



CCJE(2011)7

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES

(CCJE)

**Replies for Questionnaire with a view of the preparation of Opinion No. 15
on specialisation of judges and courts**

from UKRAINE

1. ***Specialisation of courts***

Types of courts/judges	Tick the box if your country have specialised courts/judges in	(B) If yes to (a), tick the box if they are specialised judges/chambers within a generalist court	(C) If yes to (a), tick the box if they are a separate institution within the general organisation of the judiciary	(D) If yes to (a), tick the box if they are a separate judiciary forming a system of their own ¹	(E) If yes to (a), tick the box if they have a composition including lay members or only of lay members ²	(F) If yes to (a), tick the box if they have a territorial competence different from generalist courts (please specify if appropriate)	(G) If yes to (a), tick the box if they apply rules (procedure, evidence, etc.) that are different from those applicable in generalist courts (please specify if appropriate)
Family courts							
Administrative courts/council of state	Yes		Yes ; Art.3 of Law "On judiciary and status of judges" states that court system of Ukraine includes general courts and Constitutional courts. Administrative courts		Only professional judges	It depends on dispute subject, and authority body - defendant	In case of appealing against act of the Cabinet of Ministers, High Council of Autonomous Republic of Crimea, ministers, local administrations, local authorities court must oblige them to publish the announce of court proceedings in 7 days before hearing (Art.171 Code of Administrative Legal Proceedings). Judge may pass court errand about rendering legal advice (Art.115-2

			are the separate branch in general court system				<p>Code of Administrative Legal Proceedings). The claim may be ensured by two ways only: prohibition to take some actions, stopping action of authority body's decision (Art.117 Code of Administrative Legal Proceedings). Parties have a right to exact losses, caused by ensuring claim. Formal expert examination may be appointed by court by parties' or its own initiative, otherwise in civil proceedings may be cases for the compulsory examination (art.81 , art.1 Code of Administrative Legal Proceedings 45 Civil Procedural Code). In administrative proceedings claim must be considered within 1 month (in some cases duration of proceedings is short-cut)and it is possible, acceptedly by parties, to deal with "written" proceedings (art.157,158,183-2 Code of Administrative Legal Proceedings) Court may ser speaking time restrictions for the debates (art.152 Code of Administrative Legal Proceedings). After reversal of a judgment court of appeal may return a case to the first instance court for a new consideration (198 Code of Administrative Legal Proceedings). The cassation court is the Supreme Administrative Court of Ukraine. Proceedings in cases, which arise from election procedure are short-cut (2 days, 5</p>
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Immigration/Asylum							
Courts of Account							
Military Courts							
Tax Courts							
Labour/social courts							
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts							
Courts for wills and inheritances							
Patent/copyrights/trademark courts							
Commercial courts	Yes		Yes	s	Only professional judges	There are common features. The most value of differences depends on lawsuit subject, parties etc.	Established procedure of pre-court settlement of commercial disputes (art.5 Commercial and Procedural Code of Ukraine)/. Compulsory expertise is not established. Court may set preventive measures: summon of proofs, premises examination, arrest of property (cr..43-2 CPC). Considering the case court may fine party for non-execution of court requests. (art..83 CPC). The court of cassation is Supreme Commercial Court of Ukraine (art..108 CPC).
Courts for land disputes							
"Courts d'arbitrage"	Yes, but they're not included to court system				Consist of non-professional judges		
Serious crimes courts/courts of assize							
Courts for the supervision of criminal investigations (e.g.							

authorising arrest, wire-tappings, etc.)							
Courts for the supervision of criminal enforcement and custody in penitentiaries							
Other, please specify							

To what extent specialisation of courts is relevant in your system?

As it arises from Constitution of Ukraine, Law On Judicial System and Status of Judges specialization of the judiciary is regarded as external. It means that within the system of general courts establishes new separate specialized branches, such as systems of commercial and administrative courts. Also, after establishing the Supreme specialized court for civil and criminal cases, traditional generalist courts were defined by legislators as a kind of specialized courts. Historically, in Ukraine besides generalist courts existed a separate judicial branch – arbitration courts, which were later transformed into commercial ones. So, we consider that external specialization of courts is most suitable and proper for Ukraine..

Law On Judicial System and Status of Judges also provides internal specialization – specialization of judges. It has emerges in division of chambers (civil and criminal) in courts of appeal, in appearance in the commercial courts of separate chambers on bankruptcy issues, IP issues etc.

2. Specialisation of judges

a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify.

According to Article 64 of the Law On the Judicial System and Status of Judges, a person can be recommended for the position of a judge if they are a citizen of Ukraine, at least twenty-five years old, with a higher education in the legal field, and a minimum of three years of work experience in the legal field, residing in Ukraine for a minimum of ten years and fluent in the national language. Any specialization of education or work experience is not required..

Article 67 of the Law establishes that first appointment of a judge is carried out exclusively according to the procedure established by the Law and among others includes the following stages:

- persons wishing to become judges submit an appropriate application and documents determined by the Law to the Supreme Judge Qualification Commission of Ukraine;
- the Supreme Judge Qualification Commission of Ukraine, based on the documents submitted by judge candidates, inspects the correspondence of the applicants to the requirements for judge candidates, and organizes a special inspection in their respect;
- persons that meet the established requirements to judge candidates take an examination before the Supreme Judge Qualification Commission of Ukraine in order to demonstrate the level of their general theoretical knowledge in the legal field;
- the candidates who have successfully passed the exam and the appropriate inspections are sent to special training;
- the candidates who have successfully completed the special training are allowed to take the qualification exam before the Supreme Judge Qualification Commission of Ukraine (according to Regulation On procedure of passing the qualification exam for judge candidates and evaluating standards establishes that candidates must submit an application with indicated specialization of general court);
- the Supreme Judge Qualification Commission of Ukraine determines the rating of judge candidates based on the qualification exam results and includes them in the reserve for filling vacant judge positions;
- in case vacant judge positions are open, the Supreme Judge Qualification Commission of Ukraine announces a competition for filling such positions among the candidates included in the reserve;
- based on the candidate's rating and according to the number of vacant judge positions, the Supreme Judge Qualification of Ukraine selects a candidate from the number of candidates who took part in the competition, and submits its recommendation on appointing the judge candidate to the Supreme Council of Justice;
- the Supreme Council of Justice, based on the recommendation of the Supreme Judge Qualification Commission of Ukraine, reviews the issue of appointing the judge candidate at its meeting, and, in case of a positive decision, submits a recommendation to appoint the judge candidate, to the President of Ukraine;

- the President of Ukraine makes a decision to appoint the judge candidate to the position of a judge.

b) Are judges promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation? Please specify..

President of a local court, President of the Court of Appeal, President of the Supreme specialized court are selected and appointed by the Supreme Council of Justice among judges of this court. (art. 20 Law On Judicial System and Status of Judges).

в) May a judge from a generalist court move to a specialised court, or from one specialisation to another:

As to separate court systems:

Within the same court system:

by just filing an application examined on the basis of seniority and other criteria not including previous specialisation?

by showing professional experience?

by resigning from original post and participate to a new recruitment?

by attending specialisation/reconversion courses?

other?

by passing a specialisation exam?

Judge within 5 years of the first appointment can be transferred to another court after submitting an application to the Supreme Judge Qualification of Ukraine. Transmission to another specialized court is conducted after passing a qualification exam (art..74, 80 Law On Judicial System and Status of Judges).

:

d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)?

The Supreme Judge Qualification Commission of Ukraine publishes an announcement on its web portal about a call for candidates for the position of a judge, taking into consideration the forecasted number of vacant judge positions in general and specialized courts, information on exams, question list for the exams etc.

e) What are for judges the criteria for access to specialisation?

Similar procedure for all judges.

f) Do financial provisions exist helping judges to transfer to other towns where specialisation may be acquired?

No, such compensation is not established..

g) Are there access/reconversion courses to specialised functions:

-- Yes, within the judicial training institute ?

Yes, after passing the exam candidates should complete special training, which is provided by National School of Judges special training. The Supreme Judge Qualification Commission of Ukraine determine institution of higher education, which can promote training for judge (art..69 Law On Judicial System and Status of Judges)

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h) Are there training courses reserved only to specialised judges?

No special training programme for specialized judges is provided.

i) Are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised?

There are no regulations for that..

j) Do specialised positions exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.)?

It's not provided by law.

k) If yes, is there a specific training for this type of posts? Please specify.

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l) Do specialised judges have a higher compensation than generalist judges? Please distinguish, if relevant, according to whether the specialist judges belong to the same court system or a separate court system (e.g., in some countries, depending on the distinction between ordinary judges and administrative judges).

Rate of reward is determined in general order for all judges, regardless their specialization. (Chapter IX 69 Law On Judicial System and Status of Judges).

m) Are there special allowances, or benefits in kind, for specialised judges?

No.

n) Are specialised judges entitled to a preferential access to higher courts? If yes, is such access limited to the specialisation field of the judge concerned?

No, judges have an equal right to be chosen to the higher courts.

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

a) Is the bar and/or professional associations of lawyers organised on a specialised basis in your country? Please specify Ukrainian legislation provides the free right of attorneys to establish professional associations with their own statute. (art.4 Law On Bar). It means that lawyers are free to choose whether to create an association with or without any specialization. According to latest data there no bar associations of definite specialization.

b) In order to practice before specialised courts, have lawyers to be specialised (e.g. registered in special bar listings)? No, legislation doesn't provide any differences in status of lawyers, they don't have specialization and authorized to participate in court proceedings whether in criminal matters, or civil, or commercial etc.. (art.6 Law On Bar).

c) Is public prosecution organised on a specialised basis in your country? Please specify According to art.13 Law On General Prosecutor's Office, the system of prosecutors office apart from its general departments in districts, cities and regions also includes specialized prosecutor's offices: prosecutors on environment protection, prosecutors dealing with transport offences, military prosecutor's office and others.

d) In order to practice before specialised courts, have prosecutors to be specialised (e.g. belong to specialised department of the prosecution service)?

Support of state accusation in court and representation of interests of citizen or state in court in cases inscribed by law is a basic function of General Prosecutor's Office and it doesn't require definite specialization of a prosecutor, but the proper jurisdiction of general or specialized prosecutor's office it is taken into account while dealing with case.

e) Are specialised judges assisted by specialised staff (clerks, technical staff, etc.) ? If yes, is this staff recruited on an *ad hoc* basis? No, legislation doesn't provide specialization for court staff. Officials are hired under common basis. Judge assistant is hired by proposal of judge and has to respond to next requirements: higher education fluent state language.(art.151 Law On Judicial System and Status of Judges).

4. Specialisation and governance

Is your Council for the judiciary or other another equivalent independent body entrusted with the protection of the independence of judges competent for all specialised judges, as for all generalist judges? If not, please specify the specialised judges that are not under the governance of the Council.

The Supreme Council of Justice as an authority responsible for judiciary composing, carries out a disciplinary proceeding in respect of judges of specialized courts and judges of the Supreme Court of Ukraine

According to art.122 Law On Judicial System and Status of Judges bodies of judicial self-government are Council of judges of generalist courts, Council of judges of commercial courts and Council of judges of administrative courts. The supreme body of judicial self-government is the meeting of judges of Ukraine.

5. Specialisation, professional associations of judges, judicial ethics

a) Are there in your country professional associations of specialised judges?

Currently the major professional associations of the judiciary are Association of Judges of Ukraine, Association of judges and court officials. Establishing of Association of judges of administrative courts still continues.

b) Do specialised judges have separate or common “principles of judicial ethics”³ with respect to generalist judges? If separate principles apply, please specify (i.e. separate principles needed by exposure of specialised judges to problems affecting juveniles, family problems, labour disputes, etc.).

The Code of professional ethics of judges was approved by meeting of judges and is general for all judges .

6. Conclusion

a) Please give your opinion on the advantages and disadvantages of special courts

The most important motivations for the establishment of specialised courts relate to the possibility that these institutions might make the administration of justice more efficient.

This would ensure the rapid and consistent development of the case law, and also ensure that a corps of specialists— on the bench and in the legal profession—would rapidly develop the appropriate skills and experience. Judges with narrow specialization deal with those matters more expertly.

Under these circumstances, the existence of the specialist court in which these matters are concentrated means that a burden is lifted off the generalist courts.

in concentrating all the cases that arise from that legislation in one place, the relevant law develops much more quickly, allowing practice and precedent to emerge.

b) Please give your opinion on the advantages and disadvantages of specialisation of judges

There is a risk that the particular area of law to which the specialist court devotes its attention, may develop in ways that are out of step with the overall development of the law. Moreover, there may be problems with the degree of consistency between specialist and generalist courts, in areas of the law that overlap.

According to Ukrainian legislation cases are distributed between judges in automatic way by special computer programme. This procedure ensures the principle of impartiality of judges, so there is a risk of conflict between specialization of judge and distribution of the case.

Specialised courts should only be established after appropriate studies of previous court practices, or after the running of a carefully assessed and successful pilot project.

Establishing of new courts demands significant organisational and financial expenses.



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Patent/copyrights/trademark courts							
Commercial courts	Yes		Yes	s	Only professional judges	There are common features. The most value of differences depends on lawsuit subject, parties etc.	Established procedure of pre-court settlement of commercial disputes (art.5 Commercial and Procedural Code of Ukraine)/. Compulsory expertise is not established. Court may set preventive measures: summon of proofs, premises examination, arrest of property (cr..43-2 CPC). Considering the case court may fine party for non-execution of court requests. (art..83 CPC). The court of cassation is Supreme Commercial Court of Ukraine (art..108 CPC).
Courts for land disputes							
"Courts d'arbitrage"	Yes, but they're not included to court system				Consist of non-professional judges		
Serious crimes courts/courts of assize							
Courts for the supervision of criminal investigations (e.g.							

authorising arrest, wire-tappings, etc.)							
Courts for the supervision of criminal enforcement and custody in penitentiaries							
Other, please specify							

To what extent specialisation of courts is relevant in your system?

As it arises from Constitution of Ukraine, Law On Judicial System and Status of Judges specialization of the judiciary is regarded as external. It means that within the system of general courts establishes new separate specialized branches, such as systems of commercial and administrative courts. Also, after establishing the Supreme specialized court for civil and criminal cases, traditional generalist courts were defined by legislators as a kind of specialized courts. Historically, in Ukraine besides generalist courts existed a separate judicial branch – arbitration courts, which were later transformed into commercial ones. So, we consider that external specialization of courts is most suitable and proper for Ukraine..

Law On Judicial System and Status of Judges also provides internal specialization – specialization of judges. It has emerges in division of chambers (civil and criminal) in courts of appeal, in appearance in the commercial courts of separate chambers on bankruptcy issues, IP issues etc.

2. Specialisation of judges

a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify.

According to Article 64 of the Law On the Judicial System and Status of Judges, a person can be recommended for the position of a judge if they are a citizen of Ukraine, at least twenty-five years old, with a higher education in the legal field, and a minimum of three years of work experience in the legal field, residing in Ukraine for a minimum of ten years and fluent in the national language. Any specialization of education or work experience is not required..

Article 67 of the Law establishes that first appointment of a judge is carried out exclusively according to the procedure established by the Law and among others includes the following stages:

- persons wishing to become judges submit an appropriate application and documents determined by the Law to the Supreme Judge Qualification Commission of Ukraine;
- the Supreme Judge Qualification Commission of Ukraine, based on the documents submitted by judge candidates, inspects the correspondence of the applicants to the requirements for judge candidates, and organizes a special inspection in their respect;
- persons that meet the established requirements to judge candidates take an examination before the Supreme Judge Qualification Commission of Ukraine in order to demonstrate the level of their general theoretical knowledge in the legal field;
- the candidates who have successfully passed the exam and the appropriate inspections are sent to special training;
- the candidates who have successfully completed the special training are allowed to take the qualification exam before the Supreme Judge Qualification Commission of Ukraine (according to Regulation On procedure of passing the qualification exam for judge candidates and evaluating standards establishes that candidates must submit an application with indicated specialization of general court);
- the Supreme Judge Qualification Commission of Ukraine determines the rating of judge candidates based on the qualification exam results and includes them in the reserve for filling vacant judge positions;
- in case vacant judge positions are open, the Supreme Judge Qualification Commission of Ukraine announces a competition for filling such positions among the candidates included in the reserve;
- based on the candidate's rating and according to the number of vacant judge positions, the Supreme Judge Qualification of Ukraine selects a candidate from the number of candidates who took part in the competition, and submits its recommendation on appointing the judge candidate to the Supreme Council of Justice;
- the Supreme Council of Justice, based on the recommendation of the Supreme Judge Qualification Commission of Ukraine, reviews the issue of appointing the judge candidate at its meeting, and, in case of a positive decision, submits a recommendation to appoint the judge candidate, to the President of Ukraine;

- the President of Ukraine makes a decision to appoint the judge candidate to the position of a judge.

b) Are judges promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation? Please specify..

President of a local court, President of the Court of Appeal, President of the Supreme specialized court are selected and appointed by the Supreme Council of Justice among judges of this court. (art. 20 Law On Judicial System and Status of Judges). .

в) May a judge from a generalist court move to a specialised court, or from one specialisation to another:

As to separate court systems:

Within the same court system:

by just filing an application examined on the basis of seniority and other criteria not including previous specialisation?

by showing professional experience?

by resigning from original post and participate to a new recruitment?

by attending specialisation/reconversion courses?

other?

by passing a specialisation exam?

Judge within 5 years of the first appointment can be transferred to another court after submitting an application to the Supreme Judge Qualification of Ukraine. Transmission to another specialized court is conducted after passing a qualification exam (art..74, 80 Law On Judicial System and Status of Judges).

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d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)?

The Supreme Judge Qualification Commission of Ukraine publishes an announcement on its web portal about a call for candidates for the position of a judge, taking into consideration the forecasted number of vacant judge positions in general and specialized courts, information on exams, question list for the exams etc.

e) What are for judges the criteria for access to specialisation?

Similar procedure for all judges.

f) Do financial provisions exist helping judges to transfer to other towns where specialisation may be acquired?

No, such compensation is not established..

g) Are there access/reconversion courses to specialised functions:

-- Yes, within the judicial training institute ?

Yes, after passing the exam candidates should complete special training, which is provided by National School of Judges special training. The Supreme Judge Qualification Commission of Ukraine determine institution of higher education, which can promote training for judge (art..69 Law On Judicial System and Status of Judges)

.

h) Are there training courses reserved only to specialised judges?

No special training programme for specialized judges is provided.

i) Are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised?

There are no regulations for that..

j) Do specialised positions exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.)?

It's not provided by law.

k) If yes, is there a specific training for this type of posts? Please specify.

—

l) Do specialised judges have a higher compensation than generalist judges? Please distinguish, if relevant, according to whether the specialist judges belong to the same court system or a separate court system (e.g., in some countries, depending on the distinction between ordinary judges and administrative judges).

Rate of reward is determined in general order for all judges, regardless their specialization. (Chapter IX 69 Law On Judicial System and Status of Judges).

m) Are there special allowances, or benefits in kind, for specialised judges?

No.

n) Are specialised judges entitled to a preferential access to higher courts? If yes, is such access limited to the specialisation field of the judge concerned?

No, judges have an equal right to be chosen to the higher courts.

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

a) Is the bar and/or professional associations of lawyers organised on a specialised basis in your country? Please specify Ukrainian legislation provides the free right of attorneys to establish professional associations with their own statute. (art.4 Law On Bar). It means that lawyers are free to choose whether to create an association with or without any specialization. According to latest data there no bar associations of definite specialization.

b) In order to practice before specialised courts, have lawyers to be specialised (e.g. registered in special bar listings)? No, legislation doesn't provide any differences in status of lawyers, they don't have specialization and authorized to participate in court proceedings whether in criminal matters, or civil, or commercial etc.. (art.6 Law On Bar).

c) Is public prosecution organised on a specialised basis in your country? Please specify According to art.13 Law On General Prosecutor's Office, the system of prosecutors office apart from its general departments in districts, cities and regions also includes specialized prosecutor's offices: prosecutors on environment protection, prosecutors dealing with transport offences, military prosecutor's office and others.

d) In order to practice before specialised courts, have prosecutors to be specialised (e.g. belong to specialised department of the prosecution service)?

Support of state accusation in court and representation of interests of citizen or state in court in cases inscribed by law is a basic function of General Prosecutor's Office and it doesn't require definite specialization of a prosecutor, but the proper jurisdiction of general or specialized prosecutor's office it is taken into account while dealing with case.

e) Are specialised judges assisted by specialised staff (clerks, technical staff, etc.) ? If yes, is this staff recruited on an *ad hoc* basis? No, legislation doesn't provide specialization for court staff. Officials are hired under common basis. Judge assistant is hired by proposal of judge and has to respond to next requirements: higher education fluent state language.(art.151 Law On Judicial System and Status of Judges).

4. Specialisation and governance

Is your Council for the judiciary or other another equivalent independent body entrusted with the protection of the independence of judges competent for all specialised judges, as for all generalist judges? If not, please specify the specialised judges that are not under the governance of the Council.

The Supreme Council of Justice as an authority responsible for judiciary composing, carries out a disciplinary proceeding in respect of judges of specialized courts and judges of the Supreme Court of Ukraine

According to art.122 Law On Judicial System and Status of Judges bodies of judicial self-government are Council of judges of generalist courts, Council of judges of commercial courts and Council of judges of administrative courts. The supreme body of judicial self-government is the meeting of judges of Ukraine.

5. Specialisation, professional associations of judges, judicial ethics

a) Are there in your country professional associations of specialised judges?

Currently the major professional associations of the judiciary are Association of Judges of Ukraine, Association of judges and court officials. Establishing of Association of judges of administrative courts still continues.

b) Do specialised judges have separate or common “principles of judicial ethics”³ with respect to generalist judges? If separate principles apply, please specify (i.e. separate principles needed by exposure of specialised judges to problems affecting juveniles, family problems, labour disputes, etc.).

The Code of professional ethics of judges was approved by meeting of judges and is general for all judges .

6. Conclusion

a) Please give your opinion on the advantages and disadvantages of special courts

The most important motivations for the establishment of specialised courts relate to the possibility that these institutions might make the administration of justice more efficient.

This would ensure the rapid and consistent development of the case law, and also ensure that a corps of specialists— on the bench and in the legal profession—would rapidly develop the appropriate skills and experience. Judges with narrow specialization deal with those matters more expertly.

Under these circumstances, the existence of the specialist court in which these matters are concentrated means that a burden is lifted off the generalist courts.

in concentrating all the cases that arise from that legislation in one place, the relevant law develops much more quickly, allowing practice and precedent to emerge.

b) Please give your opinion on the advantages and disadvantages of specialisation of judges

There is a risk that the particular area of law to which the specialist court devotes its attention, may develop in ways that are out of step with the overall development of the law. Moreover, there may be problems with the degree of consistency between specialist and generalist courts, in areas of the law that overlap.

According to Ukrainian legislation cases are distributed between judges in automatic way by special computer programme. This procedure ensures the principle of impartiality of judges, so there is a risk of conflict between specialization of judge and distribution of the case.

Specialised courts should only be established after appropriate studies of previous court practices, or after the running of a carefully assessed and successful pilot project.

Establishing of new courts demands significant organisational and financial expenses.



CCJE(2011)7

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES

(CCJE)

**Replies for Questionnaire with a view of the preparation of Opinion No. 15
on specialisation of judges and courts**

from UKRAINE

1. ***Specialisation of courts***

Types of courts/judges	Tick the box if your country have specialised courts/judges in	(B) If yes to (a), tick the box if they are specialised judges/chambers within a generalist court	(C) If yes to (a), tick the box if they are a separate institution within the general organisation of the judiciary	(D) If yes to (a), tick the box if they are a separate judiciary forming a system of their own ¹	(E) If yes to (a), tick the box if they have a composition including lay members or only of lay members ²	(F) If yes to (a), tick the box if they have a territorial competence different from generalist courts (please specify if appropriate)	(G) If yes to (a), tick the box if they apply rules (procedure, evidence, etc.) that are different from those applicable in generalist courts (please specify if appropriate)
Family courts							
Administrative courts/council of state	Yes		Yes ; Art.3 of Law "On judiciary and status of judges" states that court system of Ukraine includes general courts and Constitutional courts. Administrative courts		Only professional judges	It depends on dispute subject, and authority body - defendant	In case of appealing against act of the Cabinet of Ministers, High Council of Autonomous Republic of Crimea, ministers, local administrations, local authorities court must oblige them to publish the announce of court proceedings in 7 days before hearing (Art.171 Code of Administrative Legal Proceedings). Judge may pass court errand about rendering legal advice (Art.115-2

			are the separate branch in general court system				Code of Administrative Legal Proceedings). The claim may be ensured by two ways only: prohibition to take some actions, stopping action of authority body's decision (Art.117 Code of Administrative Legal Proceedings). Parties have a right to exact losses, caused by ensuring claim. Formal expert examination may be appointed by court by parties' or its own initiative, otherwise in civil proceedings may be cases for the compulsory examination (art.81 , art.1 Code of Administrative Legal Proceedings 45 Civil Procedural Code). In administrative proceedings claim must be considered within 1 month (in some cases duration of proceedings is short-cut)and it is possible, acceptedly by parties, to deal with "written" proceedings (art.157,158,183-2 Code of Administrative Legal Proceedings) Court may ser speaking time restrictions for the debates (art.152 Code of Administrative Legal Proceedings). After reversal of a judgment court of appeal may return a case to the first instance court for a new consideration (198 Code of Administrative Legal Proceedings). The cassation court is the Supreme Administrative Court of Ukraine. Proceedings in cases, which arise from election procedure are short-cut (2 days, 5
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							days etc). Appeal court's judgment in such cases are final (art.176 APC)
Immigration/Asylum							
Courts of Account							
Military Courts							
Tax Courts							
Labour/social courts							
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts							
Courts for wills and inheritances							
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Courts for land disputes							
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Serious crimes courts/courts of assize							
Courts for the supervision of criminal investigations (e.g.							

authorising arrest, wire-tappings, etc.)							
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a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify.

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- in case vacant judge positions are open, the Supreme Judge Qualification Commission of Ukraine announces a competition for filling such positions among the candidates included in the reserve;
- based on the candidate's rating and according to the number of vacant judge positions, the Supreme Judge Qualification of Ukraine selects a candidate from the number of candidates who took part in the competition, and submits its recommendation on appointing the judge candidate to the Supreme Council of Justice;
- the Supreme Council of Justice, based on the recommendation of the Supreme Judge Qualification Commission of Ukraine, reviews the issue of appointing the judge candidate at its meeting, and, in case of a positive decision, submits a recommendation to appoint the judge candidate, to the President of Ukraine;

- the President of Ukraine makes a decision to appoint the judge candidate to the position of a judge.

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d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)?

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Establishing of new courts demands significant organisational and financial expenses.