

The Law of Ukraine “On the High Council of Justice”

This Law governs the status, powers, principles of organisation, 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 organisation 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 specialisation,

11) adopt a decision on recalling judges from retirement;

12) agree on the number of judges in a court;

13) approve of the Regulation on the Integrated Judicial Information System (Automatised), 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, reorganisation 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;

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;

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 organisations 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, defence 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.
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 organisation 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.

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) a copy of an employment record book and 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. 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. 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 day following the end of submission of application documents, the secretariat of the High Council of Justice shall draw lists of candidates which shall immediately be published at the official website of the High Council of Justice and in the *Holos Ukrayiny (Voice of Ukraine)* newspaper, as well as forwarded, without delay, to a respective convening agency.

7. The secretariat of the High Council of Justice shall initiate a special check of candidates for the High Council of Justice nominated by the respective congresses or the conference. 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. In the case of appointment of a member of the High Council of Justice by the President of Ukraine, the President of Ukraine shall announce, via the official website of the President of Ukraine, an open competition for the office.

9. A regulation on the competition procedures for appointment of a member of the High Council of Justice by the President of Ukraine is subject to approval by the President of Ukraine.

10. 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.

11. The information about the applicants, together with copies of the submitted documents, except for the documents specified by items 4, 8, and 9 of Article 8.1 of this Law, shall be published on the official website of the President of Ukraine on the next working day following the day of their submission but not later than ten days before the competition.

12. In the case of election of a member of the High Council of Justice by the Verkhovna Rada of Ukraine, the Secretariat of the Verkhovna Rada of Ukraine shall announce, via the official website of the Verkhovna Rada of Ukraine, the start of the process of receiving proposals from the parliamentary factions (or groups of members of parliament) on candidates for the membership in the High Council of Justice.

13. A parliamentary faction (or a group of members of parliament) shall submit a proposal for a candidate for the membership in the High Council of Justice together with documents specified by Article 8.1 of this Law within forty five days from the day of announcement of the start of the process of receiving proposals from the parliamentary factions (or groups of members of parliament) on the official website of the Verkhovna Rada of Ukraine.

A group of non-faction members of the Parliament of Ukraine, which includes not less members than the least numerous group of members of parliament may also propose a candidate for the membership in the High Council of Justice, as specified by this Article.

14. The information about the proposals of parliamentary factions (groups of members of parliament) and about persons seeking election to the High Council of Justice, together with copies of the submitted documents, except for the documents specified by items 4, 8, and 9 of Article 8.1 of this Law, shall be published on the official website of the Verkhovna Rada of Ukraine on the next working day following the day of their submission according to the requirements set forth by the Rules of Procedure of the Verkhovna Rada of Ukraine.

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 and who were nominated by the delegates of the congress. Also, the candidates who submitted the application documents in accordance with the procedure established by this Law and are nominated directly at the congress by at least twenty percent of the elected congress delegates may as well be subject to voting.

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. 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 and who were nominated by the delegates of the congress. Also, the candidates who submitted the application documents in accordance with the procedure established by

this Law and who are nominated directly at the congress by at least twenty percent of the elected congress delegates may as well be subject to voting.

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. 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 and who were nominated by the delegates to the Ukrainian national conference of prosecutors. Also, the candidates who submitted the application documents in accordance with the procedure established by this Law and who are nominated directly at the national conference of prosecutors by at least twenty percent of the delegates to the conference may as well be subject to voting.

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. 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 and who were nominated by the delegates to the congress. Also, the candidates who submitted the application documents in accordance with the procedure established by this Law and who are nominated directly at the congress by at least twenty percent of the elected delegates to this congress may as well be subject to voting.

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. 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.

6. 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.

7. 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.

8. 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.

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

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

11. 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 organisational 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 organisational 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:

“I 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 35 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 at least fourteen members of the High Council of Justice voted for it.

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 organise 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, organisations, official bodies of foreign states and international organisations.

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;

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;

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.

3. 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 agency that had elected (appointed) the members, upon the motion 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. The decision on the motion to dismiss a member of the High Council of Justice is considered approved by a voting of at least 14 members 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.

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. Organisational structure of the High Council of Justice

Article 26. Organisational 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 organised 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. Organisational, 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. An Inspectorate Service shall function as a part of the Secretariat of the High Council of Justice to ensure execution by the members of the High Council of Justice of their powers.

6. The maximum number of employees of the secretariat, including the 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 organisations 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 organisational structure and the number of employees shall be defined by the High Council of Justice.

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

1. The Inspectorate Service of the High Council of Justice shall employ persons who obtained a complete university education in law and who have at least five years of professional experience in law.

Should a retired judge be appointed to the position of the 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. The inspectors of the High Council of Justice shall be appointed to and dismissed from the office by the Chairman of the High Council of Justice upon a proposal of a relevant member of the High Council of Justice.

3. The inspectors of the High Council of Justice are not civil servants; their status shall be established by this Law.

The procedure regulating the work of inspectors shall be established by the Regulation on the inspector of the High Council of Justice, which is adopted by the High Council of Justice.

4. The inspectors of the High Council of Justice shall act on the basis of instructions from the members of the High Council of Justice and in accordance with the regulatory documents defining the functioning of the High Council of Justice.

5. The inspectors of the High Council of Justice shall carry out the instructions provided by the member of the High Council of Justice within the limits of competence of this member established by this Law.

6. The Inspectorate Service of the High Council of Justice shall be headed by the Head of the Inspectorate Service, who is directly subordinated to the Chairman of the High Council of Justice.

7. Based on the instructions of a member of the High Council of Justice, an inspector shall:

1) preliminarily analyse documents of the cases distributed to the member of the High Council of Justice through the automated case-distribution system;

2) collect information, documents and other materials if needed;

3) provide proposals and draft decisions on the issues within the competence of a member of the High Council of Justice;

4) perform other tasks within the competence of the member of the High Council of Justice, as set forth by this Law.

8. Acting in their capacity and beyond it, the 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) follow the requirements and comply with restrictions set forth 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 functions of central or local government;

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. Closed sessions shall only be allowed under exceptional circumstances provided there are grounds as those envisaged by the legislation for closed court hearings or by this Law. The decision to close a session shall be adopted by a majority of members of the High Council of Justice or a relevant Disciplinary Chamber unless otherwise provided by 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 audiotechnical 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 and members of the High Council of Justice

1. To exercise their powers, the High Council of Justice, its bodies, the members 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 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 or a member 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 or a member 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 only on the cases in which the judicial hearing is over. A member of the High Council of Justice may not request the information on a case if the judicial review is still pending, except 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 or a member 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.

8. 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.

9. 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, shall entail liability established by the law.

10. Members 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.

11. 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).

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. The decisions of the High Council of Justice and its bodies shall be adopted on the special premises (deliberation room) with restricted access; the access to that room is only allowed for the members of the High Council of Justice entitled to vote during the adoption of the decision.

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 members 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**

1. 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.

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

3. A disciplinary proceeding shall comprise:

- 1) a preliminary review and a check of the disciplinary complaint;
- 2) an opening of the disciplinary case;
- 3) a hearing on the disciplinary complaint and an adoption of a decision to impose disciplinary liability on the judge or refuse to impose disciplinary liability on the judge.

4. A disciplinary proceeding shall take a reasonable period of time. The time limits of the disciplinary proceedings shall be established by this Law and the Rules of Procedure of the High Council of Justice.

Article 43. A preliminary check of a disciplinary complaint

1. A member of the Disciplinary Chamber responsible for the preliminary check of the corresponding disciplinary complaint (the 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, the rapporteur shall collect necessary information, documents and other materials to verify the information referred to in the complaint and compile a grounded conclusion proposing to open a disciplinary case or refuse its opening.

2. The rapporteur's conclusion, 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 honour 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.

2. A manifestly groundless disciplinary complaint may be left without consideration and returned to the applicant if the latter repeatedly submitted manifestly groundless complaints within the twelve months prior to the filing of this complaint; and the previous complaints were left without consideration and returned to the applicant; or the opening of a disciplinary case on these complaints was refused.

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 evidences 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, 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 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.

Article 48. Preparation of a Disciplinary Case for Hearing

1. Once a disciplinary case is opened, the rapporteur shall prepare the case for hearing in the Disciplinary Chamber by requesting and collecting, inter alia, additional information and documents, materials, comments by the judge and the complainant, examining the judge's dossier, identifying the witnesses or other persons who shall be summoned or invited to the hearing.

2. After completing the preparation of the disciplinary case for the hearing, the rapporteur shall notify other members of the Disciplinary Chamber that a hearing date may be scheduled.

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

4. The judge and the complainant shall be notified of the hearing at the Disciplinary Chamber not later than seven 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.

5. 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 the judge, the complainant and their representatives.
2. The review of the disciplinary case by the Disciplinary Chamber maybe closed only under exceptional circumstances, provided there are grounds defined by the law as for a closed court hearing.
3. The Disciplinary Chamber may adopt a decision to close the review of a disciplinary case following a grounded request by the judge where it is necessary to ensure the independence of the judge. The decision to close the review of a disciplinary case shall be considered as adopted if all the members of the Disciplinary Chamber vote for it.
4. If the judge is not able to participate in the session of the Disciplinary Chamber for valid reasons, he or she may request to postpone the disciplinary review. A repeated failure by the judge to attend the hearing regardless of the reasons for such failure shall be the ground for hearing the case in absentia.

The Disciplinary Chamber may consider participation of the judge in the disciplinary review as mandatory.

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 the rapporteur, the judge, the complainant, their representatives, witnesses and other persons that were summoned to participate in the meeting.
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

1. The Disciplinary Chamber shall discuss the results of the review of the disciplinary case in the deliberation room.
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.
3. The rapporteur of the case shall not participate in the adoption of the decision.
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 seven 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 thirty 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 recognises 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 sixty days from the date of their receipt. This term may be prolonged by the High Council of Justice for not more than sixty 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. A member of the Disciplinary Chamber, who was rapporteur in the

disciplinary case when it was considered by the Disciplinary Chamber, shall be entitled to speak at the session of the High Council of Justice where the appeal to the decision of the Disciplinary Chamber is reviewed, presenting the report on the decision of the Disciplinary Chamber.

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 seven 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.

The judge whose dismissal is to be considered shall be notified about the session of the High Council of Justice in accordance with the procedure defined by this Law. The failure of the judge to attend the session, regardless of the reasons, does not preclude the review of the case *in absentia*.

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 reorganised), 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. 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.
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.

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 "The Judicial Power of Ukraine".

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. 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 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 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 organisations 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 organisations, respective authorities of other states, international organisations 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.