

APPROVED

by the decision of the High Qualification Commission  
of Judges of Ukraine of October 13, 2016,  
№ 81/zp-16

(as amended by the decision of the High Qualification Commission  
of Judges of Ukraine of October 19, 2023,  
№ 119/zp-23)

**RULES OF PROCEDURE**  
**of the High Qualification Commission of Judges of Ukraine**

As amended  
by the decision of the High Qualification Commission of Judges of Ukraine  
of November 30, 2023, № 150/zp-23;  
of January 11, 2024, № 4/zp-24;  
of February 12, 2024, № 58/zp-24;  
of May 01, 2024, № 112/zp-24;  
of July 03, 2024, № 215/zp-24;  
of July 24, 2024, № 230/zp-24;  
of September 18, 2024, № 287/zp-24;  
of January 13, 2025, № 4/zp -25

## CHAPTER I. GENERAL PART

### § 1. Scope of the Rules of Procedure

1. The Rules of Procedure of the High Qualification Commission of Judges of Ukraine determine the procedure for the work of the High Qualification Commission of Judges of Ukraine and regulate procedural issues of its operation.

2. The High Qualification Commission of Judges of Ukraine is a state collegial body of judicial governance that operates on a permanent basis within the justice system of Ukraine.

The High Qualification Commission of Judges of Ukraine as a state collegial body of judicial governance consists of sixteen members, eight of whom are appointed from among judges or retired judges.

The High Qualification Commission of Judges of Ukraine consists of the First Chamber, the Second Chamber, and panels.

### § 2. Abbreviations and terms used in the Rules of Procedure of the High Qualification Commission of Judges of Ukraine

3. Abbreviations used in the Rules of Procedure of the High Qualification Commission of Judges of Ukraine:

3.1. The Commission stands for the High Qualification Commission of Judges of Ukraine.

3.2. The plenary session of the Commission stands for the plenary session of the High Qualification Commission of Judges of Ukraine.

3.3. The Chairman of the Commission stands for the Chairman of the High Qualification Commission of Judges of Ukraine.

3.4. The UJITS stands for the Unified Judicial Information and Telecommunication System.

3.5. The Law stands for the Law of Ukraine “On the Judiciary and the Status of Judges”.

3.6. The Deputy Chairman of the Commission stands for the Deputy Chairman of the High Qualification Commission of Judges of Ukraine.

3.7. The session of the Commission stands for a plenary Session of the Commission, of the Chamber, or of the Panel.

3.8. The Panel stands for the Panel of the High Qualification Commission of Judges of Ukraine.

3.9. The website of the Commission stands for the official website of the High Qualification Commission of Judges of Ukraine.

3.10. The official printed body of the Commission stands for the official printed body of the High Qualification Commission of Judges of Ukraine.

3.11. The Chamber stands for the Chamber of the High Qualification Commission of Judges of Ukraine.

3.12. The Rules of Procedure stands for the Rules of Procedure of the High Qualification Commission of Judges of Ukraine.

3.13. The Secretary of the Chamber stands for the Secretary of the Chamber of the High Qualification Commission of Judges of Ukraine.

3.14. The Secretariat of the Commission stands for the Secretariat of the High Qualification Commission of Judges of Ukraine.

3.15. The Member of the Commission stands for the Member of the High Qualification Commission of Judges of Ukraine.

4. In this Rules of Procedure, the following terms are used in the following sense:

4.1. The Announcement is a notification containing information provided by law and/or these Rules of Procedure or another local act of the Commission, which is published on the website of the Commission.

4.2. The Official Printed Body of the Commission is the Bulletin of the High Qualification Commission of Judges of Ukraine.

4.3. The Notification is bringing to the attention of the person, in respect of whom the issue (case) is to be considered at the session of the Commission, of the information provided for by the law and/or these Rules of Procedure or another local act of the Commission, by placing it on the website of the Commission and sending it to the person's e-mail (if it is available).

4.4. The Reasonable Term is the shortest term sufficient to fully clarify the circumstances and make a collegially discussed, substantiated, objective, and unbiased decision.

4.5. The participant to the session is a judicial candidate, a judge, and in the cases provided for by the Law and/or these Rules of Procedure, an authorized representative of the Public Integrity Council, and other persons invited (allowed) by the Commission to participate in the session.

### **§ 3. General Provisions**

5. When conducting its activities, the Commission shall be guided by the Constitution of Ukraine, the Law, these Rules of Procedure, and other regulatory acts.

6. The basic principles of the Commission's activity are: the rule of law; publicity; political neutrality; equal rights of participants to sessions; collegial decision-making; independence and impartiality; objectivity; full clarification of the circumstances; binding nature of the Commission's decisions; the right to appeal against the Commission's decisions in the cases provided for by the Law; and reasonableness of the terms.

7. The collective approach in the work of the Commission consists in joint (collective) deliberations at the sessions of the Commission and making decisions by the members of the Commission of issues, falling within its scope of competence, as a state collegiate body of judicial governance.

8. The principle of publicity in the work of the Commission consists in the fact that the sessions of the Commission are open, with the exception of their closed parts and closed sessions of the Commission.

Information about sessions of the Commission, draft agendas, results of the Commission's sessions shall be posted on the Commission's website.

*(second paragraph of clause 8, of paragraph 3 of section I, as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

The open part of the Commission's sessions, at which the Chairman of the Commission, the Deputy Chairman of the Commission, and Secretaries of the Chambers are elected, the powers of the Commission members are terminated, the Commission members are dismissed, interviews are conducted during the qualification evaluation, interviews are conducted with the winners of the competition for the positions of judges in local courts, CSO's compliance with statutory requirements

is assessed, as well as sessions attended by persons, who have been invited to the Commission's sessions, and special joint sessions with the Public Council of International Experts shall be held in the mode of live video broadcasting.

*(Paragraphs three - four of clause 8 of paragraph 3 of Section I are set out in the wording of the Commission's decision of September 18, 2024 № 287/zp-24)*

The Commission may decide to conduct a live video broadcasting of the entire meeting of the Commission.

*(Clause 8 of paragraph 3 of Section I is supplemented by paragraph five in accordance with the Commission's decision of September 18, 2024 № 287/zp-24)*

Live video broadcasting of the Commission's sessions shall be carried out on the official account (official channel) of the Commission on the Internet-based platforms (services) that provide for the possibility of live video broadcasting (streaming), and/or on the official web portal "Judiciary of Ukraine". The recordings of live video broadcasts of the Commission's sessions shall be stored on the official account (official channel) of the Commission on the Internet-based platforms (services) that would ensure the storage of audiovisual pieces (video hosting), and/or on the website of the Commission.

The following shall not be disclosed at the open part of the Commission's session:

- 1) information about the address of the place of residence or stay; exact dates of birth of natural persons; telephone numbers or other means of communication; tax payer's registration numbers; series and numbers of passports or military ID; exact addresses of real estate objects (except for the region, district, and settlement where the object is located at), or vehicle registration numbers;
- 2) medical information;
- 3) information about minor children, except for the information about property, property rights, assets, or other objects to be declared that are in their possession in accordance with the declaration of a person authorized to perform the functions of the state or local self-government, which shall be submitted by a judge (judicial candidate);
- 4) confidential and official information.

A participant to the session cannot be limited in the right to receive information from the Commission about the results of consideration of the issue concerning them.

#### **§ 4. Acquisition of powers by the Commission members, termination thereof, and dismissal of the Commission members from office**

9. A member of the Commission shall acquire powers from the date of adoption by the High Council of Justice of a decision on the appointment of a person as a member of the Commission.

10. A member of the Commission has the right:

10.1. To get familiar with the materials submitted for consideration by the Commission, the relevant Chamber or Panel of which he/she is a member, to participate in their research and verification.

10.2. For direct access to automated information and reference systems, registers and data banks that are held (administered) by state bodies or local self-government bodies; the use of state, including government, means of connection and communication; special communication networks, and others technical means.

10.3. To request and receive the necessary information from the participants to the session of the Commission; the relevant Chamber or Panel of which he/she is a member; from judges; courts; the State Judicial Administration of Ukraine; judicial self-government bodies; other justice sector institutions; state authorities and local self-government bodies; their officials; legal entities of public and private law; associations of citizens and individuals.

10.4. Upon request to the Chief of the Secretariat of the Commission or the head of a structural division of the Secretariat of the Commission, to receive in the Secretariat of the Commission, for review and processing, any information, documents on the functioning and activity of the Commission as an institution and a legal entity, except for information, access to which is governed under a special procedure, which is determined at the plenary session of the Commission.

10.5. To participate in the discussion of issues on the agenda of the Commission's session; to state their reasoning and considerations, as well as to submit additional documents on the issues under consideration.

*(Sub-clause 10.5 of clause 10 of paragraph 4 of section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

10.6. To submit proposals to the draft decision of the Commission on any issue and to vote "in favor" or "against" a decision.

10.7. To submit a dissenting opinion in writing regarding the Commission's decision.

10.8. Based on the decision of the plenary session of the Commission, to coordinate the work within certain areas of the Commission's activities, which are related to the performance by the Commission of the tasks that are assigned to it.

10.9. To participate in academic conferences, round tables, symposia, professional national and international events, and other events, and to get engaged in academic and teaching activities.

10.10. To exercise other powers established by the Law or these Rules of Procedures.

11. The powers of a member of the Commission shall be terminated in the event of:

11.1. Expiration of the term for which they have been appointed.

11.2. Entry into force of the guilty verdict in his/her respect.

11.3. Termination of Ukrainian citizenship or acquisition of citizenship of another state.

11.4. Recognizing him as missing or declaring him dead, incapacitated or with limited capacity.

11.5. Death.

11.6. Coming into effect a court decision on recognition of their assets or assets acquired on their behalf by other persons, or in other cases provided for by Article 290 of the Civil Procedure Code of Ukraine, as unjustified, and collecting them into the state budget.

12. The powers of a member of the Commission shall be terminated in the event of the expiration of their term of office. The last day of the mandate of a member of the Commission is the day on which four years have passed since the decision on their appointment as a member of the Commission was made by the High Council of Justice.

The Chairman of the Commission or a person exercising their authority shall issue an order on the removal of the member of the Commission from the list of staff of the Commission on the last day of their term of office.

In the event that the term of office of a member of the Commission expires, as a result of which the Commission will be considered invalid, such a member of the Commission shall continue to exercise their powers until the date of appointment of another person to their position, but for no more than three months.

13. The powers of a member of the Commission shall be terminated in case if there is either guilty verdict against them for committing a crime from the day such verdict enters into force; or court's decision recognize them as missing or declaring them dead, incapacitated, or having limited capacity from the day such a decision enters into force; or court decision on recognition of assets of a member of the Commission or assets acquired on their behalf by other persons, or in other cases provided for by Article 290 of the Civil Procedure Code of Ukraine, as unjustified and their collection into the state budget, as well as in the case of termination of Ukrainian citizenship or acquisition of citizenship of another state established in accordance with the law, or in the event of their death.

Not later than on the next working day after receiving a copy of the court decision or a document confirming other circumstances specified in paragraph one of this clause, the Chairman of the Commission or a person exercising their authority shall issue an order on the removal from the staff of the Commission of the member of the Commission in connection with the termination of their powers.

Copies of the documents specified in paragraph two of this clause shall be certified in accordance with the established procedure.

14. A member of the Commission may be dismissed from their position in the event of:

14.1. Submission of an application for dismissal from the position of a member of the Commission at their request.

14.2. Inability to perform one's powers due to the state of health (in the presence of a medical opinion).

14.3. Identification of circumstances regarding their non-compliance with the requirements established by the Law.

14.4. Violation of requirements established by law in the field of prevention of corruption.

14.5. Failure to participate in the work of the Commission for one calendar month in a row without valid reasons or repeated refusal, without valid reasons, to vote on the issues under consideration.

14.6. Gross or systematic neglect of duties, which is incompatible with the status of a member of the Commission or revealed their inadequacy to the position held; allowing other behavior that undermines the authority and public trust in justice and the judiciary, including non-compliance with the ethical standards set out for judges as a component of the Commission member's professional ethics.

*(sub-clause 14.6 of clause 14 of paragraph 4 of section I  
as amended by the decision of the Commission of November 30, 2023, № 150/zp-23)*

15. A member of the Commission has the right, at any time during their tenure, regardless of the reasons, to submit an application for dismissal from the position of a member of the Commission at their request.

An application for voluntary resignation shall be submitted to the Commission and shall be considered at the next plenary session of the Commission.

16. If a member of the Commission does not fulfill their powers for four months or more due to their health condition, the Chairman of the Commission or the person who fulfills their powers, shall apply to the central executive authority, which ensures the formation and implementation of the state policy in the field of health care, with a request to set up a medical commission and provide it within a month with a medical opinion on the ability of a member of the Commission to fulfill his powers.

The issue of dismissal of a Commission member due to their health condition shall be considered at the next plenary session of the Commission after receiving a medical report confirming the Commission member's lack of ability to perform their duties due to the health condition.

A member of the Commission, in respect of whom the medical commission has issued an opinion, has the right to provide an explanation on the specified issue at the plenary session of the Commission, and in case of not being able to attend the session of the Commission, has the right to provide them in writing or participate in the session via videoconference.

After considering the medical opinion and recognizing that the member of the Commission is unable to fulfill their powers due to their state of health, the Commission shall issue a decision on the dismissal of the Commission member.

17. In the event that the Commission receives an appeal relating to the detection the circumstances regarding the Commission member' either non-compliance with the requirements established by the Law; or violation of the requirements established in the legislation in the field of

corruption prevention; or failure to participate, as a member of the Commission, in the work of the Commission for one consecutive calendar month without valid reasons or repeated refusal without valid reasons to vote on the issues under consideration; or presence of circumstances that indicate gross or systematic neglect of duties, which is incompatible with the status of a member of the Commission or revealed their inadequacy to the position held; allowing other behavior that undermines the authority and public trust in justice and the judiciary, including non-compliance with the ethical standards set out for judges as a component of the Commission member's professional ethics, shall make a decision, no later than on the seventh working day from the date of receipt of such an appeal. The plenary session of the Commission shall make a decision on submission to the High Council of Justice of a motion to dismiss a member of the Commission in the manner determined by the Commission.

In case the Commission receives an appeal indicating the existence of the circumstances specified in the first paragraph of this clause, in accordance with the procedure provided for by these Rules, a member of the Commission - rapporteur on the relevant issue shall be appointed to carry out a preliminary examination of the relevant appeal. The member of the Commission - rapporteur appointed for preliminary examination of the appeal shall submit to the Commission in plenary session the issue of preliminary examination of the relevant appeal.

Based on the results of the preliminary consideration of the application, which indicates the existence of the circumstances specified in the first paragraph of this clause, the Commission in plenary session may make one of the following decisions:

1. refusal to submit a motion to the High Council of Justice to dismiss a member of the Commission if:

- the appeal does not contain information about the circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine;

- the appeal does not contain references to factual data (testimony, evidence) that may confirm the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine;

- the appeal contains obscene statements or statements that degrade the honor and dignity of any person;

- the appeal is based only on arguments that can be verified exclusively by the court;

- the appeal is limited to disagreement with the Commission's decision;

- the circumstances stated in the appeal (prima facie) are such that they cannot lead to the dismissal of the Commission member;

- the appeal is anonymous or the applicant's identity cannot be established;

- the appeal is repeated, provided that the previous appeal was resolved on the merits, unless the circumstances essential for resolving the appeal have changed. The Commission may also reject the respective appeal if it does not recognize the circumstances specified in it as such that lead to the dismissal of a member of the Commission;

2. on the establishment of a commission to verify the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges (ad hoc) and determine its personal composition. This commission must include a member of the Commission - the rapporteur who conducted the preliminary examination of the application and is its chairman. The ad hoc Commission to verify the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges shall make its decisions by a majority of its members.

During the preliminary examination of the appeal, the Commission member - rapporteur and the members of the commission for verifying the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine have the right to receive written explanations from the person who applied to the Commission with the relevant appeal, the member of the High Qualification Commission in respect of whom such an appeal was received,

and other subjects, receive any documents and information (including proprietary information and any other information with restricted or special access) from the Commission's Secretariat and exercise other rights of the High Qualification Commission of Judges of Ukraine as defined by the Law.

The Secretariat of the Commission provides organizational support for the activities of the Commission member – rapporteur during the preliminary examination of the appeal and the commission to verify the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine.

Based on the results of the review of the information received, the commission to verify the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine prepares a reasoned opinion stating whether or not there are grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine from the position and sends it to the Chairman of the Commission, and in his absence - to the Deputy Chairman of the Commission or a member of the Commission acting as the Chairman of the Commission, for submission to the plenary session of the Commission.

The conclusion of the Commission to verify the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine is not binding on the Commission, but is only a basis for consideration of the relevant issue at the Commission's Session. The applicant and other persons whose explanations may be relevant for a comprehensive, complete and objective consideration of the issue are invited to the Commission's meeting to review the conclusion of the commission on verifying the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine.

A member of the Commission, in respect of whom the submitting a petition for their dismissal to the High Council of Justice is being considered, has the right to provide an explanation of the circumstances that gave ground to the respective appeal, and in the event where it is impossible to directly participate in the session of the Commission, to provide such explanations in writing or by participating in the session via videoconference.

Based on the results of consideration of the conclusion of the commission to verify the existence of circumstances that may be grounds for dismissal of a member of the High Qualification Commission of Judges of Ukraine, the Commission may make one of the following decisions

- 1) to submit a motion to the High Council of Justice to dismiss a member of the Commission;
- 2) to refuse to submit a motion to the High Council of Justice to dismiss a member of the Commission.

From the date the Commission adopts the decision to submit the said petition, such a member of the Commission shall be removed from office, and their powers shall be suspended until the decision of the High Council of Justice is adopted. The Commission's decision on submitting a petition shall bear the notion of removal of such a Commission member from office.

*(Clause 17 of paragraph 4 of Section I is set out in the wording of the Commission's decision of September 18, 2024 № 287zp-24)*

## **§ 5. Election of the Chairman of the Commission, Deputy Chairman of the Commission, Secretaries of Chambers, and chairpersons at the sessions of the panels**

18. The plenary session of the Commission shall elect, no later than five days from the day when the position of the Chairman of the Commission, their Deputy, or the Secretary of the Chamber became vacant, by secret ballot by a majority of votes of the Commission's membership which is established by the Law, the Chairman, their Deputy, or the Secretary of the Chamber, respectively, for the term determined in the decision of the Commission, but for no more than two years. The persons elected as Chairman of the Commission, Deputy Chairman of the Commission, or Secretary of the Chamber may be re-elected repetitively with no limitation.

If the election of the Chairman of the Commission leads to the lack of compliance of their deputy or the secretaries of chambers with the requirements of paragraphs two and three of part four of Article 98 of the Law, such persons shall be re-elected simultaneously with the Chairman of the Commission.

The peculiarities of the election of the Chairman, Deputy Chairman and Secretary of the Chamber in connection with their removal from office are determined by clause 44 of these Rules of Procedure.

19. The relevant structural unit of the Secretariat of the Commission shall provide for a live video broadcast of such a session of the Commission.

*(clause 19 of paragraph 5 of section I  
as amended by the decision of the Commission of November 30, 2023, № 150/zp-23)*

20. The oldest member of the Commission, who is present at the session, shall preside over the session of the Commission for the election of the Chairman of the Commission, their Deputy, or the Secretary of the Chamber.

21. To vote at the election of the Chairman of the Commission, the Deputy Chairman of the Commission, and Secretaries of the Chambers, a sample ballot shall be used as enclosed in Appendix 1.

22. Candidates for the position of Chairman of the Commission shall be nominated by members of the Commission, or self-nominated. A candidate has the right to withdraw their candidacy before the start of voting.

23. A candidate for the position of Chairman of the Commission shall present the Program of Action to the members of the Commission before the start of voting. The Program of Action shall contain information about specific, measurable, achievable, realistic goals that shall be achieved over the first year in the office of Chairman of the Commission, as well as information about strategic goals that shall be achieved by the Commission over their term of office. At the same time, the Program of Action shall necessarily provide for the recording and analysis of shortcomings, the operation principles and goals in the following areas: institutional development of the Commission, professional and personal development of the Commission's employees; external and internal (including between members of the Commission) communication; improving the implementation of the powers of the Commission established by Law; strengthening the principle of collective approach by the Commission; interaction with the Public Integrity Council and the Public Council of International Experts; interaction with authorities, prevention of corruption, and security risks.

Candidates for the position of Chairman of the Commission shall have the right to speak at the Commission session within the time allotted by the Commission to each candidate. Candidates are guaranteed an equal opportunity with regard to the time allotted for their speeches.

After the speech of the candidate for the position of Chairman of the Commission, the members of the Commission shall have the right to ask them questions. The members of the Commission shall have the right to discuss the candidates for the position of Chairman of the Commission within the time allotted.

Based on the results of the speech and discussion, the candidate for the position of Chairman of the Commission can inform the members of the Commission about making changes to the Program of Action proposed by them. Such changes shall be specified in the minutes of the session.

24. The Commission shall elect, by a majority vote of the present members of the Commission and by open voting, the counting commission consisting of three members of the Commission.

A member of the Commission who presides at the session or is running for office cannot be a member of the counting commission. If it is not possible to form a counting commission and comply with this rule, the counting commission shall consist of five people.

The counting of votes during the election of the counting commission shall be carried out by the chairperson of the Commission session.

25. The counting commission shall elect a chairperson and a secretary from among its members, which shall be reflected in the protocol of the counting commission. The protocol on the election of the chairperson and secretary of the counting commission shall be signed by the members of the Commission participating in the respective session.

26. The counting commission shall compile, based on the proposals of the members of the Commission, a list of candidates for the position of Chairman of the Commission and enter in alphabetical order their last names, first names, and patronymics in the ballot for secret voting.

27. The counting commission together with the structural division of the Secretariat of the Commission, which provides organizational support for the preparation and conduct of the Commission's sessions, shall ensure the production of ballots for secret voting in accordance with the number of Commission members present at the session.

The chairperson of the session, the Chairman and the members of the counting commission shall put their signatures on the reverse side of the ballots and certify them by the seal of the Commission. Ballots without signatures of the chairperson of the session, the Chairman and members of the counting commission, or the imprint of the seal shall be invalid.

28. Each member of the Commission, who takes part in the plenary session of the Commission, shall receive a ballot for secret voting and confirm the fact of its receipt by signing the register of ballot issuance compiled by the counting commission.

29. Before the start of voting, the members of the counting commission shall provide the members of the Commission with a ballot box to be inspected and sealed in their presence and placed in a prominent place in the room where the session of the Commission is held.

30. Voting shall take place secretly in a separate room, where anybody except for the member of the Commission who is voting, is forbidden to stay. The member of the Commission shall put a "plus" ("+") or any other sign opposite the name of the candidate for whom they are voting. A ballot with two or more marks or no marks at all shall be invalid.

31. After making their choice, the Commission member shall throw the ballot into the ballot box. It is forbidden to demonstrate the completed ballot or to communicate one's choice in any other manner.

32. After the secret ballot, the counting committee, in the presence of the members of the Commission participating in the session, shall open the ballot box, verify the validity of the ballots, and count the votes cast for each candidate.

33. Following the counting of votes, a protocol shall be drawn up and signed by the chairperson and members of the counting commission. The results of the secret ballot shall be announced by the chairperson of the counting commission.

The counting commission shall hand over secret ballots and protocols of the counting commission to the chairperson of the session of the Commission. The chairperson shall seal them in the presence of all members of the Commission. Secret ballots and protocols of the counting commission shall be attached to the protocol of the session of the Commission and stored in the archive of the Commission together with the protocol of the session.

34. A candidate shall be considered as elected Chairman of the Commission if the majority of the members of the Commission voted for him/her.

If the voting was held for two or more candidates and none of them received the required number of votes to be elected to the position of Chairman of the Commission, the counting commission shall announce the two candidates who received the highest number of votes. A repeated voting shall be held for such candidates.

If, after the repeated voting, no candidate receives the required number of votes, new elections shall be held in accordance with the procedure provided by these Rules of Procedure. The names of those candidates who were candidates for the position of Chairman of the Commission during the voting that took place may also appear in the ballot.

35. Based on the results of the secret voting at the election of the Chairman of the

Commission, a decision of the Commission shall be adopted and signed by all the members of the Commission who participated in the session.

36. The Chairman of the Commission shall:

36.1. Organize the work of the Commission.

36.2. Organize the document flow of the Commission.

36.3. Prepare the plenary sessions of the Commission.

36.4. Hold the plenary session of the Commission or give the right to conduct the session to the members of the Commission – speakers on issues considered at the session.

36.5. Outline the duties of the Deputy Chairman of the Commission.

36.6. Submit for consideration of the plenary session of the Commission the draft work plan of the Commission, which shall be shaped on the basis of the Program of Action and shall meet the requirements related to the content of the Program of Action.

36.7. Coordinate the work of structural subdivisions of the Commission's Secretariat regarding the preparation of materials for consideration at the plenary session of the Commission.

*(Sub-clause 36.7 of clause 36 of paragraph 5 of section I  
as amended by the decision of the Commission of November 30, 2023, № 150/zp-23)*

36.8. Act on behalf of the Commission without a power of attorney and represent the Commission in relations with state authorities, local self-government bodies, judicial self-government bodies, other judicial bodies, legal entities of public and private law, authorities of other state and international organizations, and authorize members of the Commission or employees of the Commission Secretariat for such representation.

36.9. Submit proposals for financing the costs of maintaining the Commission and organizational support for its activities for consideration at the plenary session of the Commission.

36.10. Within 5 (five) days from the date of submission by the member of the Commission, appoint or dismiss the respective member of the Commission to/from the positions of inspectors of the Commission; apply incentive measures and disciplinary sanctions towards them.

36.11. Submit for the approval of the plenary session of the Commission a proposal on the structure of the Commission (including its Secretariat) or amendments thereto.

*(Sub-clause 36.11 of clause 36 of paragraph 5 of section I  
as amended by the decision of the Commission of November 30, 2023, № 150/zp-23)*

36.12. Submit for approval at the plenary session of the Commission the submission on the staff list of the Commission and changes to it.

*(Sub-clause 36.12 of clause 36 of paragraph 5 of section I  
as amended by the decision of the Commission of November 30, 2023, № 150/zp-23)*

36.13. Submit for consideration at the plenary session of the Commission the issue of appointment and dismissal from the positions of civil servants of the Secretariat of the Commission, who hold "A" category civil service positions, as well as proposals for their encouragement and application of disciplinary sanctions, taking into account the provisions of the laws of Ukraine "On Civil Service" and "On the High Council of Justice".

36.14. Submit for consideration at the plenary session of the Commission the issue of assigning ranks to civil servants of the Secretariat of the Commission who hold "A" category civil service positions.

36.15. Issue orders, decrees, and mandates, which are mandatory for the employees of the Secretariat of the Commission, and the members of the Commission – exclusively on the issues assigned by the Law to the powers of the Commission.

36.16. Define the list of employees of the Secretariat of the Commission authorized to represent the interests of the Commission in courts and other state institutions, as well as the scope of their powers.

36.17. Submit for consideration at the plenary session of the Commission, with the view of final resolution, the issue on which two or more separate opinions have been expressed at the session of the Chamber or a Panel.

36.18. Exercises other powers determined by the Law, the Rules of Procedure, or a decision of the in plenary session of the Commission.

37. If a judge or a retired judge is elected as the Chairman of the Commission, the Deputy Chairman of the Commission shall be elected from among the members of the Commission who are not judges or retired judges. If a member of the Commission who is not a judge or a retired judge is elected as the Chairman of the Commission, the Deputy Chairman of the Commission shall be elected from among the members of the Commission who are judges or retired judges.

Shall be elected as the Secretary of the Chamber, whose Chairman is a judge or a retired judge, a member of the Commission who is not a judge or a retired judge. A member of the Commission, who is a judge or retired judge, shall be elected as the Secretary of the Chamber, whose Chairman is not a judge or a retired judge, a member of the Commission, who is a judge or retired judge.

38. The Deputy Chairman of the Commission and Secretaries of the Chambers shall be elected to the positions according to the procedure specified in paragraphs 24-37 of these Rules of Procedure.

39. The Deputy Chairman of the Commission shall exercise the powers specified by the Law and by the Chairman of the Commission.

40. The Head of the Chamber shall:

40.1. Organize the work of the Chamber.

40.2. Determine the date, time and venue of the Chamber's session; the agenda of the relevant Chamber's session.

40.3. Notify the persons concerned by the session's agenda at the session, about the date, time and place of the Chamber session.

40.4. Instruct the Secretariat of the Commission to publish information about the date, time and place of the Chamber's session on the Commission's official website.

40.5. Lead the session of the Chamber or transfer the right to lead the session to the members of the Commission who are speakers on various points of the session's agenda.

The Secretaries of the Chambers shall prepare the sessions of the Chambers and be responsible for the organization of record-keeping there.

41. The chairperson of the session of a Panel is a member of the Commission, who has been elected by the members of the Panel for the term specified in the decision of the Panel on the election of the chairperson.

42. The chairperson of the Panel session shall:

42.1. Organize the work of the Panel.

42.2. Determine the date, time and venue of the Panel session; the agenda of the relevant Panel session.

42.3. Lead the session of the Panel or transfer the right to lead the session to the members of the Panel who are speakers on various points of the session's agenda.

42.4. Gives instructions to the Secretariat of the Commission to notify the persons in respect of whom the matter is to be considered, about the date, time and place of the session of the Panel and to publish this information on the official website of the Commission.

43. The powers of the Chairman of the Commission, the Deputy Chairman of the Commission and Secretaries of the Chambers shall be terminated in the event of:

43.1. Submission by them of applications for the termination of the powers of the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of Chambers.

43.2. Dismissal from the position of a member of the Commission or termination of the powers of a member of the Commission.

43.3. Adoption at the plenary session of the Commission of a decision to recall the Chairman of the Commission, the Deputy Chairman of the Commission or the Secretaries of the Chamber upon the respective submission by at least one third of the the Commission's membership, affixed with their signatures;

43.4. The powers of the Deputy Chairman of the Commission, the secretaries of chambers shall be terminated in the event where the re-election of the Chairman of the Commission has led to their lack of compliance with paragraphs two and three of part four of Article 98 of the Law.

44. The motion to the recall of the Chairman of the Commission, the Deputy Chairman of the Commission or the Secretary of the Chamber shall be motivated. The submission shall contain information about the position and the member of the Commission who is being withdrawn; about the members of the Commission who initiated the recall; and about the candidate for the position from which the recall is being initiated.

In order to hold a plenary session of the Commission on the issue of recalling the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of the Chambers, no less than six members of the Commission shall create an organizational committee and appoint its chairperson and deputy chairperson, which shall be reflected in a protocol.

The organizational committee, as a matter of exception, shall ensure the preparation and holding of a plenary session of the Commission on the issue of recalling the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of the Chambers within twenty days from the day of its set up. The Commission Members shall be notified by the organizational committee on the day and time of the convocation of the plenary session of the Commission and the agenda.

The Secretariat of the Commission shall refrain from any actions aimed at preventing the convening and holding of the Commission's session on the issue of recalling the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of the Chambers.

The plenary session of the Commission on the issue of recalling the Chairman of the Commission, the Deputy Chairman of the Commission or the secretaries of the Chambers shall be presided over by the chairperson of the organizational committee, and in their absence, by the deputy chairperson of the organizational committee.

The chairperson shall submit for the approval of the plenary session of the Commission proposals regarding the secretary of the plenary session of the Commission, the personal composition of the counting commission, alongside the sample ballot and the sample voting protocol, which shall be approved by open voting.

The issue of recalling the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of the Chambers shall be considered with their participation or without their participation, if the reason for the non-appearance of such persons is recognized by the Commission as invalid.

The plenary session of the Commission may make a decision to recall the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of the Chambers, only if under the same decision, another member of the Commission is elected to the position from which the person is recalled.

Such a decision shall be made by secret ballot and be considered adopted if the majority of the members of the Commission from the Commission membership established by law have voted for the recall from the position and the appointment of another member of the Commission to such a position.

When voting on the recall and the election of another member of the Commission to the respective position, a sample ballot shall be used as specified in Appendix 2. The member of the Commission shall put marks in the ballot opposite the name of the person in respect of whom the issue of recall is being decided, as well as opposite the name of one of the candidates to be elected.

When considering the issue of electing another member of the Commission to the respective position, the provisions of paragraphs 22, 23, 27–33 of the Rules of Procedure shall apply.

If the re-election of the Chairman of the Commission resulted in the lack of compliance with paragraphs two and three of part four of Article 98 of the Law of the Deputy Chairman of the Commission or the Secretaries of the Chambers, then at the same session, the new Deputy Chairman and the Secretaries of the Chambers shall also be elected. If session issue of recalling the Deputy Chairman of the Commission or the Secretary of the Chamber is being decided, a member of the Commission may be nominated as a candidate for the position from which the recall is initiated, whose election would not lead to the lack of compliance with paragraphs two and three of part four of Article 98 of the Law.

If the draft decision on the recall of the Chairman of the Commission, the Deputy Chairman of the Commission or the Secretaries of the Chambers and the simultaneous appointment of another member of the Commission to the corresponding position does not receive a sufficient number of votes for deciding based on the results of two consecutive votes within one procedure during one plenary session of the Commission, the respective issue shall be removed from the agenda, and the session shall be declared adjourned.

*(Paragraph thirteen of item 44 of paragraph 5 of Section I,  
as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

The recall of the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of the Chambers shall not deprive them of their powers as members of the Commission.

The issue of recalling the Chairman of the Commission, the Deputy Chairman of the Commission, or the Secretaries of the Chambers cannot be initiated again for the same reasons within a year from the date of its consideration at the session of the Commission.

## **§ 6. Formation of personal composition of chambers and panels**

45. Each chamber shall be composed of eight members of the Commission, including the Head and Secretary of the chamber.

46. The Chairman of the Commission shall be a member of the First Chamber and its Head. The Deputy Chairman of the Commission shall be a member of the Second Chamber and its Head.

47. The personal composition of the Chamber, except for the chairperson and the Secretary, shall be formed taking into account the proposal of each member of the Commission about their intention to exercise their powers in certain chamber of the Commission.

The plenary session of the Commission can make a decision on the formation of chambers by drawing lots, except for the cases provided for in clause 49 of the Rules of Procedure.

48. If the personal composition of the Chambers is not formed within five working days from the day of the election of the Chairman of the Commission, the Deputy Chairman of the Commission and the Secretaries of the Chambers, then in this case the personal composition of the Chambers shall be formed by drawing lots.

49. For drawing lots at the plenary session of the Commission, six balls are made, bearing inside the marks with the numbers “1” and “2” in accordance with the numbering of the Commission's Chambers.

50. The quantity of balls with numbers “1” and “2” shall be the same.

If there are less than sixteen members of the Commission on the day of the draw, the quantity of balls shall correspond to the number of Commission members participating in the draw.

If an odd number of Commission members participate in the draw, one more ball, than the number of Commission members participating, shall be produced for the draw.

51. The balls shall be placed in a box by an employee of the structural unit of the Commission Secretariat, which is responsible for the preparation and holding of Commission sessions.

52. The members of the Commission, in alphabetical order, shall choose one ball each. An employee of the structural unit of the Commission Secretariat, which is responsible for the preparation and holding of the Commission sessions, who acts as the secretary of the session, shall put on record in the protocol the number of the Chamber indicated inside each selected ball. The Chairman of the Commission, Deputy Chairman of the Commission, and the Secretaries of the Chambers shall not participate in the drawing of lots.

53. The personal composition of the Chambers shall be approved by the decision of the Commission.

54. A panel of the Commission shall be composed of at least three members of the Commission. The number of panels shall be determined by the decision of the plenary session of the Commission.

Permanent and temporary panels may be formed. Temporary panels shall be formed to resolve specific issues outlined in a decision of the plenary session of the Commission, or to consider the cases of the members of the Commission who are speakers and are part of permanent panel without proper authority or are not part of any permanent panel.

Temporary panels for solving specific issues shall be formed under the decision of the plenary session of the Commission.

Temporary Panels for consideration and resolution of specific issues (cases or materials) shall be formed upon the proposal of a member of the Commission—the rapporteur, if the permanent Panel to which he/she is included is incompetent (in particular, in case of recusal (self-recusal) of one of the members of the Panel) or such a member of the Commission is not included in any permanent Panel. On the day of receipt of the submission, the Chairman of the Commission or the person acting on his/her behalf shall instruct the relevant employees of the Commission Secretariat to determine, with the assistance of the UJITS, the necessary number of members of the Commission to form a temporary Panel by random selection. In this case, the specific issue (case or material) of the rapporteur member of the Commission shall be considered by the temporary Panel, which shall include the rapporteur member of the Commission, determined by the UJITS for the preparation for consideration and reporting of the case, authorized and present members of the Panel (if the rapporteur is a member of the non-authorized Panel) and the required number of members of the Commission to form a full Panel, additionally determined by the UJITS on the day of receipt of the submission of the rapporteur member of the Commission on the formation of the temporary Panel.

A member of the Commission who is temporarily involved in the composition of a Panel that is not fully empowered shall not participate in the subsequent formation of a temporary Panel by random selection.

*(Clause 54 of paragraph 6 of Section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

55. The personal composition of permanent panels shall be formed at the plenary session of the Commission, taking into account the proposals of each member of the Commission about their intention to exercise their powers in certain Panel.

The plenary session of the Commission can make a decision on the formation of permanent or temporary panels by drawing lots, except for the cases of formation of temporary panels specified in paragraph four of Clause 54 of these Rules of Procedure.

56. The formation of Panels by drawing lots shall be carried out in accordance with the procedure provided for in clauses 49-54 of these Rules of Procedure, taking into account the specifics regarding the number of Panels.

## **§ 7. Organizational form of the Commission's activity**

57. The organizational forms of activity of the High Qualification Commission of Judges of Ukraine shall be plenary sessions of the Commission, sessions in the composition of Chambers and Panels, depending on the issues defined by the Law and the Rules of Procedure.

58. The plenary composition of the Commission shall:

58.1. Elect and remove from office the Chairman of the Commission, the Deputy Chairman of the Commission, and the Secretaries of the Chambers.

58.2. Adopt a decision on the dismissal of a member of the Commission from their position on the grounds provided for by the Law and in the manner determined by these Rules of Procedure.

58.3. Make a submission to the High Council of Justice on the dismissal of a member of the Commission on the grounds provided for by the Law and in the manner determined by these Rules of Procedure and the Rules of Procedure of the High Council of Justice.

58.4. Consider, if necessary correct, and approve the Commission's work plan.

58.5. Annually listen to the report of the Chairman of the Commission on the status of implementation of the Commission's work plan and make a decision based on the results of its review.

58.6. Approve the Rules of Procedure of the Commission and rules of procedure of the Secretariat of the Commission.

58.7. Submit to the High Council of Justice recommendations on the appointment of a candidate for the position of judge, on the transfer of a judge in accordance with the Law unless otherwise provided by the Law, these Rules or a separate decision of the Commission in plenary session in accordance with the Law.

*(Subclause 58.7 of clause 58 of paragraph 7 of section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

58.8. Depose a submission to the High Council of Justice on the approval of the maximum number of employees of the Commission, taking into account the specified number of members of the Commission and inspectors of the Commission.

58.9. Determines the forms and content of the declaration of family ties and declaration of integrity of a judge (candidate for the position of a judge), and approves the rules for filling out and submitting declarations.

*(Subclause 58.9 of clause 58 of paragraph 7 of section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

58.10. Approve the form and content of the application for participation in the selection of judicial candidates, the questionnaire for judicial candidates; the form and content of tests and practical tasks, as well as the procedure for their conduct; sets the passing score of the qualification exam and the results of the special background check; approves the procedure for passing the qualification examination and the method of evaluating candidates; the regulations on holding a competition for vacant judicial positions; the procedure and methodology of qualification evaluation; the procedure for forming and maintaining a judge's dossier (judicial candidate's dossier); the list of authorized state bodies, terms and requirements for information to be provided or received by the Commission in the course of verification of information on candidates regarding their compliance with the requirements set forth in the Law and the accuracy of the submitted documents; the program and procedure for initial training, the procedure and methodology for evaluation and self-evaluation of judges.

*(Subclause 58.10 of clause 58 of paragraph 7 of section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

58.11. Approve the provisions on the UJITS operation in the Commission.

58.12. Makes a decision on the compliance of a public association with the requirements for participation in meetings of representatives of public associations.

58.13. Announce the selection of judicial candidates; the competition to fill a vacant judicial position in a local court; the competition to fill a vacant judicial position in an appellate court, a high specialized court, or the Supreme Court under a special procedure and to admit to a special background check all candidates for the position of a judge who have received a passing score in the qualification exam.

*(Subclause 58.13 of clause 58 of paragraph 7 of section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

58.14. Assign a qualification evaluation.

58.14-1. Continues the qualification evaluation of a judge if the High Council of Justice has refused to satisfy the motion of the High Qualification Commission of Judges of Ukraine to dismiss the judge due to his/her incompatibility with the position held.

*(Clause 58 of paragraph 7 of Section I is supplemented by subclause 58.14-1 in accordance with the Commission's decision of January 11, 2024 № 4/zp-24)*

58.15. Revise the decision made by the Chamber or the Panel regarding admission to the competition or selection.

*(Subclause 58.16 of clause 58 of paragraph 7 of Section I is excluded in accordance with the decision of the Commission of September 18, 2024 № 287/zp-24).*

58.17. Make a decision on confirmation (non-confirmation) of the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility (non-eligibility) of a judge for the position held), if the Public Integrity Council has established by its opinion that the judge (judicial candidate) does not meet the criteria of professional ethics and integrity.

*(Subclause 58.17 of clause 58 of paragraph 7 of section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

58.18. Recommend two members of the Commission who are not judges or retired judges to the Commission on Senior Civil Service in the Justice System.

58.19. In cases established by decisions of the High Council of Justice, appoints members of the Commission to permanent commissions and working groups of the High Council of Justice.

58.20. Make a decision on the appointment and dismissal of civil servants of the Commission's Secretariat who hold civil service positions of "A" category; on the application of incentive measures and disciplinary sanctions in their respect.

58.21. Assign ranks in accordance with the Law of Ukraine "On Civil Service" to civil servants of the Secretariat of the Commission who hold civil service positions of "A" category.

58.22. Approve the structure of the Commission (including its Secretariat) and changes to it.

*(Sub-clause 58.22 of clause 58 of paragraph 7 of section I as amended by the Commission's decision of November 30, 2023, № 150/zp-23)*

58.23. Approve the staff list of the Commission.

58.24. Approve the regulations on bonuses for employees of the Inspectorate Service and the Commission's executive support service.

*(Sub-clause 58.24 of clause 58 of paragraph 7 of section I as amended by the Commission's decision of November 30, 2023, № 150/zp-23)*

58.24-1. Approve the amounts of bonuses and incentive payments for civil servants of the Secretariat of the Commission, who hold civil service positions of "A" category, upon the submission of the Chairman of the Commission.

*(Clause 58 of paragraph 7 of section I is supplemented by subclause 58.24-1 according to the decision of the Commission of November 30, 2023, № 150/zp-23)*

58.25. Decide on the distribution of funds of the wage savings fund.

58.26. Determine the needs in the context of the state order for professional training of judicial candidates at the National School of Judges of Ukraine.

58.27. Appoint and dismiss the Rector of the National School of Judges of Ukraine.

58.28. Approve the development strategy of the National School of Judges of Ukraine and the Annual Report of the Rector of the National School of Judges of Ukraine.

58.29. Appoint and dismiss vice-rectors of the National School of Judges of Ukraine upon the submission of the rector of the National School of Judges of Ukraine.

58.30. Draft the list of decisions that may be adopted by Chambers or Panels.

58.31. Form the personal composition of Chambers and Panels, unless otherwise provided by these Rules of Procedure.

58.32. Make other decisions on issues that not assigned by the Law or these Rules of Procedure to the scope of powers of the Chairman of the Commission or the Commission in the composition of a Chamber or a Panel.

58.33. To exercise its powers, it may set up consultative, advisory and working groups, councils, commissions, or committees, etc. from among the members of the Commission. The group or council may also include, with their consent, representatives of judicial governance and self-governance bodies, judges, representatives of state authorities, R&D institutions and academic institutions, international organizations, international technical assistance projects, other legal entities of public or private law, as well as representatives of civil society. The decision on the set up of a group, council, commission, or committee shall outline the list of issues for the preliminary discussion and study of which they are created, or the Regulation on them.

*(Clause 58 of paragraph 7 of section I is supplemented with subclause 58.33 under the Commission's decision of November 30, 2023, № 150/zp-23)*

59. The Commission in the composition of part of a Chamber shall:

59.1. Make a submission to the High Council of Justice on secondment of a judge to another court of the same level and specialization; on early termination of a judge's secondment; on temporary suspension of a judge from the administration of justice until the end of qualification evaluation.

59.2. Resolve issues assigned to the powers of the Chamber by the Law, these Rules of Procedure and/or the decision of the plenary session of the Commission.

60. The Commission in the composition of part of a Panel shall:

60.1. Make a decision on admission or refusal of admission to the competition, selection or qualification exam.

*(Subparagraph 60.1 of paragraph 60 of clause 7 of section I as amended by the Commission's decision of January 13, 2025 № 4/zp-25)*

60.2. Evaluates the suitability of a judge appointed for a five-year term or elected as a judge for an indefinite term before the entry into force of the Law of Ukraine "On Amendments to the Constitution of Ukraine (regarding Justice)" for the position held.

*(Subparagraph 60.2 of paragraph 60 of clause 7 of section I as amended by the Commission's decision of February 12, 2024 № 58/zp-24)*

60.2-1. Conducts interviews with the winners of the competition for a vacant position of a local court judge and during the qualification evaluation.

*(Clause 60 of paragraph 7 of Section I is supplemented by subclause 60.2-1 in accordance with the decision of the Commission of January 11, 2024 № 4/zp-24)*

60.2-2. Decides to recommend or refuse to recommend the appointment of a candidate to the position of a local court judge or to transfer a judge (if the winner of the competition for the position of a local court judge is a judge).

*(Clause 60 of paragraph 7 of Section I is supplemented by subclause 60.2-2 in accordance with the decision of the Commission of January 11, 2024 № 4/zp-24)*

60.3. Make a decision on confirmation/non-confirmation of the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held), except in cases where a different procedure for approval (adoption) of the decision is determined by the Law, the Rules of Procedure, or a separate decision of the Commission. If the Panel decides that a judge is not suitable for his/her position, it simultaneously decides to submit a proposal to the High Council of Justice to dismiss the judge.

*(sub-clause 60.3 of clause 60 of paragraph 7 of Section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

60.4. In the cases stipulated by the Law, submit a motion for dismissal of a judge from office to the High Council of Justice.

60.5. Make a decision based on the results of review of the judge's declaration of family ties or the judge's declaration of integrity.

60.6. Consider disciplinary cases, the consideration of which falls within the scope of competence of the Commission under the Law.

60.7. Make other decisions attributed to the scope of competence of the Commission under the Law, these Rules of Procedure, and/or the decision of the plenary session of the Commission.

61. The session of the Commission shall provide for the joint presence of the members of the Commission and the person in relation to whom the issue is to be considered, on the day, time and in the place of the session, for discussion and decision-making on the issues of the agenda.

*(first paragraph of clause 61 of paragraph 7 of Section I, as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

Sessions of the Commission may, if technically possible, be held in videoconference mode, with the exception of closed sessions. The decision to hold a session of the Commission in videoconference mode is made by the Chairman of the Commission, the Secretary of the Chamber (a person performing their duties) or the chairperson of a Panel either on their own initiative, or on the initiative of a member (members) of the Commission, or the request of a participant to the session, submitted no later than two days before the session.

Members of the Commission have the right to participate in sessions and decision-making remotely using electronic means of video communication in the event of:

threats of the spread of epidemics or pandemics;

threats of a man-made, natural, or other disaster;

introduction of the legal regime of martial law in the territory of Ukraine;

need to ensure the safety of a member of the Commission or a person in respect of whom the issue is to be considered at the session of the Commission;

existence of other grounds recognized by the Commission, Chamber, or Panel as valid.

If the participant submitted a request to participate in the session in video conference mode and appeared at the session of the Commission, then he/she shall participate in the session in the general manner.

62. The session of the Commission in videoconferencing mode shall take place with the help of the UJITS video conferencing subsystem via link on the web portal of the judiciary of Ukraine <https://vkz.court.gov.ua>, which ensures the holding of court sessions in video conferencing mode.

Based on the well-grounded motion of the participant to the session and if it is technically possible, the Chairman of the Commission, the Secretary of the Chamber, or the chairperson of the Panel session can define another video conference communication system that provides for a high level of trust in the means of electronic identification of the participants to the session. Under the legal regime of martial law, by decision of the plenary session Commission, the session of the Commission in the composition of a Chamber or a Panel, a decision may be made on the use of a video conferencing system that provides for an average or low level of trust in the means of electronic identification of participants to the session.

Simultaneously with the decision to hold a session in videoconferencing mode, the Chairman of the Commission, the Secretary of the Chamber, or the chairperson of the Panel session shall instruct the relevant structural units of the Secretariat of the Commission to ensure the preparation of, respectively, such a plenary session of the Commission, the session of the Commission in the composition of a Chamber or a Panel.

63. Electronic identification of participants to the session, their authorization shall be determined by the procedure for working with the technical means of the selected video conferencing system.

Before holding a session in videoconferencing mode, an employee of the Commission's Secretariat, who acts as the secretary of the session, shall make sure that one can clearly see and hear the participants, and if necessary, ask the participant to make the necessary to ensure high-quality an uninterrupted communication.

64. In the event of technical malfunctions which prevent the proper conduct of the session, an employee of the Commission Secretariat, who acts as the secretary of the session at the session itself, shall immediately inform the chairperson of the session. If the technical malfunctions cannot be solved, the chairperson shall raise the issue of postponing the session for the consideration of the plenary session of the Commission or the Commission in the composition of a Chamber or a Panel.

In the event of technical malfunctions that prevent the proper participation of Commission members in the Commission session, which causes the Commission session to be invalid, the points on the agenda of such a session shall be excluded from consideration.

*(Second paragraph of clause 64, paragraph 7 of Section I, as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

The access of participants of the video conference, who are not members of the Commission, shall be limited to the time of discussion and decision-making by members of the Commission on points of the agenda.

*(Third paragraph of clause 64, paragraph 7 of Section I, as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

65. Part of the open meeting may be closed by the decision of the Commission in order to prevent the disclosure of secrets protected by law or information about persons in respect of whom the issue is being resolved, and for other reasons recognized by the Commission in plenary, its Chamber or Panel as valid.

*(Clause 65 of paragraph 7 of Section I as amended by the Commission's decision of January 11, 2024 № 4/zp-24)*

66. The Commission may take decision to hold a closed meeting to resolve issues related to the organization of the current work of the Commission and the Commission's secretariat, as well as to consider certain issues determined by the Commission. By the decision of the Commission, the closed meetings may be attended by the employees of the Commission's secretariat, participants of the meeting and interested persons, in addition to the Commission members, before the closed discussion and decision-making.

Preliminary consideration of the issues specified in clause 17 of the Rules of Procedure shall be held in closed meetings. The Commission may decide to hold an open meeting of the Commission.

*(Clause 66 of paragraph 7 of Section I as amended by the Commission's decision dated September 18, 2024 No. 287/zp-24)*

67. The Chairman of the Commission, the Chairpersons of the Chambers and the chairmen of the meetings of the Panels shall organize the work of the Chambers and conduct the relevant meetings of the Commission.

In the absence of the Chairman of the Commission, his duties shall be performed by the Deputy Chairman of the Commission, and in the absence of the Deputy Chairman of the Commission - by the oldest member of the Commission.

In the absence of the Chairperson of the Chamber, his duties shall be performed by the oldest member of the relevant Chamber.

In the absence of any member of the Panel at a meeting of the Panel, the issues submitted for consideration at the meeting of the Commission shall be withdrawn from consideration.

*(Clause 67 of paragraph 7 of Section I as amended by the Commission's decision dated January 11, 2024 No. 4/zp-24)*

68. The Chairman of the Commission, the Chairpersons of the Chambers and the Chairmen of the Panel shall agree among themselves on the tentative schedule of the Commission's meetings.

The Commission in plenary session shall have the right to determine the priority and order of

issues to be considered at a meeting of the Commission in plenary session, within its Chamber or Panels.

The date, time and place of the meeting of the Commission in plenary session and the list of issues to be considered at the meeting shall be determined by the Chairman of the Commission upon proposals of the Commission members.

The date, time and place of the meeting of the Commission in the Chamber and the list of issues to be considered at the meeting of the respective Chamber shall be determined by the Chairman of the Chamber upon proposals of the Commission members included in the Chamber. The Secretary of the Chamber shall prepare for the meeting of the Chamber. The meeting of the Chamber may not be scheduled on the date and time for which the meeting of the Commission in plenary session is scheduled.

The date, time and place of the meeting of the Commission within the Panel and the list of issues to be considered at the meeting of the respective Panel, upon proposals of the Commission members included in the Panel, shall be determined by the chairman of the Panel meeting. A meeting of the Panel may not be scheduled for the date and time for which a meeting of the Commission in plenary or of the Chamber, which includes members of the Panel, is scheduled.

*(Clause 68, paragraph 7, Section I as amended by the Commission's decision of January 11, 2024, No. 4/zp-24)*

69. The member of the Commission who is the speaker on a case, shall be appointed via the UJITS subsystem, while organizational and procedural issues of the Commission's activity – by the Chairman of the Commission, and in his absence by the person who fulfills their powers, the Secretary of the Chamber, or the chairperson of the Panel session, respectively

If the agenda includes several related matters that are covered by various members of the Commission, then all members of the Commission who are speakers on related matters shall be co-reporters on such a point of the agenda.

*(Clause 69 of paragraph 7 of section I as amended by the Commission's decision of January 11, 2024, № 4/zp-24)*

70. The members of the Commission and the person in respect of whom an issue is to be considered shall be notified by the Chairman of the Commission of the date, time and place of the Commission session on matters, in respect of which the automated distribution of cases (materials) was carried out, and of the list of issues to be considered at the meeting, not later than ten days before the meeting. Relevant information shall be published on the website of the Commission.

The members of the Chamber and the person in respect of whom the issue is to be considered shall be notified by the Head of the Chamber of the date, time, place of the meeting of the Commission in the composition of a Chamber on the issues in respect of which the automated distribution of cases (materials) was carried out, and of the list of issues submitted for consideration at the meeting, not later than ten days before the meeting. The relevant information is published on the website of the Commission.

The members of the Panel and the person in respect of whom an issue is to be considered shall be notified by the Secretariat of the Commission about the date, time, and place of the session of the Commission in the composition of a Panel on matters, in respect of which the automated distribution of cases (materials) was carried out, and of the list of issues to be considered at the meeting, not later than ten days before the session. Relevant information shall be published on the website of the Commission.

*(Clause 70 of paragraph 7 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

71. The members of the Commission shall be informed by the Chairman of the Commission, the Head of the Chamber, or the chairperson of the Panel session about the date, time, and place of the Commission's session on organizational and procedural issues. The prepared draft agenda, draft decisions on points of the agenda; materials necessary for decision-making, as well as information about the members of the Commission who are speakers shall be provided, as a rule, to the members of the Commission in electronic form not later than two days before the session of the Commission, and

with regard to the sessions that are convened urgently - immediately.

Information about the date, time and place of the session of the Commission on organizational and procedural issues, the draft agenda of such a session shall be posted on the website of the Commission no later than one day before the session of the Commission. In the case of an urgently convened session, the specified information shall be posted on the Commission's website no later than two hours before the start of such a session.

*(Clause 71 of paragraph 7 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

72. The Commission members shall have the right to submit proposals to draft agenda and/or agenda items of the plenary session of the Commission, Chamber or Panel of which they are members.

A proposal for the agenda items of the Commission's plenary session submitted and (or) supported by at least three members of the Commission, as well as for the agenda of the Chamber's session, supported by at least two members of the Commission who are members of the Chamber, must be included in the agenda of the nearest upcoming plenary session of the Commission or the session in the composition of a Chamber.

The proposals of the Commission members as to the agenda of the session shall be submitted in writing to the structural unit of the Commission Secretariat responsible for preparing and holding the Commission sessions for them to be registered and immediately submitted to the Chairman of the Commission and sent (provided) to the Commission members not later than one day before the day of holding the Commission's session.

A member of the Commission shall have a right to send his/her proposal as to the agenda of the session to the official e-mail addresses of the Commission members. In this case, they shall not be submitted to the relevant structural unit of the Commission's Secretariat, and the proposal of the Commission member shall be considered when the list of issues for the next meeting of the Commission is approved.

*(Paragraph 72 of paragraph 7 of Section I as amended by the Commission's Decision of 11 January 2024 No. 4/zp-24)*

73. If there are issues that need to be resolved urgently, the agenda of the session may be amended immediately at the Commission session. The agenda may also include items for discussion (those not requiring a decision) in order to discuss the situation collectively and determine the course of further action to be taken.

*(Clause 73 of paragraph 7 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

74. The Commission member - rapporteur may prepare a draft decision on the issues in respect of which the automated distribution of cases (materials) was carried out in advance and submit it to the Commission members for preliminary review. The Commission member - rapporteur shall provide the Commission members with the opportunity to familiarize themselves with all the necessary materials available to them in electronic form. The Commission members participating in the meeting of the Commission have the right to get acquainted with all materials on the issue to be reported.

75. The rapporteur member of the Commission shall submit a draft decision on organizational and procedure issues of the activities of the Commission together with all available necessary materials in electronic form for review by the Commission members not later than one business day before the day of the Commission meeting. The members of the Commission participating in the meeting of the Commission shall have the right to get acquainted with all materials on the issue to be reported.

*(Clause 75 of paragraph 7 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

76. A session of the Commission and its Chambers shall be deemed duly constituted if a majority of the members of the Commission or the Chamber, respectively, take part in it.

A session of the Panel shall be deemed duly constituted if all members of the Panel participate in it.

If the Panel is incomplete, a member of the Commission from another Panel shall be temporarily included in it (a temporary Panel shall be formed) in the manner prescribed by paragraph 54 of this Regulation.

*(Clause 76 of paragraph 7 of Section I, as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

77. The sessions of the Commission shall be held in the state language.

## **§ 8. Considering issues at the session of the Commission**

78. Items on the agenda shall be considered, as a rule, in the order in which they are included in the agenda, approved for consideration at the Commission session.

*(Clause 78 of paragraph 8 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

79. The Chairman of the session of the Commission shall:

79.1. Impartially conduct the session, ensuring a full, comprehensive and objective examination of the circumstances.

79.2. Remove from the agenda, open, conduct, postpone, adjourn, and close the session.

79.3. Announce the agenda and put its approval to vote.

*(Sub-clause 79.3 of clause 79 of paragraph 8 of section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

79.4. Notify of the Commission members present at the session and the employee of the Commission's Secretariat who acts as the session secretary.

79.5. Inform about persons invited to the Commission's session.

79.6. Announce the rapporteur on each item on the agenda and give him/her the floor to speak and/or entrust him/her with chairing the session on the item on which he/she is the rapporteur.

*(Sub-clause 79.6 of clause 79 of paragraph 8 of section I as amended by the Commission's decision of 11 January, 2024, № 4/zp-24)*

79.7. Create equal opportunities for participation in discussing agenda items, approved for consideration at the Commission's session and determine the timeline for participants to speak at the session.

*(Sub-clause 79.6 of clause 79 of paragraph 8 of section I as amended by the decision of the Commission of 11 January 2024 No. 4/zp-24)*

79.8. Announce that the Commission has completed considering the issue, put it to the vote and announce the result of the voting.

79.9. Ensure that all persons present at the session comply with the requirements set forth in these Rules of Procedure.

79.10. Takes measures to maintain order in the session.

79.11. Take other measures within the scope of its powers determined by the Law and these Rules of Procedure.

80. Participants of the session shall have the right to:

80.1. Declare the recusal of a member (members) of the Commission if the Law specifies grounds for it.

80.2. File motions.

80.3. Provide oral and/or written explanations. The written explanations shall be attached to the case file and, if necessary, further attached to the judge's dossier.

80.4. With the permission of the chairperson, express views and objections on the issues

under consideration and ask questions to other participants of the session.

81. A person under consideration by the Commission shall have the right to get familiarised with the files collected in relation to him/her.

82. Participants of the session whose presence is mandatory shall be required to:

82.1. Appear at a session when summoned.

82.2. Contribute to the timely, comprehensive, full and objective establishment of all circumstances, provide explanations, documents, materials and other information necessary for the Commission to consider the respective issue.

82.3. Notify the Commission in advance in writing of the impossibility of failure to attend the meeting and the reason for failure to attend by post or electronic communications, and provide a document proving the valid reasons for failure to attend, if any.

83. Representatives of the judicial self-government body and any other stakeholders may attend the Commission's sessions, except for closed sessions.

84. The powers of the authorized representatives of the Public Integrity Council shall be confirmed under the rules determined in the Rules of Procedure of the Public Integrity Council.

The powers of other representatives shall be confirmed in accordance with the requirements specified by law. The originals of the respective documents or their duly certified copies shall be attached to the case file.

85. The Chairman shall open the session and announce the agenda submitted for consideration at the Commission meeting, provided that:

*(first paragraph of clause 85 of paragraph 8 of section I as amended by the Commission's decision of 24 July 2024 No. 230/zp-24)*

85.1. Presence of the majority of the Commission's plenary composition established by the Law (composition of the Chamber).

85.2. Presence of all members of the Panel.

86. The employee of the Commission's Secretariat who acts as the secretary of the session shall inform on the presence of the persons concerning whom the issue is to be considered, other persons invited to participate in the session, and on the results of checking the representatives' powers.

87. The chairperson of the Commission session shall, before starting consideration of each issue, announce the composition of the Commission members present at the session, find out their opinion on the need for such announcement, find out whether the participants of the session are present, explain the rights and obligations of the participants of the session, find out the issues of recusal (self-recusal), announce the rapporteur on each agenda item and give him/her the floor.

*(Clause 87 of paragraph 8 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

88. Consideration of the agenda item approved for the meeting of the Commission may be postponed, and a protocol decision shall be adopted, in the following cases:

*(first paragraph of item 88 of paragraph 8 of Section I as amended by the Commission's decision of 12 February No. 58/zp-24)*

88.1. Absence of participants of the session whose presence is mandatory.

88.2. The need for extra examination.

88.3. Involving others in considering the issue.

88.4. Obtaining an opinion or information from the Public Integrity Council on a participant of the session after the expiration of the time period established by the Commission for submission of materials on the participants of the session.

88.5. Technical problems (obstacles) that make it impossible to participate in the session via video conference.

88.6. Other reasons.

89. If there are grounds that prevent consideration of an agenda item, it shall be removed from consideration, upon the proposal (proposal) of the rapporteur Commission member, and in his absence - upon the proposal of the chairman of the meeting.

*(Clause 89 of paragraph 8 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

90. If a duly notified (invited) participant fails to attend the session and does not inform about the reasons for his/her absence, or if his/her representative does not have the respective powers, the chairperson shall put a proposal on whether the issue may be considered without the participant's presence to the discussion.

If a participant who has been duly notified (invited) repeatedly fails to attend the session, the chairperson shall put up for discussion a proposal to postpone the consideration of the case only if the reasons for the failure to attend are valid and confirmed by respective documents.

If a participant who has been duly notified (invited) fails to attend the session, regardless of the reasons for his/her failure to attend, this does not prevent consideration of the issue in his/her absence.

91. During the competition to fill a vacant judicial position, the presence of a judicial candidate at the Commission session to examine the dossier and conduct an interview is mandatory. Failure of a judicial candidate to attend a session of the Commission without valid reasons shall be a ground for terminating his/her participation in the competition unless such candidate, as an exception, participates in the session via videoconference.

92. Recusal (self-recusal) of a member of the Commission shall be resolved pursuant to Article 100 of the Law.

The decision on recusal (self-recusal) of several members of the Commission shall be made for each of them separately.

93. Participants of the session shall provide explanations and answer questions only after being given the floor by the chairperson of the session.

94. Those present in the session room must:

94.1. Without fail, follow the orders of the chairperson, adhere to the established procedure at the session and refrain from any actions that demonstrate a manifest disregard for the members of the Commission and participants of the session or the rules established in the Commission.

94.2. Not obstruct the conduct of the session and refrain from moving around the room, talking, or making remarks during the session.

94.3. Switch off mobile phones and any other devices or equipment that may interfere with the session.

95. The person who violated the discipline shall be warned that it is necessary to maintain order at the session. If a person repeatedly violates the rules set forth in these Rules of Procedure, such a person shall be removed from the session room by order of the chairperson of the session.

96. Examination of materials at the session begins with a report from a member of the Commission on the agenda item, as well as the announcement and submission of motions and applications for consideration by the Commission.

*(Clause 96 of paragraph 8 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

97. With the chairperson's permission, a session participant shall explain the merits of the issue under consideration.

98. After the participants of the session have provided their explanations, they may be asked

questions by the members of the Commission and, with the permission of the chairperson of the meeting, by an authorised member of the Public Integrity Council. If there is a need to investigate the circumstances related to the resolution of the issue, the persons invited to the session by the Commission shall be heard.

The Commission proceeds to vote on the agenda items only after all members of the Commission have exercised their right to ask questions to the session participants and express their opinions.

*(Paragraph 2 of clause 98 of paragraph 8 of Section I, as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

99. If the decision is made in the general procedure, after questions to the participants and hearing from the persons invited, the Commission shall retire to discuss the agenda item and make a decision.

The Commission's decision shall be taken by an open roll-call vote by raising hands or via software and hardware that ensures roll-call voting and summing up the voting results on the agenda item. By the decision of the Commission, voting may be secret with the use of ballots or via software and hardware that ensures secret voting and summing up the voting results on the agenda item. All members of the Commission present shall take part in the voting.

*(Clause 99 of paragraph 8 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

99-1. The Commission's decision on the issues in respect of which the automated distribution of cases (materials) was carried out shall be made in accordance with the general procedure, which provides for a closed discussion of issues by the Commission members and decision-making.

*(Paragraph 8 of Section I is supplemented by paragraph 99-1 in accordance with the decision of the Commission of 11 January 2024 No. 4/zp-24)*

99-2. The Commission's decisions on organizational and procedural issues, as a rule, are taken at the Commission's meetings in a simplified manner, without holding a closed discussion by the Commission members. In this case, the discussion of the issue by the Commission members and voting shall be open.

The Commission may at any time proceed to the general procedure for making a decision.

*(Paragraph 8 of Section I supplemented by paragraph 99-2 in accordance with the decision of the Commission of 11 January 2024 No. 4/zp-24)*

100. If the decision is made via a simplified procedure, after hearing the persons invited and open discussion of the agenda item by the Commission members (if there are any wishing to do so), the chairperson shall announce the beginning of an open vote on the agenda item.

In this case, the Commission's decision shall be taken by open roll-call vote by raising hands or by software and hardware that provides roll-call voting and summing up the voting results on the agenda item. All members of the Commission present shall take part in the voting.

*(Clause 100 of paragraph 8 of Section I as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

100-1. During the discussion of issues and decision-making, the Rapporteur Commissioner shall submit for discussion either a draft resolution of the Commission's decision or a draft decision of the Commission as a whole, and other Commissioners shall participate in the discussion.

Commission members may submit alternative draft decisions of the Commission that differ in substance from the draft proposed by the Rapporteur. A member of the Commission may withdraw his or her proposal at any stage of the discussion of the draft decision of the Commission.

Each member of the Commission may express his or her opinion on the issue under discussion. The Commission may determine the same time for each Commission member to speak during the discussion of the issue and the sequence of such speeches.

The draft decision of the Commission prepared with the consideration of proposals that have received the number of votes required for the adoption of the decision shall be put to a vote. Voting on alternative draft decisions of the Commission shall be held after voting on the draft decision of the Commission prepared by the Rapporteur of the Commission, if the latter has not received the number of votes required for the adoption of the decision. The full text of the Commission's decision shall be drawn up by the Rapporteur Commission member or other member(s) of the Commission if the Rapporteur Commission member does not agree with the Commission's decision.

Information on the content of the closed discussion shall not be disclosed.

*(Paragraph 8 of Section I is supplemented by paragraph 100-1 in accordance with the decision of the Commission dated 11 January 2024 No. 4/zp-24)*

100-2. If all proposed draft decisions on organisational and procedural issues do not receive the required number of votes of the members of the High Qualification Commission of Judges of Ukraine, the issue approved for consideration at the Commission meeting shall be deemed rejected. Information on the rejection of the issue approved for consideration at the Commission meeting and the results of the roll-call vote shall be recorded in the minutes of the Commission meeting.

*(Paragraph 8 of Section I is supplemented by paragraph 100-2 in accordance with the decision of the Commission of 18 September 2024 No. 287/zp-2)*

101. The decision of the Commission at the plenary session shall be adopted by a majority of the members of the Commission established by law.

The decision of the Commission as a Chamber shall be made by a majority of the Chamber members, including members of another Chamber if they are involved in considering the respective issue.

The Commission's decision in the composition of a Panel shall be made by a majority of votes.

The decision shall be made only by the members of the Commission who participated in considering the issue at the session of the Commission, except as provided by law.

A member of the Commission shall vote "FOR" or "AGAINST" when making a decision. Refusal to vote shall be recorded in the minutes of the Commission session.

102. At the end of the voting on each item, the chairperson or rapporteur shall announce the results and the decision taken.

*(Clause 102 of paragraph 8 of Section I as amended by the Commission's decision of 30 November 2023 No. 150/zp-23)*

103. The result of resolving the issues of the Commission's operations within its competence under the Law and the results of resolving organisational and procedural issues of the Commission shall be a decision.

The Chambers and Panels shall take their decisions on behalf of the Commission, indicating the composition of the Chamber or Panel that considered a particular case (materials).

104. Consideration of an agenda item, except for discussion items, shall be completed by adopting a decision of the Commission.

*(Paragraph 1 of clause 104 of paragraph 8 of Section I as amended by the Commission's decision of 18 September 2024 No. 287/zp-24)*

The Commission may adopt a decision in a simplified procedure, which shall be recorded in the minutes of the session (the decision in the form of the minutes), on certain issues related to the circulation of cases and case files during the session, during the qualification evaluation, selection of judicial candidates, transfer of judges, business trips, as well as upon receiving motions and applications of persons participating in the session, attachment of documents and materials to the judicial dossier (dossier of a judicial candidate), postponing the consideration of a case (case files), announcing an adjournment).

105. Decisions of the Commission, its Chambers and Panels shall be made in writing. The

decision shall specify the date and place where the decision was made, the composition of the Commission (Chamber, Panel), the Commission member who was the rapporteur (members of the Commission - co-rapporteurs), the issue under consideration, and the rationale for the decision, the results of the roll-call vote of the Commission members, indicating the number of votes cast 'FOR' and 'AGAINST', and information on how each of the Commission members voted.

*(Paragraph 1 of clause 105 of paragraph 8 of Section I as amended  
by the Commission's decision of 11 January 2024 No. 4/zp-24)*

The decision shall consist of an introductory, descriptive, reasoning and operative part.

The full text of the draft decision shall be drafted and prepared by the Commission member who is a rapporteur or another member of the Commission if the Commission member who is a rapporteur voted "AGAINST" the adoption of the Commission's decision not later than ten working days from the date of the announcement of its introductory and operative parts.

*(Third paragraph of clause 105, paragraph 8 of section I  
as amended by the Commission's decision of November 30, 2023, № 150/zp-23)*

After drafting the full text of the decision, the member of the Commission who is a rapporteur or another member of the Commission if the member of the Commission who is a rapporteur voted "AGAINST" the adoption of the Commission's decision, shall submit the draft decision to the respective structural unit of the Commission's Secretariat for review and signature by the members of the Commission.

A member of the Commission who disagrees with the decision may express his/her dissenting opinion in writing. The fact that there is a dissenting opinion shall be notified during the proclamation of the operative part of the decision at the Commission session without announcing the contents of the dissenting opinion. A dissenting opinion may also be drawn up with respect to the reasoning part of the Commission's decision after the Commission member has read the full text of the Commission's decision, regardless of whether the Commission member has notified the Commission of the dissenting opinion when making the decision. A dissenting opinion shall be drawn up by a member of the Commission not later than seven working days from the date of signing the Commission's decision. Several members of the Commission may draw up and sign one dissenting opinion, or each member may express his/her opinion separately. The dissenting opinion shall be attached to the Commission's decision and published on the Commission's website.

If there is a dissenting opinion of two or more members of the Chamber who participated in considering the issue and making a decision by the respective Chamber, the Chairman of the Commission shall have the right to submit such issue for consideration at the session of the Commission at which the final decision on the merits of the issue shall be made pursuant to the procedure established by these Rules.

*(Clause 105 of paragraph 8 of Section I is supplemented by the paragraph 4  
according to the Commission decision of 30 November 2023 № 150/zp-23)*

106. After completing the consideration of the issues included in the agenda, the chairperson shall declare the session closed.

*(Clause 106 of paragraph 8, section I, as amended by the Commission's  
decision of 11 January 2024 No. 4/zp-24)*

107. A copy of the Commission's decision shall be provided to the person in respect of whom it was made upon the respective request by such a person.

108. On its own initiative or at the request of the session participants, the Commission may adopt a decision to rectify the typos and obvious arithmetical errors in the decision.

109. The session shall be recorded by keeping minutes using a system of technical recording and recording of the trial using technical means and/or software.

110. The minutes of the session shall include:
- 110.1. Date and place of the session.
  - 110.2. Time of the beginning and end of the session.
  - 110.3. Surname and initials of the chairperson of the session.
  - 110.4. Surnames and initials of all members of the Commission present at the session.
  - 110.5. Surname and initials of the responsible staff member of the Commission's Secretariat who performs the functions of the secretary of the session.
  - 110.6. Agenda of the session.

*(Sub-clause 110.6 of clause 110 of paragraph 8 of section I as amended by the Commission's decision of 03 July 2024 No. 215/zp-24)*

- 110.7. Issues considered at the session, indicating the order of priority of their consideration, names and initials of speakers.
- 110.8. Information on participants of the session.
- 110.9. Information on informing the session participants of their rights and obligations.
- 110.10. Subject matter of motions filed by the session participants and the results of how they are addressed by the Commission.
- 110.11. Summary of the explanations by the participants of the session.
- 110.12. Information on the announcement of the decision taken by the Commission based on the results of voting separately for each agenda item, indicating the number of votes cast "FOR" and "AGAINST".

*(Sub-clause 110.12 of clause 110 of paragraph 8 of Section I, as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

- 110.13. Contents of the operative part of the decision taken.
- 110.14. The order of the Commission's actions, and the essential points of considering each agenda item in the order they were raised at the session.

*(Sub-clause 110.14 of clause 110 of paragraph 8, section I, as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

- 110.15. Information on whether there is a dissenting opinion of a member of the Commission.

*(Sub-clause 110.15 of clause 110 of paragraph 8 of section I as amended by the Commission's decision of 30 November 2023, № 150/zp-23)*

111. The voting results shall be announced at the session, indicating the number of votes cast "FOR" and "AGAINST". If a member of the Commission insists, the members of the Commission who voted "FOR" and "AGAINST" shall be announced individually, one by one.

112. The minutes shall be drawn up and produced by the responsible staff member of the Commission's Secretariat who acted as the session secretary. The minutes shall be drawn up and signed by the chairperson of the session and the responsible staff member of the Commission's Secretariat who acted as the secretary of the session.

113. An extract from the session minutes and a copy of the technical recording of the session (if prepared) shall be provided upon request of a member of the Commission, authorities empowered to consider appeals against decisions of the Commission, upon a respective request of a person in respect of whom the matter was considered, at the advocate's request and in other cases provided for by law. An excerpt from the session minutes shall be certified by the Chairman of the Commission or the Deputy Chairman of the Commission or the Secretaries of the Chambers or the chairperson of the Panel session within the scope of his/her competence.

## SECTION II. SPECIAL PART

### **§ 9. Procedure for the Commission to consider information regarding a judge (judicial candidate), opinion on the fact that a judge (judicial candidate) does not meet the criteria of professional ethics and integrity provided by the Public Integrity Council**

114. In order to assist the Commission in determining whether a judge (judicial candidate) meets the criteria of professional ethics and integrity for the purposes of qualification evaluation, the Public Integrity Council shall be established.

The Public Integrity Council and the Commission shall cooperate based on the principles of the rule of law, equality, mutual respect, independence, impartiality, objectivity, full examination of circumstances and reasonable timeframe.

In order to ensure effective cooperation with the Public Integrity Council, the Commission shall appoint Commission member(s) and a staff member of the Commission's Secretariat to coordinate the Commission's activities in its cooperation with the Public Integrity Council to address organisational and procedural issues of joint operations.

115. Information on a judge (judicial candidate) (hereinafter referred to as information) or an opinion that a judge (judicial candidate) does not meet the criteria of professional ethics and integrity (hereinafter referred to as opinion) shall be submitted to the Commission by the Public Integrity Council not later than seven days before the date the Commission set for interviewing such a judge (judicial candidate) (hereinafter referred to as interview).

116. The Commission shall notify the Public Integrity Council of the planned schedules, deadlines and the order of interviews in advance. The Public Integrity Council has the right to initiate certain organisational and procedural issues in the Commission's operations before the Commission changes to the planned schedules and order of interviews.

If the Public Integrity Council submits a reasoned proposal to postpone the interview with a judge (judicial candidate), the High Qualification Commission of Judges of Ukraine may postpone such an interview. Repeated proposals to postpone the interview with the same judge (judicial candidate) shall not be considered.

*(Clause 116 of paragraph 9 of Section II, supplemented by the second paragraph  
according to the decision of the Commission of 11 January 2024 No. 4/zp-24)*

117. If the Public Integrity Council fails to comply with the deadline set forth in paragraph 115 of the Rules, the session of the Commission on interviewing a judge (judicial candidate) shall be postponed to enable the judge (judicial candidate) to provide explanations regarding the information contained in the information or opinion and due to the need to check the information contained in the information or opinion.

*(Clause 117 of paragraph 9 of Section II as amended by the  
Commission's decision of 18 September 2024 No. 287/zp-24)*

118. The information or opinion shall be submitted to the Commission in paper or electronically, directly or via communication facilities that ensure recording of the submission of documents.

119. On the day of receipt, the opinion or information of the Public Integrity Council shall be attached to the judicial dossier (dossier of a judicial candidate).

120. The opinion or information of the Public Integrity Council shall be considered by the Commission while conducting an interview and examining the dossier of a judge (judicial candidate) at a respective session in order to establish or refute reasonable doubts about whether the judge (judicial candidate) meets the criteria of integrity and professional ethics.

121. During the interview, the authorized representative of the Public Integrity Council shall

have the right to:

121.1. Announce information or opinion on a judge (judicial candidate) provided to the Commission in advance.

121.2. Provide explanations regarding the information or opinion provided to the Commission regarding a judge (judicial candidate).

121.3. With the permission of the chairperson, ask a judge (judicial candidate) questions about his or her professional ethics and integrity.

121.4. Give answers to the questions asked.

122. Based on the results of the interview, the Commission in the composition of a Panel shall take a decision on confirmation or non-confirmation of the ability of the judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held).

123. If the Public Integrity Council in its opinion establishes that a judge (judicial candidate) does not meet the criteria of professional ethics and integrity, the Panel shall assess the judge (judicial candidate) for compliance with the criteria established by law, and decides not to confirm the judge's (judicial candidate's) ability to administer justice in the relevant court (incompatibility of the judge with the position held) and to submit a proposal to the High Council of Justice to dismiss the judge from office or to submit to the Commission in plenary session the issue of confirmation (non-confirmation) of the judge's (judicial candidate's) ability to administer justice in the relevant court (eligibility or incompatibility of the judge with the position held).

*(Paragraph 1 of clause 123 of paragraph 9 of Section II as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

The judgement (if any) adopted regarding the opinion shall be attached to the dossier of the judge (judicial candidate) and examined by the Commission at the plenary session together with other documents (files) of the dossier.

124. The decision on confirming the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held), if there is an opinion of the Public Integrity Council, shall be made by the Commission in plenary session pursuant to the second paragraph of part one of Article 88 of the Law.

*(First paragraph of clause 124 of paragraph 9 of section II as amended by the Commission's decision of 11 January 2024 , № 4/zp-24)*

If the Public Integrity Council submits to the Commission a decision on quashing the opinion before the Commission considers it at the plenary session, the question of the entry into force of the decision on confirmation of the judge's (judicial candidate's) ability to administer justice in the respective court (eligibility of a judge for the position held) shall be considered by the Commission pursuant to the first paragraph of Article 101 of these Rules.

A judgement rendered on the decision of the Commission in the composition of a Panel on confirming the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held) shall not change the procedure established by law for upholding it, its entry into force, and the procedure for confirming the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held).

125. The decision on not confirming the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held) shall enter into force from the date of its adoption.

126. At a plenary session of the Commission, on the grounds specified in the second paragraph of part one of Article 88 of the Law, the Commission's decisions adopted in the composition of a Panel on the assessment of a judge (candidate for the position of a judge) for compliance with the criteria established by law; opinion (information) of the Public Integrity Council, explanations of a judge (judicial candidate), other circumstances, documents and materials shall be considered.

*(Paragraph 126 of paragraph 9 of Section II as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

127. The issue shall be considered by hearing a member of the Commission who is a rapporteur who shall inform the Commission members present at the session about the decision taken by the Panel, in particular about the contents of the opinion (information) of the Public Integrity Council and explanations of the judge (judicial candidate).

128. Based on the results of the plenary session on the grounds specified in the second paragraph of part one of Article 88 of the Law, the Commission shall adopt one of the following decisions:

- on confirming the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held);
- on not confirming the ability of a judge (judicial candidate) to administer justice in the respective court (eligibility of a judge for the position held).

*(Clause 128 of paragraph 9 of Section II as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

129. Refusal to undergo the evaluation of a judge for compliance with the position held shall be deemed a systematic (three times) failure of a judge to appear at any stage of such evaluation in the absence of valid reasons or in the absence of information about the reasons for the failure. The fact of refusal of a judge to undergo the evaluation for compliance with the position held shall be established by a decision of the Commission in plenary session. When making such a decision, a representative of the Public Integrity Council may participate in the Commission's meeting.

In case of systematic (three times) absence of a judge from any of the stages of the assessment of his/her suitability for the position, the Commission may consider the issue of suitability of such judge for the position in his/her absence.

*(Clause 129, paragraph 9 of Section II as amended by the Commission's decision of 11 January 2024 No. 4/zp-24)*

**§ 10. The procedure for the Commission to consider the question of undergoing qualification evaluation in order to take part in the competition for the position of a judge of the High Anti-Corruption Court with the participation of the Public Council of International Experts (hereinafter referred to as PCIE)**

130. The qualification evaluation to participate in the competition for the position of a judge of the High Anti-Corruption Court and a judge of the Appellate Chamber of the High Anti-Corruption Court (hereinafter referred to as the position of a judge of the High Anti-Corruption Court) shall be conducted in the manner prescribed by the Law of Ukraine “On the Judiciary and the Status of Judges”, the Law of Ukraine “On the High Anti-Corruption Court” and the respective regulations of the Commission with the peculiarities established by this paragraph of the Rules.

131. After the Commission adopts a decision to appoint PCIE members, the Commission shall notify them of their appointment, invite them to participate in the work and at the same time post the following information on the Commission’s official website.

132. In order to establish, for the purposes of qualification evaluation, whether a judicial candidate of the High Anti-Corruption Court (hereinafter referred to as a candidate) meets the criteria set forth in part four of Article 8 of the Law of Ukraine “On the High Anti-Corruption Court” (hereinafter referred to as the criteria), the Commission shall, within the time frame agreed with the PCIE, timely provide the PCIE and the PCIE’s authorised staff with the list of candidates and the materials available to it regarding these candidates, in particular:

132.1. A copy of the candidate’s dossier for the position of a judge (hereinafter referred to as the dossier), a copy of the judge’s dossier of judges participating in the relevant competition, within three days from the date of the decision to admit him/her to the stage of the practical assignment compiling.

*(Subclause 132.1 of clause 132 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

132.2. The decision on admitting candidates to the stage of dossier examination and holding an interview within one day from the date of its adoption.

132.3. Copies of the files supplementing the dossier and those that will be received by the Commission after the copy of the dossier is transferred to the PCIE.

133. Copies of the materials specified in paragraph 132 of the Rules of Procedure shall be submitted to the PCIE pursuant to the order of their receipt within two days from the date of their receipt by the Commission.

134. Files containing personal data shall be provided if the candidate has given his/her consent to provide them to the PCIE.

135. At the request of the PCIE or a PCIE member, the Commission shall provide copies of the case studies completed by the candidates.

136. PCIE members and the Commission shall interact to comprehensively study and investigate the information in the dossier.

137. At least three PCIE members may initiate consideration of the issue of whether the candidate meets the criteria at a special joint session by submitting a notice of initiating a special joint session to the Commission (hereinafter referred to as the notice).

138. The notice shall be submitted within forty-five days from the date the Commission announces the examination results.

*(Clause 138 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

139. The notice shall contain:

139.1. Surname, name and patronymic of the candidate.

139.2. Names of the PCIE members initiating the special joint session.

139.3. Information note on the candidate with a brief statement of the grounds for submitting the issue to be considered at the special joint session. The supporting documents and explanations of the candidate shall be attached to the notice (if any).

139.4. The date of drafting the notice.

140. The notice shall be submitted to the Commission in paper or electronically directly or by means of communication that enables the recording of the submission of documents. The notice shall be signed by the PCIE Chairman or his/her Deputy.

*(Clause 140 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

141. The Commission shall determine the date, time and place of the special joint session. The date and time of such a session shall be determined with due regard to reasonable time limits agreed upon by the PCIE and the Commission, taking into account the time limits for the procedures for the respective competition established by law and decisions of the Commission, in particular the time limits for holding a special joint session and notifying the candidate.

142. The candidates shall be notified of the date, time and place of the special joint session in the manner and within the time limits specified in these Rules.

143. The candidate shall have the right to participate in the special joint session. The Commission may summon the candidate to a special joint session if necessary.

144. The PCIE may take all necessary measures to evaluate whether a candidate meets the criteria.

145. At least three PCIE members may submit a request to the Commission to conduct a preliminary interview with a candidate.

146. The request shall be submitted to the Commission within forty-five days from the date the Commission announces the examination results.

*(Clause 146 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

147. The request shall contain:

147.1. Surname, first name and patronymic of the candidate in respect of whom the preliminary interview is initiated.

147.2. Names and surnames of the PCIE members submitting the request.

147.3. The date of the request.

148. The request shall be submitted to the Commission in paper or electronically directly or by means of communication that enables the recording of the submission of documents within a reasonable time period that makes it possible to conduct an interview. The request shall be signed by the PCIE Chairperson or his/her deputy.

149. Upon receipt of a request, the Commission shall determine the date, time and place of the preliminary interview at the session.

150. The date of the preliminary interview shall be determined within reasonable time limits agreed with the PCIE, taking into account the time limits established by law and decisions of the Commission for conducting the procedures within the respective competition, in particular, the time limits for holding a special joint session and notifying the candidate of holding the interview.

151. The candidate shall be notified of the date, time, and place of the preliminary interview at the Commission session in the manner and within the time limits specified in these Rules.

152. The session of the Commission for holding a preliminary interview with the candidate shall be deemed duly constituted if it is attended by at least six members of the Commission and three PCIE members.

153. A special joint session, if initiated by the PCIE members pursuant to these Rules, shall be held not later than forty-five days from the date the Commission announces the examination results.

*(Clause 153 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

154. If the PCIE members fail to submit to the Commission a notice of initiating a special joint session regarding the candidate within the specified time limit, the Commission shall examine the candidate's dossier and conduct an interview with him/her as part of the qualification evaluation according to the established procedure.

155. The PCIE shall have the right to exclude from consideration the issue of session the criteria in respect of a candidate concerning whom a notice of convening a special joint session was sent to the Commission, and inform the Commission thereof. If such an issue is excluded from consideration, the PCIE shall examine the dossier and conduct an interview as part of the qualification evaluation pursuant to the established procedure.

156. It is not allowed to re-submit a notification on an issue excluded from consideration by the PCIE.

157. A special joint session of the Commission and the PCIE shall be held with the direct participation of the members of the Commission and the PCIE. The PCIE members may participate in a special joint session via video conference.

*(Clause 157 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

158. The special joint session will be held in Ukrainian and English with simultaneous interpretation from each language. The session shall be open, with audio and video recordings, and broadcast in real time on the Commission's official website, except for the discussion and voting.

159. The absence of a candidate at a special joint session at which the issue of whether

he/she meets the criteria is being considered shall not prevent the consideration of this issue without the candidate's participation provided that he/she has been duly notified of the date, time and place of the special joint session.

*(Clause 160 of paragraph 10 of Section II is excluded in accordance with the Commission's decision of January 13, 2025 No. 4/zp-25)*

161. The time limits of the joint special session shall be established by a majority vote of the joint composition of the Commission and the PCIE, provided that this decision is supported by at least three PCIE members.

162. The special joint session shall not consider any new materials submitted by the candidate, if the opportunity to submit such materials was previously provided and the candidate or other persons did not submit them to the PCIE or the Commission. In the presence of circumstances that may significantly affect the decision-making, at the request of the candidate or on the initiative of at least three PCIE or Commission members, a majority vote of the joint Commission and PCIE may decide to attach additional materials, provided that at least three PCIE members voted for such a decision.

*(Clause 162 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

163. After discussing the information about the judicial candidate of a High Anti-Corruption Court in the special joint session, the one and only question shall be put to vote, "Does the candidate meet the criteria stipulated by part four of Article 8 of the Law of Ukraine "On the High Anti-Corruption Court".

164. Voting shall be conducted in the absence of the candidate in respect of whom the issue is being resolved.

*(Clause 164 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

165. The members of the Commission, the PCIE and the experts and specialists engaged by it are not entitled to disclose any information regarding the discussion and voting.

*(Clause 165 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

166. The candidate is recognized as meeting the criteria and continues to participate in the competition if a majority of the joint composition of the Commission and PCIE members voted for such a decision, provided that at least half of the PCIE members voted for it.

*(Clause 166 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

167. If the decision referred to in paragraph 163 of these Rules of Procedure is not made, the candidate shall be deemed not to meet the criteria and cease participating in the competition.

168. The decision based on the findings of the special joint session shall be made in the following order:

168.1. The introductory and operative parts of the decision shall be pronounced at the special joint session.

168.2. Within twenty days from the date of the proclamation of the introductory and operative parts, the full text of the decision is prepared and signed within a reasonable time by the Chairman of the Commission (in the absence of the Chairman, by the person performing his/her duties) and the Chairman of the PCIE (in the absence of the Chairman, by the person performing his/her duties).

*(Subclause 168.2 of clause 168 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

169. The decision based on the results of the special joint session shall specify: the composition of the participants; date, place; surname, name, patronymic of the candidate; status of the candidate in the competition, the position for which he/she is applying; grounds for making the

decision, indicating the PCIE's information on the candidate and the results of its consideration at the special joint session; results of the roll-call vote of the Commission and the PCIE members.

*(Clause 169 of paragraph 10 of Section II as amended by the Commission's decision of January 13, 2025 No. 4/zp-25)*

### **§11. Checking the declaration of family ties of a judge and the declaration of integrity of a judge (judicial candidate)**

170. The Commission shall check the declaration of family ties of a judge (judicial candidate) and the declaration of integrity of a judge (judicial candidate) if the Commission receives information that may indicate that the information or statements contained in these declarations are unreliable (including incomplete) and shall make a decision based on the results of the examination.

171. The following shall be checked:

171.1. Determining the accuracy or inaccuracy, as well as establishing the completeness of the information provided in the declaration of family ties of a judge (judicial candidate).

171.2. Determining the accuracy or inaccuracy, as well as establishing the completeness of statements in the declaration of integrity of a judge (judicial candidate).

172. Checking the declaration of family ties of a judge (judicial candidate) and the declaration of integrity of a judge (judicial candidate) shall be carried out if the Commission receives information that may indicate that the information or statements indicated by judges (judicial candidates) in these declarations are unreliable (including incomplete), which is provided by any person.

173. The notice of information that may indicate unreliability (including incompleteness) of the information or statements given in the declaration of family ties of a judge (judicial candidate) and the declaration of integrity of a judge (judicial candidate) (hereinafter – the notice) shall be submitted to the Commission in any form or in the form approved by the Commission shall be registered by the Secretariat of the Commission. The notice shall contain the following information:

173.1. Surname, first name, patronymic (name) of the applicant, address of his/her place of residence (stay) or location, contact phone numbers, e-mail address.

173.2. Surname, first name, patronymic of a judge (judicial candidate).

173.3. Name of the court where the judge works (for a declaration of a judge).

173.4. The type of declaration in which, in the opinion of the applicant, a judge or a judicial candidate indicated false or incomplete information.

173.5. References to information or statements in the respective declaration that, in the applicant's opinion, are inaccurate or incomplete.

173.6. Specific information that confirms the inaccuracy or incompleteness of the information or statements in the respective declaration and can be checked.

173.7. The date of drawing up the notice.

173.8. Signature of the applicant.

174. The notice may concern only one judge or judicial candidate and a particular declaration.

175. Consideration of the notice and checking of the declaration of family ties of a judge (judicial candidate) and the declaration of integrity of a judge (judicial candidate) shall be carried out by a member of the Commission appointed by UJITS subsystem for preparing for consideration and reporting on cases.

The member of the Commission who is the rapporteur shall check the information contained

in the report. While checking the declaration of family ties of a judge (judicial candidate) and the declaration of integrity of a judge (judicial candidate) based on information that may indicate that the information or statements provided by the judge (judicial candidate) in these declarations are unreliable (including incomplete), the member of the Commission who is a rapporteur may request and receive the necessary information from the judge (judicial candidate) upon his/her request, courts, the State Judicial Administration of Ukraine, judicial self-government and judicial governance bodies, other justice sector institutions, authorities and local self-government bodies, their officials, legal entities of public and private law (including, but not limited to, previous employers of a judge or a judicial candidate), associations of citizens and individuals. The member of the Commission who is a rapporteur shall also have the right to check the information (in particular, but not limited to) by direct access to automated information and reference systems, registers and databases whose holder (administrator) is the authority or local self-government body, as well as in open registers and databases.

176. Notices from the same applicant or different applicants received later and containing information that may indicate unreliability (including incompleteness) of the same information or statements provided by the judge (judicial candidate) in the declaration of family ties of the judge (judicial candidate) and the declaration of integrity of the judge (judicial candidate) shall be considered repeated and shall be forwarded to the Commission member to whom the initial notice was assigned.

177. Checking of the notice received by the Commission within the framework of the qualification evaluation procedure shall be carried out while examining the dossier and interview.

*(Clause 177 of paragraph 11 of Section II as amended by the Commission's decision of 18 September 2024 No. 287/zp-24)*

178. In the course of checking the declaration of family ties of a judge (judicial candidate) and the declaration of integrity of a judge (judicial candidate), case files shall be drawn up, which include, in particular:

178.1. Notice regarding information that may indicate unreliability (including incompleteness) of information or statements indicated in the declaration of family ties of a judge (judicial candidate) or declaration of integrity of a judge (judicial candidate), with attached documents (if any).

178.2. A copy of the declaration of family ties of a judge (judicial candidate) or the declaration of integrity of a judge (judicial candidate).

178.3. Repeated requests (if any).

178.4. Minutes on the results of the automated appointment of a member of the Commission.

178.5. Request for recusal (self-recusal) of a member of the Commission (if any).

178.6. Materials of the examination (including written inquiries sent in the course of the examination and responses to them).

178.7. Decision of the Commission based on the findings of the examination.

178.8. Other documents.

179. When checking the declaration of family ties of a judge (judicial candidate) and/or the declaration of integrity of a judge (judicial candidate), the member of the Commission who is a rapporteur shall have full access to the materials of judicial dossier (dossier of a judicial candidate).

The Commission in the composition of a Panel shall leave without consideration the notice of the information that may indicate unreliability (including incompleteness) of the information or statements indicated in the declaration of family ties of a judge (judicial candidate) or the declaration of integrity of a judge (judicial candidate) if the notice:

180.1. Does not meet the requirements set forth in these Rules of Procedure.

180.2. Submitted anonymously (a message is considered to be anonymous if not signed by the author(s) and the authorship of which cannot be established).

180.3. Relates to judges who have been dismissed or whose powers have terminated, or to

retired judges.

180.4. Contains circumstances that have previously been the subject of inquiry (in particular, during the qualification evaluation of a judge).

A decision to leave without consideration a notice regarding information that may indicate unreliability (including incompleteness) of information or statements indicated in the declaration of family ties of a judge (judicial candidate) or declaration of integrity of a judge (judicial candidate) shall be made without notifying the judge (judicial candidate) whose declaration was checked.

181. Based on the findings of checking the declaration of family ties of a judge (judicial candidate) or the declaration of integrity of a judge (judicial candidate), the member of the Commission who is the rapporteur who checked the declaration shall draft an opinion for consideration by the Commission in the composition of the Panel.

182. Consideration of the case file based on the findings of checking the declaration of family ties of a judge (judicial candidate) or the declaration of integrity of a judge (judicial candidate) shall be communicated to the judge (judicial candidate) whose declaration is being checked.

183. The judge (judicial candidate) whose declaration was being checked has the right to get familiarised with the case file.

184. After considering the issue of inaccuracy or incompleteness of the information or statements indicated by the judge in the declaration of family ties of a judge (judicial candidate) or the declaration of integrity of a judge (judicial candidate) respectively, based on the findings of checking such declaration, the Commission in the composition of the Panel shall make one of the following decisions:

184.1. Confirmation of information on inaccuracy or incompleteness of the information indicated in the declaration of family ties of a judge (judicial candidate).

184.2. Confirmation of information on the unreliability (including incompleteness) of the statements indicated by the judge in the declaration of integrity of a judge (judicial candidate).

184.3. Not confirming information about the inaccuracy (including incompleteness) of the information or statements provided by the judge (judicial candidate) in the declaration of family ties of the judge (judicial candidate) or the declaration of integrity of the judge (judicial candidate).

185. If the Commission establishes the facts that a judge has untimely submitted a declaration of family ties of a judge or a declaration of integrity of a judge, or a judge has declared knowingly false (including incomplete) information or statements, the Commission shall also take a decision to request the High Council of Justice to bring the judge to disciplinary responsibility in the manner prescribed by Article 107 of the Law of Ukraine “On the Judiciary and the Status of Judges.”

186. A copy of the decision of the Commission adopted after considering the issue of inaccuracy or incompleteness of the information or statements indicated by the judge in the declaration of family ties of a judge (judicial candidate) and the declaration of integrity of a judge (judicial candidate) based on the findings of examining such a declaration shall be included in the judicial dossier (dossier of a judicial candidate).

## **§ 12. Adopting a decision on the secondment (temporary transfer) of a judge**

187. The drafting and adopting decisions on the secondment of a judge as a temporary transfer to another court of the same level and specialisation for the administration of justice (hereinafter – secondment of a judge) and early termination of a secondment of a judge shall be carried out pursuant to the Procedure for Secondment of a Judge to Another Court of the Same Level and Specialisation (as a Temporary Transfer) approved by the High Council of Justice with due regard to the procedure for making decisions set out in these Rules of Procedure.

187-1. If, in the course of preparation for consideration of the secondment of a judge to another court of the same level and specialisation (as a temporary transfer), the State Judicial Administration of

Ukraine submits information, that the notice of the need to consider the issue of the secondment of a judge is irrelevant or has been withdrawn, the issue may be left without consideration by a decision of the Commission.

*(Paragraph 12 of Section II supplemented by paragraph 187-1 in accordance with the Commission's decision of 11 January 2024 No. 4/zp-24)*

### SECTION III. ORGANISATIONAL SUPPORT OF THE COMMISSION'S ACTIVITIES

#### **§ 13. Record-keeping in the Commission and working hours**

188. The record-keeping in the Commission shall be conducted in the state language in accordance with the Constitution of Ukraine, the Law, and other regulatory legal acts governing the rules for drafting, issuing and storing documents.

The decision of the Commission at the plenary session may establish the peculiarities of issuing and drafting certain documents of the Commission.

189. The rules for working with documents shall be determined in the Guidelines for Record Keeping in the Commission, which shall be approved by the order of the Chairman of the Commission.

190. Internal documents (documents addressed to the staff members of the Commission's Secretariat, members of the Commission, the Chairman of the Commission, Deputy Chairman of the Commission or Secretaries of the Chambers) of a member of the Commission (briefs and memos, proposals, statements, instructions, recommendations, requirements, etc., at the request of a member of the Commission shall be registered by a structural unit of the Secretariat of the Commission and shall be immediately transferred to the main person responsible for working on the document. Refusal to register documents submitted by the Commission members and the Commission inspectors shall not be allowed.

191. The working hours for the staff of the Commission's Secretariat shall be approved by the Chairman of the Commission.

192. The Commission members and inspectors shall have irregular working hours with flexible start and end of the working day.

#### **§ 14. Procedure for appointment and dismissal of the Head of the Commission's Secretariat**

193. The Head of the Commission Secretariat shall be appointed and dismissed by the Commission at the plenary session. The Head of the Commission Secretariat shall be appointed for a period of 5 years.

Only a winner of the respective competition who meets the qualification requirements stipulated by the Law of Ukraine "On Civil Service" for persons applying for a civil service position of category "A", the Law of Ukraine "On the High Council of Justice" and the Law may be a candidate for the position of the Head of the Commission Secretariat.

194. The Head of the Commission Secretariat shall have the right to resign from office at his/her own will by submitting a written application to be considered by the Commission.

#### **§ 15. Official publication of the Commission's Decisions**

195. The decisions of the Commission based on the findings of the Commission's sessions shall be published on the Commission's website not later than 5 business days following the day after their full text has been drawn up and signed by the Commission members.

196. The text of the dissenting opinion of the Commission member shall be given after the text of the Commission's decision based on the results of the session.

197. The decisions and dissenting opinions (if any) signed by the Commission members shall be stored in the structural unit of the Commission Secretariat.

## **§ 16. Correcting typos and manifest arithmetical errors in the Commission's Decision**

198. The Commission may, on its own initiative or at the request of a participant of the session, correct the errors made in the respective decision (inaccuracies, editorial or technical errors that do not affect the content of the decision) and manifest arithmetical errors.

199. The application for correcting the typo shall be submitted to the Commission member who is a rapporteur in the case in which the respective decision was made.

200. A member of the Commission who is the rapporteur in the case shall prepare the issue for consideration within seven working days and shall send the materials to the Chairman of the Commission at the plenary session, in the composition of the Chamber or the Panel that made the decision. The Commission at the plenary session, in the composition of the Chamber or the Panel shall consider the materials immediately at the nearest session of the Commission.

201. The decision to correct typos and/or manifest arithmetic errors shall be made at the session of the Commission in the manner the main decision is made.

202. The decision on correcting typos and manifest arithmetic errors shall be a part of the respective decision of the Commission and shall be published on the Commission's website in the manner prescribed for the publication of the decision.

## **SECTION IV. AMENDING THE RULES OF PROCEDURE**

203. Amendments or additions to these Rules of Procedure may be initiated by any member of the Commission.

204. The issue of amendments or additions to the Rules of Procedure shall be submitted for consideration of the Commission by the Chairperson of the Commission and shall be resolved at the organisational session.

205. Amendments or additions to the Rules of Procedure shall be approved or rejected by the respective decision of the Commission.

## **SECTION V. FINAL AND TRANSITIONAL PROVISIONS**

206. The provisions of these Rules of Procedure concerning the use of the UJITS subsystems shall enter into force on the day the respective UJITS subsystem becomes operational. Prior to their entry into force, the allocation of cases in the Commission and the establishment of temporary panels in cases established by these Rules of Procedure shall be carried out by an automated system in the manner established by the Regulation on the Automated System for Designating Members of the High Qualifications Commission of Judges of Ukraine.

207. If, on the day the Law enters into force, the Commission makes a decision to open a disciplinary case, such a case shall be considered by the Panels of the Commission determined by the decisions of the Commission pursuant to the procedure in force on the day the disciplinary case was opened. When making decisions based on the results of considering such disciplinary cases, the

Commission shall impose disciplinary sanctions as defined by the Law.

208. The eligibility of a judge for the position held when appointed for a five-year period or elected as a judge for an unlimited term before the entry into force of the Law of Ukraine of June 2, 2016, № 1401-VIII “On Amending the Constitution of Ukraine (regarding justice)”, shall be assessed by the Panels of the Commission in the manner prescribed by the Law.

209. The qualification evaluation procedures initiated before the entry into force of the Law shall be completed pursuant to the rules in force on the day of initiating such qualification evaluation.

210. The qualification evaluation for the ability to administer justice in the respective court, in the procedure of which the stage of dossier examination and interview has been completed, but at the time of adopting the Rules of the Procedure in this version the decision of the Commission in the composition of the Panel has not been made, shall be completed by the Commission at the plenary session.

210-1. Review the decision made by the Chamber or the Panel regarding the results of the practical task completed by the examinee as part of the qualification evaluation for the position held.

*(Section V is supplemented by clause 210-1 in accordance with the Commission's decision of 18 September 2024 No. 287/zp-24)*

211. Within two months from the date of adoption of this Rules of Procedure, the Chairman of the Commission shall submit the Commission's work plan to the Commission at the plenary session.

212. The Chairman of the Commission, Deputy Chairman of the Commission and Secretaries of the Chambers may not be recalled from their positions in the manner prescribed by these Rules of Procedure within one year from the date of elections.



[back of the ballot paper]

Chairman of the Commission meeting \_\_\_\_\_

Chairman of the Counting commission \_\_\_\_\_

Members of the Counting commission \_\_\_\_\_

\_\_\_\_\_

Seal

Annex 2  
to the Rules of Procedure of the High  
Qualification Commission of Judges of Ukraine

HIGH QUALIFICATION COMMISSION OF JUDGES OF UKRAINE

**BALLOT PAPER**  
for secret ballot on recall and election

\_\_\_\_\_

(position)

1. On the recall \_\_\_\_\_ from office \_\_\_\_\_  
(name and surname) (name of administrative position)

«IN FAVOR»	
«AGAINST»	

2. On the election to the position \_\_\_\_\_  
(name of administrative position)

Name and Surname	Results of the voting
<b>I do not support any of the candidates</b>	

\* - put a '+' or other mark opposite the candidate you support or opposite the line 'I do not support any candidate'

[back of the ballot paper]

Chairman of the Commission meeting

\_\_\_\_\_

Chairman of the Counting commission

\_\_\_\_\_

Members of the Counting commission

\_\_\_\_\_

\_\_\_\_\_

Seal