. Members of the High Council of Justice, disciplinary inspector of the High Council of Justice and persons authorized by the Secretariat of the High Council of Justice shall have a direct access to automated information and database systems, registers and databanks held or administered by central or local governments; they shall also have access to the state(including governmental) means of communication, special communication networks and other technical tools. The processing of such information shall be carried out by members of the High Council of Justice and persons authorized by the Secretariat of the High Council of Justice with due regard to legal requirements on the protection of personal data and ensuring secrecy of the information protected by law.

12. Access to state secrets shall be obtained in accordance with the rules established by the legislation on the protection of state secrets.

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

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

2. The rules and procedures regulating the automated distribution of cases shall be adopted by the High Council of Justice.

Article 33. Recusal of a member of the High Council of Justice

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

Under such circumstances, a corresponding member of the High Council of Justice shall be obliged to recuse himself/herself.

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

3. In case of the recusal request towards a member of the High Council of Justice, the chairperson of the session must inform this member of the High Council of Justice about the request.
4. The recusal request or the self-recusal must be well-founded, done in writing, and submitted before the hearing of the issue or a case. When the hearing starts, the recusal or self-recusal requests can only be submitted under exceptional circumstances, when the grounds for such a recusal or a self-recusal had not been known before the hearing started.

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

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

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

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

3. Decisions of the High Council of Justice, its bodies shall be made at the session of the High Council of Justice, its bodies, unless otherwise provided by this Law.

   Decisions of the High Council of Justice, its bodies shall be made in a special room (deliberation room):

   - if conducting a consideration in an open session can lead to disclosure of a secret, protected by law;
   - to prevent the disclosure of information on intimate or other private parts of life of persons, who participate in the consideration of a disciplinary case.

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

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

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

6. The conclusions reached within a decision of the High Council of Justice and its bodies shall be publicly announced upon its adoption while the full text of the decision shall be published at the official website of the High Council of Justice on the seventh day after its adoption at the latest, unless otherwise provided by the Law.

7. Should a member of the High Council of Justice have a dissenting opinion in a disciplinary case or to a decision following a complaint to the decision of the Disciplinary Chamber on disciplinary liability of a judge or a respective body on disciplinary liability of a prosecutor, it shall be made in writing and attached to the case file, and the chairperson of the session shall make a corresponding announcement during the session. The content of the dissenting opinion is not subject to an announcement at a session. A dissenting opinion shall be published together with the full text of the decision.
Article 35. Appealing the decisions of the High Council of Justice and its bodies

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

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

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

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

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

Chapter 2. Participation in the appointment of the judiciary

Article 36. A review by the High Council of Justice of recommendations of the High Qualification Commission of Judges of Ukraine

1. Judges shall be appointed by the President of Ukraine upon suggestion of the High Council of Justice.

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

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

4. At a session of the High Council of Justice, following the presentation of the report by the member of the High Council of Justice, who was appointed the rapporteur, the High Council of Justice shall deliberate on the candidate to a judge.

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

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

1. A decision regarding a candidate to a judge shall be adopted at a session of the High Council of Justice.

2. The plenary session of the High Council of Justice, where the issue of submitting a motion on a judicial appointment is considered, shall have the quorum of at least fourteen members of the High Council of Justice.
3. The decision on submission of a motion on a judicial appointment to the President of Ukraine shall be adopted if it receives not less than fourteen votes of the members of the High Council of Justice.

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

The High Council of Justice may adopt a decision on the refusal to submit a judicial appointment to the President of Ukraine in accordance with item 1 of paragraph nineteen of Article 79 of the Law of Ukraine 'On the judiciary and the status of judges' only based on the grounded information obtained by the High Council of Justice within the procedure prescribed by the law if:

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

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

Article 38. Appealing the decisions of the High Council of Justice concerning candidates to judges

1. A decision of the High Council of Justice on a refusal to submit a motion on a judicial appointment to the President of Ukraine can only be appealed and revoked on the grounds established by the law of Ukraine 'On the judiciary and the status of judges'.

Chapter 3. Reviewing cases on the violation of the incompatibility requirements

Article 39. Opening of an incompatibility case

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

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

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

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

2) the name, the last name and the patronymics of the judge (judges), the prosecutor (prosecutors) referred to in the application;
3) the particular information on the violation of the incompatibility requirements;

4) a reference to factual data (statements, comments, other evidence) confirming the information provided by the applicant.

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

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

Article 40. Procedures for the review of the incompatibility cases

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

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

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

4. A repeated failure by the judge or the prosecutor to attend the session of the High Council of Justice, regardless of the reasons for this failure, shall be the ground for hearing the case in absentia.

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

1. Following the hearing on an incompatibility case, the High Council of Justice may adopt a decision on:

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

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

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

2. The decision on incompatibility shall be adopted by the majority of members of the High Council of Justice participating in the session. The member of the High Council of Justice appointed as the rapporteur on the case shall not participate in the voting.
Chapter 4. Disciplinary proceedings towards judges

Article 42. A disciplinary proceeding

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

A disciplinary proceeding shall be initiated upon receiving a complaint on a disciplinary offense of a judge (the disciplinary complaint) filed in accordance with the Law of Ukraine ‘On the judiciary and the status of judges’ or initiated by the Disciplinary Chamber or by the High Qualification Commission of Judges of Ukraine in cases stipulated by the law.

3. A disciplinary proceeding shall comprise:

1) preliminary study of materials that have signs of committing by a judge a disciplinary offense, and making a decision on opening a disciplinary case or refusal in its opening;

2) consideration of a disciplinary complaint and making a decision on bringing or refusal in bringing a judge to disciplinary liability.

Article 43. A preliminary check of a disciplinary complaint

1. A disciplinary inspector of the High Council of Justice, determined by the automated case distribution system for a preliminary check of a relevant disciplinary complaint (disciplinary inspector of the High Council of Justice - rapporteur) shall:

1) study the disciplinary complaint, check its compliance with legal requirements and check the availability of the grounds for dismissing the complaint or refusing to open a disciplinary case;

2) return the complaint to the applicant where there are grounds listed in items 1-5 of paragraph one of Article 44 of this Law;

3) forward the complaint to the Disciplinary Chamber on the grounds listed in item 6 of paragraph one or paragraph two of Article 44 of this Law to either adopt a decision on dismissal of the complaint or to open a disciplinary proceeding;

4) in the absence of grounds to leave the complaint without consideration and the dismissal thereof, during thirty days since the day of receiving such a complaint, prepares materials with proposal on opening or refusal in opening a disciplinary case. This term can be prolonged by a disciplinary inspector, but only in case of a reasonable need for additional verification of a disciplinary complaint not more than fifteen days.

2. The conclusion of a disciplinary inspector of the High Council of Justice - rapporteur, along with the disciplinary complaint and the materials collected during the preliminary check, shall be submitted to the Disciplinary Chamber for consideration.

Article 44. Grounds for a return of a disciplinary complaint

1. A disciplinary complaint shall be left without consideration and returned to the applicant if:
1) the complaint is filed with a violation of the requirements set forth by the Law of Ukraine 'On the Judiciary and the Status of Judges', or it is not signed or lacks the name, the last name or the parental name of the applicant or of the judge; or does not show the applicant's place of residence (temporary residence, official seat);

2) the disciplinary complaint lacks the reference to the features of a disciplinary offense committed by the judge;

3) the disciplinary complaint lacks the reference to the facts (statements, evidence) as to the disciplinary offense committed by the judge;

4) the disciplinary complaint contains obscene remarks or statements offending the honor and dignity of any person;

5) the disciplinary complaint requests a disciplinary sanction for a judge who is dismissed or whose powers are terminated at the time of the complaint;

6) the disciplinary complaint is based only on the grounds that can be verified by a higher instance court in accordance with the rules established by the procedural legislation.

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

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

Article 45. Grounds for a refusal to open a disciplinary complaint

1. A disciplinary case shall not be opened where:

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

2) the term stipulated by the law for imposing a disciplinary sanction on a judge has expired;

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

4) the substance of the complaint can be brought down only to the discontent about a judicial decision.

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

Article 46. Opening of a disciplinary case

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

2. The decision on the opening of a disciplinary case may not be appealed.
3. Where it was decided to refuse to open a disciplinary case and following a request of a member of the Disciplinary Chamber, who does not agree with this decision, or at the request of the disciplinary inspector of the High Council of Justice - the rapporteur, the decision shall be forwarded for approval of the High Council of Justice.

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

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

Article 47. The parties to a disciplinary case

1. The disciplinary case shall be reviewed by the Disciplinary Chamber in the presence of the disciplinary inspector of the High Council of Justice - the rapporteur, judge against whom the case is opened (further referred as “the judge” in Chapter 4 of this Law) and the complainant.

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

4. In case of the absence of a judge for good reasons, the consideration of a disciplinary case by the Disciplinary chamber shall be postponed.

In case of repeated absence of a judge, the consideration of a disciplinary case shall be carried out by the Disciplinary chamber without his/her participation, except for cases where the judge was not notified or was notified with the violation of part five of Article 48 of this Law.

Article 48. Preparation of a Disciplinary Case for Hearing

1. Once a disciplinary case is opened, the disciplinary inspector of the High Council of Justice - the rapporteur shall prepare the case for hearing in the Disciplinary Chamber, determines witnesses or other persons who should be summoned or invited to participate in the session, etc.

By the results of the preparation of a case, a disciplinary inspector of the High Council of Justice – rapporteur, shall prepare a conclusion and, not later than thirty days from the day of opening of the case, transfer it to the consideration of the Disciplinary chamber.

3. Other members of the Disciplinary Chamber shall receive the materials of the disciplinary case for examination.

5. The judge and the complainant shall be notified of the hearing at the Disciplinary Chamber not later than ten days before the hearing, in accordance with the procedures established by the Rules of Procedure of the High Council of Justice, as well as by publishing the relevant information at the official website of the High Council of Justice.

The judge is considered to be duly notified if the notification was forwarded to the address of his/her residence or the temporary residence or to the address of the court where he/she sits.
Shall this not be possible, the notification shall be then published on the website of the High Council of Justice.

**Article 49. A review of the disciplinary case**

1. The review of the disciplinary case by the Disciplinary Chamber is open to the public, the participants being disciplinary inspector of the High Council of Justice — rapporteur, the judge, the complainant and their representatives.

2. The consideration of a disciplinary case in a closed session of the Disciplinary chamber shall be held:

   if conducting a consideration in an open session can lead to disclosure of a secret, protected by law;

   to prevent the disclosure of information on intimate or other private parts of life of persons, who participate in the consideration of a disciplinary case.

5. The failure by the complainant to attend the disciplinary review shall not preclude it.

6. The judge shall have the right to submit written clarifications on the merits of the complaint.

7. During the disciplinary review, the Disciplinary Chamber shall hear disciplinary inspector of the High Council of Justice — rapporteur, the judge, the complainant, their representatives, witnesses and other persons that were summoned to participate in the meeting.

   Presiding at the session shall explain witness his/her rights and obligations, determined by this Law, and warn a witness under the receipt about criminal liability for knowingly false testimony or for refusing to testify on grounds not provided by law

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

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

10. If during the disciplinary review the Disciplinary Chamber finds elements of a disciplinary offense in the actions of other judges or elements of other disciplinary offenses in the actions of the judge whose case is heard, the Disciplinary Chamber may by itself initiate an opening of another disciplinary case.

11. The Disciplinary Chamber may adopt a decision to merge several disciplinary cases it is reviewing into one case.

12. The High Council of Justice may adopt a decision during its plenary session on the merger of several disciplinary cases heard by different Disciplinary Chambers and assign the case to a particular Disciplinary Chamber.
13. The Disciplinary Chamber shall conduct a review of a disciplinary case within ninety days from the date when the disciplinary case is opened. Under exceptional circumstances, this period may be extended by the Disciplinary Chamber, but not more than for thirty days if it is necessary to carry out an additional examination of the facts of the case and/or the materials of the case files.

Article 50. A decision in a disciplinary case

2. Based on the results of the review of the disciplinary case, the Disciplinary Chamber adopts a decision as to the imposing a disciplinary sanction on the judge or as to the refusal to impose a disciplinary sanction on the judge.

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

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

6. If the Disciplinary Chamber adopts a decision not to apply a disciplinary sanction towards a judge, the disciplinary proceeding is terminated.

7. The resolution part of the decision shall be immediately announced at the session once adopted.

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

1) the name, the last name, the parental name and the position of the judge;
2) the established facts with a reference to relevant evidences;
3) the grounds for the decision;
4) the substance of the decision and the disciplinary sanction, if it is imposed;
5) the procedure and deadlines for appealing the ruling, including the permission to appeal where applicable.

9. The decision on a disciplinary sanction towards the judge may contain the procedure of its execution defined by the Disciplinary Chamber.

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

Chapter 5. Appealing decisions to impose disciplinary liability on the judge or the prosecutor

Article 51. Appealing decisions of the Disciplinary Chamber on a disciplinary liability of the judge
1. The judge against whom the Disciplinary Chamber adopts a decision within a disciplinary case shall have the right to appeal the decision to the High Council of Justice.

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

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

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

4. Appealing the decision of the Disciplinary Chamber to apply a disciplinary sanction to the judge results in a suspension of the execution of the disciplinary action.

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

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

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

2) the complainant lodged the appeal without the permission of the Disciplinary Chamber for such an appeal;

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

4) the complaint contains obscene remarks or statements offending the honour and dignity of a person;

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

7. The High Council of Justice shall consider appeals against the decisions of the Disciplinary Chamber not later than thirty days from the date of their receipt. This term may be prolonged by the High Council of Justice for not more than thirty days in case of necessity for an additional verification of the circumstances and/or files.

8. The members of the High Council of Justice, who are members of the Disciplinary Chamber that adopted the disputed decision, shall not participate in the consideration of the appeal. In case of making a relevant decision, the High Council of Justice shall invite a disciplinary inspector of the High Council of Justice – rapporteur to the session where the complaint against the decision of the Disciplinary Chamber shall be considered, to report on this disciplinary case.

9. The appeal against the decision of the Disciplinary Chamber to impose disciplinary liability on the judge shall be considered in accordance with the procedure referred to in Article 49 of this Law.
10. Following the review of an appeal against the decision of the Disciplinary Chamber, the High Council of Justice may:

1) annul fully the decision of the Disciplinary Chamber to impose disciplinary liability on the judge and terminate the disciplinary proceeding,

2) revoke a part of the decision of the Disciplinary Chamber to impose disciplinary liability on a judge and adopt a new decision,

3) revoke the decision of the Disciplinary Chamber to refuse to impose disciplinary liability on a judge in full or in part and adopt a new decision,

4) alter the decision of the Disciplinary Chamber and award a different type of the disciplinary sanction,

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

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

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

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

1) the composition of the High Council of Justice that adopted the corresponding decision did not have the powers to do so;

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

3) the judge was not duly notified of the session of the High Council of Justice if any of the decisions referred to in items 2-5 of paragraph ten of Article 51 of this Law is taken;

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

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

3. If a court annuls the decision of the High Council of Justice, which was adopted following a review of the complaint to the decision of the Disciplinary Chamber, the High Council of Justice shall consider the respective disciplinary case again. The repeated consideration of the case shall be carried out by the High Council of Justice at a plenary session in line with the procedures referred to in Article 49 of this Law.
Article 53. Review of an appeal on a decision of a corresponding authority to impose disciplinary liability on the prosecutor

1. A prosecutor, towards whom a corresponding authority adopted a decision to apply a disciplinary sanction, may appeal this decision to the High Council of Justice not later than within thirty days from the date of handing him/her over or forwarding him/her by post of a copy of the decision.

2. The High Council of Justice may renew the term of appeal against the decision of the corresponding authority to apply a disciplinary sanction towards a prosecutor, if the deadline was missed for valid reasons.

3. The complaint against the decision of the corresponding authority to impose disciplinary liability on a prosecutor shall be reviewed by the High Council of Justice in accordance with the procedure referred to in Article 49 of this Law regulating the disciplinary review against the judge.

4. The High Council of Justice shall review the appeals against the decisions of the corresponding authority to apply a disciplinary sanction towards a prosecutor not later than within sixty days from the date of the receipt of the appeal. This term may be extended by the High Council of Justice for maximum sixty days more in case of the need for an additional verification of the circumstances and/or documents.

5. Following the review of the appeal against the decision of the corresponding authority to apply a disciplinary sanction towards a prosecutor, the High Council of Justice may:
   1) annul the decision of the corresponding authority in full and terminate the disciplinary proceedings,
   2) revoke the decision of the corresponding authority to discipline a prosecutor in part and adopt a new decision,
   3) revoke the decision of the corresponding authority to apply a disciplinary sanction towards a prosecutor in part or fully and adopt a new decision,
   4) alter the decision of the corresponding authority and apply a different type of the disciplinary sanction,
   5) approve the decision of the corresponding authority without any alterations.

6. A copy of the decision of the High Council of Justice following the review of an appeal against the decision of the corresponding authority to apply a disciplinary sanction towards a prosecutor shall be handed over or forwarded to the prosecutor or his/her representative within seven days from the day of the adoption of the decision.

Article 54. Appealing a decision of the High Council of Justice following the review of the appeal against the decision of the corresponding authority to apply a disciplinary sanction towards a prosecutor

1. A decision of the High Council of Justice following the review of the consideration of appeal against the decision of the corresponding authority to apply a disciplinary sanction towards a prosecutor may be appealed and revoked solely on the following grounds:
1) the composition of the High Council of Justice that adopted the decision did not have the power to do so;

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

3) the prosecutor was not properly notified of the session of the High Council of Justice if any of the decisions specified in paragraphs 2-5 of Article 53(5) hereof was adopted,

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

2. The right to appeal to a court a decision of the High Council of Justice, which is adopted following a review of the complaint to the decision of the corresponding authority on the imposing of a disciplinary sanction towards a prosecutor, have this prosecutor and the complainant if the complaint led to the decision of the High Council of Justice.

3. The High Council of Justice shall review the disciplinary case again, in accordance with the procedure referred to in Article 49 of this Law, if the court annuls the decision of the High Council of Justice following the review of an appeal against the decision of the relevant authority to apply a disciplinary sanction towards a prosecutor. The repeated review of the case shall be carried out by the High Council of Justice at a plenary session in line with the procedures referred to in Article 49 of this Law.

**Chapter 6. Removal of the judge from the office**

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

1. The issue of a removal of the judge from the office on the grounds referred to in items 1 and 4 of Article 126(6) of the Constitution of Ukraine shall be examined at a session of the High Council of Justice.

2. If a judge gives a resignation notice for a voluntary retirement, the High Council of Justice shall adopt a decision on the resignation upon clarifying whether the judge acts with his/her free will or whether there is any external influence or use of an unlawful pressure on him/her.

3. The High Council of Justice has the right to suspend the process of a removal of the judge from the office on the grounds referred to in paragraphs 1 and 4 of Article 126(6) of the Constitution of Ukraine for the duration of the review of an appeal or complaint which might lead to the judge’s removal from the office on the grounds referred to in paragraphs 2, 3, and 6 of Article 126(6) of the Constitution of Ukraine.

4. Following the examination of the issue of the judge’s removal from the office on the grounds referred to in paragraphs 1 and 4 of Article 126(6) of the Constitution of Ukraine, the High Council of Justice shall adopt a grounded decision.
Article 56. Removal of the judge from the office on particular grounds

1. The issue of a removal of the judge from the office on the grounds referred to in items 2, 3, 5, and 6 of Article 126(6) of the Constitution of Ukraine shall be examined at a session of the High Council of Justice.

2. The issue of a removal of the judge from the office on the grounds referred to in paragraph 2 of Article 126(6) of the Constitution of Ukraine (breach of compatibility requirements by the judge) shall be examined by the High Council of Justice in accordance with the procedure of reviewing the cases on the violation of the compatibility requirements as Chapter 3 of Part II of this Law defines.

3. The issue of a removal of the judge from the office on the grounds referred to in items 3 and 6 of Article 126(6) of the Constitution of Ukraine (a substantive disciplinary offence by a judge, a gross or repeated neglect of the judge’s duties that is incompatible with the status of the judge or exposes his/her incompetent job performance; a violation of the judge’s obligation to confirm a lawful source of his/her assets), shall be examined by the High Council of Justice following the motion of the Disciplinary Chamber on the dismissal of a judge.

4. When reviewing the case of the judge’s removal on the grounds referred to in paragraph 5 of Article 126(6) of the Constitution of Ukraine (the judge does not accept the transfer to another court when the court where the judge holds the office is terminated or reorganized), the High Council of Justice shall ascertain the fact that the judge rejects the reassignment to another court (including the failure to comply with the reassignment decision) based on the judge’s letter or information about such a letter offered by the High Qualification Commission of Judges of Ukraine, or a notice by the president or the deputy president of the corresponding court on the judge’s failure to appear at the court to administer justice.

5. The High Council of Justice must invite to its session the judge whose removal from the office is under consideration on the grounds referred to in item 5 of Article 126(6) of the Constitution of Ukraine. The judge and/or his/her representative is entitled to make a statement and clarifications at the session of the High Council of Justice. Should the judge be unable to attend the session of the High Council of Justice for a valid reason, the judge can request to postpone the review of the issue of his/her dismissal. The repeated failure by the judge to attend the session, regardless of the reasons, does not preclude reviewing the case in absentia.

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

Article 57. Appealing a decision of the High Council of Justice on a removal of the judge from the office

1. A decision of the High Council of Justice that a judge be removed from the office on the grounds referred to in paragraphs 1, 2, 4 of Article 126(6) of the Constitution of Ukraine can only be appealed and revoked for the reasons established by the law.
2. A decision of the High Council of Justice that a judge be removed from the office on the grounds referred to in paragraphs 3 and 6 of Article 126(6) of the Constitution of Ukraine can only be appealed and revoked for the following reasons only:

1) the composition of the High Council of Justice that adopted the decision did not have the power to do so;

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

3) the decision does not contain references to the grounds defined by the law for the judge’s dismissal and to the reasons on the basis of which the High Council of Justice reached its findings.

3. A decision of the High Council of Justice that the judge be removed from the office on the grounds referred to in paragraph 5 of Article 126(6) of the Constitution of Ukraine can be appealed and revoked on the grounds prescribed by Article 57(2) hereof, or if the judge was not duly informed about the session of the High Council of Justice during which the decision was adopted.

Chapter 7. Granting consent for taking a judge under custody, the detention or arrest of a judge

Article 58. A motion requesting consent for taking a judge under custody, detention or arrest

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

2. A motion requesting consent to take a judge under custody, detention or arrest shall be submitted for consideration of the High Council of Justice by the Prosecutor General or Deputy Prosecutor General, and regarding judge of the High Anti-Corruption Court, such a submission shall be made by the Prosecutor General (Acting Prosecutor General). Consent for detention, keeping in custody or under arrest of a judge shall comply with the requirements provided by the Criminal Procedural Code of Ukraine. A separate motion shall be filed regarding each prevention remedy.

3. The motion needs to be well-reasoned, contain concrete facts and evidence proving that the judge committed a socially dangerous act stipulated by the Criminal Code of Ukraine, and justify the necessity of the detention.

4. The High Council of Justice shall return a motion that does not meet the criteria of this Article to the Prosecutor General or Deputy Prosecutor General, adopting a grounded decision on this issue.
Article 59. Procedures for consideration of motions requesting consent for taking a judge under custody, detention or arrest

1. The High Council of Justice shall consider a motion requesting consent to detain a judge, remand him/her into custody, or place them under arrest at not later than on the fifth day upon the receipt of the motion.

2. The High Council of Justice shall consider the motion on providing consent for detention, keeping in custody or under arrest of a judge without summoning the judge. The High Council of Justice may summon the judge for providing explanations if need be. The notice of the date, time and place for the consideration of the respective motion shall be sent to the Prosecutor General or his/her deputy without delay.

   The consideration of the motion on granting consent to detention, keeping in custody or under arrest of a judge of the High Anti-Corruption Court, shall be carried out by the High Council of Justice with the obligatory participation of a judge or his/her representative. A notification about the date, time and place of the consideration of a relevant petition shall be sent immediately to the Prosecutor General (Acting Prosecutor General) and judge of the High Anti-Corruption Court.

   In case of failure of a judge of the High Anti-Corruption Court or his/her representative to attend the session of the High Council of Justice, the consideration of submission shall be carried out without their participation.

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

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

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

Article 60. A decision of the High Council of Justice to grant consent that a judge be taken under custody, detention or arrest

1. A decision to grant consent that the judge be detained, taken into custody, or placed under arrest shall be announced to those present at the session and immediately handed over to the Prosecutor General, his/her Deputy, or the authorized prosecutor. Concerning judge of the High Anti-Corruption Court, such a decision shall be immediately given to the Prosecutor General (Acting Prosecutor General).
Article 61. **An appeal of the decision of the High Council of Justice to grant consent that a judge be taken under custody, detention or arrest**

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

Chapter 8. **Suspension of a judge from the administration of justice**

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

1. A judge may be suspended from the administration of justice by a decision of the High Council of Justice:
   1) due to facing criminal charges;
   2) when undergoing a qualification assessment;
   3) as a matter of a disciplinary sanction.

2. A judge is considered to be suspended starting from the date of adoption of a decision by the Disciplinary Chamber on a disciplinary sanction in the format of a motion to dismiss the judge from the office – without the High Council of Justice adopting a separate decision.

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

4. On the date when the High Council of Justice reviews the case of the judge, the notice of the adopted decision on the suspension of the judge from administration of justice shall be sent to the court where this judge holds position and the notice is placed on the official website of the High Council of Justice and on the official web-portal of the Ukrainian judiciary.

Article 63. **Suspension of the judge from the administration of justice due to facing criminal charges**

1. The High Council of Justice, following a grounded motion filed by the Prosecutor General or the Deputy of the Prosecutor General, suspends the judge from administering justice due to facing criminal charges for a period of time not exceeding two months, and concerning a judge of the High Anti-Corruption Court, following a grounded motion from the Prosecutor General (Acting Prosecutor General). At the stage of the judicial hearing, the term of suspension shall be set up until the court sentence enters into force or the criminal proceedings are closed.

2. A motion for the suspension of the judge who is facing criminal charges shall be submitted to the High Council of Justice against the judge who is the suspect or the accused (the judged) at any stage of the criminal proceedings.

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

4. The Prosecutor General or his/her Deputy shall be entitled to authorize a prosecutor to provide the judge, except for a judge of the High Anti-Corruption Court, with a copy of the motion
for the suspension of the judge facing criminal charges and with the documents that substantiate the motion, as well as to present the respective motion for consideration at a session of the High Council of Justice.

5. The High Council of Justice shall immediately consider the motion for suspension of the judge facing criminal charges, within not more than seven days upon the receipt of the motion.

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

7. The failure of the judge, the Prosecutor General, or his/her Deputy, or a prosecutor authorized by any of these two heads of prosecution to attend the session of the High Council of Justice, provided they are properly notified of the date, time and place of the session, shall not preclude the motion from being considered.

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

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

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

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

**Article 64. Extension of the term for judge's suspension from the administration of justice due to facing criminal charges**

1. The term for suspending the judge from the administration of justice due to facing criminal charges shall be extended following the procedures referred to in Article 63 of this Law for the suspension of the judge from the administration of justice for a period of time not exceeding two months, and if the indictment is forwarded to the court, until the court sentence enters into force or the criminal proceedings are closed.

2. A motion to extend the term for the judge’s suspension from administration of justice shall be filed by the Prosecutor General or his/her Deputy, and concerning a judge of the High Anti-Corruption Court – by the Prosecutor General (Acting Prosecutor General), not later than ten days before the end of the period of time for which the judge has been suspended.
3. A motion to extend the term of the judge’s suspension from administration of justice due to facing criminal charges, if it is filed without adherence to the requirements provided for by the law, shall be returned by the High Council of Justice to the Prosecutor General or his/her Deputy without consideration.

4. The motion to extend the term of the suspension of the judge from administration of justice due to facing criminal charges shall be satisfied provided that:

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

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

5. Should the High Council of Justice adopt the decision to extend the suspension of the judge from the administration of justice due to facing criminal charges, the judge shall be suspended from the office starting from the date on which the High Council of Justice passes this decision, for a period of time stipulated in the decision, which may not exceed two months, and if the indictment is forwarded to the court, up until the court sentence enters into force or the criminal proceedings are closed.

6. A repeat motion filed by the Prosecutor General or his/her Deputy for the suspension of the judge from the administration of justice due to facing criminal charges or a motion to extend the judge’s suspension within the same criminal proceedings shall not be permitted, except for the cases where previous decisions passed by the High Council of Justice have been reversed.

7. The suspension of the judge from the administration of justice due to facing criminal charges shall be discontinued once the criminal proceedings against the judge have been closed or the court sentence has entered into force. In this case the High Council of Justice does not adopt a separate decision on the termination of the suspension of the judge from administration of justice.

Article 65. Appealing the decision to suspend or to extend suspension of the judge due to facing criminal charges from the administration of justice

1. A decision of the High Council of Justice to suspend the judge from the administration of justice due to facing criminal charges or to extend the suspension may be appealed and reversed only for the following reasons:

1) the composition of the High Council of Justice that adopted the decision did not have the power to do so;

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

3) the decision does not refer to the grounds stipulated by the law for its approval, or to the reasons based on which the High Council of Justice made a respective conclusion.

2. The appealing of the decision of the High Council of Justice shall not suspend its execution.
Article 66. The judge's suspension from the administration of justice when undergoing a qualification assessment

1. The judge undergoing a qualification assessment shall be suspended from the administration of justice by the High Council of Justice following a motion filed by the High Qualification Commission of Judges of Ukraine.

2. A motion filed by the High Qualification Commission of Judges of Ukraine shall be considered immediately by the High Council of Justice, within not more than seven days upon its receipt.

3. A motion of the High Qualification Commission of Judges of Ukraine shall be considered by the High Council of Justice without summoning the judge. The High Council of Justice may summon the judge for providing explanations if need be.

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

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

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

7. The judge’s suspension from the administration of justice shall be discontinued from the date on which the High Qualification Commission of Judges of Ukraine adopts a decision confirming that the judge can administer justice in the respective court or from the date on which the judge is dismissed from the office following the failure to confirm the judge’s capability to administer justice in the respective court - without adoption of a separate decision on the discontinued suspension of the judge from the administration of justice by the High Council of Justice.

Article 67. Appealing the decision on suspension of the judge from the administration of justice when undergoing a qualification assessment

1. A decision by the High Council of Justice to suspend the judge when undergoing a qualification assessment may be appealed and reversed only for the following reasons:

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

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

3) the decision of the High Council of Justice was not signed by any of the members of the High Council of Justice who adopted it;
4) the decision of the High Qualification Commission of Judges of Ukraine to file the motion on the basis of which the High Council of Justice passed its decision was not signed by any of the members of the High Qualification Commission of Judges of Ukraine that adopted the decision to file the motion;

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

**Article 68. The judge’s suspension from the administration of justice within the procedure of the disciplinary accountability**

1. The judge shall be suspended by the High Council of Justice in the framework of the disciplinary procedure on the basis of a decision by the Disciplinary Chamber to apply a disciplinary sanction by the latter’s filing a motion for the suspension of the judge from the administration of justice.

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

3. The failure by the judge to attend the session regardless of the reasons for such failure does not preclude the hearing in the case *in absentia*.

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

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

1. A decision by the High Council of Justice to suspend the in the framework of the disciplinary procedure may be appealed and reversed only for the following reasons:

   1) the composition of the High Council of Justice that adopted the decision did not have the power to do so;

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

   3) the decision does not refer to the grounds stipulated by the law for the suspension from the administration of justice as a part of the disciplinary accountability and to the reasons based on which the High Council of Justice came to the respective conclusions.

**Chapter 9. The Transfer of Judges**

**Article 70. A transfer of a judge from one court to another**

1. The transfer of a judge from one court to another shall be carried out by the High Council of Justice:
1) based on and within the recommendations of the High Qualification Commission of Judges of Ukraine and the documents attached thereto;

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

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

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

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

2. The judge, in respect of whom the transfer from one court to another is being considered, shall be invited to the session of the High Council of Justice in accordance with the procedure adopted by this Law. The failure by the judge to attend the session, regardless of the reasons for the failure, does not preclude from the hearing of the case in absentia.

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

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

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

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

   1) the composition of the High Council of Justice that adopted the decision did not have the power to do so;

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

   3) the decision does not refer to the grounds stipulated by the law for the transfer of judges and to the reasons based on which the High Council of Justice came to the respective conclusions.

Chapter 10. Taking Measures to Guarantee the Independence of Judges and the Authority of Justice

Article 73. Measures to Guarantee the Independence of Judges and the Authority of Justice
1. In order to guarantee the independence of judges and the authority of justice, the High Council of Justice:

1) on its official website holds and publishes the register of statements of judges concerning the interference in the functioning of a judge regarding the administration of justice, checks such statements, publishes the findings and adopts the respective decisions;

2) files motions to the respective authorities or officials on identifying and holding liable (as it is envisaged by the law) of persons who committed acts or a lack of action which are in breach of the guarantees of the judicial independence or which undermined the authority of justice;

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

4) approves and publishes public statements and appeals;

5) appeals to legislative-making bodies and the bodies authorized to adopt legal acts, with proposals regarding the independence of judges and authority of justice;

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

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

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

2. The High Council of Justice takes measures envisaged in paragraph 1 of this Article on its own initiative, at a request of a judge, a court, bodies and agencies of the system of justice.

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

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

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

1. The motions of the High Council of Justice on the issues provided for in items 2, 3 of paragraph 1 of Article 73 of this Law shall oblige the respective bodies or officials to consider them within ten days upon their receipt, unless a different term is stipulated by law.

2. The respective authority or official shall immediately (but no later than within three days) notify the High Council of Justice on the decision adopted following the consideration of the motion of the High Council of Justice and on the measures taken.
3. Should the long-term measures be required, the High Council of Justice shall be entitled to request the respective authority or officials in its motion to monthly inform the High Council of Justice on the measures taken and the results achieved.

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

SECTION III
FINAL AND TRANSITIONAL PROVISIONS

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

   Article 3(1)10 of Chapter 9, Section II of this Law that shall enter into force two years after the Law of Ukraine 'On making amendments to the Constitution of Ukraine (concerning justice)' becomes effective;

   para. 19(a) of this Section with regard to changes in the text of the wording 'The Supreme Court of Ukraine' in all cases to the wording 'The Supreme Court' in the respective case that shall become effective starting from the date when the Supreme Court starts functioning according to the procedure and comprising members as prescribed by the Law of Ukraine 'On the Judicial System and Status of Judges' dated June 2, 2016, No. 1402-VIII;

   para. 23(a) and 23(e) of this Section that shall become effective on the date following the date of publication of this Law but no earlier than January 1, 2017.


3. Following amendments shall be made in the legislative acts of Ukraine:

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

      a) in the note to Article 172⁴ the words “members of the High Council of Justice (excluding those permanently employed in the High Council of Justice), jurymen and” shall be deleted;

      b) Article 185³ shall be amended as follows:

      “Article 185³. Contempt of a court

      Contempt of a court manifested as deliberate failure to stand before the court as a witness, complainant, plaintiff, defendant or failure of the said and other persons to follow instructions of the chair or breach of order during a court hearing, as well as actions committed by anyone showing obvious disrespect of the court or rules set forth in the court, shall entail a fine from fifty to one hundred fifty tax free allowances.

      The same actions committed repeatedly within one year after administrative penalty was imposed, shall entail a fine from one hundred fifty to two hundred fifty tax free allowances or correctional labour for the term from one to two months with deduction of twenty percent of the income, or administrative arrest for the term up to fifteen days.

      Deliberate evasion of an expert, interpreter to appear before the court shall entail a fine from twenty to one hundred tax free allowances.
Failure of guarantor to fulfil obligations imposed by the court within proceedings in cases based on administrative complaints with regard to detention and removal of foreigners and stateless persons, shall entail a fine from one hundred fifty to three hundred tax free allowances’;

c) Article 188\(^{32}\) shall be amended as follows:

‘Article 188\(^{32}\). Failure to fulfil lawful requirements of the High Council of Justice, its body or a member of the High Council of Justice

Failure to fulfil lawful requirements of the High Council of Justice, its body or a member of the High Council of Justice as to providing information, a judicial case (a copy thereof), consideration of which has been completed, providing designedly inveracious information, as well as failure to comply with terms envisaged by the law for providing information, a judicial case (a copy thereof), consideration of which has been completed, to the High Council of Justice, its body or a member of the High Council of Justice shall entail a fine from fifty to one hundred fifty tax free allowances.

The same actions committed repeatedly within a year after administrative penalty was imposed, shall entail a fine from one hundred fifty to two hundred fifty tax free allowances.

Failure to provide or to timely provide a response to a motion of the High Council of Justice on identifying and holding liable persons who committed acts or inactions in breach of guarantees of judges’ independence or undermining the authority of justice, shall entail a fine from two hundred fifty to three hundred tax free allowances’;

d) in Article 255, part one:

in the paragraph 'bodies of State Border Service of Ukraine (para. 2, 4 and 5 of Articles 85, 92, para. 3 of Article 185\(^{3}\), 185\(^{10}\), 191, 204-204\(^{2}\), 205-206\(^{1}\))’ in item 1 words and numbers 'paragraph three of Article 185\(^{3}\)’ shall be replaced by words and numbers 'paragraph four of Article 185\(^{3}\)’;

in the paragraph 'territorial bodies and territorial departments of the central executive authority implementing state policy in the sphere of migration (immigration and emigration), including in countering illegal migration, citizenship, registration of natural persons (paragraph three of Article 185\(^{3}\))’ of item 1 words and numbers 'paragraph three of Article 185\(^{3}\)’ shall be replaced by words and numbers 'paragraph four of Article 185\(^{3}\)’;

in paragraph 7\(^{1}\) words and numbers 'paragraphs one and two of Article 185\(^{3}\)’ shall be replaced by words and numbers 'paragraphs one, two and three of Article 185\(^{3}\)’;

in item 9\(^{2}\) words ‘of the High Council of Justice’ shall be replaced by the words ‘of the High Council of Justice’;

2) in paragraph one of Article 67 of the Code of Commercial Navigation of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 1995, No. 47-52, p. 349) words 'by the Prosecutor General of Ukraine' shall be replaced by words 'by the Prosecutor General';


a) sub-paragraph one of paragraph one of Articles 112 and 346 after the words ‘the member of the Cabinet of Ministers of Ukraine’ shall be supplemented by the words ‘the Chairman or a
member of the High Council of Justice, the Chairman or a member of the High Qualification Commission of Judges of Ukraine;

b) sub-paragraph one of paragraph one of Article 344 after the words 'the member of the Cabinet of Ministers of Ukraine' shall be supplemented by the words 'the Chairman or a member of the High Council of Justice, the Chairman or a member of the High Qualification Commission of Judges of Ukraine';

c) Article 351² shall be added to read as follows:

Article 351². Disruption to the functioning of the High Council of Justice, the High Qualification Commission of Judges of Ukraine

1. A failure to comply with lawful requirements of the High Council of Justice, its body or a member of the High Council of Justice, the High Qualification Commission of Judges of Ukraine or a member of the High Qualification Commission of Judges of Ukraine, creating artificial obstacles to their work - shall be punished by a fine from one hundred to one thousand amounts of an established by law of a tax-free income of a person or an arrest for a term of up to six months, or an imprisonment for a term of up to three years;

d) in the text of the Code the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

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


a) in paragraph six and in sub-paragraph one of paragraph seven of Article 171 the words 'of the High Council of Justice' shall be replaced by the words 'of the High Council of Justice, the High Judicial Qualifications Commission of Ukraine';

b) in the text of the Code the words 'the High Council of Justice' in all cases shall be replaced with the words 'the High Council of Justice' in the respective case;


a) in paragraph one of Article 3: in item 8 the words 'agency of the state investigation bureau' shall be supplemented with the words 'agency of the State Penitentiary Service of Ukraine';

in item 17 the words 'agency of the state investigation bureau' shall be supplemented with the words 'agency of the State Criminal Executive Service of Ukraine';

b) in Article 38:

item 1 of paragraph one shall be supplemented with a new sub-item 'r' to read as follows:

'r) agencies of the State Criminal Executive Service of Ukraine';

paragraph three after the words 'agencies exercising control over compliance with tax legislation' shall be supplemented with the words 'agencies of the 'agency of the State Criminal Executive Service of Ukraine ';}
c) paragraph two of Article 131 shall be supplemented by item 4 to read as follows:

'4) suspension of judges from administration of justice';

d) second sentence of paragraph three of Article 154 shall be deleted;

r) shall be supplemented with Article 155 to read as follows:

'Article 155. Temporary Suspension of a Judge from Administration of Justice Due to Facing Criminal Charges and the Extension of Such Suspension

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

2. A motion for the suspension of a judge from the administration of justice due to facing criminal charges shall be submitted to the High Council of Justice against a judge who is the suspect or the accused (judged) at any stage of criminal proceedings.

3. A motion for the suspension of a judge from the administration of justice due to facing criminal charges shall be in line with requirements of paragraph 2 of Article 155 of this Code.

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

5. A motion for the suspension of a judge from the administration of justice due to facing criminal charges shall be submitted to the High Council of Justice against a judge who is the suspect or the accused (judged) at any stage of criminal proceedings.

6. A motion to extend the suspension of a judge from the administration of justice due to facing criminal charges shall be in line with requirements of paragraph 2 of Article 155 of this Code';

e) in Article 216:

sub-paragraph five of item 1 of paragraph five shall be amended to read as follows:

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

after paragraph five a new paragraph shall be added to read as follows:

'6. Investigating agencies of the State Criminal Executive Service of Ukraine shall conduct pre-trial investigation of crimes committed in the territory or on the premises of the State Criminal Executive Service of Ukraine';

In view of that, paragraphs six to nine shall be considered paragraphs seven to ten respectively;

f) paragraph six of Article 232 after the words 'agencies exercising control over compliance with tax legislation' shall be supplemented with the words 'agencies of the State Criminal Executive Service of Ukraine';

g) in paragraph five of Article 246:
paragraph 4 after the words 'of the State Investigation Bureau' shall be supplemented with the words 'of the State Criminal Executive Service of Ukraine';

sub-paragraph five after the words 'Head of the State Investigation Bureau' shall be supplemented with the words 'Head of the State Criminal Executive Service of Ukraine';

h) item 2 of paragraph one of Article 480 shall be amended to read as follows:

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

i) item 3 of paragraph one of Article 481 shall be amended to read as follows:

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

j) paragraph one of Article 482 shall be amended to read as follows:

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

A judge may not be detained or kept in custody or arrest without the consent of the High Council of Justice before a court sentence is adopted, with the exception of a detention of a judge during or immediately after committing a grave or an especially grave crime.

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

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

2) detention of the judge during or immediately after committing a grave or an especially grave crime, if the detention is necessary to prevent the crime, prevent or preclude the consequences of the crime or guaranteeing safety of evidence of this crime.

A judge shall be immediately released if the objective of the detention (prevention of crime, prevention or preclusion of consequences of a crime or guaranteeing safety of evidence of such a crime) has been achieved';

k) paragraph four of Article 575 after the words 'agency of the State Investigation Bureau of Ukraine' shall be supplemented with the words 'agency of the State criminal Executive Service of Ukraine';

l) in the text of the Code the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;


a) in Article 9;
paragraph two after the words 'by head of intelligence agency of the Ministry of Defence of Ukraine or their deputies' shall be supplemented with the words 'by head of structural department of the State Penitentiary Service of Ukraine or his/her authorized representative';

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

b) in the text of the Law the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

8) on the text of the Law of Ukraine 'On Organisational and Legal Grounds of Fight Against Organised Crime' (Bulletin of the Verkhovna Rada of Ukraine, 1993, № 35, p. 358 with subsequent amendments) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

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


a) in Article 18:

paragraph five after the words 'of the National Council of Television and Radiobroadcasting' shall be supplemented by the words 'on election and dismissal of members of the High Council of Justice by the Verkhovna Rada of Ukraine';

in paragraph seven the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

paragraph nine shall be deleted;

b) in item 9 of paragraph one of Article 25 the words 'to the Prosecutor General of Ukraine' shall be replaced with the words 'to the Prosecutor General';

12) in item 1 of paragraph one of Article 13, paragraph three of Article 20 of the Law of Ukraine 'On the Commissioner of the Verkhovna Rada of Ukraine on Human Rights' (Bulletin of the Verkhovna Rada of Ukraine, 1998, № 20, p. 99; 2013, № 21, p. 208) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';

13) sub-paragraph nine of paragraph one of Article 6 of the Law of Ukraine 'On the State Guard of Ukraine of State Authorities of Ukraine and Public Officials' (Bulletin of the Verkhovna Rada of Ukraine, 1998, № 35, p. 236) shall be amended to read as follows:

'of the Prosecutor General';

142; 2014, № 6-7, p. 80) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';

15) in sub-paragraph one of paragraph one of Article 31 of the Law of Ukraine 'On Status of Deputies of Local Councils' (Bulletin of the Verkhovna Rada of Ukraine, 2002, № 40, p. 290; 2015, p., № 2-3, p. 12) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

16) in item 6 of paragraph two of Article 7 of the Law of Ukraine 'On Counter-Intelligence' (Bulletin of the Verkhovna Rada of Ukraine, 2003, № 12, p. 89; 2013, № 21, p. 208) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

17) in paragraph three of Article 24, Article 31 of the Law of Ukraine 'On Fighting Terrorism' (Bulletin of the Verkhovna Rada of Ukraine, 2003, № 25, p. 180) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';

18) in paragraph four of Article 3 of the Law of Ukraine 'On Access to Judicial Decisions' (Bulletin of the Verkhovna Rada of Ukraine, 2006, № 15, p. 128) the words 'by the Cabinet of Ministers of Ukraine' shall be replaced with the words 'by the High Council of Justice';


 a) in paragraph four of Article 14, paragraph one of Article 34, paragraph one of Article 168, paragraph three of Article 178, title of Chapter 33, Articles 212 and 213 the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case, as well as in the text of the Rules of Procedure the words 'the Supreme Court of Ukraine' in all cases shall be replaced with the words 'the Supreme Court' in the respective case;

 b) in item 1 of paragraph four of Article 88 the words 'to the Prosecutor's General Office of Ukraine' shall be replaced with the words 'to the Prosecutor General';

 c) in paragraph one of Article 140: in item 4 the words 'a statement of the Supreme Court of Ukraine, high specialized courts of Ukraine, the Ministry of Justice of Ukraine, the Prosecutor’s General Office of Ukraine' shall be replaced with the words 'a statement of the High Council of Justice, the Supreme Court, high specialized courts of Ukraine, the Ministry of Justice of Ukraine, the Prosecutor General';

 in item 6 the words 'clarifications of the Supreme Court of Ukraine as to provisions of the law if there are any' shall be deleted;

 d) in paragraph one of Article 168 the words 'the Chairman of the High Council of Justice (Justytsii)' shall be replaced with the words 'the Chairman of the High Council of Justice (Pravosudnya)';

 e) in the title of Chapter 20 and Article 170 the word 'impossibility' in all cases shall be replaced with the word 'incapability' in the respective case;

 f) in item 4 of paragraph three of Article 174 the words '(except for judges of the Constitutional Court of Ukraine and judges of the courts of general jurisdiction)' shall be
replaced with the words ‘(expect for the judges and judges of the Constitutional Court of Ukraine)’;

g) Article 208\(^1\) shall be amended to read as follows:

\textbf{Article 208\(^1\).} Procedures for the Election of Members of the High Council of Justice and Procedures for their Dismissal

1. In accordance with paragraph two of Article 131 of the Constitution of Ukraine the Verkhovna Rada shall elect members of the High Council of Justice.

2. Not later than six months before the term of a member of the High Council of Justice expires or within 14 days starting from the date when he/she quits the office before the expiry, the Secretariat of the Verkhovna Rada shall publish the information on the official website and shall inform the factions (groups of deputies) that proposals from the factions (groups of deputies) for candidates to positions of members of the High Council of Justice will now be collected. A faction (group of deputies) may propose one candidate to the position of a member of the High Council of Justice irrespective of the number of vacant positions.

3. A faction (group of deputies) shall propose a candidate for the position of a member of the High Council of Justice and shall provide the documents, as envisaged by the Law of Ukraine ‘On the High Council of Justice’ to the Secretariat of the Verkhovna Rada within 45 days starting from the date of announcement that a collection of proposals of the factions (groups of deputies) has commenced;

4. The information about the persons who seek to be elected a member of the High Council of Justice shall be published on the official website of the Verkhovna Rada not later than 30 days before the consideration of issues stipulated in paragraph five of this article by the committee in charge of justice.

5. The committee in charge of justice shall review the documents submitted as proposals of the factions (groups of deputies) and it preliminarily discusses the compliance of documents with the requirements envisaged in the Law of Ukraine ‘On the High Council of Justice’ and it also shall submit a recommendation with conclusions regarding every candidate for the consideration of the Verkhovna Rada.

6. The decision of the committee in charge of justice and the information about the candidates to the position of a member of the High Council of Justice shall be submitted to the members of parliament not later than three days before the consideration of the respective issue by the Verkhovna Rada.

7. Every candidate shall be entitled to speak at a plenary session of the Verkhovna Rada before the voting begins.

The members of parliament may ask a candidate about any information concerning the candidate, except for the information about his/her private lives and where there are no reasonable grounds to assume that it may be important for establishing whether the candidate is capable of a proper execution of the powers of a member of the High Council of Justice, as well as the information constituting a state secret.

8. The vote shall take place after the candidates’ speeches and the discussions of these speeches.
9. The selection to the position of a member of the High Council of Justice shall be carried out by the Verkhovna Rada by an open rating voting separately for every candidate.

10. The Verkhovna Rada shall elect members of the High Council of Justice by the list determined on the basis of the rating vote in accordance with the number of vacant positions by means of an open vote by a majority of the members of parliament from the constitutional composition of the Verkhovna Rada.

11. Shall the voting as prescribed in paragraph ten of this Article by the Verkhovna Rada fail to result in an election of a list of the members of the High Council of Justice, a repeated procedure shall be carried out in line with paragraph nine of this Article. The candidates included into this list shall not participate in the repeated procedure. Following the repeated election procedure, the Verkhovna Rada shall vote to elect members of the High Council of Justice by the list in line with paragraph ten of this Article. A repeated selection and voting shall be held until there are no candidates remaining.

12. If the Verkhovna Rada has not elected either of the candidates to the position of a member of the High Council of Justice, the Secretariat of the Verkhovna Rada shall publish on the official website of the Verkhovna Rada information on a new receipt of proposals from the factions (groups of deputies) regarding candidates to the position of a member of the High Council of Justice according to paragraph two of this Article. A faction (group of deputies) may repeatedly propose the person who has not been elected by the list by the Verkhovna Rada according to paragraph ten of this Article.

13. A motion for a dismissal of a member of the High Council of Justice shall be filed to the Verkhovna Rada by the High Council of Justice. A motion shall be filed together with the documents providing for the grounds envisaged by the Law of Ukraine 'On the High Council of Justice' for a dismissal of a member of the High Council of Justice.

14. A committee in charge of justice issues shall preliminarily consider the motion and other documents and prepare a recommendation.

Shall the committee find a non-compliance with the requirements of the Law of Ukraine “On the High Council of Justice”, the committee shall draw a conclusion indicating the non-compliance. The committee shall submit the conclusion to the Head of the Verkhovna Rada of Ukraine who shall return the motion to the High Council of Justice with the conclusion of the committee for the non-compliance to be removed.

15. A discussion of the issue of a dismissal of a member of the High Council of Justice at a plenary session of the Verkhovna Rada shall commence with an announcement by the chairman of the plenary session of the Verkhovna Rada of the motion of the High Council of Justice.

16. The issue of the dismissal of a member of the High Council of Justice shall be considered in his/her presence.

17. After the motion of the High Council of Justice has been announced to the member of the High Council of Justice who is subject to the issue under consideration, he/she shall be given the floor and he/she answers to questions of the members of parliament.

18. Shall the member of the High Council of Justice who is subject to the issue under consideration repeatedly fail to appear at the session of the Verkhovna Rada, such issue can be considered in absentia.
19. A decision on a dismissal of a member of the High Council of Justice shall be adopted by an open individual vote.

20. In case the decision on a dismissal of a member of the High Council of Justice is not adopted, a repeated voting and a repeated consideration of this issue shall not be permitted on the same grounds.

21. A decision on the election as a member of the High Council of Justice and on a dismissal shall be formalized by a resolution of the Verkhovna Rada;

h) Article 212 shall be amended to read as follows:

'Article 212. Procedure of Granting Consent to the Appointment and the Dismissal of the Prosecutor General by the President of Ukraine

1. In accordance with item 25 of paragraph one of Article 85 of the Constitution of Ukraine the Verkhovna Rada shall consider the matter of granting consent to appointment and dismissal of the Prosecutor General by the President of Ukraine.

2. The President of Ukraine shall submit to the Verkhovna Rada a written request on granting consent for appointment and dismissal of the Prosecutor General. Request for granting consent for appointment of the Prosecutor General shall be submitted together with information about the candidate for the position (part two of Article 205 of these Regulations).

3. The Verkhovna Rada shall consider the request of the President of Ukraine no later than after 10 days after receipt of this request by the Verkhovna Rada.

4. The President of Ukraine shall participate in the plenary session of the Verkhovna Rada when the matter of granting consent to appointment to the position of the Prosecutor General is being considered.

5. Candidate for the position of the Prosecutor General shall be granted possibility to answer questions of representatives of factions (groups of deputies), members of parliament. Time for discussion of the candidate for the position of the Prosecutor General and answers to questions shall be determined by the Verkhovna Rada and shall amount to no less than one hour.

6. The committee to the competence of which the matter of preliminary consideration of the candidate to the position of the Prosecutor General belongs and the matter of dismissal from the position of the Prosecutor General, shall prepare a respective decision and shall be entitled to have its representative speaking when Verkhovna Rada is considering the matter of providing consent to appointment of the Prosecutor General.

7. Decision on granting consent of the Verkhovna Rada for appointment and dismissal of the Prosecutor General by the President of Ukraine shall be taken by open individual voting by majority of votes of members of parliament of the constitutional composition of the Verkhovna Rada.

8. Decision on granting consent of the Verkhovna Rada for appointment and dismissal of the Prosecutor General by the President of Ukraine shall be formalized by a respective resolution of the Verkhovna Rada;

i) Articles 214, 215, 216 and 216\(^1\) shall be deleted;
j) in the title of Chapter 34 the words 'by members of the High Council of Justice' shall be replaced with the words 'by members of the High Council of Justice', and the words 'by judges of the Constitutional Court of Ukraine' shall be deleted;

k) in Article 217:

paragraph one shall be amended to read as follows:

'1. Commissioner of the Verkhovna Rada of Ukraine on Human Rights appointed by the Verkhovna Rada, members of the High Council of Justice elected by the Verkhovna Rada, members of the Central Electoral Commission shall oath before the Verkhovna Rada within terms and according to the text determined in line with the laws of Ukraine 'On the Commissioner of the Verkhovna Rada of Ukraine on Human Rights', 'On the High Council of Justice', 'On the Central Electoral Commission'. The mentioned persons shall oath in person at a plenary session of the Verkhovna Rada';

a sub-paragraph shall be added to paragraph two to read as follows:

'A member of the High Council of Justice shall oath immediately after his/her election by the Verkhovna Rada';

the words 'if not envisaged otherwise by the present Regulations' shall be added to paragraphs three and four';

in paragraph five the words 'respectively', 'elected', 'of a member of the High Council of Justice', 'or election' shall be deleted;

in paragraph six the words 'of a member of the High Council of Justice' shall be replaced with the words 'of a member of the High Council of Justice', and the words 'judges of the Constitutional Court of Ukraine' shall be deleted;

l) in the title of Chapter 35 the words 'detention or arrest of a judge of the Constitutional Court of Ukraine, a judge of a court of general jurisdiction' shall be deleted;

m) in Article 218:

in paragraph one the words 'according to paragraph three of Article 126, Article 149 of the Constitution of Ukraine for detention or arrest of a judge of the Constitutional Court of Ukraine, a judge of a court of general jurisdiction' shall be deleted;

paragraph two shall be amended to read as follows:

'2. A request for granting consent to incurring criminal liability, detention or arrest of a member of parliament shall be initiated by a prosecutor. A separate request shall be submitted for each separate prevention measure. A request regarding a member of parliament shall be supported and submitted to the Verkhovna Rada by the Prosecutor General (acting Prosecutor General)';

in paragraph three the words 'detention or arrest of a judge of the Constitutional Court of Ukraine, a judge of a court of general jurisdiction' shall be deleted;

in paragraph four the words 'respectively to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine' shall be replaced with the words 'to the Prosecutor General (acting Prosecutor General)';

n) in Article 220:
paragraph two shall be amended to read as follows:

'2. The Prosecutor General (acting Prosecutor General) shall participate in the sessions of the committee';

in paragraph four the words 'respectively to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine' shall be replaced with the words 'to the Prosecutor General (acting Prosecutor General)';

o) in Article 221:

in paragraphs one and two the words 'detention or arrest of a judge of the Constitutional Court of Ukraine, a judge of a court of general jurisdiction' shall be deleted;

in paragraph three:

in item 1 the words 'to the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine' shall be replaced by the words 'to the Prosecutor General (acting Prosecutor General)';

in item 2 the words 'of a judge of the Constitutional Court of Ukraine, a judge of a court of general jurisdiction' shall be replaced with the words 'regarding whom';

in items 2 and 3 of paragraph seven the words 'judges of the Constitutional Court of Ukraine, judges of the courts of general jurisdiction' shall be deleted;

in paragraph nine the words 'respectively of the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine) or the President of the Supreme Court of Ukraine' shall be replaced with the words 'of the Prosecutor General (acting Prosecutor General)';

p) in paragraph one of Article 240 the words 'and judges of courts of general jurisdiction' shall be deleted;


a) in sub-paragraph six of paragraph one of Article 7 the words 'members of the High Council of Justice (except for those permanently employed in the High Council of Justice)' shall be deleted;

b) in paragraph one of Article 23 the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

c) in paragraph seven of Article 44 the words 'the President of the High Council of Justice' shall be replaced with the words 'the President of the High Council of Justice';

d) item 6 of paragraph seven of Article 54 shall be amended to read as follows:

'6) elects two members of the High Council of Justice';

21) Article 37 of the Law of Ukraine ‘On the Cabinet of Ministers of Ukraine’ (Bulletin of the Verkhovna Rada of Ukraine, 2014, № 13, p. 222; 2015, № 2-3, p. 12) shall be amended to read as follows:

'Article 37. Relationship of the Cabinet of Ministers of Ukraine with the judiciary
1. The Cabinet of Ministers of Ukraine may be a plaintiff and a defendant in courts, in particular have recourse to justice if so be required for the discharge of its functions in a manner prescribed by the Constitution and the laws of Ukraine.

2. Interests of the Cabinet of Ministers of Ukraine in courts shall be represented by the Ministry of Justice of Ukraine unless otherwise provided for by the laws of Ukraine or acts of the Cabinet of Ministers of Ukraine.

3. At the request of the Cabinet of Ministers of Ukraine or the Ministry of Justice of Ukraine executive bodies, state enterprises, institutions and organisations shall be obliged to submit materials necessary for the hearing of cases in courts within the deadlines defined by the requesting party.

4. The Cabinet of Ministers of Ukraine shall interact with the High Council of Justice, other judiciary agencies and institutions on matters within their competence;

22) in paragraph five of Article 27 of the Law of Ukraine 'On the National Anti-Corruption Bureau of Ukraine' (Bulletin of the Verkhovna Rada of Ukraine, 2014, № 47, p. 2051) the words 'of the Prosecutor General of Ukraine' shall be replaced with the words 'of the Prosecutor General';

   a) in item 1 of paragraph one of Article 3:
      in sub-item 'a' the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';
      sub-item 'ґ' shall be amended to read as follows:
      'ґ) judges, judges of the Constitutional Court of Ukraine, the President, Vice-President, members, inspectors of the High Council of Justice, officials of the secretariat of the High Council of Justice, the President, Vice-President, members, inspectors of the High Judicial Qualifications Commission of Ukraine, officials of the secretariat thereof, officials of the State Judiciary Administration of Ukraine, jurymen (while exercising their functions in the court)';
   b) in paragraph five of Article 9:
      in paragraph one the words 'by the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine)' shall be replaced with the words 'by the Prosecutor General (acting Prosecutor General)';
      in paragraph two the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';
   c) in sub-paragraph five of paragraph one of Article 19 the words 'to the High Council of Justice' shall be replaced with the words 'to the High Council of Justice';
   d) in paragraph two of Article 25 the words 'members of the High Council of Justice (except for those permanently employed in the High Council of Justice)' shall be deleted;
   e) in paragraph one of Article 35 the words 'of judges of the Constitutional Court of Ukraine and judges of the courts of general jurisdiction' shall be replaced with the words 'of judges, judges of the Constitutional Court of Ukraine';
f) paragraph five shall be added to Article 45 to read as follows:

'S. Section VII of this Law shall not cover officials of institutions, agencies and organisations mainly busy with social services, social and professional rehabilitation of handicapped people including children, social protection of veterans of war and participants of anti-terror operation, healthcare (except for heads of healthcare institutions of central, oblast, district, city (cities of oblast level, the cities of Kyiv and Sevastopol), education (except for heads of higher educational establishments and their deputies), science (except for presidents of the National Academy of Science of Ukraine and national branch academies of science, first vice-presidents, vice-presidents and chief academic secretaries of the National Academy of Science of Ukraine and national branch academies of science, other members of the Presidium of the National Academy of Science of Ukraine and national branch academies of science elected by general meeting of the National Academy of Science of Ukraine and national branch academies of science respectively, heads of research institutes and other scientific institutions), culture, arts, restoration and preservation of the national memory, physical training, sports, national and patriotic education';

g) in note to Article 50:

the words 'a member, inspector of the High Council of justice, member, inspector of the High Judicial Qualifications Commission of Ukraine' shall be added after the words 'a member of the Central Electoral Commission';

the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

h) in Article 56:

a new sub-paragraph shall be added after sub-paragraph two to read as follows:

'The Secretariat of the High Council of Justice and the secretariat of the High Judicial Qualifications Commission of Ukraine respectively shall conduct special inspection of the candidates for membership in the High Council of Justice and the High Judicial Qualifications Commission of Ukraine elected by the congress of judges of Ukraine, the congress of attorneys of Ukraine, the national conference of prosecutors, the congress of representatives of higher education and research institutions in the area of law.'

In view of that sub-paragraphs three and four shall become sub-paragraphs four and five respectively;

in the note:

the words 'a member, inspector of the High Council of Justice, member, inspector of the High Judicial Qualifications Commission of Ukraine' shall be added after the words 'a member of the Central Electoral Commission';

the words 'of the Prosecutor General of Ukraine' shall be replaced with the words 'of the Prosecutor General';

a) in sub-paragraph seven the words 'members of the High Council of Justice' shall be replaced with the words 'members of the High Council of Justice';

b) in sub-paragraph eight the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

25) in Article 2 of the Law of Ukraine 'On Administration of Justice and Criminal Proceedings Due to Anti-Terror Operations' (Bulletin of the Verkhovna Rada of Ukraine, 2014, № 39, p. 2009) the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';


a) in Article 2:

in item 2 the words 'of the Prosecutor General of Ukraine' shall be replaced with the words 'of the Prosecutor General';

in item 4 the words 'of the members of the High Council of Justice' shall be replaced with the words 'of the members of the High Council of Justice' and the word 'professional' shall be deleted;

b) in Article 5:

in paragraph four:

in sub-paragraphs one and two the word 'professional' shall be deleted;

in paragraph three the words 'of the High Council of Justice' shall be replaced by the words 'of the High Council of Justice';

in paragraph thirteen the word 'professional' shall be deleted and the words 'of the members of the High Council of Justice' shall be replaced with the words 'of the members of the High Council of Justice';


a) in paragraph two of Article 6, Articles 7, 8, 8¹, 9, paragraph one of Article 15, paragraph four of Article 16, Article 17, sub-paragraph two of paragraph five of Article 19, Article 21, sub-paragraph three of paragraph three of Article 23, Article 24, paragraph two of Article 25, sub-paragraph three of paragraph four of Article 27, paragraph one of Article 34, paragraph two of Article 36, Article 39, Article 40, paragraph one of Article 41, Article 42, paragraph five of Article 46, Articles 49, 51, paragraph two of Article 53, paragraph two of Article 54, paragraph two of Article 56, paragraph two of Article 57, sub-paragraph two of paragraph two of Article 58, paragraph two of Article 61, Article 63, item 1 of paragraph nine of Article 71, paragraph five of Article 81, paragraph one of Article 90, paragraph two of Article 91, paragraph two of Article 94 the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;

b) paragraph two of Article 40 shall be amended to read as follows:

'2. The term of office of the Prosecutor General shall amount to six years. The same person may not hold an office of the Prosecutor General for two subsequent terms';
c) in item 2 of paragraph one of Article 42, paragraph five of Article 49, paragraph one of Article 50, Articles 53, 62, paragraph one of Article 63, item 1 of paragraph one of Article 64 the words 'the High Council of Justice' in all cases shall be replaced with the words 'the High Council of Justice' in the respective case;

d) in Articles 45-47, item 4 of paragraph one of Article 77, paragraph three of Article 78 the word 'complaint (submission)' in all cases and forms shall be replaced with the words 'disciplinary complaint' in the respective case and number.

e) in Article 50:

in paragraph one the words 'the High Council of Justice' shall be replaced by the words 'the High Council of Justice';

in paragraph two the words 'of Qualification and disciplinary commission of prosecutors' shall be replaced with the words 'of the High Council of Justice';

paragraph three shall be amended to read as follows:

"3. If an administrative suit is filed to a court challenging a decision of the High Council of Justice on imposing disciplinary liability on a prosecutor or on impossibility of further remaining in prosecutor's office, such decision shall not become ineffective. A court may however, as a matter of provisional remedy, by a respective ruling, suspend the decision of the High Council of Justice on imposing disciplinary liability on a prosecutor or on impossibility of further remaining in prosecutor's office";

f) in paragraph one of Article 66, Articles 67-70, paragraphs one and eight of Article 71, paragraph one of Article 72, paragraph three of Article 73, item 1 of paragraph one of Article 74 the words 'national conference of the prosecutor's office staff' in all cases and numbers shall be replaced with the words 'national conference of prosecutors' in the respective case and form;

g) in paragraph two of Article 67:

in item 2 the words 'shall appoint members of the High Council of Justice' shall be replaced with the words 'shall elect members of the High Council of Justice';

in item 4 the words 'Code of professional ethics and conduct of the prosecutor's office staff' shall be replaced with the words 'Code of professional ethics and conduct of the prosecutors';

h) in Article 78:

the words 'as well as the procedure and deadlines for appealing the decision, including permission to the person who filed the disciplinary complaint to appeal the decision, if it was granted' shall be added to sub-paragraph one of paragraph eight;

paragraph ten shall be added to read as follows:

'10. The person who filed the disciplinary complaint on a disciplinary offense committed by a prosecutor, shall be entitled to appeal the decision of the Qualification and disciplinary commission of prosecutors to the High Council of Justice provided there is a permission of the Qualification and disciplinary commission of prosecutors to do so';

i) in item 2 of Section XII 'Final Provisions' the words 'before the national conference of the prosecutor's office staff approves the Code of ethics and conduct of the prosecutor's office staff' shall be replaced with the words 'before the national conference of the prosecutors approves the Code of ethics and conduct of the prosecutors';
j) in Section XIII ‘Transitional Provisions’:

in item 6:

the words 'of the national conference of the prosecutor’s office staff' shall be replaced with the words 'national conference of the prosecutors';

paragraph two shall be added to read as follows:

'If prior to relevant provisions of this Law becoming effective, a member of the High Council of Justice has to be dismissed from office or elected, the national conference of prosecutors shall be convened and held, for the purpose of electing or dismissing a member of the High Council of Justice, under the procedure approved by the Prosecutor General';

item 8 shall be deleted;

28) in Article 23 of the Law of Ukraine ‘On Probation’ (Bulletin of the Verkhovna Rada of Ukraine, 2015, № 13, p. 93) the words 'the Prosecutor General of Ukraine' shall be replaced with the words 'the Prosecutor General';

29) in sub-paragraph three of item 1 of paragraph one of Article 7 of the Law of Ukraine ‘On the Audit Chamber’ (Bulletin of the Verkhovna Rada of Ukraine, 2015, № 36, p. 360) the words 'the High Council of Justice' shall be replaced with the words 'the High Council of Justice';

30) in item 2 of paragraph one of Article 5 of the Law of Ukraine ‘On the National Agency Dealing with Identification, Search for and Management of Assets Illicitly Obtained as a Result of Corruption and Other Crimes’ (Bulletin of the Verkhovna Rada of Ukraine, 2016, № 1, p. 2) the words 'by the Prosecutor General of Ukraine' shall be replaced with the words 'by the Prosecutor General';


a) paragraph four shall be added to Article 5 to read as follows:

'4. Legal regime of civil service in the judiciary shall be set forth by the legislation on the judiciary and the status of judges';

b) in sub-paragraph four of item 1 of paragraph two of Article 6:

the words 'of the Supreme Court of Ukraine' shall be replaced with the words 'of the Supreme Court';

the words 'of chief of secretariats of the High Council of Justice, the High Judicial Qualifications Commission of Ukraine and their deputies, Head of State Judicial Administration of Ukraine and his/her deputies' shall be added;

c) item 6 of paragraph two of Article 14 shall be deleted;

d) in Article 91:

in paragraph one the words 'of the Supreme Court of Ukraine' and 'of the High Council of Justice’ shall be replaced accordingly with the words 'of the Supreme Court' and 'of the High Council of Justice';
the words 'and chiefs of administrations (secretariats) of courts, agencies and institutions of the judiciary with the features envisaged by the legislation on the judiciary and the status of judges' shall be added to paragraph two;

e) sub-paragraph two shall be added to paragraph four of Article 92 to read as follows:

'Special rules for the Executive Support Office in courts, agencies and institutions of the judiciary shall be defined by the legislation on the judiciary and the status of judges';

32) in the text of the Law of Ukraine 'On the State Investigation Bureau' (Bulletin of the Verkhovna Rada of Ukraine, 2016, № 6, p. 5) the words 'the Prosecutor General of Ukraine' in all cases shall be replaced with the words 'the Prosecutor General' in the respective case;


a) item 3 of paragraph one of Article 28 shall be amended to read as follows:

'3) has the professional experience of at least seven years as an attorney, including by representation in a court and/or defence against criminal charges';

b) item 3 of paragraph one of Article 38 shall be amended to read as follows:

'3) has the professional experience of at least ten years as an attorney, including by representation in a court and/or defence against criminal charges';

c) items 3 and 4 of paragraph six of Article 69 shall be amended to read as follows:

3) an academic degree – an academic degree in the field of law obtained at a higher education establishment (university, academy or institute, except for a military educational establishment) or a research institution of Ukraine or a similar higher education establishment or a research institution of a foreign state. An academic degree obtained in a higher education establishment or a research institution of a foreign state shall be acknowledged in Ukraine as it is defined by law;

4) experience of academic work – the experience of the professional work in the field of law as a part of research (research and lecturing) job at a higher education establishment (university, academy or institute, except for a military educational establishment) or a research institution of Ukraine or a similar higher education establishment or a research institution of a foreign state'.

d) paragraph one of Article 88 shall be amended to read as follows:

“Shall the Public Integrity Council in its opinion conclude that a judge (a candidate to a judge) does not meet the criteria of professional ethics and integrity, the High Qualification Commission of Judges of Ukraine may adopt a decision confirming the competence of this judge (the candidate to a judge) to administer justice in a respective court only if this decision is supported by not less than eleven members thereof';

e) sub-paragraph two shall be added to paragraph four of Article 101 to read as follows:

'The High Qualification Commission of Judges of Ukraine may revise decisions approved by its chamber or panel as to the admission to the competition or selection procedures';

f) paragraph five shall be added to Article 103 to read as follows:
'5. The inspectors of the High Qualification Commission of Judges of Ukraine shall not be civil servants; their status shall be established by this Law. Special rules regulating their functioning shall be established by a Regulation on the Inspectors of the High Qualification Commission of Judges of Ukraine adopted by the High Qualification Commission of Judges of Ukraine.

g) paragraphs three and five of Article 142 shall be amended to read as follows:

'3. A retired judge shall receive a monthly lifetime financial allowance amounting to 50 percent of the judicial remuneration of a judge holding a respective position. Every full year of work as a judge over 20 years shall add two percent to the monthly lifetime financial allowance';

'5. A judge shall receive a pension or a monthly financial allowance irrespectively of income (profit) obtained by the judge after retirement. The monthly financial allowance shall be paid by the bodies of the Pension Fund of Ukraine from the state budget of Ukraine';

h) in paragraph one of Article 150 the words 'and of the National School of Judges of Ukraine' shall be deleted;

i) paragraph eight of Article 155 shall be amended to read as follows:

'8. Directorates, departments, sections may be established within the secretariats of courts that shall exercise their functions based on the regulations approved by the head of the administration of the respective court';

j) in Section XII 'Final and Transitional Provisions':

a new sub-paragraph shall be added after item 3 of sub-paragraph one to read as follows:

'The commercial courts of the Autonomous Republic of Crimea, oblasts, the cities of Kyiv and Sevastopol shall continue to exercise their powers before district commercial courts are established and functioning and the jurisdiction of which shall cover the respective territory'.

Respectively, sub-paragraph two shall become sub-paragraph three;

sub-paragraph two shall be added to item 22 to read as follows:

'The judges, who by the date of this Law coming in force, have passed the qualification assessment and confirmed their competency to administer justice in the respective court, shall receive judicial remuneration determined in accordance with the Law of Ukraine 'On the Judiciary and the Status of Judges' before 1 January 2017 (Bulletin of the Verkhovna Rada of Ukraine 2010, №№ 41-45, p. 529; 2015, №№ 18-20, p. 132 with subsequent amendments)';

item 25 shall be amended to read as follows:

'25. A judge who, based on the results of the qualification assessment, has confirmed the competency to hold his/her office (administering of justice in the respective court) or has been appointed as a judge following the competition that was held after this Law entered into force, and who has served as a judge at least three years from the date when the decision regarding him/her was adopted on the basis of the qualification assessment or the competition, shall be entitled to receiving a monthly lifetime financial allowance in the amount determined by this Law.

In other cases, when a judge is retiring after the entry into force of this Law, the monthly lifetime financial allowance shall amount to 80 percent of the judicial remuneration calculated according to the Law of Ukraine 'On the Judiciary and the Status of Judges' (Bulletin of the
Verkhovna Rada of Ukraine, 2010, №№ 41-45, p. 529; 2015, №№ 18-20, p. 132 with subsequent changes). Every full year of work as a judge over 20 years shall add two percent to the monthly lifetime financial allowance, however it may not amount to more than 90 percent of the judicial remuneration calculated according to the above-mentioned Law;

sub-paragraph two shall be added to item 26 to read as follows:

'Before 1 January 2017, the members of the High Qualification Commission of Judges of Ukraine shall receive the pay of 10 minimum wages multiplied by 1,3 coefficient. Also, the extra payments and the bonuses shall remain applicable, as defined by the law that was effective before this Law came into force;

sub-paragraph four shall be added to item 34 to read as follows:

'The number of years of work experience of judges appointed or elected before this Law enters into force shall remain being determined in accordance with the legislation effective on the date of their appointment (election)';

in sub-item 46 the words 'in courts, between courts, between courts and bodies of judicial self-governance' shall be replaced with the words 'in courts and bodies of judicial self-governance, between courts, between courts and bodies of judicial self-governance';


a) in Article 24:

sub-paragraphs two four shall be added to paragraph three to read as follows:

'Within first three years of operations as a private executor, minimum insurance amount of civil liability of a private executor may not be less than the total sum to be recovered under writs of execution under his/her execution within a year but shall not be lower than 1 thousand minimum wages as from the start of the respective calendar year.

The date of registering a private executor in the Integrated Register of Private Executor of Ukraine shall be the date from which operations of a private executor shall be considered commenced.

The time when operations of a private executor are suspended shall not be counted as time of operations of a private executor';

the words 'minimum' shall be added after the word 'exceeds' in paragraph four;

b) the words 'of the sum of recovery and' shall be added after the words 'taking into account' in paragraph one of Article 27;


a) in Article 4;

in paragraph one:

sub-paragraph two shall be added to item 4 to read as follows:

'taxpayer registration number or passport series and number (for natural persons who in view of their religious beliefs have refused to accept a taxpayer number in due order, have
informed the respective controlling authority thereof and have a special mark in their passports) of the debtor (for natural persons taxpayers);

in sub-paragraph nine the words 'taxpayer registration number or passport series and number (for natural persons who in view of their religious beliefs have refused to accept a taxpayer number in due order, have informed the respective controlling authority thereof and have a special mark in their passports) of the debtor (for natural persons taxpayers)' shall be deleted;

sub-paragraph thirteen shall be added to paragraph four to read as follows:

'When a writ of execution is remanded to the recoverer without execution, the recoverer shall receive back the advance payment he/she made';

b) sub-paragraphs thirteen fifteen shall be added to part two of Article 5 to read as follows:

'During the first year of operations, a private executor may not execute decisions where the sum of recovery exceeds twenty or more million hryvnia or is equivalent to this sum in a foreign currency';

The date of registering a private executor in the Integrated Register of Private Executor of Ukraine shall be the date from which operations of a private executor shall be considered commenced.

The time when operations of a private executor are suspended shall not be counted as time of operations of a private executor';

c) sub-paragraph two shall be added to paragraph four of Article 15 to read as follows:

'The State Judicial Administration of Ukraine shall be recoverer under decisions on recovery of court fees, imposing fine (as a means of procedural coercion)';

d) in item 19 of paragraph three of Article 18 the words 'that issues a writ of execution' shall be deleted;

e) in paragraph two of Article 26:

the words 'and decisions on provisional remedies' shall be added after the word 'character' in sub-paragraph one;

paragraph nine shall be added to read as follows:

'Advance payment shall not be made for execution of decisions of the European Court of Human Rights';

f) in sub-paragraph one of paragraph three of Article 36 the word 'state' shall be deleted;

g) in item 2 of paragraph one of Article 37 the words 'during the year' shall be deleted;

h) paragraph three of Article 40 shall be amended to read as follows:

'3. Where a writ of execution is remanded to the recoverer based on the grounds indicated in items 1, 3, 4, 6 of paragraph one of Article 37 of this Law, enforcement proceeding on the grounds stipulated in items 1, 2, 4, 6, 9 (except of the case envisaged in paragraph nine of Article 27 of this Law), 11, 14 and 15 of paragraph one of Article 39 of this Law is terminated, and the enforcement fee has not been paid, state executor shall no later than on the working day
following the day when the writ of execution is remanded (enforcement proceedings is terminated) rule to recover the enforcement fee to be executed as prescribed by this Law;

i) in paragraph three of Article 52 the words 'state' shall be deleted;

j) in paragraph four of Article 58 the words 'of the inventory and list of arrested property' shall be replaced with the words 'ruling on the inventory and arrest of property (money) of the debtor';

k) in paragraph eight of Article 61 the word 'initial' shall be deleted;

l) in sub-paragraph three of paragraph three of Article 74 the word 'state' after the word 'or' and the words 'by the state executor' after the words 'ruled in enforcement proceedings' shall be deleted;

m) item 1 shall be added to Section XIII 'Final and Transitional Provisions' to read as follows:

'1. Prior to 1 January 2018 a private executor may not enforce decisions where the sum of recovery exceeds six million hryvnias or the equivalent sum in a foreign currency';


a) in paragraph seven of Article 11 the words 'a body providing administrative services may not' shall be replaced with the words 'an executive agency, another state authority, an authority of the Autonomous Republic of Crimea, a body of local self-governance, their officials may not';

b) in paragraph three of Article 18 the words 'a body providing administrative services' shall be replaced with the words 'an executive agency, another state authority, an authority of the Autonomous Republic of Crimea, a body of local self-governance, their officials';


a) item 1 shall be amended to read as follows:

'1) persons under the jurisdiction of Ukraine, shall their average monthly income not exceed two minimums of subsistence, calculated and approved in accordance with the law for persons belonging to main social and demographic groups, as well as handicapped people receiving pension or financial support appointed instead of pension, in the amount not exceeding two minimum subsistence for persons unfit for work for all types of legal services envisaged by paragraph two of Article 13 of this Law';

b) items 2 and 2 shall be added to read as follows:

'2) internally displaced persons for all types of legal services envisaged by paragraph two of Article 13 of this Law';

2) citizens of Ukraine who applied to be registered as internally displaced persons, for legal services envisaged by items 2 and 3 of paragraph two of Article 13 of this Law, on matters regarding obtaining the certificate of registration as an internally displaced person, before such certificate is obtained';
c) in item 9 the words 'for legal services envisaged in items 1-3 of paragraph two of Article 13 of this Law on matters regarding social protection' shall be replaced with the words 'for all types of legal services envisaged by paragraph two of Article 13 of this Law';

d) item 91 shall be added to read as follows:

'91) persons under the jurisdiction of Ukraine who have applied for a status of persons under the Law of Ukraine 'On the Status of Veterans of War, Guarantees of Their Social Protection', - for legal services envisaged in items 2 and 3 of paragraph two of Article 13 of this Law, - prior the decision on granting such status is issued';

38) the words 'of the central executive agency ensuring state penitentiary policy' shall be added after the words 'in the sphere of civil defence' in sub-paragraph one of paragraph ten of Article 33 of the Law of Ukraine 'On Higher Education' (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 37-38, p. 2004; 2015, No. 52, p. 482)

4. The High Council of Justice shall be established by reorganisation of the High Council of Justice.

5. Until the Law of Ukraine 'On making amendments to the Constitution of Ukraine (concerning justice)' enters into force, the appointed or elected members of the High Council of Justice shall acquire the status of the members of the High Council of Justice and exercise their powers during the term for which they were appointed or elected but not longer than 30 April 2019.

Paragraphs six and nine of Article 6 of this Law with regard to the restrictions applicable to an advocate on his/her participation in the bodies of professional self-governance and the obligation to quit the bodies of advocates’ self-governance, shall apply to the appointed or elected members of the High Council of Justice only after this Law enters into force.

6. The Minister of Justice of Ukraine and the Prosecutor General of Ukraine shall terminate their membership in the High Council of Justice on the date when the Law of Ukraine 'On making amendments to the Constitution of Ukraine (concerning justice)' comes into force'. The President of the Supreme Court of Ukraine shall terminate his/her membership in the High Council of Justice after the President of the Supreme Court is elected.

7. If on the date when the Law of Ukraine 'On making amendments to the Constitution of Ukraine (concerning justice)' enters into force a respective authorized body has not appointed the number of members of the High Council of Justice that this body should appoint according to the law, the member of the High Council of Justice for the respective vacancy shall be elected by the Congress of Judges of Ukraine within the number limit of the members of the High Council of Justice to be elected by the Congress of Judges of Ukraine, as envisaged by the Constitution of Ukraine.

Before the Supreme Court is established according to the procedure and the composition defined by the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges' No. 1402-VIII, the delegates to the Congress of Judges of Ukraine shall be elected as follows:

1) the general meeting of judges of the Supreme Court of Ukraine shall elect three delegates;

2) the general meeting of judges of the High Specialized Court of Ukraine on Civil and Criminal Cases, the general meeting of judges of the High Economic Court of Ukraine, the general meeting of judges of the High Administrative Court of Ukraine each shall elect one delegate representing twenty judges sitting in the respective court.
8. Before 1 January 2018 a judge elected (appointed) a member the High Council of Justice, with the exception of the requirements set forth in this Law, shall have the experience of working as a judge of not less than 10 years.

9. Before 1 January 2017 the members of the High Council of Justice shall receive the salary of 10 minimum wages multiplied by 1.3 coefficients, as well as the extra payments and the bonuses defined by the law that was effective before this Law comes into force.

10. The Chairman of the High Council of Justice, his/her deputy shall gain the status and shall exercise their powers of the Chairman of the High Council of Justice and the deputy respectively, as stipulated by this Law until the term of office for which they were elected expires.

11. Within the term envisaged by sub-item 7 of item 161 of Section XV of the 'Transitional Provisions' to the Constitution of Ukraine, the President of Ukraine shall transfer judges, following the motion of the High Council of Justice, based on and within the recommendations of the High Qualification Commission of Judges of Ukraine or based on the motion of the Disciplinary Chamber of the High Council of Justice.

12. The issue of the dismissal of a judge on the ground envisaged in sub-item 4 of item 161 of Section XV 'Transitional Provisions' of the Constitution of Ukraine shall be considered at a session of the High Council of Justice in its full composition based on a motion of the High Qualification Commission of Judges of Ukraine, as it is required by Article 56 of this Law. The decision on a dismissal of a judge based on the results of assessment may be appealed, as it is defined by Article 57 of this Law.

13. The documents and motions of the High Council of Justice on the first appointment of a judge that were not considered before the Law of Ukraine 'On making amendments to the Constitution of Ukraine (concerning justice)’ entered into force shall be forwarded to the High Council of Justice for finalising the issue of appointing of the respective judges (filing respective motions).

The candidates to judges whose files are forwarded to the High Council of Justice according to sub-paragraph one of this item and who, on the sixtieth day after the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges' No. 1402-VIII became effective, do not meet the requirements for appointment as a judge in accordance with the Constitution of Ukraine, shall terminate their participation in the procedures for appointment of judges.

The candidates to judges, whose files are forwarded to the High Council of Justice according to sub-paragraph one of this item and who on the sixtieth day after the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges’ No. 1402-VIII became effective, meet the requirements for the appointment as a judge in accordance with the Constitution of Ukraine and the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges' No. 1402-VIII, shall pass the qualifications exam once again, as well as shall pass the special check and shall participate in the competition for the appointment as judges.

The High Council of Justice shall provide the respective documents to the High Qualification Commission of Judges of Ukraine with a view to holding a special check, a qualifications exam and a competition for the appointment as a judge.

The documents and recommendations of the High Qualification Commission of Judges of Ukraine on the election of judges for life, if with regard to these judges no decision is adopted by the date when the Law of Ukraine 'On making amendments to the Constitution of Ukraine
Based on the results of the qualification assessment, a judge, who was appointed for five years before the Law of Ukraine 'On making amendments to the Constitution of Ukraine (concerning justice)' enters into force and whose powers are expired, may be appointed as judge following a motion of the High Council of Justice if his/her competency meets the requirements to this position according to sub-items 2 and 4 of item 16 of Section XV of the 'Transitional Provisions' of the Constitution of Ukraine.

The recommendations of the High Qualification Commission of Judges of Ukraine on the appointment as a judge to the courts in the area of the anti-terrorist operation where justice cannot be administered, if not considered by the High Council of Justice, shall be returned to the High Qualification Commission of Judges of Ukraine. These candidates, not later than on the sixtieth day after the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges' No. 1402-VIII enters into force, shall meet the requirements for the appointment as a judge in accordance with the Constitution of Ukraine and the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges' No. 1402-VIII and shall go through the special check and shall participate in the competition for the appointment as judges in the courts of Donetsk and Luhansk regions irrespective of the results of the qualification exam passed before this Law enters into force.

The High Council of Justice shall consider the appointment of judges of a high specialized court or the Supreme Court as it is prescribed by Article 36 of this Law. The procedure for the appointing of judges into a high specialized court or the Supreme Court is established by Article 81 and paragraph two of Article 82 of the Law of Ukraine 'On the Judiciary and the Status of Judges'.

14. The documents and motions of the High Council of Justice on a dismissal of judges, regarding whom either the President of Ukraine or the Verkhovna Rada of Ukraine did not adopt a decision before the Law of Ukraine 'On the Amendments to the Constitution of Ukraine (on Justice)' entered into force, shall be forwarded to the High Council of Justice for deciding upon the appointment of the judges based on the grounds indicated in the motions. The decision on a dismissal of a judge shall be approved by the High Council of Judges at a plenary session without summoning the judge, whose dismissal is under consideration. The Rules of Procedure of the High Council of Justice may envisage a simplified procedure for the consideration of this matter.

A judge with regard to whom the High Council of Justice submitted a motion of dismissal due to the breach of oath, before the Law of Ukraine 'On Amendments to the Constitution of Ukraine (on Justice)' entered into force and the decision on whom has not been adopted either by the President of Ukraine or the Verkhovna Rada of Ukraine, shall be dismissed based on item 3 of paragraph six of Article 126 of the Constitution of Ukraine.

If a judge, for whatever reason, has not been dismissed upon reaching the age of sixty five before the Law of Ukraine 'On Amendments to the Constitution of Ukraine (on Justice)' entered into force, his/her powers shall terminate starting from 30 September 2016 except for the case if before 30 September 2016 the judge submitted an application for retirement according to the procedure defined by the law. If the judge submitted an application for retirement, the High Council of Justice shall consider such application according to the procedure defined by this Law and shall approve one of the following decisions:
1) to dismiss the judge from the office following the application for retirement based on item 4 of paragraph six of Article 126 of the Constitution of Ukraine;

2) to refuse the dismissal of the judge from the office following the application for voluntary retirement if the judge does not have the necessary age limit for retirement according to the legislation effective on the date when the application for retirement was filed. In this case the powers of the judge shall terminate starting from 30 September 2016.

15. The statements on the breach of legislation on compatibility, including the requests of the Ministry of Justice of Ukraine submitted in line with the Law of Ukraine 'On the Government Cleansing', as well as proceedings on the incompatibility initiated by the High Council of Justice before the Law of Ukraine “On making amendments to the Constitution of Ukraine (concerning justice)” entered into force, the decision on which has not been taken, shall be forwarded to the High Council of Justice for consideration and decision-making in the manner prescribed by this law for the consideration of incompatibility cases.

16. The Verkhovna Rada of Ukraine, within 30 days starting from the date when the Law of Ukraine “On making amendments to the Constitution of Ukraine (concerning justice)” enters into force, shall forward to the High Council of Justice the documents (materials) on the transfer of judges to be submitted to the President of Ukraine.

17. A request (complaint) concerning the conduct of a judge forwarded by the High Qualification Commission of Judges of Ukraine for the consideration to the High Council of Justice or its Disciplinary Chambers after the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges’ No. 1402-VIII enters into force, shall remain without review and shall be added to the judicial dossier if on the date when the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges’ No. 1402-VIII enters into force the term for imposing a disciplinary sanction on the judge based on the facts set out in this request (complaint) has expired. The Rules of Procedure of the High Council of Justice may provide for a simplified procedure of a preliminary check of requests (complaints) filed to the High Judicial Qualifications Commission of Ukraine earlier than three years before the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges’ No. 1402-VIII enters into force.

The requests and complaints regarding the actions of judges, towards whom by 29 September 2016 the term of imposing a disciplinary sanction has expired, shall remain without review (and if proceedings thereunder started, they shall be terminated), except for the requests and complaints on the actions of judges mentioned in Article 3 of the Law of Ukraine 'On the Restoration of Trust to the Judiciary in Ukraine’. The complaints and requests shall be added to judicial dossiers.

18. A decision of a respective authority to impose a disciplinary sanction on a judge or a prosecutor in disciplinary cases, if initiated before the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges’ No. 1402-VIII entered into force, may be appealed to the High Council of Justice and be considered by it at a plenary session in line with the procedures envisaged by this Law.

The complaints on decisions of the respective body on imposing a disciplinary sanction on a judge or a prosecutor in disciplinary cases that have not been reviewed by the High Council of Justice before the 2 June 2016 Law of Ukraine 'On the Judiciary and the Status of Judges’ No. 1402-VIII entered into force, shall be considered by the High Council of Justice at a plenary session in line with the procedure envisaged by this Law.
19. The requests (complaints) regarding the conduct of judges of local and appeal courts provided by the High Qualification Commission of Judges of Ukraine to the High Council of Justice shall be considered by the Disciplinary Chambers of the High Council of Justice in the manner envisaged by this Law. The members of the High Council of Justice shall check individually the requests (complaints) with regard to the validity of the requirements applicable for the date of their submission.

The decisions of the High Qualification Commission of Judges of Ukraine on forwarding the recommendation to the High Council of Justice on initiating a dismissal of a judge from the office, if approved before the 2 June 2016 Law of Ukraine ‘On the Judiciary and the Status of Judges’ No. 1402-VIII entered into force, shall be considered by the High Council of Justice in line with the procedure envisaged by Chapter 6 of Section II of this Law. Based on the results of the review of the recommendation, the High Council of Justice may adopt a decision to dismiss a judge from the office based on item 3 of paragraph six of Article 126 of the Constitution of Ukraine.

20. The preliminary check of requests (complaints) with regard to the conduct of judges of the Supreme Court of Ukraine, the High Specialized Court of Ukraine on Civil and Criminal Cases, the High Commercial Court of Ukraine, the High Administrative Court of Ukraine submitted to the High Council of Justice before the 2 June 2016 Law of Ukraine ‘On the Judiciary and the Status of Judges’ No. 1402-VIII entered into force, shall be carried out by a member of the High Council of Justice defined by the automatized distribution system between the members of the High Council of Justice that took place before this Law came into force.


Requests and complaints provided for the review to a member of the High Council of Justice, based on the automatized distribution before the disciplinary bodies of the High Council of Justice are established, shall remain with this member and may be considered by a disciplinary body in which the member participates in cases envisaged by this Law.

22. The sessions of the High Council of Justice or of its bodies shall be recorded in writing if the technical equipment for the full recording of the sessions of the High Council of Justice and its bodies is not ensured, which shall be done by 1 July 2017.

23. The High Council of Justice shall within twenty days from the date when this Law enters into force:

1) establish the Commission on the Reorganisation of the High Council of Justice and Establishment of the High Council of Justice;

2) develop and approve the order or actions due to reorganisation of the High Council of Justice and establishment of the High Council of Justice.

23. The first composition of the Ethics Council shall be formed of three persons from among judges or retired judges, nominated by the Council of Judges of Ukraine, and three persons, nominated by international and foreign organizations, that have provided international technical assistance to Ukraine in the area of the judicial reform and anti-corruption action.
under international treaties or inter-state agreements over the past five years. Such international and foreign organizations agree on the proposal of a joint list of candidates.

The list of international and foreign organizations, that have provided international technical assistance to Ukraine in the area of the judicial reform and anti-corruption action under international treaties or inter-state agreements (hereinafter – list of international and foreign organizations), shall be formed by the Ministry of Foreign Affairs of Ukraine and forwarded to the Chairman of the High Council of Justice within five days after entering into force of the Law of Ukraine “On making amendments to certain legislative acts of Ukraine on the procedure of election (appointment) to positions of members of the High Council of Justice and the activities of disciplinary inspectors of the High Council of Justice”.

The Chairman of the High Council of Justice shall appeal to the subjects of formation of the Ethics Council regarding the proposal of candidates to be included in its composition no later than the next working day from the date of receipt of the list of international and foreign organizations. Candidates to position of a member of the Ethics Council may be persons who have an impeccable professional reputation, strong professional qualities, high public authority, as well as meet the integrity.

Candidates to position of a member of the Ethics Council who are judges or retired judges, may be judges or retired judges who successfully passed the qualification assessment.

Ethics Council members, determined by international and foreign organizations, included into the list of international and foreign organizations, shall have at least ten years of experience, including in other countries, in conducting procedural guidance, maintaining public prosecution in court or administering justice in corruption-related cases.

The subject of the formation of the Ethics Council shall submit to the Chairman of the High Council of Justice a list of candidates to be included in the Ethics Council's composition within thirty days from the day of receiving a relevant appeal from the Chairman of the High Council of Justice.

The lists of candidates to be included in the composition of the Ethics Council submitted by the subjects of the formation of the Ethics Council shall be published on the official website of the High Council of Justice and the official web-portal of the Ukrainian judiciary.

If international and foreign organizations included in the list of international and foreign organizations, within the period specified in the paragraph six of this item, did not nominate candidates to the Ethics Council or proposed a number of candidates insufficient to form a plenipotentiary composition of the Ethics Council, within fifteen days from the date of receipt of the relevant notification from the Chairman of the High Council of Justice, the Council of Public Prosecutors of Ukraine, the Council of Advocates of Ukraine, the National Academy of Legal Sciences of Ukraine represented by the Presidium shall nominate candidates to the composition of the Ethics Council.

The Chairman of the High Council of Justice shall appoint members of the first composition of the Ethics Council within not later than five days after the deadline for submission of lists of recommended candidates by all subjects of formation of the Ethics Council. In case the Chairman of the High Council of Justice fails to appoint members of the Ethics Council in determined term, three first candidates from the list of the Council of Judges of Ukraine and list of international and foreign organizations shall be considered appointed.
The first composition of the Ethics Council shall start its work if at least four members of the Ethics Council are appointed in the manner, prescribed by this Law.

Decision of the Ethics Council shall be adopted by the majority of votes of the present members of the Ethics Council, provided that it is supported by two votes of members of the Ethics Council, nominated by international and foreign organizations.

In case of the same number of votes "for" and "against", a second voting shall be held.

In the event of an equal number of votes "for" and "against" during the second ballot, the votes of the members of the Ethics Council, of which at least two are proposed by international and foreign organizations, are decisive.

23-2. Members of the Ethics Council, nominated by international and foreign organizations, who do not permanently reside in Kyiv, shall have the right to reimbursement of accommodation and relocation expenses from the state budget.

The procedure and maximum amounts of compensation for such expenses are determined by the Cabinet of Ministers of Ukraine.

23-3. The Chairman of the High Council of Justice shall appeal to subjects of formation of the Ethics Council on providing candidates to its composition within five days from the day of termination of powers of the first composition of the Ethics Council.

23-4. To determine temporarily that during a state of emergency or martial law and during 30 days after the day of its cancellation (termination) and in case of absence of the plenipotentiary composition of the High Council of Justice, determined by Article 131 of the Constitution of Ukraine, the President of the Supreme Court or an acting President of the Supreme Court shall carry out the powers of the High Council of Justice within measures, determined by item 56 of Chapter XII "Final and transitional provisions" of the Law of Ukraine “On the Judiciary and the Status of Judges”.

The secretariat of the High Council of Justice provides organizational, information and reference and other support to the activity of the President of the Supreme Court or the acting President of the Supreme Court in the part of carrying out the mentioned powers of the High Council of Justice.

23-5. To determine temporarily, that during a state of emergency or martial law and during 30 days after the day of its cancellation (termination) and in case of absence of the plenipotentiary composition of the High Council of Justice, determined by Article 131 of the Constitution of Ukraine, the distribution of budget funds between courts, except for the Supreme Court, should be carried out without the coordination with the High Council of Justice.

24. The Cabinet of Ministers of Ukraine shall:

1) within a month prepare and submit to the Verkhovna Rada of Ukraine proposals on the financing of top-priority measures for the implementation of this Law;

2) within three months from the date when this Law enters into force:

a) bring its regulatory and legal acts in accordance with this Law;

b) ensure that ministries and other central executive bodies bring their regulatory and legal acts in accordance with this Law;
c) include expenses for the implementation of the provisions of this Law in the draft laws of Ukraine on the State Budget for 2017 and subsequent years.

The President of Ukraine

the city of Kyiv
21 December 2016
No. 1798-VIII

P. POROSHENKO