

ADOPTED

With Decision No. 185/zp-24 of the
High Qualification Commission of
Judges of Ukraine as of 19 June 2024

REGULATION **On the Procedure of Qualification Examination** **and Methodology for Assessment of Candidates**

(As amended by the Commission's Decision of July 15, 2024 No. 220/zp-24)

This Regulation has been developed pursuant to the Law of Ukraine “On the Judiciary and Status of Judges” (hereinafter referred to as the Law) and sets out organizational and legal principles of preparation for and conduct of the qualification exam, form and content of testing, practical assignments, methodology for assessing exam results during selection for the position of the judge of the local court (hereinafter referred to as the selection), qualification evaluation and in connection with the judge’s intention to be transferred to another local court, as well as principles of formation of the rating and reserve of candidates for the position of the judge of the local court.

CHAPTER 1. General Provisions

1.1. Qualification examination (hereinafter referred to as the exam) is the attestation and main means for establishment candidate’s compliance for the position of the judge and of that of the judge (hereinafter referred to as the participant, participants) with the criterion of professional competence.

1.2. The purpose of the exam consists in identifying the participant’s relevant knowledge, level of training and ability to administer justice in the court of the respective level and with the respective specialization.

1.3. Objectives of the exam include establishment of the participant’s compliance with requirements to the position of the judge of the respective level and specialization under the criterion of professional competence and following indicators:

1.3.1. Cognitive skills which are established using the totality of the following elements:

1.3.1.1. Logical thinking (abilities and skills to determine causal relations, patterns and characteristics of items, phenomena, and processes using the totality of their features).

1.3.1.2. Verbal thinking (abilities and skills to determine important data, understand complex texts, distinguish the main from the secondary, as well as form correct conclusions pursuant to results of analysis of obtained information).

1.3.2. Knowledge of the history of the Ukrainian state.

1.3.3. General knowledge in the sphere of law.

1.3.4. Knowledge concerning specialization of the court of the respective level.

1.3.5. Ability to apply in practice knowledge in the sphere of law in the court of the respective level and with the respective specialization which is established using the totality of the following elements:

1.3.5.1. Ability to apply knowledge in the sphere of law.

1.3.5.2. Legal writing skills.

1.3.5.3. Skills of legal argumentation.

1.4. The exam is held by the High Qualification Commission of Judges of Ukraine.

1.5. Organizational support of the Commission's activities relating to preparation for and conduct of the exam shall be provided by employees of the structural unit of the Commission's secretariat the main functions of which include such authorities (hereinafter referred to as the authorized representatives).

Based on the Commission's decision (concerning persons who are not employees of the Commission) or decree of the head of the Commission's secretariat (concerning employees of the Commission's secretariat) other persons may be involved as the authorized representatives to support conduct of the exam.

1.6. The main principles of the exam are objectivity, impartiality, prevention of the conflict of interests, transparency, equal conditions for its participants, and compliance with the rules of conduct related to the conflict of interests as stipulated by the legislation.

1.7. Separate issues relating to participation of the Commission's members and employees of the Commission's secretariat in preparation for and conduct of the qualification exam in the situation of the conflict of interests or under circumstances which cause reasonable doubts among external observers about their impartiality in the process of performance of their professional duties and work with official information shall be regulated according to the Law of Ukraine "On Corruption Prevention", Law of Ukraine "On the Judiciary and Status of Judges", and local regulations of the Commission.

1.8. Means of the exam conduct shall include:

1.8.1. Anonymous testing which determines the level of cognitive abilities, knowledge of the history of the Ukrainian state, general knowledge in the sphere of law and under the specialization of the court of the respective level.

1.8.2. Fulfillment of the practical assignment which determines the level of ability to apply in practice knowledge in the sphere of law in the court of the respective level and with the respective specialization.

1.9. Sequence of stages of the exam conduct shall be determined pursuant to the Commission's decision.

1.10. Stages of exam taking by candidates for the position of the judge of the local court who are not judges:

- testing of cognitive skills;
- testing of knowledge of the history of the Ukrainian state;
- testing of general knowledge in the sphere of law;
- testing of knowledge of the specialization of the local administrative court;
- testing of knowledge of the specialization of the local commercial court;
- testing of knowledge of the specialization of the local general court;
- fulfillment of the practical assignment under the specialization of the local administrative court;
- fulfillment of the practical assignment under the specialization of the local commercial court;

- fulfillment of the practical assignment under the specialization of the local general court.

1.11. Stages of exam taking by judges:

1.11.1. Who have the intention to be transferred to the local administrative court:

- testing of cognitive skills;
- testing of knowledge of the history of the Ukrainian state;
- testing of general knowledge in the sphere of law;
- testing of knowledge under the specialization of the local administrative court;
- fulfillment of the practical assignment under the specialization of the local

administrative court.

1.11.2. Who have the intention to be transferred to the local commercial court:

- testing of cognitive skills;
- testing of knowledge of the history of the Ukrainian state;
- testing of general knowledge in the sphere of law;
- testing of knowledge under the specialization of the local commercial court;
- fulfillment of the practical assignment under the specialization of the local

commercial court.

1.11.3. Who have the intention to be transferred to the local general court:

- testing of cognitive skills;
- testing of knowledge of the history of the Ukrainian state;
- testing of general knowledge in the sphere of law;
- testing of knowledge under the specialization of the local general court;
- fulfillment of the practical assignment under the specialization of the local

general court.

1.12. Stages of exam taking by candidates for the position of the judge of the court of appeal, higher specialized court and Supreme Court, as well as judges within the framework of the procedure of qualification evaluation:

- testing of cognitive skills;
- testing of knowledge of the history of the Ukrainian state;
- testing of general knowledge in the sphere of law;
- testing of knowledge under the specialization of the respective court;
- fulfillment of the practical assignment under the specialization of the respective court.

1.13. Pursuant to the Commission's decision assessment of two or more indicators may be performed during one testing.

1.14. Participation of the participant admitted to the exam (respective stage of the exam) in it is mandatory.

Failure of the participant to appear to the respective exam does not prevent its conduct.

In case the candidate for the position of the judge of the local court who is not a judge and the judge with the intention to be transferred to another local court fail to appear to the exam stage, they shall notify the Commission about validity of reasons of such failure to appear within five calendar days since the date when such stage is held. Failure to notify within the term set out by this Regulation may result in the participant being recognized as failing to appear to the qualification exam without valid reasons.

Upon the reasoned motion of the participant sent to the Commission not later than within three working days before the date of the respective exam stage conduct, the Commission may recognize circumstances mentioned in the motion as justified and may change the date of the exam (stage) conduct.

1.15. Pursuant to results of successful completion of a specific stage (stages) of the exam the Commission may take a decision on admission of the participant (participants) to the following stage.

1.16. The process of the exam conduct shall be recorded with the help of technical audio- and videorecording means with the respective broadcast in the real time mode. Video recordings shall be stored at the official account (channel) of the Commission at platforms (services) in the internet which ensure storage of audio- and video recordings (video hosting) and/or at the Commission's website.

1.17. During the exam conduct there may be present observers from among mass media representatives, civil society associations, judges, attorneys, representative of judicial self-governance bodies. Other stakeholders may also be present during the exam upon the Commission's invitation.

Not later than within ten days before the date of the respective exam stage conduct an observer shall notify the Commission in writing about their intention to be present at the exam (exam stage), attach a document confirming their status to the appeal, and provide contact details.

In case the Commission agrees on participation the observer shall be admitted to the premises for the exam conduct after showing a document confirming their identity and status to the authorized representative of the Commission.

During the exam observers and other stakeholders shall adhere to the following rules of conduct:

1) fulfill instructions and demands of the Commission's members and authorized representatives;

2) not move around the premises without permission and without being accompanied by the Commission's authorized representative;

3) not violate generally accepted rules of conduct;

4) not record individual codes of the exam participants entered into their individual cards.

Participation of observers and other stakeholders shall not prevent the Commission from conducting the exam stage and the participant from undergoing testing and performing the practical assignment.

In case the observer or another stakeholder violates the rules of conduct, the Commission may oblige this person to leave the premises.

1.18. Forms of documents required for the exam conduct shall be approved by the Commission's decision.

CHAPTER 2. Organizational Preparation for the Exam Conduct

2.1. Organizational preparation for the exam conduct shall include the following measures:

2.1.1. Development of the draft exam program (program of exam stages) and taxonomic characteristics of testing.

2.1.2. Approval of the exam program (program of exam stages) and taxonomic characteristics of testing.

2.1.3. Development of exam questions.

2.1.4. Formation of databases of exam tasks.

(Sub-clause 2.1.4 of clause 2.1 of section 2 as amended by the Commission's decision of 15.07.2024 No. 220/zp-24)

2.1.5. Selection of questions for completion of exam stages.

2.2. Content of testing and practical assignments shall be determined by the exam program.

2.3. Taxonomic characteristics of testing shall determine specific weight of disciplines from the exam stage program in the testing.

Specific weight of the section of the exam stage program means percentage correlation of the number of test questions from the respective discipline with the general number of test questions.

2.4. Draft exam stages programs, taxonomic characteristics of testing, and exam questions shall be developed by the National School of Judges of Ukraine or by the Commission on its own. Other specialists may be involved into this process.

2.5. Exam stages programs, taxonomic characteristics, and type of the practical assignment for the respective exam stage shall be approved by the Commission and published at the Commission's official website not later than within 30 days before the date of conduct of the respective exam stage.

2.6. Form of the test question is a closed question consisting of the basis (question text) and four possible answers, including one correct answer (key) and three wrong answers (distractors).

2.7. Form of the practical assignment is an open assignment requiring provision of an independent answers by the participant with respect to conditions set out in it.

2.8. Types of practical assignments:

2.8.1. Type 1 – model court case with the totality of documents and sufficient data (information), based on which the participant shall prepare the model court decision and/or continue drafting of the suggested model court decision based on materials of the model court case.

2.8.2. Type 2 – two model court decisions consisting of introduction, descriptive (except for criminal proceedings) and/or partially motivation parts based on which the participant shall continue drafting them.

2.9. The practical assignment determines the level of practical skills and legal application abilities, in particular:

2.9.1. Ability for critical thinking and correct evaluation of actual circumstances of the case.

2.9.2. Ability to reason own position.

2.9.3. Ability to apply sources of law which are relevant for disputed legal relations.

2.9.4. Ability to resolve the legal problem.

2.9.5. Ability to present own position concisely.

2.9.6. Ability to follow language rules of the official and professional style.

2.10. Persons with the intention to be involved into development of the exam questions (authors and reviewers) shall provide the following in writing to the National School of Judges of Ukraine or other entity which has involved such person:

2.10.1. Commitment not to disclose any information related to the development, as well as not to take part in selection procedures for the position of the judge of the local court and/or competition for filling in a vacant position of the judge within one year since the date of the respective commitment provision.

2.10.2. Notification about existence or absence of the real or potential conflict of interests during participation in the development of the exam questions.

A person involved into development of the exam questions (authors and reviewers) may not take part in selection procedures for the position of the judge of the local court and/or competition for filling in the vacant position of the judge within one year since the date of the respective commitment provision.

2.11. Databases with exam questions:

2.11.1. Database of test questions for cognitive abilities.

2.11.2. Database of test questions on history of the Ukrainian state.

2.11.3. Database of test questions on general knowledge in the sphere of law.

2.11.4. Database of test questions on administrative specialization for the local court.

2.11.5. Database of test questions on commercial specialization for the local court.

2.11.6. Database of test questions on general specialization (civil, criminal cases, as well as cases on administrative offences) for the local court.

2.11.7. Database of test questions on specialization of the High Anti-Corruption Court as the court of the first instance.

2.11.8. Database of test questions on specialization of the Higher Court on Intellectual Property as the court of the first instance.

2.11.9. Database of test questions on administrative specialization for the court of appeal.

2.11.10. Database of test questions on commercial specialization for the court of appeal.

2.11.11. Database of test questions on criminal specialization for the court of appeal.

2.11.12. Database of test questions on civil specialization for the court of appeal.

2.11.13. Database of test questions on specialization of the Appellate Chamber of the High Anti-Corruption Court.

2.11.14. Database of test questions on specialization of the Appellate Chamber of the Higher Court on Intellectual Property.

2.11.15. Database of test questions for the Cassation Administrative Court of the Supreme Court.

2.11.16. Database of test questions for the Cassation Administrative Court of the Supreme Court.

2.11.17. Database of test questions for the Cassation Criminal Court of the Supreme Court.

2.11.18. Database of test questions for the Cassation Civil Court of the Supreme Court.

2.11.19. Database of practical assignments on administrative specialization for the local court.

2.11.20. Database of practical assignments on commercial specialization for the local court.

2.11.21. Database of practical assignments on general specialization (civil, criminal cases, as well as cases on administrative offences) for the local court.

2.11.22. Database of practical assignments on specialization of the High Anti-Corruption Court as the court of the first instance.

2.11.23. Database of practical assignments on specialization of the Higher Court on Intellectual Property as the court of the first instance.

2.11.24. Database of practical assignments on administrative specialization for the court of appeal.

2.11.25. Database of practical assignments on commercial specialization for the court of appeal.

2.11.26. Database of practical assignments on criminal specialization for the court of appeal.

2.11.27. Database of practical assignments on civil specialization for the court of appeal.

2.11.28. Database of practical assignments on specialization of the Appellate Chamber of the High Anti-Corruption Court.

2.11.29. Database of practical assignments on specialization of the Appellate Chamber of the Higher Court on Intellectual Property.

2.11.30. Database of practical assignments for the Cassation Administrative Court of the Supreme Court.

2.11.31. Database of practical assignments for the Cassation Commercial Court of the Supreme Court.

2.11.32. Database of practical assignments for the Cassation Criminal Court of the Supreme Court.

2.11.33. Database of practical assignments for the Cassation Civil Court of the Supreme Court.

2.12. The National School of Judges of Ukraine shall transfer the developed database of exam questions in the format suggested by the Commission.

(Clause 2.12 of section 2 as amended by the Commission's Decision of 15.07.2024 No. 220/zp-24)

2.13. In case the Commission's member has a private interest related to conduct of the exam, in order to prevent emergence of a potential or real conflict of interests during fulfillment of official duties, such Commission's member may not be involved into development and have access to the respective exam database (database with exam questions use of which creates the conflict of interests), unless such database is open (publicly available information about basis, keys and distractors of test questions; practical assignments).

2.14. Employees of the Commission's secretariat and National School of Judges of Ukraine who had access to the database of exam questions (database of exam questions use of which creates a conflict of interests) may not take part in respective

selection procedures for the position of the judge of the local court and/or competition for filling in the vacant position of the judge within one year since termination of access, unless such database is open (publicly available information about basis, keys, and distractors of test questions; practical assignments).

2.15. The list of testing questions shall be published at the official website of the Commission not later than within 30 days before the date of the respective exam stage conduct.

2.16. The database of exam questions shall be uploaded to the information system used by the Commission for purposes of the exam conduct.

2.17. Selection of questions for the exam (stage) completion shall be done in the information system used by the Commission for purposes of the exam conduct randomly.

2.18. Number of questions selected for the respective exam stage:

2.18.1. For testing of cognitive skills – 40.

2.18.2. For testing on history of the Ukrainian state – 40.

2.18.3. For testing of general knowledge in the sphere of law – 50.

2.18.4. For testing on specialization of the respective court – 100.

2.18.5. For performance of the practical assignment on specialization of the respective court – 1.

Another number of questions may be determined based on the Commission's decision.

2.19. Formed questions for the exam conduct shall constitute information with restricted access.

2.20. Within the framework of academic and methodological support of the Commission's activities concerning organizational preparation for the exam conduct the National School of Judges of Ukraine shall:

2.20.1. Develop draft exam stages programs and control that they are up-to-date.

2.20.2. Develop draft taxonomic characteristics.

2.20.3. Develop exam questions, create databases of exam tasks, control that they are up-to-date, and ensure their confidentiality.

(Sub-clause 2.20.3 of clause 2.20 of section 2 as amended by the Commission's Decision of 15.07.2024 No. 220/zp-24)

2.20.4. Ensure that exam questions are up-to-date by means of updating them and that they are confidential at the stage of their development.

2.20.5. Maintain the list of authors, reviewers, and editors of the exam questions.

2.20.6. Inform the Commission and other entities which perform selection procedures for the position of the judge of the local court, competition for filling in the vacant position of the judge, qualification evaluation about authors, reviewers, and editors of the exam questions.

2.20.7. Inform the Commission within no more than three working days since the day when the program or exam questions become outdated.

2.20.8. Within no more than twenty working days since the day when the program or exam questions become outdated provide the Commission with suggestions concerning introduction of respective changes to the program or database of exam questions (substitution of the required number of questions).

CHAPTER 3. Access to the Exam Completion

3.1. The participant shall be admitted to the exam based on the Commission's decision on admission to the qualification exam or on admission to participation in (scheduling of) qualification evaluation.

3.2. A judge with the intention to be transferred to another local court may be admitted to the exam by the Commission's decision based on the application submitted following the procedure and within the term set out by the Commission's decision.

Announcement on acceptance of such applications shall be published at the official website of the Commission along with the decision on announcement of selection for the position of the judge. The final deadline for submission of applications to the Commission may be not be shorter than 15 days since the date of publication of the respective announcement.

Information about judges who have submitted the respective application shall be published at the official website of the Commission.

A judge may be denied in admission to the exam in case he/she violates the procedure and term for submission of the application.

3.3. A participant who has been recognized as failing to pass the exam in line with this Regulation may be again admitted to completion of the exam on specialization of the respective local court not sooner than within one year since the date of the most recent participation in the respective exam.

3.4. Information about admission of participants to the exam shall be published at the official website of the Commission.

3.5. Participation of the person in the Commission's meeting to consider the issue of admission to the exam is not mandatory.

CHAPTER 4. Procedure of Exam Completion

4.1. The exam shall be appointed by the Commission's decision published at the official website of the Commission not later than within 20 calendar days before the scheduled date of the first stage conduct.

4.2. The Commission's decision on scheduling of the exam shall specify:

4.2.1. Sequence of the exam stages.

4.2.2. Form of the exam completion (paper-based or electronic) and type of practical assignment.

4.2.3. Date, time, and venue of registration of participants and exam conduct.

4.2.4. Information about participants admitted to the exam (exam stages).

4.2.5. Information about method of determining individual code and workplace of the participant.

4.3. The participant shall bring the passport of the citizen of Ukraine in form of a book or card.

4.4. General rules during the exam:

4.4.1. During the exam the participant shall be entitled to:

4.4.1.1. Enjoy proper and safe conditions.

4.4.1.2. Enjoy polite and impartial attitude towards oneself.

4.4.1.3. Put water and medications on the table.

4.4.1.4. Use sheets of paper provided by the Commission for own notes.

4.4.1.5. Complete the exam within the timeframe allocated for it.

4.4.1.6. Complete the exam early, but not later than 15 minutes before the end of the respective exam stage.

4.4.1.7. Refuse to complete the exam, in particular, due to a health condition.

4.4.2. The participant shall:

4.4.2.1. Follow the discipline and generally accepted rules of conduct.

4.4.2.2. Switch off own electronic devices (mobile phones, electronic watches, devices for reading, processing, storing, reproducing, receiving, and transmitting information, as well as separate elements which may be their constituent parts (Bluetooth-headset, headphones, etc.).

4.4.2.3. Place own paper-based sources of information (including notes), electronic devices, and other personal belongings into a special bag provided by the Commission.

4.4.2.4. Place the passport of the citizen of Ukraine and individual card at the workplace.

4.4.2.5. Take the exam at the workplace assigned to the participant.

4.4.2.6. Fill in examination materials and take the exam on their own.

4.4.2.7. Follow instructions and demands of the authorized representatives.

4.4.3. It is prohibited for the participant to:

4.4.3.1. Take the exam in outerwear and hats.

4.4.3.2. Communicate with other participants in any way, in particular, after registration for the respective stage, receive from them or give to them information or information media.

4.4.3.3. Prevent other participants from taking the exam.

4.4.3.4. Take the exam instead of another participant.

4.4.3.5. Cheat, including by copying information from another participant.

4.4.3.6. Leave the workplace and premises for examination without permission and without being accompanied by the authorized representative.

4.4.3.7. Copy (rewrite), violate integrity of examination materials or take them out of the premises (in particular, sheets of paper provided by the Commission for making own notes).

4.4.3.8. Put (mark) any signs, symbols, letters, words which are not envisioned and/or allow identifying the participant (in case the exam is paper-based) in the template with answers and notebook for the practical assignment.

4.4.3.9. Make corrections in the template with answers and notebook for the practical assignment (in case the exam is paper-based).

4.4.3.10. Substitute the template with answers and notebook for the practical assignment after announcement about the start of the exam (in case the exam is paper-based).

4.4.3.11. Bring dangerous items and substances which may pose a threat to life and health of other people into the premises for the exam conduct.

4.4.4. Violation of requirements of this Regulation by the participant shall be recorded by the authorized representatives in the minutes and may result in termination of the participant's participation in the exam completion (being recognized as failing to pass the exam).

4.5. Registration for the exam stage.

4.5.1. During registration the authorized representatives shall:

4.5.1.1. Establish identity of the person who has appeared to the exam based on the passport of the citizen of Ukraine.

4.5.1.2. Check correspondence between passport data of the person who has appeared to the exam and data of the participant admitted to the respective stage.

4.5.1.3. Randomly determine individual code and workplace of the participant, this information is entered into the individual card. At the same time, the random principle shall be ensured by means of using the method of blind selection by the participant among printed and randomly placed before him/her options and/or using the method of automated code formation (with the help of the information system).

4.5.1.4. Issue the individual card to the participant.

4.5.2. A person who has changed the surname and/or name and/or patronymics after adoption of the Commission's decision about his/her admission to the exam shall have a document certifying the respective change to pass the registration.

4.5.3. If the participant is late to the respective exam stage, he/she has the right to undergo registration and take the exam within the timeframe allocated for this exam stage. Additional time shall not be provided in such case.

4.6. In order to complete the exam, the participant:

4.6.1. Shall be provided with:

- a workplace (table and chair);
- a bag for personal belongings;
- a pen (with blue or black ink) and examination materials (in case the exam is paper-based);
- a computer (in case the exam is completed electronically).

4.6.2. May be provided with:

- blank sheets of paper and pen for personal notes;
- 0,5 l bottle of still water;

4.7. Number of questions during testing:

4.7.1. Of cognitive skills – 40.

4.7.2. Concerning history of the Ukrainian state – 40.

4.7.3. Of general knowledge in the sphere of law – 50.

4.7.4. Of knowledge of the specialization of the respective court – 100.

Another number of testing questions may be determined by the Commission's decision.

4.8. Number of practical assignments completed by participants within the framework of one specialization – one assignment of type 1 or type 2.

4.9. Duration of completion of the exam stages:

4.9.1. Testing of cognitive skills – 30 minutes.

4.9.2. Testing of knowledge of history of the Ukrainian state – 40 minutes.

4.9.3. Testing of general knowledge in the sphere of law – 50 minutes.

4.9.4. Testing of knowledge on the specialization of the respective court – 100 minutes.

4.9.5. Completion of the practical assignment on the specialization of the respective court – 300 minutes.

Other duration of completion of the exam stages may be determined by the Commission's decision.

4.10. Before the start of the respective exam stage the authorized representatives shall inform participants about general rules of the exam completion.

4.11. Start and end of the exam completion shall be announced.

4.12. During testing the participant should give answers to questions which they consider to be correct.

4.13. During completion of the practical assignment the participant should draft model court decision which they consider to be correct and/or continue drafting the suggested part of the model court decision based on the assignment materials.

4.14. In case the exam is paper-based:

4.14.1. Participants of the exam shall be provided with the following examination materials:

4.14.1.1. For testing – template with answers and notebook.

4.14.1.2. For the practical assignment – notebook for completion of the practical assignment and notebook with the practical assignment.

4.14.2. Examination materials shall be given to the participant before announcement of the start of the exam and shall be collected after announcement of the end of the exam.

4.14.3. Testing shall be undertaken by the participant by means of filling in the template with answers on their own.

4.14.4. The practical assignment shall be completed by the participant by means of providing the response in the notebook for completion of the practical assignment on their own.

4.14.5. Testing notebooks and notebooks with practical assignments shall not be checked, shall not be evaluated and may be used by participants as drafts.

4.14.6. Templates with answers and notebooks for completion of the practical assignment shall be put by the authorized representatives into separate safe packages certified by the participant who is the last to complete the examination materials and may be certified by another participant who has expressed a wish to do that.

4.15. The participant has the right to get acquainted with information about own answers to the test questions (template with answers), notebook for completion of the practical assignment and all scores pursuant to results of the completed exam (without information about assessors).

4.16. In case air raid alarm is announced during the exam or there emerge other circumstances which prevent its conduct, the Commission may take a decision to postpone the exam (stage) to another date.

CHAPTER 5. Methodology for Evaluation of Exam Participants

5.1. The participants' works shall be checked and evaluated in the information system.

5.2. Works of the participants who have refused to take the exam shall not be checked and evaluated.

5.3. Methodology for evaluation of testing results concerning history of the Ukrainian state, general knowledge in the sphere of law, and knowledge on the specialization of the respective court:

5.3.1. Scoring of the answer to one test question:

5.3.1.1. Correct answer – 1 point.

5.3.1.2. Wrong answer – 0 points.

5.3.1.3. Failure to provide the answer – 0 points.

5.3.1.4. Provision of two and more answers – 0 points.

5.3.2. Failure of the participant to specify the number of the testing notebook option – 0 points for testing (in case the exam is paper-based).

5.3.3. Scores received by the participant for correct answers to questions shall be summed up.

5.4. Methodology of evaluation of testing results for cognitive skills shall be determined by a separate decision of the Commission.

5.5. Procedure of evaluation of the practical assignment completion:

5.5.1. Practical assignment shall be evaluated by the examination commission, composition of which shall be approved by the Commission's decision.

5.5.2. The examination commission may consist of members of the Commission and/or other persons (judges, retired judges, academics and/or other specialists in the sphere of law).

A person who intends to be included into the examination commission shall notify about existence or absence of the conflict of interests for the period of fulfilling authorities of the member of the examination commission during consideration of the issue on approval of its composition.

The composition of the examination commission constitutes information with restricted access until completion of evaluation of works within the framework of the respective qualification exam.

5.5.3. The Commission's decision on approval of the examination commission shall specify:

5.5.3.1. Composition of the examination commission.

5.5.3.2. Number of members of the examination commission who shall evaluate each work.

5.5.4. Methodological instructions on evaluation of the practical assignment shall be approved by the Commission and published at its official website.

5.5.5. Check of the practical assignment consists in establishment of correspondence of the content of the assignment completed by the participant with indicators (methodological instructions) on evaluation of this assignment.

5.5.6. Pursuant to results of the check of the practical assignment each member of the examination commission shall give an individual score for the work ranging from 0 to 150.

5.5.7. The participant's work shall be scored at 0 in case:

5.5.7.1. The participant has put (written) any signs, symbols, letters, words which allow identifying them.

5.5.7.2. The exam participant's handwriting is not clear or incomprehensible (in case the exam is paper-based).

5.5.8. Once all members of the examination commission have evaluated the practical assignment, the program provides the final score of the participant by means of determining average arithmetic score based on individual scores with rounding up to the closest whole number or number with decimal 0.5.

5.6. Scores for each stage of the exam shall be determined separately.

5.7. Maximum possible score at each stage of the exam:

5.7.1. Testing of cognitive skills – 60.

5.7.2. Testing of knowledge of history of the Ukrainian state – 40.

5.7.3. Testing of general knowledge in the sphere of law – 50.

5.7.4. Testing of knowledge on the specialization of the respective court – 100.

5.7.5. Completion of the practical assignment on the specialization of the respective court – 150.

5.8. Number of points for each model court decision in case of completion of type 2 assignment during the exam shall be determined based on methodological instructions on evaluation of the practical assignment.

CHAPTER 6. Exam Results

6.1. Stages of establishing exam results:

6.1.1. Approval of coded results of each exam stage.

6.1.2. Approval of decoded results of each exam stage.

6.1.3. Approval of general exam results.

6.2. Results of each exam stage shall be decoded after checking and evaluating all works.

6.3. Approval of coded exam stage results.

6.3.1. While approving coded exam results, the Commission shall consider documents prepared by the authorized representatives.

While preparing for consideration of the issue on approval of coded results of completed practical assignments, the Commission's member – rapporteur shall study scores of members of the examination commission in terms of significant discrepancies in the evaluation of the same work.

In case there is established a discrepancy between the highest and lowest scores given for the practical assignment by different members of the examination commission at the level of 20 and more percent from the maximum possible score, such work shall be checked again by another examination commission without participation of persons who participated in the primary evaluation. While evaluating the work, the examination commission shall be governed not by “mathematical”, but by content-based considerations concerning the respective work.

6.3.2. The decision on approval of coded exam stage results shall specify:

6.3.2.1. Participant’s code.

6.3.2.2. Participant’s score.

6.3.2.3. Exam stage result (“successfully passed” or “failed”).

6.3.3. The participant shall be recognized as successfully passing the exam stage in case of obtaining 75 and more percent from the maximum possible score.

6.3.4. The participant shall be recognized as failing the exam stage in case of:

6.3.4.1. Failing to obtain 75 percent from the maximum possible score.

6.3.4.2. Refusing to take the exam.

6.3.4.3. Violating the procedure of taking the exam which is recognized as significant by the Commission’s decision.

6.3.4.4. Failing to appear to the exam stage.

6.4. Approval of decoded exam stage results.

6.4.1. Decoded exam stage results shall be established taking into account coded exam stage results and participants’ turnout.

6.4.2. The decision on approval of decoded exam stage results shall specify:

6.4.2.1. Participant’s surname, name, patronymics.

6.4.2.2. Participant’s code.

6.4.2.3. Participant’s score.

6.4.2.4. Exam stage result (“successfully passed” or “failed”).

6.5. Approval of general exam results.

6.5.1. General exam results shall be determined based on decoded results of each of the stages.

6.5.2. While approving general exam results of candidates for the position of the judge of the local court and judges with the intention to be transferred to another local court, the Commission shall also consider the issue of significance of reasons of respective persons’ failure to appear to the stage (stages) of the exam (if there are such instances).

6.5.3. The decision on approval of general exam results shall specify:

6.5.3.1. Participant’s surname, name, patronymics.

6.5.3.2. Participant’s status: “candidate for the position of the judge” or “judge”.

6.5.3.3. Information about participation in the exam stage (regarding each stage of the exam separately):

6.5.3.3.1. Participant’s code.

6.5.3.3.2. Participant’s score.

6.5.3.3.3. Exam stage result (“successfully passed” or “failed”).

6.5.3.3.4. General exam result (“successfully passed” or “failed”).

6.5.3.3.5. Note about significance of reasons for failure to appear to the exam (for candidates for the position of the judge of the local court and judges with the

intention to be transferred to another court) shall be filled in with respect to participants who have failed to appear to one or more of its stages: “recognized as significant” or “not recognized as significant”.

6.5.3.3.6. Date of approval of the exam results.

6.5.4. The participant shall be recognized as successfully passing the exam in case of successful completion of all of its stages.

6.5.5. The exam participant shall be recognized as failing to pass the exam in case of failing one or more of its stages.

6.6. The exam results shall be approved by the Commission and published at its official website.

6.7. Validity of the exam results.

6.7.1. Exam results of the participants who have successfully passed the exam within the framework of selection for the position of the judge of the local court, but have not obtained the passing score shall be valid within two years since the date of their approval.

6.7.2. Exam results during qualification evaluation shall be valid within the framework of the respective procedure.

6.7.3. Exam results of the participant who has successfully passed qualification evaluation and confirmed the capacity to administer justice in the respective court of appeal, but has not become the winner pursuant to results of the competition may be used during next competition for a vacant position of the judge of the court of appeal of the respective specialization within two years since the date of exam completion (approval of general exam results).

6.8. Passing score.

6.8.1. Passing score of the exam stage is 75 percent from the maximum possible score of the exam stage.

6.8.2. Passing score of the exam is 75 percent from the maximum possible score of the exam in case of successful completion of all of its stages, i.e. obtaining at least 75 percent of the maximum possible score for each testing and for each practical assignment of the qualification exam.

6.8.3. During selection for the position of the judge of the local court and competition for the position of the judge of the court of appeal, specialized court, and Supreme Court, the Commission may adopt a reasoned decision on establishment of a higher passing score of the exam.

During selection for the position of the judge of the local court the passing score of the exam shall be determined taking into account the number of positions for which the selection has been announced.

CHAPTER 7. Rating and Reserve of Candidates for the Position of the Judge of the Local Court

7.1. Rating of candidates for the position of the judge of the local court (hereinafter referred to as the Rating) may include:

7.1.1. Candidates for the position of the judge of the local court who have successfully passed the exam, obtained the passing score, successfully passed the special check, and completed testing of personal moral and psychological qualities (in

case such testing is conducted).

7.1.2. Judges with the intention to be transferred to another local court who have successfully passed the exam and obtained the passing score.

7.2. The Rating shall be approved by the Commission within 10 days since the date of establishment of the special check results with respect to all candidates for the position of the judge and within 10 days since the date of establishment of results of the testing of personal moral and psychological qualities in case of its conduct.

7.3. The Rating shall be formed separately for each of the following specializations:

7.3.1. Administrative specialization.

7.3.2. Commercial specialization.

7.3.3. General specialization.

7.4. The Rating shall specify:

7.4.1. Participant's position in the rating.

7.4.2. Participant's surname, name, patronymics.

7.4.3. Participant's status: "candidate for the position of the judge" or "judge".

7.4.4. Score for testing of cognitive skills.

7.4.5. Score for testing on history of the Ukrainian state.

7.4.6. Score for testing of general knowledge in the sphere of law.

7.4.7. Score for testing on respective specialization.

7.4.8. Score for the practical assignment on respective specialization.

7.4.9. General score.

7.5. The Rating shall be determined based on the general score obtained by the participants from the highest to the lowest.

7.6. In case participants receive the same score for the exam, their position in the Rating shall be the same.

7.7. Reserve for filling in vacant positions of judges of the local court (hereinafter referred to as the Reserve) shall be formed from all persons included into the rating. If two or more candidates have the same position in the Rating, all candidates shall be included into the Reserve.

7.8. Reserve shall be formed separately under the following specializations:

7.8.1. Administrative specialization.

7.8.2. Commercial specialization.

7.8.3. General specialization.

7.9. The Reserve shall specify surname, name, and patronymics of the person, status of the person ("candidate for the position of the judge" or "judge"), general score under the respective specialization, and date of being included into the Reserve.

7.10. The term of being in the Reserve amounts to two years since the date of inclusion, unless there are grounds for excluding the person from the Reserve.

The Commission shall be entitled to extend the term of being in the Reserve with its decision in case there are justified grounds for no more than one year with respect to all persons.

7.11. The Rating and Reserve shall be published at the official website of the Commission.

7.1. Grounds for excluding candidates for the position of the judge from the Reserve include:

7.1.1. Submission of a personal application on exclusion from the Reserve.

7.1.2. Expiration of the term of being in the Reserve.

7.1.3. Adoption of the reasoned decision by the Commission on exclusion from the Reserve in case it is established that the person fails to comply with requirements to the candidate for the position of the judge pursuant to results of the check.

7.1.4. Adoption of the decision by the High Council of Justice on denial in submission of the recommendation on appointment of the candidate for the position of the judge pursuant to results of the competition.

7.1.5. Issuance of the decree of the President of Ukraine on appointment to the position of the judge.

7.1.6. Death of the candidate.

7.2. Grounds for excluding the judge from the Reserve include:

7.2.1. Submission of the personal application on exclusion from the Reserve.

7.2.2. Expiration of the term of being in the Reserve.

7.2.3. Dismissal or termination of authorities of the judge.

7.3. Changes to the Reserve shall be introduced based on the Commission's decision.

CHAPTER 8. Transitional Provisions

8.1. Provisions concerning anonymous testing on history of the Ukrainian state set out by this Regulation shall come into effect since 30.12.2024, unless stipulated otherwise by the law, and shall be applicable to exams scheduled after that date.

8.2. If anonymous testing on history of the Ukrainian state is not held as of the moment of the exam conduct, each participant who has successfully passed other tests and completed respective practical assignments shall additionally receive 40 points to the general exam score.

8.3. Results of testing of cognitive skills, general knowledge in the sphere of law, knowledge on the specialization of the court, and competition of the practical assignment on the specialization of court by the participant who has additionally received 40 points on history of the Ukrainian state to the general exam score and who has successfully passed qualification evaluation and confirmed capacity to administer justice in the respective court of appeal, but has not become the winner pursuant to results of the competition may be used during next competition for a vacant position of the judge of the court of appeal of the respective specialization, provided that such participant successfully passes testing on history of the Ukrainian state.

8.4. Peculiarities of the procedure of testing of cognitive skills shall be determined by a separate decision of the Commission.

8.5. Paper-based forms of templates with answers and notebooks for completion of practical assignments shall be stored in safe packages within three years since the date of approval of general exam results by the Commission and shall be destroyed after expiration of the respective term.

8.6. The exam within the framework of procedures of qualification evaluation of the judge in terms of compliance with the held position and/or in connection with imposition of a disciplinary sanction in the form stipulated by para. 4 of Article 109(1) of the Law of Ukraine "On the Judiciary and Status of Judges" before the Law of Ukraine "On Introducing Amendments to the Law of Ukraine "On the Judiciary

and Status of Judges” and Some Legislative Acts of Ukraine Regarding Improvement of Procedures Relating to the Judicial Career” came into effect shall be conducted by the Commission according to the Procedure on Conduct of the Exam and Methodology for Establishing Its Results within the Procedure of Qualification Evaluation adopted by the Commission’s Decision No. 144/zp-16 as of 04.11.2016 (in the version of the Commission’s Decision No. 20/zp-18 as of 13.02.2018 as subsequently amended).