

APPROVED by
the Decision of the High Qualification Commission of
Judges of Ukraine No.143/zp-16
of November 3, 2016
(as revised by the Decision of the High Qualification
Commission of Judges of Ukraine No.20/zp-18 of
February 13, 2018)

REGULATION

ON THE PROCEDURE AND METHODOLOGY FOR THE QUALIFICATION ASSESSMENT, INDICATORS OF COMPLIANCE WITH THE QUALIFICATION ASSESSMENT CRITERIA AND MEANS OF THEIR DETERMINATION

(with amendments introduced by the Decisions of the Commission

No.22/zp-18 of February 16, 2018, and

No.57/zp-18 of March 21, 2018)

This Regulation specifies the Procedure and Methodology for the qualification assessment of a judge (judicial candidate), indicators of compliance with the qualification assessment criteria and means of their determination.

SECTION I.

GENERAL PROVISIONS

1. Qualification assessment is a procedure established by law and this Regulation for the High Qualifications Commission of Judges of Ukraine (hereinafter referred to as the “Commission”) to determine the ability of a judge (judicial candidate) to deliver justice in the relevant court or assess the suitability of a judge for the role performed under the statutory criteria.

2. The qualification assessment shall be performed in a transparent and public manner.

3. The qualification assessment shall be conducted by the Commission in a composition determined by a decision of the Commission.

4. The qualification assessment includes the following stages:

- 1) passing an examination,
- 2) studying a profile and interviewing.

5. The Commission shall make a decision on the order of the qualification assessment stages. The first stage of the qualification assessment shall be a passing of the examination unless otherwise decided by the Commission.

Should the Commission make a decision to change the order of the qualification assessment stages, an admission procedure to the next stage and an application of the minimum admissible score will be specified by the said decision.

6. The decision to admit a judge (judicial candidate) to a next qualification assessment stage shall be made by the Commission based on the results of the first qualification assessment stage.

SECTION II.

QUALIFICATION ASSESSMENT METHODOLOGY

Chapter 1. Qualification Assessment Criteria

1. The criteria for the qualification assessment encompass the following:

- 1) competence (professional, personal, and social);
- 2) professional ethics;
- 3) integrity.

2. The qualification assessment according to the professional competence criterion shall be conducted by taking into account the jurisdiction and specialization principles.

Chapter 2. Indicators of Compliance of a Judge with the Qualification Assessment Criteria and Means of Their Determination

1. The compliance of a judge with the professional competence criterion shall be evaluated (determined) using the following indicators:

- 1.1. Level of legal knowledge;
- 1.2. Level of practical skills and abilities in the administration of law;
- 1.3. Effectiveness in delivery of justice;
- 1.4. Activities on professional development.

2. The level of legal knowledge shall be evaluated (determined) by checking:

2.1. Knowledge of material and procedural law of Ukraine and international legal acts;

2.2. Knowledge of the legal positions of the Supreme Court (Supreme Court of Ukraine);

2.3. Knowledge of practices of the European Court of Human Rights;

2.4. Knowledge of other sources of law and practice of law.

The level of legal knowledge shall be evaluated based on the results of an anonymous written test during the examination.

3. The level of practical skills and abilities in the administration of law shall be determined by evaluating the following:

3.1. Ability to identify, assess and describe circumstances relevant to decision-making in a case; particularly, if a model case contains the circumstances established by other courts and their opinions;

3.2. Ability to define, apply and present the rules of law governing the relations that are the subject matter of a model case;

3.3. Ability to analyze and apply the legal positions of higher courts; especially, to provide conclusions on the application of higher court legal positions by lower courts subject to the availability of relevant materials in a model case;

3.4. Ability to analyze and apply the European Court of Human Rights practices, decisions of international judicial institutions and/or international organizations that are applicable in Ukraine;

3.5. Ability to analyze and draw conclusions on the conformity (non-conformity) of the lower court decisions to the legislation and to provide the reasons for these conclusions subject to the availability of relevant materials in a model case; 3.6. Ability to clearly and fully describe the operative part of the court decision in accordance with the procedural law requirements taking into account the chosen decision on the merits of a model case according to its materials;

3.7. Ability to formulate a generalized legal position for the relevant category of cases based on a decision in a model case subject to the availability of relevant materials in a model case;

3.8. Ability to present the text of a procedural document in the formal and business style of literary language in a clear, understandable, and correct way;

3.9. Adherence to the stylistics and structure of a court decision;

3.10. Adherence to the spelling and punctuation rules;

3.11. Other skills and abilities.

The practical skills and abilities in the administration of law indicator shall be evaluated based on the results of the practical task conducted during the examination.

4. The effectiveness in delivery of justice shall be determined by evaluating the following data:

4.1. Total number of the cases reviewed;

4.2. Number of the reversed court decisions and reasons for their reversal;

4.3. Information on the decisions made with the participation of a judge, which was a subject matter of the consideration by international judicial institutions and other international organizations, the results of which have established a violation of the international legal obligations by Ukraine;

4.4. Number of the modified court decisions and reasons for their modification;

4.5. Compliance with deadlines for the consideration of cases; specifically the number of cases that were considered beyond the statutory deadlines;

4.6. Average time needed to produce the complete text of a substantiated decision, compliance with the deadline for its production and publication in the Unified State Register of Court Decisions;

4.7. Caseload compared to other judges in the relevant court region, taking into account the jurisdiction of a court, specialization of a court and the judge;

4.8. Confirmation of information on the observance of the grounds and principles of delivery of justice established by the procedural law, the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as other international legal acts and obligations by a judge;

4.9. Results of the regular performance evaluation;

4.10. Exercising the authorities in administrative positions, within judicial governance bodies and self-governments;

4.11. Other data on effectiveness in delivery of justice by a judge that have been received by the Commission in accordance with the Law of Ukraine “On the Judiciary System and Status of Judges” (hereinafter referred to as the “Law”).

The effectiveness in delivery of justice indicator shall be evaluated based on the findings of studying information contained in a judge’s profile and an interview.

5. The activities on improving professional level of a judge shall be evaluated (determined) by studying the data, as follows:

5.1. Training and improving qualification of a judge during his / her tenure of the office;

5.2. Conducting scientific and teaching activities;

5.3. Participating in law-drafting;

5.4. Available academic legal publications;

5.5. Participating in professional events (discussions, roundtables, conferences, etc.);

5.6. Available scientific degree and academic rank.

The “activities on improving professional level of a judge” indicator shall be evaluated based on the findings of studying information contained in a judge’s profile and an interview.

6. The compliance of a judge with the criterion of personal competence shall be determined by testing personal moral and psychological qualities and general abilities, such as personal cognitive abilities, personal emotional qualities, individual motivational and volitional features, and assessed according to a conclusion of the findings of such tests (if conducted), based on the information contained in a judge’s profile and an interview.

7. The compliance of a judge with the criterion of social competence shall be determined by testing personal moral and psychological qualities and general abilities, such as personal communication, organizational skills and managerial skills; personal moral qualities such as, honesty and decency; understanding and observance of rules and standards; no propensity for counterproductive actions; disciplined approach, and assessed according to a conclusion of the findings of such tests (if conducted), based on the information contained in a judge’s profile and an interview.

8. The compliance of a judge with the criterion of professional ethics shall be determined by evaluating the following indicators:

8.1. Consistency of expenses and property of a judge and his/her family members, as well as related persons with the declared incomes;

8.2. Compliance of a judge with the requirements of anti-corruption legislation;

8.3. Political neutrality;

8.4. Adherence to the conduct that entails trust in the judicial office and authority of the judiciary;

8.5. Observance of judicial ethics and the availability of circumstances provided for in subclauses 3, 5-8, 13, part 1, Article 106 of the Law;

8.6. Other data that may indicate the compliance of a judge with the criterion of professional ethics;

The professional ethics indicators shall be evaluated based on the findings of studying information contained in a judge’s profile and an interview.

9. The compliance of a judge with the criterion of integrity shall be determined by evaluating the following indicators:

9.1. Consistency of expenses and property of a judge and his/her family members with the declared incomes;

9.2. Compliance of lifestyle (life level) of a judge and his/her family members with the declared incomes;

9.3. Compliance of a judge's conduct with the other requirements of anti-corruption;

9.4. Availability of circumstances provided for in subclauses 1, 2, 9-12, 15-19, part 1, Article 106 of the Law;

9.5. Finding of liability for committing misconducts or offenses indicating the non-integrity of a judge;

9.6. Presence of unsecured property liabilities that may have a significant impact on delivery of justice by a judge;

9.7. Other data that may indicate the compliance of a judge with the criterion of integrity.

The integrity indicators shall be evaluated based on the findings of an interview and information contained in a judge's profile, specifically:

1) information provided by a central executive body with a special status responsible for formatting and implementing the state anti-corruption policy, a state financial control body of Ukraine, and by other state authorities;

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

3) findings of the audit of a declaration of a person authorized to perform the state or local self-government functions (if available);

4) declaration of family ties of a judge and integrity declaration of a judge;

5) results of the regular performance evaluation;

6) findings of the checking of a declaration of family ties of a judge and integrity declaration of a judge (if available);

7) conclusions from information provided by the Public Council of Integrity (if available);

8) other information contained in a judge's profile.

10. In order to establish the compliance of a judge with the qualification assessment criteria based on the indicators specified hereby, other information and data, as well as any other information associated with a judge, contained in his/her profile that may be suitable for the compliance establishment, shall also be used.

Chapter 3. Indicators of Suitability of a Judicial Candidate with the Qualification Assessment Criteria and Means of Their Determination

1. The compliance of a judicial candidate with the criterion of professional competence shall be evaluated using the following indicators:

- 1.1. Level of legal knowledge;
- 1.2. Level of practical skills and abilities in the administration of law;
- 1.3. Professional activities;
- 1.4. Activities on improving professional level.

2. The indicators provided for in subparagraphs 1.1 and 1.2 of this Chapter shall be evaluated according to the rules given by Chapter 2 of the Regulation on the qualification assessment of a judge.

3. The indicators provided for in subparagraphs 1.3 and 1.4 of this Chapter shall be evaluated based on information contained in a judge's profile and an interview.

4. Professional activities of a judicial candidate from among persons having a scientific degree in law and a relevant academic experience established by the Law (hereinafter referred to as the "Scientist") shall be evaluated according to the following components:

4.1. Work experience within bodies of national or foreign jurisdiction in resolving disputes or criminal proceedings;

4.2. Participating in advisory bodies operating within the judiciary;

4.3. Experience of carrying out expert examinations and providing scientific and legal opinions;

4.4. Experience of representation in court;

4.5. Experience in rule-making;

4.6. Experience in scientific research, scientific and organizational work, scientific and pedagogical work;

4.7. Participating in conferences, seminars, and other scientific events;

4.8. Membership in editorial boards, special academic councils, certification committees or panels;

4.9. Experience in training doctoral candidates, Doctor of Sciences, availability of own legal school;

4.10. Experience of speeches as an opponent in the defense of a thesis for obtaining a scientific degree;

4.11. Experience in preparing feedback and reviews on monographs, manuals, thesis papers, author's summaries;

4.12. Presence of distinctions, awards, scholarships, and other forms of recognition and merits for scientific work;

4.13. Availability of scientific degrees, ranks, membership in the National Academy of Legal Sciences of Ukraine, etc;

4.14. Experience of cooperation with international scientific organizations;

4.15. Information on published scientific papers (monographs, manuals, articles, etc.);

4.16. Providing expert (scientific) opinions in cases that were heard by international judicial institutions and other international organizations;

4.17. Other information contained in a judicial candidate's profile.

5. The professional activities of a judicial candidate from among persons having the professional advocacy practice experience as set forth by the Law shall be evaluated by the following components:

5.1. Experience in providing legal information, advice and legal clarifications;

5.2. Experience of legal support for legal entities and individuals, state authorities, local self-governments, and the state;

5.3. Experience in preparing applications, claims, procedural and other legal documents;

5.4. Experience in protecting the rights, freedoms and legitimate interests of a suspect, defendant, accused, convicted or acquitted person; a person expected to be a subject to the compulsory measures of medical or educational nature, or a person under consideration in criminal proceedings;

5.5. Experience in protecting the rights, freedoms and legitimate interests of a person under consideration for extradition to a foreign country;

5.6. Experience in protecting the rights, freedoms and legitimate interests of a person who is held administratively liable in the course of consideration of a case on administrative infraction;

5.7. Experience in legal support for a witness in criminal proceedings;

5.8. Experience in representing the interests of a victim in an administrative infraction case;

5.9. Experience in representing the interests of a victim, civil plaintiff, or civil defendant in criminal proceedings;

5.10. Experience in representing the interests of individuals and legal entities in civil proceedings;

5.11. Experience in representing the interests of individuals and legal entities in economic proceedings;

5.12. Experience in representing the interests of individuals and legal entities in administrative proceedings;

5.13. Experience of participation in constitutional proceedings;

5.14. Experience in representing the interests of individuals and legal entities in other state bodies, before individuals and legal entities;

5.15. Experience of legal assistance in the course of executing and servicing criminal sentences;

5.16. Experience of work as an adjudicator (arbitrator), and work in bodies of foreign jurisdiction;

5.17. Experience of professional activities in dispute settlement, particularly, in commercial arbitration courts; consideration of cases in bodies of foreign jurisdiction, provision of legal opinions (affidavits), etc;

5.18. Participating in lawyers' self-regulation;

5.19. Participating in bar associations, legal and human rights civil society organizations;

5.20. Experience of cooperation with international bar and other professional organizations;

5.21. Participating in advisory bodies operating within the judicial;

5.22. Experience in rule-making;

5.23. Information about individual rulings (writs) relevant for determining the criterion of professional competence;

5.25. Information on court decisions, which hold an attorney liable for conduct associated with the implementation of relevant professional activities;

5.26. Supervision of attorney interns;

5.27. Information on participating in cases that were heard by international judicial institutions and other international organizations;

5.28. Other information contained in a judicial candidate profile.

This indicator shall be evaluated based on information contained in a judicial candidate's profile and an interview.

6. The professional activities of a judicial candidate from among persons having the professional experience in intellectual property cases (patent lawyer) shall be evaluated by the following components:

6.1. Experience in representing the intellectual property rights of individuals and legal entities in bodies implementing state policy on intellectual property;

6.2. Experience in representing the intellectual property rights of individuals and legal entities in judicial bodies;

6.3. Experience in representing the intellectual property rights of individuals and legal entities in lending institutions;

6.4. Experience in representing the intellectual property rights of individuals and legal entities in relationships with other individuals and legal entities;

6.5. Information on intellectual property for which registration was denied;

6.6. Information on challenging national decisions in intellectual property, specifically to the other state authorities (patent offices), as well as their results;

6.7. Information on liability for actions related to the performance of professional activities in intellectual property cases;

6.8. Information about individual rulings (writs) relevant for determining the criterion of professional competence;

6.9. Other information that may be significant to determine the appropriate indicator;

6.10. Availability of special education (in intellectual property) and/or other higher education.

This indicator shall be evaluated based on the findings of studying information contained in a judicial candidate's profile and an interview.

7. The activities of a judicial candidate for improving professional level shall be determined by evaluating the following components:

7.1. Data on passing qualification development;

7.2. Participating in professional events (discussions, roundtables, conferences, etc.);

7.3. Passing an internship in scientific institutions or educational establishments;

7.4. Conducting scientific and teaching activities by an attorney; availability of legal publications; degree, academic rank;

7.5. Conducting research and development activities including patent researches;

7.6. Other information contained in a judicial candidate's profile.

8. The compliance of a judicial candidate with the criterion of personal competence shall be evaluated according to the indicators and in the manner set forth hereby for determining the personal competence of a judge.

9. The compliance of a judicial candidate with the criterion of social competence shall be evaluated according to the indicators and in the manner set forth hereby for determining the personal competence of a judge.

10. The compliance of a judicial candidate with the criterion of professional ethics shall be determined by evaluating the following indicators:

10.1. Consistency of expenses and property of a judicial candidate and his/her family members, as well as related persons with the declared incomes;

10.2. Compliance of a judicial candidate with the requirements of anti-corruption legislation;

10.3. For Scientists:

10.3.1. Adherence to the norms and principles specifying the moral conduct of a scientist, his/her responsibility to society, as well as adherence to the norms and principles of the Ethical Code of a Scientist of Ukraine;

10.4. For Attorneys:

10.4.1. Adherence to the norms and principles of conducting advocacy practice in terms of high ethical standards of conduct and adherence of attorneys to the special deontological requirements and rules defined by the Rules of Advocate's Ethics;

10.5. Finding of liability for committing misconducts or offenses indicating his/her unethical conduct;

10.6. Other information contained in a judicial candidate's profile.

These indicators shall be evaluated based on the information contained in a judicial candidate's profile and an interview.

11. The compliance of a judicial candidate with the criterion of integrity shall be determined by evaluating the following indicators:

11.1. Reliability of the data represented by a judicial candidate in a declaration of a person authorized to perform functions of the state or local self-government, a

declaration of income from professional activities for a self-employed person, individual entrepreneur;

11.2. Reliability of the data represented by a judicial candidate in a declaration of family ties and integrity declaration, as well as other documents provided by the candidate;

11.3. Availability of information on misconducts or offenses committed by a judicial candidate indicating his/her non-integrity, finding of liability;

11.4. Presence of unsecured property liabilities that may have a significant impact on delivery of justice;

11.5. Consistency of expenses and property of a judicial candidate and his/her family members, as well as related persons with the declared incomes;

11.6. Adherence to the legislation regulating professional activity by a judicial candidate;

11.7. Providing legal assistance by an attorney (patent lawyer) on matters within his/her competence;

11.8. Honesty and good faith in conducting professional activities;

11.9. Other data that may indicate the compliance of a judge with the criterion of integrity.

These indicators shall be evaluated based on information provided in an interview and information contained in a judicial candidate's profile, specifically:

1) information and documents provided by a judicial candidate and any other information contained in a judicial candidate's profile;

2) information provided by a central executive body with a special status responsible for formatting and implementing the state anti-corruption policy, a state financial control body of Ukraine, and by other state authorities, agencies and organizations;

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

4) declaration of family ties of a judge and integrity declaration of a judicial candidate;

5) findings of the comprehensive audit of a declaration of a person authorized to perform the state or local self-government functions (if conducted);

6) conclusions provided by the Public Council of Integrity (if available);

7) other information contained in a judicial candidate's profile.

12. In order to establish the compliance of a judicial candidate with the qualification assessment criteria based on the indicators specified hereby, other information and data, as well as any other information associated with a judicial candidate, contained in his/her profile that may be suitable for the compliance establishment, shall also be used.

Chapter 4. Testing of Personal Moral and Psychological Qualities and General Abilities

1. Testing personal moral and psychological qualities and general abilities shall be conducted based on an appropriate decision made by the Commission and according to the Methodology specified thereby.

The Commission's decision to conduct the tests may not be individually made as to a particular judge or a group of judges within the respective qualification assessment procedure.

2. The tests of personal moral and psychological qualities and general abilities are intended to evaluate the indicators of personal, social competence, professional ethics and integrity of a judge (judicial candidate).

3. The following criteria and indicators shall be determined by the tests:

3.1. Personal competence shall be determined by evaluating the following indicators:

3.1.1. Personal cognitive abilities, including:

3.1.1.1. Logical thinking;

3.1.1.2. Abstract thinking;

3.1.1.3. Verbal thinking;

3.1.1.4. Overall indicator;

3.1.2. Personal emotional skills, including:

3.1.2.1. Stress resilience;

3.1.2.2. Emotional stability;

3.1.2.3. Emotion management;

3.1.2.4. Impulse control;

3.1.2.5. Pathopsychological risks;

3.1.3. Individual motivational and volitional features, including:

- 3.1.3.1. Responsibility;
- 3.1.3.2. Sustainable work motivation;
- 3.1.3.3. Determination;
- 3.1.3.4. Discipline;
- 3.1.3.5. Cooperativity;
- 3.1.3.6. Ability to defend own beliefs;

3.2. Social competence shall be determined by evaluating the following indicators:

- 3.2.1. Communication skills;
- 3.2.2. Organizational skills;
- 3.2.3. Personal managerial skills;
- 3.2.4. Personal moral risks, including:
 - 3.2.4.1. Honesty;
 - 3.2.4.2. Decency;
 - 3.2.4.3. Understanding and observing rules and standards;
 - 3.2.4.4. No propensity for counterproductive actions;
 - 3.2.4.5. Discipline;
 - 3.2.4.6. Loyalty;

3.3. Professional ethics shall be determined according to the “Moral and Psychological Qualities (Integrativeness)” indicator, which is specified by the following components:

- 3.3.1. Understanding and observing rules and standards;
- 3.3.2. Ability to defend own beliefs;
- 3.3.3. Discipline;
- 3.3.4. Respect for others;

3.4. Integrity shall be determined according to the “General Integrativeness (Integrity) Assessment” indicator, which is specified by the following components:

- 3.4.1. Honesty and decency;

3.4.2. No counterproductive actions;

3.4.3. No propensity to abuse.

These indicators shall be evaluated based on a conclusion from the testing results and information contained in a judge's (judicial candidate's) profile and an interview.

4. The testing methodology shall be approved by the Commission.

5. The results of tests of personal moral and psychological qualities and general abilities shall be kept in a judge's (judicial candidate's) profile in line with the procedure for forming and maintaining a judge's (judicial candidate's) profile.

6. The results of tests of personal moral and psychological qualities and general abilities of a judge (judicial candidate) shall not be subject to disclosure or public access.

6.1. The results of tests of personal moral and psychological qualities and general abilities of a judge (judicial candidate) shall be valid for one year starting from the date of the Commission's decision on the results of the relevant qualification assessment and shall be taken into account if a qualification assessment is conducted during this period.

Chapter 5. Application of Other Means of Determining the Compliance of a Judge (Judicial Candidate) with the Qualification Assessment Criteria

1. The use of other means of determining the compliance of a judge (judicial candidate) with the qualification assessment criteria according to Article 85 of the Law shall be conducted under a decision of the Commission on conducting an appropriate qualification assessment.

2. Other means of determining the compliance of a judge (judicial candidate) with the qualification assessment criteria include, as follows:

2.1. Studying copies of individual court decisions, technical records of a court session and a journal or transcript of a court session;

2.2. Interviewing parties, representatives of the parties in cases considered by the judge individually or in the composition of a panel of judges;

2.3. Visiting an open court session by the Commission inspector;

2.4. Regular performance evaluation of a judge;

2.5. Interviewing judges of the court, in which a judge holds an office; judges of the courts that re-examined the judgments made by a judge; judges of courts, which decisions were re-examined by a judge.

3. Other means of determining the compliance of a judge (judicial candidate) with the qualification assessment criteria shall be additional sources for determining the indicators of qualification assessment and may be applied by the Commission or on the

Commission's instructions by its member, who prepares a report on a judge's profile, or on his/her instructions by an inspector.

4. Other means of determining the compliance of a judge with the qualification assessment criteria shall only be applied for evaluating the quality of preparing the text of a court decision; observing the rules of court sessions, judicial ethics; and executing other duties by a judge. A member of the Commission who prepares a report on a judge's profile shall not be entitled to assess a court decision on the merits.

5. The application of other means of determining the compliance of a judge with the qualification assessment criteria shall only be made taking into account the entire period of delivery of justice by a judge subject to the assessment.

6. Results of the application of other means of determining the compliance of a judge (judicial candidate) with the qualification assessment criteria shall be kept in a judge's (judicial candidate's) profile.

Chapter 6. Determination of the Qualification Assessment Results

1. The determination of the compliance of a judge (judicial candidate) with the qualification assessment criteria shall be conducted by members of the Commission based on their personal convictions in accordance with the qualification assessment results.

2. Indicators of the compliance of a judge (judicial candidate) with the qualification assessment criteria shall be examined both individually and collectively.

3. All statistic data are auxiliary indicators in the course of qualification assessment and shall be evaluated in combination with qualitative indicators.

4. Decision on the confirmation of the ability to deliver justice by a judge (judicial candidate) in the relevant court shall be approved subject to his/her obtaining the minimum admissible or higher score based on the examination results, as well as a score higher than zero points based on the results of evaluation of the criteria of his/her personal competence, social competence, professional ethics and integrity.

5. Evaluation of the criteria includes:

5.1. The criterion of competence:

5.1.1. Professional competence (based on the results obtained at the examination) – 300 points, including:

5.1.1.1. Level of legal knowledge– 90 points;

5.1.1.2. Level of practical skills and abilities in the administration of law – 120 points;

5.1.1.3. Effectiveness in delivery of justice for a judge or professional activities for a judicial candidate – 80 points;

5.1.1.4. Activities of professional development– 10 points;

5.1.2. Personal competence – 100 points;

5.1.3. Social competence – 100 points;

5.2. The criterion of professional ethics – 250 points, including:

5.2.1. Moral and psychological qualities – 100 points;

5.2.2. Other indicators – 150 points.

This criterion shall be given zero points in the presence of evidence of non-compliance of a judge (judicial candidate) with the requirements of professional ethics.

5.3. The criterion of integrity – 250 points, including:

5.3.1. Integrity–100 points;

5.3.2. Other indicators – 150 points.

This criterion shall be given zero points in the presence of evidence of non-compliance of a judge (judicial candidate) with the requirements of integrity.

6. Determination of a minimum admissible score includes:

6.1. The minimum score is a score obtained as a result of evaluating the qualification assessment criterion, which allows a judge (judicial candidate) to continue his/her participation in the qualification assessment.

6.2. The minimum admissible score shall be determined for:

6.2.1. Anonymous written test;

6.2.2. Completion of the practical task;

6.2.3. Examination.

6.3. The minimum admissible scores for the passing of an anonymous written test and completion of a practical task shall be determined by a decision of the Commission according to the criterion method in line with the Procedure for conducting the examination and the Methodology for determining its results.

The minimum admissible score for the completion of a practical task is established to determine a minimum acceptable score for the examination.

6.4. The minimum admissible score for the examination shall be determined by a decision of the Commission through summing up the minimum admissible scores for the anonymous written test and the completion of the practical task.

6.5. The minimum admissible score for the criteria for personal and social competence may be determined by the Commission based on the results of testing personal moral and psychological qualities and general abilities (if conducted).

7. According to the results of the anonymous written test, a judge (judicial candidate), having obtained less than the minimum admissible score, shall not be admitted to complete the practical task based on a relevant decision of the Commission; he/she shall cease to participate in the qualification assessment and be recognized as failed to confirm his/her ability to deliver justice in the relevant court.

8. According to the results of the anonymous written test, a judge (judicial candidate), having obtained less than the minimum admissible score, shall be admitted to the next stage of a qualification assessment provided that he/she obtains the minimum admissible score for the examination.

9. According to the results of the “Examination” stage, a judge (judicial candidate), having obtained less than the minimum admissible score, shall not be admitted to the “Studying a profile and interviewing” stage based on a relevant decision of the Commission; he/she shall cease to participate in the qualification assessment and be recognized as failed to confirm his/her ability to deliver justice in the relevant court.

10. The evaluation of the criteria (indicators) at the studying a profile and interviewing stage shall be determined through computing an arithmetic average of the points given by each member of the Commission participated in the interview during the qualification assessment.

SECTION III.

PROCEDURE FOR CONDUCTING QUALIFICATION ASSESSMENT

1. The qualification assessment shall be carried out on the basis of an application submitted by a judge (judicial candidate) to participate in a competition for filling a vacant judicial office or on the basis of a decision of the Commission.

1.1. A judge (judicial candidate) may lodge a relevant application with the Commission for conducting his/her qualification assessment not earlier than one year after the decision of the Commission on results of the last qualification assessment.

1.2. A judge (judicial candidate) shall be entitled to participate in a competition to fill a vacant judicial office of the same or lower level of the same specialization, which is conducted within one year after the decision of the Commission on results of his/her last qualification assessment, using the results in the rating of the respective competition and subject to the conditions of holding the competition.

1.3. The results of the last qualification assessment of a judge (judicial candidate) shall be reckoned with the rating of the competition participants, provided that they confirm their ability to deliver justice in the relevant court and the relevant application is submitted.

1.4. The procedure for taking into account results of the last qualification assessment of a judicial candidate that was conducted as a part of the previous competition shall be established by a decision of the High Qualifications Commission of Judges of Ukraine.

2. The procedure for submitting an application for the qualification assessment for participating in a competition for filling a vacant judicial office shall be established by the Regulations on a competition for filling a vacant judicial office and the conditions of the competition.

3. Templates of the relevant applications for conducting the qualification assessment shall be approved by the Commission and posted on the Commission's official website.

4. Within three months from the date of the receipt of the relevant written application, the Commission shall adopt a decision on the appointment of a qualification assessment, except when the qualification assessment shall be conducted in connection with imposing a disciplinary sanction or if otherwise specified by law.

5. The Commission shall adopt a decision to reject the admission of a judge (judicial candidate) to the qualification assessment, if:

5.1. A judge (judicial candidate) does not comply with the statutory requirements for a judge of the relevant court.

5.2. The application of a judge (judicial candidate) and the documents submitted by him/her are non-compliant with the statutory requirements and the Commission decisions.

5.3. A judge (judicial candidate) lodged a relevant application with the Commission earlier than one year after a decision of the Commission on results of his/her last qualification assessment, except when such an application is submitted for participation in the competition for filling a vacant judicial office in a court of the same or lower level and specialization, as provided for in subclause 1 of this Section.

6. The application for the qualification assessment shall be dismissed, provided that a judge (judicial candidate) has requested to withdraw his/her application.

7. No later than ten days before the date of the qualification assessment, the Commission shall notify a judge (judicial candidate) about the time and venue of such assessment to the address (postal or electronic) indicated in the application or to the place of employment.

8. Information on conducting the qualification assessment shall be posted on the Commission official website.

9. The organization and holding of a meeting of the Commission for Qualification Assessment shall be carried out in accordance with a procedure established by the Law and the Regulations of the High Qualifications Commission of Judges of

Ukraine approved by the Decision of the Commission No. 81/zp-16 of October 13, 2016 (hereinafter referred to as the “Commission Regulation”).

10. The course of the qualification assessment shall be recorded with technical means: the examination with a video recording; the interview with an audio recording.

Audio recordings of meetings constitute an integral part of the minutes of the meetings.

The qualification assessment may be conducted as a live video stream.

11. Upon determining the results of the qualification assessment stage, the Commission shall make a decision to admit a judge (judicial candidate) to the next stage and inform him/her about it.

12. The personal participation of a judge (judicial candidate) during the qualification assessment is mandatory.

13. Failure of a judge to appear for undergoing the qualification assessment within the timeframe established by the Commission without valid reasons therefor shall be a ground for a decision not to confirm the judge's ability to deliver justice in the relevant court or his/her unsuitability to hold office.

Valid reasons for a judge's failure to appear for the qualification assessment shall include circumstances beyond the judge's control, and which impede participation of the judge in the qualification assessment and are supported by the relevant documents.

A judge is obliged to inform the Commission in writing on the reasons for his/her failure to appear within five working days from the work attendance or from the termination of the reasons for non-appearance for the qualification assessment, as well as to apply to the Commission in writing for setting the terms for his/her qualification assessment.

Failure of a judge (judicial candidate) to appear for the qualification assessment to participate in a competition for filling a vacant judicial office shall not prevent a holding of the competition, though it shall constitute a reason for the termination of holding his/her qualification assessment.

Non-confirmation of a judge's suitability for the office due to his/her failure to appear for the qualification assessment without valid reasons shall constitute a ground for the Commission to submit a petition to the Supreme Council of Justice recommending to dismiss the judge from the office.

Non-confirmation of a judge's ability to deliver justice in the relevant court due to his/her failure to abide by a decision of the body conducting disciplinary proceedings against him/her as a result of the failure to appear for this assessment without valid reasons shall constitute a ground for the Commission to submit a notification to the Supreme Council of Justice for applying to a judge the disciplinary sanction provided by part eight, Article 109 of the Law.

14. The examination shall be conducted to identify the level of knowledge, practical skills and abilities to administer the law, the ability to deliver justice in the relevant court and with the relevant specialization.

The examination includes two parts:

- 1) passing an anonymous written test;
- 2) completing a practical task.

The Commission shall make a decision on the order of the examination parts. The first part of the examination shall be a passing of the anonymous written test unless otherwise decided.

Should the Commission decide to change the order of the examination parts, the admission procedure to the next part and the application of the minimum admissible score will be specified by the said decision.

For the purposes of the examination, the Commission, on the basis of the relevant decisions, shall:

- 1) determine the minimum admissible scores for the anonymous written testing and completion of the practical task;
- 2) approve depersonalized (encoded) and personalized (decoded) results of the anonymous written testing and the practical task;
- 3) determine the minimum admissible scores for the examination and approve its results.

15. Should a judge (judicial candidate) violate the order of conducting the examination, the Commission may adopt an appropriate decision to terminate his/her qualification assessment.

16. A profile studying shall include systematizing, analyzing, collecting, ascertaining a judge's (judicial candidate) data with a purpose to determine preliminary indicators of the qualification assessment criteria.

17. A profile studying shall be performed by a member of the Commission designated to develop a case on conducting the qualification assessment of the relevant judge or judicial candidate for its considering and reporting (hereinafter referred to as the "Reporter").

18. The Reporter shall develop a report based on the findings of the study.

The report of the Reporter shall draw attention to; in particular, the indicators of compliance of a judge (judicial candidate) with the qualification assessment criteria that were determined in the process of study, as well as the suggestions for studying a profile.

19. An interview is intended to discuss the findings of the study of a profile and consist of the following stages:

19.1. Delivering the report on findings of the study of a profile;

19.2. Providing a judge (judicial candidate) the opportunity to add, clarify or refute the information communicated in the report;

19.3. Item-by-item discussing with a judge (judicial candidate) regarding the indicators, which requires clarification, to make a final decision on confirmation of the ability of a judge (judicial candidate) to deliver justice in the relevant court or the suitability of a judicial office.

20. An interview shall be held in the form of a meeting of the Commission in the composition determined by the decision of the Commission to conduct the qualification assessment.

A discussion shall be conducted by interviewing a judge (judicial candidate) by the Reporter and members of the Commission and providing answers and explanations by the judge (judicial candidate).

During the interview, data on a judge's (judicial candidate) compliance with the criteria of professional ethics and integrity shall be subject to a compulsory discussion with him/her.

21. A judge (judicial candidate) prior the interviewing shall be entitled to:

21.1. Get acquainted with the profile materials no later than ten working days prior to the interviewing, except for the qualification assessment to be conducted based on the Commission's decision in connection with imposing a disciplinary sanction;

21.2. Provide documents (certified copies of documents) or other information complimenting, refuting or ascertaining the data contained in the profile;

21.3. Provide his/her explanations, specifically, in written form.

Written explanations shall be provided by a judge (judicial candidate) no later than five working days from the date of getting acquainted with the profile materials. Oral explanations shall be provided by a judge in the interview.

22. During the interview, a judge (judicial candidate) undergoing the qualification assessment shall be entitled to provide explanations on matters related to his/her passing the examination and on the information and documents contained in his/her profile, to provide comments, documents and information for the profile sections.

23. Members of the Commission shall be entitled to ask questions to a judge (judicial candidate) on the indicators presented in the report, to independently get acquainted with the profile, to ask the Reporter, to raise questions for the Commission, which appeared during the studying of a profile.

24. When found necessary, the interview may be recessed.

When found necessary, the recess shall last until the satisfaction of the Commission's requests for information and copies of documents and materials (including those classified) concerning a judge (judicial candidate) and his/her family members.

Duration of the recess during the interview as a part of the qualification assessment for participation in the competition shall not prevent from determining the competition results.

25. The qualification assessment may be suspended by a decision of the Commission in cases provided for by Articles 84 and 86 of the Law.

The qualification assessment of a judge shall be suspended if the body conducting the disciplinary proceedings against judges adopts a decision to impose a disciplinary sanction in the form of a petition for dismissal of the judge from office.

Should the qualification assessment of a judge (judicial candidate) be suspended based on Article 84 of the Law, his/her participation in the competition will be terminated.

26. Any interested persons may attend the anonymous written testing, practical task and announcement of the examination results, as well as interview as observers.

Representatives of the judicial self-regulation body and/or representatives of the Public Council of Integrity may attend the interview.

Representatives of the judicial self-regulation body may participate in the discussion of a profile study subject to a permit by a chairing member of the Commission meeting.

During the interview, representatives of the Public Council of Integrity subject to a permit by a Chair of the Commission meeting may participate in the discussion of the Public Council of Integrity opinion on the compliance of a judge (judicial candidate) with the criteria of professional ethics and/or integrity or of the information provided by the Public Council of Integrity.

27. An interested person shall, no later than ten days prior to the date of the relevant stage of the qualification assessment, give a written notice to the Commission of his/her intention to attend the stage accompanying this appeal with documents confirming his/her interest in the objectivity of the qualification assessment of a judge (judicial candidate) and contact information to agree the procedure for such a monitoring by the Commission.

28. The participation of interested persons shall not prevent the Commission from conducting the examination, and a judge (judicial candidate) from passing a test and completing a practical task properly.

Provided the grounds are met, the Commission ensures an opportunity for the interested persons to monitor a live interview procedure in the specially equipped premises of the Commission.

29. Mass media shall not be deemed as interested persons in the qualification assessment procedure and shall be subject to accreditation under the procedure specified by the Commission.

30. Members of the Commission, inspectors and staff of the Secretariat of the High Qualifications Commission of Judges of Ukraine (hereinafter referred to as the “Authorized Representatives”) shall be deemed as authorized persons for providing organizational preparation for the examination and performing administrative and regulatory functions, general supervision over the examination, as well as over the interview, addressing extraordinary and conflict situations, coordinating and agreement of actions during preparing and conducting the examination and interview.

The list of authorized representatives shall be approved by an Order of the Chairman of the Commission.

31. Should an interested person fail to observe the procedure agreed to by the Commission in the course of the examination, Authorized Representatives with the participation of a member of the Commission will immediately record it by developing an appropriate report and refuse the interested person from being present at the examination and denying him/her such a possibility in the future.

The procedure for the presence of interested persons at the qualification assessment premises shall be established by the Commission.

32. Based on the results of the qualification assessment, the Commission shall adopt one of the following decisions:

32.1. In case of determining the ability of a judge (judicial candidate) to deliver justice in the relevant court:

32.1.1. A decision on confirmation of the ability of a judge (judicial candidate) to deliver justice in the relevant court;

32.1.2. A decision on non-confirmation of the ability of a judge (judicial candidate) to deliver justice in the relevant court;

32.2. In case of assessing the suitability for the office held by a judge appointed to office for a term of five years or elected for a permanent judicial tenure until the enactment of the Law of Ukraine “On Amendments to the Constitution of Ukraine (as to justice)”:

32.2.1. A decision on suitability of a judge for the office held;

32.2.2. A decision on unsuitability of a judge for the office held.

33. In case of non-admission of a judge (judicial candidate) to the next stage of qualification the assessment based on the results of the previous stage, the Commission may make a decision on:

33.1. Non-confirmation of the capacity of a judge (candidate for a judge) to deliver justice in a relevant court (in the case of a qualification assessment in order to determine the ability to deliver justice in the relevant court).

33.2 Unsuitability of a judge for the office (in case the qualification assessment is conducted to assess the suitability for the office held by a judge appointed to office for a term of five years or elected for a permanent judicial tenure until the enactment of the Law of Ukraine “On Amendments to the Constitution of Ukraine (as to justice)”).

34. The decision of the Commission adopted based on the results of a qualification assessment consists of introductory, descriptive, reasoning and operative parts.

The following shall be stated in the introductory part:

- 1) date, time and venue of the decision and its number;
- 2) surname and initials of the members of the Commission who participated in the decision;
- 3) full name of the assessed judge (judicial candidate);
- 4) name of the court, in which the assessed judge delivers justice.

The following shall be stated in the descriptive part:

- 1) grounds for appointment of the qualification assessment;
- 2) brief description of process of the qualification assessment.

The reasoning part of the decision shall include the points obtained by a judge (judicial candidate) for the relevant criteria assessed, the total number of points based on the results of a qualification assessment, the references to the grounds of its approval established by the Law, or the reasons of the Commission for having made such conclusions. Subject to the availability of the opinion of the Public Council of Integrity on the non-compliance of a judge (judicial candidate) with the criteria of professional ethics and integrity, the reasoning part shall also indicate the grounds for its acceptance or rejection.

The operative part shall contain a conclusion on whether a judge (judicial candidate) has confirmed the ability to deliver justice in the relevant court, or whether a judge is suitable for the office held, as well as the number of points obtained by a judge for a successful passing of the qualification assessment procedure.

35. The decision of the Commission on confirmation of the ability of a judge (judicial candidate) to deliver justice in the relevant court shall be a ground for the

further participation of a judge (judicial candidate) in the procedures provided by the Law.

36. The decision of the Commission on non-confirmation of the ability of a judge (judicial candidate) to deliver justice in the relevant court shall be a ground for terminating the further participation of a judge (judicial candidate) in the procedures provided by the Law.

37. The decision of the Commission on the unsuitability of a judge for the office held shall be a ground for submitting a petition to the Supreme Council of Justice with a recommendation to dismiss the judge from the office.

38. The introductory and operative parts of the decision of the Commission shall be announced at the meeting of the Commission immediately upon its adoption.

A copy of the decision of the Commission based on the qualification assessment results shall be submitted to a judge (judicial candidate) following his/her application.

39. Should a member of the Commission, who participated in studying the issue on the qualification assessment have a separate opinion, it shall be presented in writing and attached to a profile, about which the Chairman informs at the meeting.

40. The decision of the Commission adopted based on the results of a qualification assessment may be challenged on the grounds provided for in Articles 88 and 101 of the Law.

41. The results of the qualification assessment of a judge (judicial candidate), who confirmed the ability to deliver justice in the relevant court, shall be used to form a rating of participants of the competition for filling a vacant judicial office.

The results of the qualification assessment of a judge (judicial candidate), who confirmed the ability to deliver justice in the relevant court according to the decision of the body conducting the disciplinary proceedings, shall not be used to form a rating of participants of the competition for filling a vacant judicial office.

42. In order to assist the Commission in determining the compliance of a judge (judicial candidate) with the criteria of professional ethics and integrity for the purposes of the qualification assessment, a Public Council of Integrity shall be established according to the Law.

43. Subject to availability of the relevant grounds, the Public Council of Integrity shall provide the Commission with a reasoned opinion on the non-compliance of a judge (judicial candidate) with the criteria of professional ethics and integrity or other information regarding a judge (judicial candidate) that are provided to and considered by the Commission under the procedure established by the Commission Regulation.

44. The opinion of the Public Council of Integrity on the non-compliance of a judge (judicial candidate) with the criteria of professional ethics and/or integrity shall be

considered by the composition of the Commission, which ensures that the relevant qualification assessment procedure will be held.

45. Based on the results of consideration of the opinion of the Public Council of Integrity on the non-compliance of a judge (judicial candidate) with the criteria of professional ethics and/or integrity, the Commission shall adopt one of the decisions provided in the Regulation.

46. The information contained in the opinion, where there are sufficient grounds, shall be taken into account by the Commission when scoring the relevant criteria.

The Commission does not evaluate the court decisions reflected in the relevant conclusion or information, in the absence of a reference to the decision of the competent authority to bring the judge (judicial candidate) to the statutory liability or to establish a violation of the requirements of the law of the judge (candidate for a position of a judge).

47. In the case of confirmation of the ability of a judge to deliver justice at a court of the same level he/she holds the office or higher as a part of the procedure for the competition for filing a vacant judicial office, this judge shall be deemed to have confirmed his/her suitability with the judicial office held.

SECTION IV.

SPECIAL ASPECTS OF THE QUALIFICATION ASSESSMENT IN CONNECTION WITH IMPOSING A DISCIPLINARY SANCTION

1. The qualification assessment of a judge in connection with imposing a disciplinary sanction shall be conducted in case of the disciplinary sanction imposition on a judge provided for in clause 4, part one, Article 109 of the Law.

2. The qualification assessment of a judge in connection with imposing a disciplinary sanction shall be conducted under the rules set forth hereby taking into account the special aspects provided for by this Section.

3. The qualification assessment of a judge in connection with imposing a disciplinary sanction is aimed at confirming the ability of a judge to deliver justice in the relevant court after his/her passing a refresher training course at the National School of Judges of Ukraine specified by the body conducting disciplinary proceedings against judges.

4. The decision of the body conducting the disciplinary proceedings against the judges shall be a reason for the appointment of a qualification assessment in connection with imposing a disciplinary sanction.

A certified copy of the decision of the body conducting the disciplinary proceedings against the judges shall be sent to the Commission within one month from the date of its approval.

Upon the receipt of a copy of the decision, the Commission shall immediately request the court, in which a judge works, for information and supporting documents on his/her specialization.

If the court fails to provide the requested information within 10 working days from the date of receipt of the Commission's request, the specialization for conducting the qualification evaluation shall be determined by the Commission in accordance with the information from a judge's profile, against which a corresponding decision of the body conducting the disciplinary proceedings against the judges has been assigned.

5. The National School of Judges of Ukraine within a 10 day period from the day of the completion of the refresher training course shall provide the Commission with a report on the completion of the refresher training course specified by the body conducting the disciplinary proceedings against the judge.

6. Within 10 working days from the date of the decision on sanction, judges subject to appropriate disciplinary sanctions shall submit to the Commission a completed questionnaire for a judge according to Appendix 1, as well as information on the grounds for the reversal and modification of the court decisions from 2012 according to Appendixes 2 and 3.

(clause 6, Section IV as amended by the Decision of the Commission No.22/zp-18 of February 16, 2018)

7. The qualification assessment of judges in connection with imposing a disciplinary sanction shall be conducted according to the specialization of the court, in which the ability to deliver justice must be confirmed.

(paragraph two, clause 7, Section IV is included based on the decision of the Commission No.57/zp-18 of March 21, 2018)

8. The minimum admissible score for an examination as a part of the qualification assessment of judges in connection with imposing a disciplinary sanction is equal to 55 percent of the maximum possible score established for this examination.

In the process of the qualification assessment of judges in connection with imposing a disciplinary sanction, the minimum admissible score for an anonymous written test and the completion of a practical task is not established.

9. Based on the qualification assessment of a judge in connection with imposing a disciplinary sanction, the Commission shall adopt one of the following decisions on:

9.1. confirmation of the ability of a judge to deliver justice in the relevant court;

9.2. non-confirmation of the ability of a judge to deliver justice in the relevant court.

10. The decision on confirmation of the ability of a judge to deliver justice in the relevant court shall be made, provided that the judge obtains the minimum admissible and higher score according to the examination results, as well as more than 50 percent of the sum of the maximum possible points based on the results of a qualification assessment of the criteria at the stage of studying a profile and interviewing subject to obtaining more than zero points for each of the criteria.

11. The decision of the Commission on confirmation of the ability of a judge to deliver justice in the relevant court upon imposing of a disciplinary sanction against him/her in accordance with the procedure provided for in clause 4, Article 109 of the Law shall be resulted in the removal of a disciplinary sanction within two years from the date of the decision to impose it provided that, during this period, the judge will not be imposed with a new disciplinary sanction and the ground for a new sanction will not occur within the specified period.

12. A judge, who according to the results of a qualification assessment in connection with imposing a disciplinary sanction, has confirmed his/her ability to deliver justice in the relevant court, shall be considered to have confirmed the suitability for his/her judicial office upon the corresponding disciplinary sanction has been removed.

SECTION V.

SPECIAL ASPECTS OF THE QUALIFICATION ASSESSMENT TO CONFIRM THE SUITABILITY OF A JUDGE FOR THE OFFICE HELD

1. The organization and conducting the qualification assessment of a judge to confirm the suitability of a judge for the office held shall be conducted according to the rules established hereby taking into account the special aspects provided for in this Section.

2. The qualification assessment to confirm the suitability of a judge for the office held shall be conducted by the composition of a panel of the Commission.

3. The qualification assessment of the suitability of a judge for the office held shall be conducted according to the specialization of the court, the suitability for which has to be confirmed.

4. For participating in the qualification assessment to confirm the suitability of a judge for the office held, the judge shall register his/her intentions to pass such an assessment on the official website of the Commission or submit an application in optional form to the Commission.

5. The qualification assessment of judges of local and general courts of appeals shall be conducted taking into account the specialty chosen by these judges.

Judges of local and general courts of appeal shall inform the Commission on the specialty, for which they intend to undergo an appropriate assessment. On the official website of the Commission, the answer to the question within the intention registration system: “By which specialization determined for you in the court (if determined), do you intend to undergo the qualification (criminal or civil)?” is mandatory for judges of local and general courts of appeals.

6. Failure of a judge to inform on his/her intentions to undergo an appropriate assessment does not prevent the Commission from appointing such an assessment of the judge.

7. The matter of the specialization by which the judge will be assessed for the suitability of a judge for the office held shall be decided by the Commission when appointing such an assessment.

8. Within 10 working days from the date of the announcement (receipt) of the decision on appointment of the qualification assessment to confirm the suitability of a judge for the office held, a judge shall submit to the Commission a completed questionnaire for a judge according to Appendix 1, as well as information on the grounds for the reversal and modification of the court decisions from 2012 according to Appendixes 2 and 3.

(clause 8, Section V as amended by the Decision of the Commission No.22/zp-18 of February 16, 2018)

9. The minimum admissible score for an examination as a part of the qualification assessment of judges for his/her suitability for the office held is equal to 50 percent of the maximum possible score established for this examination.

10. Based on the qualification assessment of a judge to confirm his/her suitability for the office held, the Commission shall adopt one of the following decisions on:

10.1. suitability of a judge for the office held;

10.2. unsuitability of a judge for the office held.

11. The decision on confirmation of the suitability of a judge for the office held shall be made, provided that the judge obtains the minimum admissible and higher score according to the examination results, as well as more than 67 percent of the sum of the maximum possible points based on the results of a qualification assessment of all the criteria subject to obtaining more than zero points for each of the criteria.

SECTION VI.

TRANSITIONAL PROVISIONS

1. Initial qualification assessment procedures commenced before September 30, 2016, shall be completed in accordance with the Procedure and Methodology of Judicial Qualification Assessment, approved by the Commission No.67/zp-15 of October 21, 2015 and approved by the Decision of the Council of Judges of Ukraine No.14 of December 11, 2015; and the Regulation on passing of the examinations and the methodology of its evaluation during the qualification assessment of a judge approved by the Decision of the Commission No.70/zp-15 of October 26, 2015 and agreed by the Decision of the Council of Judges of Ukraine No.15 of December 11, 2015.

2. The procedures for qualification reassessment shall be conducted according to the rules specified by this Regulation on the qualification assessment to confirm the suitability of a judge for the office held.

3. Within 10 working days from the appointed date for the examination, a judge, subject to the appointment of a qualification assessment to confirm his/her suitability for the office held as of February 13, 2018, shall submit to the Commission a completed questionnaire for a judge according to Appendix 1, as well as information on the grounds for the reversal and modification of the court decisions from 2012 according to Appendixes 2 and 3.

(Section VI is added with clause 3 by the Decision of the Commission No.22/zp-18 of February 16, 2018)

to the Regulation on the Procedure and Methodology for the qualification assessment, indicators of compliance with the qualification assessment criteria and means of their determination

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QUESTIONNAIRE FOR A JUDGE

FULL NAME (*in the nominative case*)

(*Court's Name*)

1. INFORMATION ABOUT A JUDGE

1. GENERAL BACKGROUND

1. Full name
2. Previous full names, dates and places of their change registration, authority conducted the relevant registration

(*If available, indicate all cases in chronological order if full name repeated changed*)

3. Date of birth

year

month

date

4. E-mail for correspondence

5. **Address for postal mailing**
(ZIP code, oblast, rayon, settlement (city, town, village), district, street, building and apartment (if available))

6. **Actual residential address**
(ZIP code, oblast, rayon, settlement (city, town, village), district, street, building and apartment (if available))

7. **Registration address**
(ZIP code, oblast, rayon, settlement (city, town, village), district, street, building and apartment (if available))

8. **Contact phones**

Office:

Home:

Mobile:

9. **Place of birth and date of record of the birth certificate, authority which conducted the birth registration** (according to the birth certificate)

10. **Date of acquisition (acceptance) of citizenship of Ukraine**
(indicate information on your previous citizenship, if you changed the citizenship)

11. **Availability of the citizenship of another country**
(If available, indicate the date of acquisition (acceptance) of the citizens and its country)

12. **Number, series of the passport of the citizen of Ukraine, date and authority of its issuance**

13. **Registration number of your taxpayer registration card (Taxpayer Identification Number)**
(indicate if you in the statutory order refused to receive the registration number, refusal date, and explain its reasons)

14. **Marital status**
(if you are married (were married), indicate the full name of your spouse, including the birth one, date and place of marriage. If the marriage is discharged as at the questionnaire completing, indicate date and place of the marriage discharge)

15. **Indicate full names of your family members: spouse, minor in your custody, persons in your care, specifically, common-law partners (except for persons, whose mutual rights**

and obligations are beyond the scope of the family-related law, e.g., cases of joint rent or joint dwelling in a dormitory room).

Indicate dates and places of their birth, their citizenship, residential address, place of employment (studying), position. In the case of unemployed family members, indicate their previous place of employment.

Indicate, if the information is not available or relations are not maintained

Level of kinship	Full Name (indicate the previous name, if it was changed)	Date and place of birth, citizenship	Place of employment and position	Registration address and actual residence address
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16. Indicate full names of your next of kin (major sons and daughters, whole siblings) and parents of your spouse.

Indicate dates and places of their birth, their citizenship, residential address, place of employment (studying), position. In the case of unemployed next of kin, indicate their previous place of employment.

Indicate, if the information is not available or relations are not maintained

Level of kinship	Name (indicate the previous name, if it was changed)	Date and place of birth, citizenship	Place of employment and position or place of studying	Registration address and actual residence address
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17. **Actual residential and registration addresses for the last 10 years** (*ZIP code, oblast, rayon, settlement (city, town, village), district, street, building and apartment*), including the periods of residence at the relevant address (*indicate proves of residing at a certain address, if you resided there without registration*)

18. **Diagnosis or prescription of a treatment for pathological or impulsive addiction to alcohol, drugs, gambling(if any)**
(*if available, indicate whether the state is controllable and how well your state is controlled now*)

19. **Any reason to prevent you from being restrained, prudent, adhering to the**

emotional discipline required of a judge

(if any)

20. **Have you been decided partially or wholly incapacitated by a court?**
(if so, indicate the complete address and full name of a custody and guardianship agency at the place of your registration, as well as the date of the decision, number of the case and name of the court adopted the decision)
21. **Liability to military service**
(if liable, indicate the number of your military record card, authority and date of the card issuance, place of your military registration; deferment of military service, grounds and periods, if any)
22. **Have you been subject to an audit under the Law of Ukraine “On Purification of Authorities”?**
(if so, inform about its findings and provide the relevant certificate)
23. **List of up to five people who can give you a recommendation**
(full name, current address, telephone and place of employment)
24. **Your special skills and abilities which, in your belief, help you to work as a judge**
(no more than 10 words)

1.2. EDUCATIONAL BACKGROUND

1. **Higher educational establishment (establishments), where you have obtained your higher legal education under qualification level “specialist”, “master”** *(if available), its (their) addresses, entrance and graduation dates, major and qualification, series and number of diploma, its issuance date*
2. **Is your higher legal education obtained abroad recognized in Ukraine in the statutory order***(if so, indicate the authority made a decision to recognize the education in Ukraine and the decision date)*
3. **Scientific degree**
(if available, indicate the country,

name of the establishment where you received it, the year of the degree, as well as the title, date and the authority issued the conforming document)

4. **Academic rank**
(if available, indicate title, date and authority issued the conforming document)

5. **Have you increased your qualification (passed retraining) in law? If so, please indicate the educational establishments where you were studying or undergoing advanced training, their address, the entry and graduation dates, major and qualification obtained from the study, series and number of the diploma (or other documents) and the issuance date.**
(if so, indicate up to 5 events)

6. **Fluency in the official language**

7. **Command of foreign language**
(if any, indicate the language and level of command:

Reading and translating with a dictionary (intermediate), basic command, fluent command.

If you have documents confirming your level of foreign language command, indicate information about them (name, date and authority of issuance)

1.3. EMPLOYMENT BACKGROUND

(according to the work record book)

Employment date	Employment termination date	Name of institution (enterprise, organization), position, address, ZIP code, telephone
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2. JUDICIAL EMPLOYMENT BACKGROUND

(to be completed by a judge applied to the Commission for the qualification assessment)

1. **Type of document on your appointment to a judicial office**

2. **Date of taking the oath of a**

judicial office

3. **Have you previously submitted an application on recommending for a transfer to another court**
(if so, indicate date of the application, name of the court and results of the consideration, including name of the act on your transfer (if available))
4. **Type (-s) of specialization (-s) (under which you have been working on a judicial office for the last 10 years, as well as the period of work under the relevant specialization)**
5. **Have you undergone the qualification assessment?**
(if so, indicate its results)
6. **Have you held an administrative position in a court during your judicial tenure at the relevant court**
(if so, indicate the position and period of its tenure)
7. **List no more than ten cases, in your belief, in which you have been delivered justice and that can prove your competence**
(indicate name of the case, court where it was considered, content of the case (no more than 20 words) and underlying circumstances that can prove your competence (no more than 20 words))
8. **Have you presented separate opinions within a case proceeding**
(if so, optionally provide no more than five such opinions with the justification of their presentation in no more than 25 words for each)
9. **Do you have access to information that constitutes secrets of state?**
(if so, indicate authority, date and form of the access issuance)
10. **Were certain rulings (resolutions) issued with regard to you?**
(if so, indicate it (their) date, the court adopted the relevant decision, information on its challenge, etc.

No more than 100 words)

3. INFORMATION ON LEGAL LIABILITY

1. **Have you received a subpoena, a summons letter to a court, been arrested, detained in custody?**

(if so, indicate details of each such event in no more than 15 words each)

2. **Have you been subject to a criminal proceeding (criminal case)?**
(if so, indicate: 1) subject matter of the indictment and/or suspicion report (under which articles of the Criminal Code of Ukraine (or the laws of another country); 2) authorized state body (-s) conducted interrogation, pre-trial investigation; 3) results of the consideration of the relevant materials (cases); body which adopted the relevant procedural document, date of its adoption; 4) challenge of the court decision; 5) whether you confess yourself guilty for having committed an act alleged against you.

No more than 150 words)

3. **Have you found liable for contempt of a court?**

(if so, indicate all such cases, including the grounds for holding responsible, date and content of the decision that brought you to the liability, information on its challenge and reversal.

No more than 100 words)

4. **Have you been brought to administrative liability?**

(if so, indicate all such case, including the body which commenced the administrative proceedings, grounds for bringing to the responsibility, date and content of the decision on the results of its consideration, information on its challenge and reversal, as well as information on the removal of the administrative sanction.

No more than 100 words)

5. **Have you been brought to civil liability?**

(if so, indicate the grounds for bringing to the responsibility, date and content of the decision on the results of its consideration, under which you was brought to the responsibility, information on its challenge and reversal, as well as information on the removal of the sanction.

No more than 100 words)

6. Have you been brought to disciplinary liability?

(if so, indicate all such case, including the grounds for bringing to the responsibility, date and content of the decision on imposing the disciplinary sanction, its type, information on its challenge and reversal, as well as information on the removal of the disciplinary sanction.

No more than 100 words)

7. Have you failed to abide by court decisions against you? Are/were there cases of non-fulfillment of the duties or obligations imposed on you by a court decision (including decisions concerning minors)?

(if so, indicate such cases in less than 20 words, including the details of the decision.

No more than 100 words)

8. Has a property lien or debt collateral been applied to you or has another procedure for collecting payments/debts been commenced against you by the state authorities, banks or other parties?

(if so, indicate details of such a case in less than 20 words, including the amount in question, date and status of the claim or other collection procedure)

9. Do you have financial commitments at the time of completing this form?

(if so, describe each case in less than 15 words)

ACKNOWLEDGMENT STATEMENT

I, _____, by signing below, certify that all data indicated in the questionnaire are true and accurate, complete and reliable, I give my consent for the verification of the information that I have provided in this questionnaire. I acknowledge and agree that the indicated data may be audited by the High Qualifications Commission of Judges of Ukraine or upon its request by other state bodies; particularly, those anti-corruption ones.

I acknowledge that the provision of inaccurate (specifically, incomplete) information by me herein that may bear evidence of my non-integrity could result in the non-confirmation of my ability to deliver justice in the relevant court or my unsuitability for the office held.

Herewith, I express my acknowledgment and consent that in order to assist the High Qualifications Commission of Judges of Ukraine in studying my biography and assessing my qualifications, the Commission is entitled to request and receive information and documents in regards to me from any legal entities and individuals, including those indicated in this questionnaire.

Herewith, I authorize any state, law enforcement agencies, legal entities and individuals to provide the High Qualifications Commission of Judges of Ukraine with all and any information about me (public, private or confidential) may be in their possession in order to assist in studying my biography and assessing my qualifications.

The questionnaire has personally been completed by me, *Full Name*
_____.

Signature _____

Date of submission _____

(The Regulation is added with the Appendix 1 by the Decision of the Commission No.22/zp-18 of February 16, 2018)

**to the Regulation on the Procedure and Methodology for the
qualification assessment, indicators of compliance with the
qualification assessment criteria and means of their determination**

Information on the grounds for reversal of the court decisions

approved by the judge _____ (*Court's Name, Judge's Full Name*)

starting from January 1, 2012

No.	Parties, matter of the case	Decision of local court (number of the proceeding, date of the court decision, result of the case consideration)	Decision of court of appeals (number of the proceeding, date of the court decision, result of the case consideration, ground for the decision reversal, if available)	Decision of the Supreme Court (Supreme Court of Ukraine, High Specialized Court) (number of the proceeding, date of the court decision, result of the case consideration, ground for the decision reversal, if available)	Note (result of the case consideration by the European Court of Human Rights)

Judge

(Signature)

(Second name, Initials)

*(The Regulation is added with the Appendix 2 by the Decision
of the Commission No.22/zp-18 of February 16, 2018)*

to the Regulation on the Procedure and Methodology for the qualification assessment, indicators of compliance with the qualification assessment criteria and means of their determination

Information on the grounds for modification of the court decisions

approved by the judge _____ (*Court's Name, Judge's Full Name*)

starting from January 1, 2012

No.	Parties, matter of the case	Decision of local court (number of the proceeding, date of the court decision, result of the case consideration)	Decision of court of appeals (number of the proceeding, date of the court decision, result of the case consideration, ground for the decision modification, if available)	Decision of the Supreme Court (Supreme Court of Ukraine, High Specialized Court) (number of the proceeding, date of the court decision, result of the case consideration, ground for the decision modification, if available)	Note (result of the case consideration by the European Court of Human Rights)

Judge

(Signature)

(Second name, Initials)

(The Regulation is added with the Appendix 3 by the Decision of the Commission No.22/zp-18 of February 16, 2018)