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Meeting: 1355th meeting (September 2019) (DH)

Item reference: Action plan (14/08/2019)

Communication from Ukraine concerning the case of OLEKSANDR VOLKOV v. Ukraine (Application No. 21722/11)

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Réunion : 1355^e réunion (septembre 2019) (DH)

Référence du point : Plan d'action

Communication de l'Ukraine concernant l'affaire OLEKSANDR VOLKOV c. Ukraine (Requête n° 21722/11)
(anglais uniquement)

14 AOUT 2019

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH**Additional information****submitted by the Government of Ukraine as an addendum to the Action Plan
in the group of cases *Oleksandr Volkov v. Ukraine***(case of *Oleksandr Volkov v. Ukraine*, application no. 21722/11, judgment final on 27/05/2013)

The Government of Ukraine would like to provide additional information to the Updated Action Plan of 21 June 2019 submitted in the group of cases “*Oleksandr Volkov v. Ukraine*”.

The additional information below should be read jointly, with information already presented by the Government of Ukraine to the Committee of Ministers.

I. As regards the case of “*Kulykov and Others v. Ukraine*” (application no. 5114/09) the Government of Ukraine submit updated information on the status and results of the reopening proceedings which is mentioned in the table below.

No	CASE	STATUS OF PROCEEDINGS	NOTES
1	Andriy Volodymyrovych KULYKOV (no. 5114/09)	On 18 July 2019 the Cassation Administrative Court within the Supreme Court (hereinafter – “CAC”) declared as unlawful and quashed the decision of Higher Council of Justice and the Parliament of Ukraine Decree in terms of dismissal of the applicant from the post of judge in military court. see: http://reyestr.court.gov.ua/Review/83142443	The Higher Administrative Court of Ukraine was liquidated by the Presidential Decree of 14 September 2010. The issue regarding the existence of legal grounds for applicant's disciplinary liability, in view of the prepositions outlined in the proposal of a member of the Higher Council of Justice, was submitted for reconsideration to the Higher Council of Judiciary. The other claims were rejected.
2	Volodymyr Mykolayovych KORZACHENKO (no. 4588/11)	On 29 March 2018, the CAC rejected the Higher Council of Judiciary decision and the Presidential Decree in part of the applicant's dismissal from the position of judge. On 24 January 2019 the Supreme Court (Grand Chamber) rejected the above CAC decision and transferred the case to the Higher Council of Judiciary (the “ HCIJ ”) for reconsideration in order to find out the grounds for applicant's dismissal for breach of oath. The quote from the Supreme Court decisions: “ <i>The Grand Chamber within the Supreme Court considers that reconsideration by the newly formed body issues on the existence of the grounds for the applicant's dismissal from the post of judge for breach of oath is an effective individual measure and the legal way of restoration of the applicant's violated rights</i> ”. See: http://reyestr.court.gov.ua/Review/79413181	The case is still pending under the consideration before a Higher Council of Judiciary member. During the period from 29 March 2018 to 1 August 2019 the applicant was not put on the payroll of the district court.

3	Oleg Volodymyrovych BACHUN (no. 9740/11)	<p>On 31 May 2018 Grand Chamber within the Supreme Court transferred the applicant's case files to the HCJ for re-examination in order to find out the grounds for bringing up the applicant to the disciplinary liability.</p> <p><i>"Given that as a result of full-scale judicial reform and institutional changes, a HCJ has been formed, which, due to the law requirements, have a competence to evaluate the actions of a judge within the administration of justice, and delivers the final decisions in this regard. Reconsideration of issues on the existence of grounds for bringing the applicant to disciplinary liability by the newly formed body is an effective individual measure and the legal way of restoration of the applicant's violated rights."</i></p> <p>see http://reyestr.court.gov.ua/Review/74537189</p>	<p>As of 6 August 2019 the applicant was not reinstated as a judge of the Curcuit Administrative Court and was not put on the payroll of this court</p> <p>The case files were transmitted to the HCJ for re-examination with intent to find the grounds for disciplinary liability of the applicant.</p> <p>At present the case is pending under the consideration before a HCJ member.</p>
4	Sergiy Mykhaylovych KONYAKIN (no. 12812/11)	<p>On 1 November 2010 Grand Chamber within the Supreme Court upheld the CAC decision of 3 April 2018. The CAC abolished the resolution of the Parliament of Ukraine and transmitted the case files to the HCJ for reconsideration. The applicant's motion for reinstatement was rejected.</p>	<p>As of 31 July 2019 the applicant was not reinstatement in the post of judge of the district court and was not assigned to the staff list of this court due to absence of the vacancy in this court.</p> <p>At present time the case is under the consideration before a HCJ member.</p> <p>The consideration of the applicant's case was scheduled for the HCJ meeting on 25 July 2019, which further was postponed by the motion.</p>
5	Lyudmyla Ivanivna STASOVSKA (no. 20554/11)	<p>On 7 February 2019 the CAC quashed the Parliament of Ukraine Resolution of 23 December 2010 regarding the applicant's dismissal from the post of judge.</p> <p>On 13 December 2018 Grand Chamber within the Supreme Court upheld the decision of the CAC dated 17 April 2018.</p> <p>On 12 March 2019, Grand Chamber within the Supreme Court initiated the appeal hearing. The applicant's case is still pending before the court.</p> <p>see http://reyestr.court.gov.ua/Review/79819097</p>	<p>The HCJ filed an appeal against the CAC decision of 27 February 2019.</p> <p>On 12 March 2019 Grand Chamber within the Supreme Court opened an appeal proceeding.</p>
6	Kyrylo Oleksandrovych KORMUSHYN (no. 68443/11)	<p>On 21 June 2018 Grand Chamber within the Supreme Court upheld the CAC decision dated 2 March 2018. The CAC quashed the Higher Council of Justice decision and the Parliament of Ukraine Resolution, and transferred the case to the HCJ for re-examination in order to find out the grounds for disciplinary liability of the applicant.</p> <p>see http://reyestr.court.gov.ua/Review/72608462</p>	<p>As of 31 July 2019 the applicant was not reinstatement in the post of judge of the district court and was not assigned to the staff list of this court after the Parliament of Ukraine resolution was quashed.</p> <p>For today, the case is pending under the consideration of a HCJ member.</p>

7	Liliya Anatoliyivna VASINA (no. 75790/11)	On 14 June 2018 Grand Chamber within the Supreme Court upheld the CAC decision of 1 March 2018. The CAC rejected the Higher Council of Justice decision on the motion to dismiss the applicant from the post of judge and the Higher Council of Justice decision of 3 November 2011. The CAC decision came into legal force. see http://reyestr.court.gov.ua/Review/72694347	For today, the case is pending under the consideration of a HCJ member.
8	Igor Ivanovych BARANENKO (no. 78241/11)	On 10 October 2018 the CAC refused the re-examination of the Higher Administrative Court decision of 13 November 2017 concerning the recognition of the parliamentary resolution for dismissal of the applicant as unlawful. The Supreme Court declared the parliamentary resolution as unlawful and rejected the applicant's claim for reinstatement.	By the Kyiv Administrative Court of Appeal Order of 20 May 2019 the applicant's dismissal from the staff list of this appeal court under the Order of 30 May 2011, was reversed. The HCJ decision of 16 April 2019 refused the applicant's dismissal from the post of judge in the Kyiv Administrative Court of Appeal on the basis of para. 3 Article 126.6 of the Constitution of Ukraine (http://www.vru.gov.ua/act/18114)
9	Igor Anatoliyovych BONDARENKO (no. 5678/12)	On 19 February 2018 the CAC rejected the parliamentary resolution on the applicant's dismissal from the post of judge as regards the "breach of oath" and transferred the case to the HCJ in order to found out the grounds for disciplinary liability. The applicant did not avail himself of the possibility to file an appeal against the CAC decision to the Grand Chamber within the Supreme Court. see http://reyestr.court.gov.ua/Review/72294011	As to the Supreme Court decision of 19 February 2018 and the president of court Order, the applicant began to perform his professional duties on the post of judge in the district court from 4 May 2018. For today, the case is pending under the consideration of a HCJ member. On 2 April 2019 the HCJ postponed consideration of the case.
10	Nina Dmytrivna BABYCH (no. 11775/12)	On 17 May 2018, the CAC found unlawful and quashed the Higher Council of Justice decision as regards dismissal of the applicant from the post of judge due to "breach of oath". On 1 November 2018, Grand Chamber within the Supreme Court transferred the case to the HCJ in order to find the existence of grounds for disciplinary liability of the applicant. see http://reyestr.court.gov.ua/Review/74258472	The Order of the president of court dated 11 December 2018 "On the reinstatement of Babych N.D." provides for as follows: (1) to reverse the order "On deduction of Babych N.D."; (2) to consider Babych N.D. as commenced the duties of a judge of a district court on 12 December 2018. For today, the case is pending under the consideration of a HCJ member.
11	Oleksandr Mykolayovych ROZDOBUDKO (no. 21546/12)	On 6 September 2018, the CAC declared unlawful and quashed the parliamentary resolution regarding the applicant's dismissal from the post of judge for "breach of oath". On 9 April 2019, the Grand Chamber within the Supreme Court upheld the CAC decision. On 7 June 2018 the Grand Chamber within the Supreme Court upheld the decision of 15 March 2018 and found the Higher Council of Justice decision regarding the applicant's dismissal as unlawful. see http://reyestr.court.gov.ua/Review/76397915	As of today, the case is pending under the consideration of a HCJ member.

12	Lidiya Volodymyrivna TOKAR (no. 54135/12)	On 22 March 2018, the CAC declared unlawful and quashed the parliamentary resolution regarding the applicant's dismissal on the ground of "breach of oath" and transferred the case to the HCJ. On 23 August, 2018, the CAC decision was upheld.	As of 31 July 2019 the applicant was not reinstated on the post of judge. The applicant's case is still pending before the HCJ.
13	Oleksandr Anatoliyovych SHKINDER (no. 65207/12)	On 13 February 2018 the CAC rejected the parliamentary resolution on dismissal of the applicant from the post of a judge for "breach of oath". On 2 October 2018 the Grand Chamber within the Supreme Court refused to open the appeal proceedings against the above decision under the HCJ's complaint due to its procedural shortcomings. see http://reyestr.court.gov.ua/Review/72290842	On 25 October 2018, the Kyiv Circuit Administrative Court found the district court order on the applicant's dismissal unlawful. Thus, the applicant was reinstated on the post of judge. As to the HCJ decision of 17 January 2019 the applicant was dismissed from the post of judge in accordance with para 3 Article 126.6 of the Constitution of Ukraine. (http://www.vru.gov.ua/act/17086). On the same date the applicant appealed against the HCJ decision to the Supreme Court.
14	Aleksandr Ivanovich VOLVENKO (no. 77810/12)	On 6 March 2018 the CAC declared unlawful and quashed the parliamentary resolution regarding the applicant's dismissal on the ground of "breach of oath". On 16 October 2018 Grand Chamber within the Supreme Court refused to open the appeal proceedings against the above decision under the HCJ's complaint due to its procedural shortcomings. see http://reyestr.court.gov.ua/Review/72693866	After the parliamentary resolution was declared as unlawful the applicant, Volvenko A.I., has not received the permanent status on the staff of the district court. As of today the applicant's case is pending under the consideration of a HCJ member.
15	Yuriy Oleksiyovych STREBKOV (no. 242/13)	On 19 March 2018 CAC quashed the Parliament of Ukraine resolution on dismissal of the applicant due to "breach of oath". On 5 October 2018 Grand Chamber within the Supreme Court refused to open the appeal proceedings under the HCJ's complaint due to the procedural shortcomings. see http://reyestr.court.gov.ua/Review/72965630	After the parliamentary resolution was declared as unlawful the applicant, Strebkov Yu.O., has not received the permanent status on the staff of the district court. As of today the applicant's case is pending under the consideration of a HCJ member.
16	Gennadiy Leonidovych NEMYNUSHCHIY (no.15073/13)	On 1 February 2018 the CAC declared unlawful and quashed the parliamentary resolution regarding the applicant's dismissal on the ground of "breach of oath". On 29 May 2018, Grand Chamber within the Supreme Court upheld the above decision.	By order of the presiding judge, the applicant commenced the duties of a judge of the town-district court since 13 September 2018. On 14 March 2019 the HCJ dismissed the applicant. (http://www.vru.gov.ua/act/17712). The applicant appealed against this HCJ's decisions to the Supreme Court.
17	Nataliya Grygorivna SEREDNYA (no. 57154/13)	On 28 March 2018 the CAC declared unlawful and rejected the Higher Council of Justice decision of 16 October 2012. On 22 November 2018 Grand Chamber within the Supreme Court upheld the above CAC decision. see: http://reyestr.court.gov.ua/Review/73108831	As of today, the case is pending under the consideration of a HCJ member.

18	Petro Olegovych KOVZEL (no.35336/11)	On 11 September 2017, the Supreme Court of Ukraine partially rejected the Higher Administrative Court of Ukraine decision of 27 January 2011 and ruling of 1 February 2011, and delivered the new one, which fully rejected the Higher Council of Justice decision of 7 June 2010 “On appealing to the President of Ukraine to dismiss Kovzel O.P. from the post of a judge of the Kyiv Circuit Administrative Court for “breach of oath”. The Presidential Decree of 18 June 2010 “On Dismissal of Judges” in terms of the applicant’s dismissal was declared unlawful.	By Order of the presiding judge of the Kyiv Circuit Administrative Court dated 19 March 2014, the applicant was reinstated on the post of judge since 3 March 2014. Further, the presiding judge under the Order of 20 December 2017 reinstated the applicant on the post of judge from 7 August 2010. At present time, the HCJ is examining a recommendation of the High Qualification Commission of Judges on the dismissal of a judge on the basis of subpara. 4 para. 16 ¹ Chapter XV “Transitional Provisions” of the Constitution of Ukraine.
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Therefore, in the case of *Kulykov and Others*, all dismissal proceedings in the applicants’ cases were reopened and the decisions on dismissal were re-examined by the Supreme Court or other competent body.

According to the results of the reopened proceedings in the applicants’ cases, the Supreme Court quashed the previous decisions regarding dismissal of judges from their posts in 16 cases, namely in 6 cases – the court quashed such decisions and transmitted the applicants’ cases for a new consideration to the HCJ in order to resolve the existence of grounds for disciplinary liability; the remaining 3 cases is still examined by the Supreme Court. As of today, 5 applicants were reinstated on the post of judges.

While assessing the HCJ practice it should be concluded that it provides for the unified approach to assessing the grounds and gravity of the disciplinary offences. The HCJ in its decisions puts to the ground the consequences of each examined offence, as well as to characteristics of the judge’s personality, analyzes if the violation of procedural law is of a systematic or isolated nature, and also the existence of previously disciplinary sanctions. The HCJ ensures that the institute of disciplinary liability of judges aimed at improving the quality and efficiency of justice and to create high standards of integrity.

II. As regards the dismissal of judges by the Parliament/President of Ukraine on 29 September 2016.

The Government of Ukraine have already informed that on 29 September 2016, 32 judges were dismissed from their posts by the Parliament/President of Ukraine. In this regard, please find the updated information on status of reopening proceedings in the table below.

No	Judge	Status of proceedings
1.	Bartashchuk Liudmyla Viktorivna	On 7 February 2019 Grand Chamber within the Supreme Court upheld the CAC decision of 14 May 2018. The CAC, <i>inter alia</i> , stated that the Higher Council of Justice acted within the powers and in lawful manner, in compliance with the principle of proportionality, and duly submitted a motion to the Parliament of Ukraine for dismissal of the applicant for “breach of oath”.
2.	Bets Oleksandr Vadymovych	On 14 March 2019 the Grand Chamber within the Supreme Court partly quashed the CAC decision of 11 October 2018 and stated that the decision of the Higher Council of Justice on filing petition to the Parliament of Ukraine for the applicant’s dismissal was delivered within the powers and in lawful manner, in compliance with the principle of proportionality. The other claims were upheld.
3.	Volkova Svitlana Yakivna	On 3 April 2018 CAC rejected the claim against the Higher Council of Justice decision concerning the applicant’s dismissal. On 5 December 2018 Grand Chamber within the Supreme

		Court denied the opening of appeal proceedings due to the procedural shortcomings.
4.	Hamanko Oleksandr Ivanovych	On 5 February 2019 Grand Chamber within the Supreme Court upheld the CAC decisions of 14 June 2018. The CAC stated that the applicant failed to provide for the evidences proving the breach of the proceeding while the Parliament of Ukraine adopted resolution related to the applicant's dismissal from the post of a judge (in particular, as regards either the proper notification about the Parliament of Ukraine meeting or consideration the issues on the applicant's dismissal without his presence).
5.	Demydovska Alla Ihorivna	At present time the case is pending before the CAC (appeal against the parliamentary resolution). As of April 2019 the proceeding was terminated as the previous decision of the Higher Administrative Court of 2017 quashed the parliamentary resolution on dismissal of the applicant from the post of a judge. The Higher Administrative Court decision was contested.
6.	Domaratska Alla Viktorivna	On 7 June 2017 the CAC quashed the parliamentary resolution of 29 September 2016 (the reasoning was based on existence of the procedural shortcomings, <i>i.e.</i> without the applicant's duly notification). On 20 June 2018 the CAC denied the re-examination of the Higher Administrative Court decision.
7.	Yefimova Olha Ivanivna	On 9 February 2018 Grand Chamber within the Supreme Court returned case to the CAC which regards reversal of the Higher Council of Justice decision (the reason – case cannot be considered by Grand Chamber within the Supreme Court). For today proceeding in the case is pending.
8.	Kalinichenko Olena Borysivna	On 22 April 2019 the CAC quashed parliamentary resolution of 29 September 2016.
9.	Koval Svitlana Mykolaivna	The case was not pending before the Supreme Court.
10.	Levchenko Anatolii Volodymyrovych	On 30 August 2018 Grand Chamber within the Supreme Court upheld the CAC decision of 3 April 2018. In particular, the Supreme Court noted: <i>“Grand Chamber within the Supreme Court agrees with the Higher Council of Justice conclusions [dated 3 December 2015 on filing petition to the Parliament of Ukraine as regards dismissal] concerning the fact that a judge Levchenko [the applicant] performed his duties not in a good faith while considering... cases, briefly, without proper additional evidences, brought persons to administrative responsibility that casts doubt on his objectivity, impartiality and independence. Such actions of Levchenko denigrate the title of a judge and indicate that he breached oath. ...</i> <i>The Supreme Court considers the Higher Council of Justice conclusion justified as to the violations of procedural law committed by the judge Levchenko, which are obvious and outrage, and also are incompatible with the status of a judge and undermine the authority of justice”.</i> The Higher Council of Justice decision was found to be legitimate, proportionate and justified.
11.	Lysenko Volodymyr Vasylyovych	On 1 November 2018 Grand Chamber within the Supreme Court upheld the CAC decision of 4 May 2018. The CAC denied the applicant's claim on quashing the Higher Council of Justice decision of 26 November 2015 on filing petition to the Parliament of Ukraine for dismissal the judge, as it was justified and lawful. The Supreme Court in its decision noted: <i>“The Grand Chamber within the Supreme Court considers that the nature of actions of a judge Lysenko [the applicant]... indicates to his bias,</i>

		<p><i>lack of objectivity, and therefore the qualification of his actions by the Higher Council of Justice is correct – the actions of a judge defame the judge's rank.</i></p> <p><i>The Higher Council of Justice did not interfere with the merits of delivered judicial decisions, but only examined the circumstances in which such decisions were taken, and found that the judge L. had committed gross misconduct.</i></p> <p><i>While rendering its decision the Higher Council of Justice operated within the powers, proportionately and reasonably”.</i></p>
12.	Makukha Andrii Anatoliiovych	On 4 April 2019 Grand Chamber within the Supreme Court upheld the CAC decision of 17 April 2018. The CAC in its decision stated that Higher Council of Justice operated within its power, in accordance with the law, impartially, in compliance with the principle of proportionality and filed petition for dismissal of a judge in a justified manner.
13.	Martsynkevych Vitalii Anatoliiovych	<p>On 18 October 2018 the Grand Chamber within the Supreme Court quashed the CAC decision of 18 June 2018 and denied the applicant’s appeal. Thus, the Supreme Court noted: “<i>The Grand Chamber within the Supreme Court considers that the nature of the judge M. actions while performing the justice indicates that he was biased and prejudiced, and therefore [the Higher Council of Justice] correctly qualified the judge's actions as denigrating the title of judge.</i></p> <p><i>[While delivering the judicial decision], the Higher Council of Justice did not interfere with the merits of the decisions, but only examined the circumstances under which such decisions were rendered and found the fact that the applicant had committed gross violation.</i></p> <p><i>The Higher Council of Justice operated within its powers in a proportionate and reasonable manner”.</i></p>
14.	Merkulova Tetiana Volodymyrivna	On 6 November 2018 Grand Chamber within the Supreme Court upheld the CAC decision of 10 May 2018 and rejected the parliamentary resolution of 29 September 2016. The CAC stated that the above resolution was adopted with procedural shortcomings.
15.	Myroshnychenko Stanislav Volodymyrovych	On 26 February 2019 Grand Chamber within the Supreme Court upheld the CAC decision of 7 May 2018. The CAC rejected the parliamentary resolution of 29 September 2016 as it was adopted with procedural shortcomings; also, on the same date the Higher Council of Justice decision on dismissal of the applicant had been already denied.
16.	Poida Serhii Mykolaiovych	<p>At the present time the case is pending before the CAC (appeal against the parliamentary resolution).</p> <p>As of April 2019 proceeding was suspended (till the decision on appeal against the Higher Council of Justice decision regarding filing petition to the Parliament of Ukraine on dismissal of a judge was entry into force).</p>
17.	Pryndyuk Mariia Vasylivna	<p>On 6 December 2018 Grand Chamber within the Supreme Court upheld the CAC decision of 10 April 2018.</p> <p>CAC in its decision stated that the Higher Council of Justice acted within its power, in accordance with the law, impartially, in compliance with the principle of proportionality and the motion for dismissal of judge was justified.</p>
18.	Proshuta Iryna Dmytrivna	<p>On 24 January 2019 Grand Chamber within the Supreme Court upheld the CAC decision of 24 April 2018.</p> <p>The CAC in its decision noted that the Higher Council of Justice operated within its power, in accordance with the law, impartially, in compliance with the principle of proportionality and the</p>

		motion for dismissal of judge was justified.
19.	Reva Serhii Viktorovych	On 13 November 2018 Grand Chamber within the Supreme Court upheld the CAC decision of 11 May 2018. The CAC quashed the parliamentary resolution on dismissal of a judge (the resolution was adopted with the procedural shortcomings).
20.	Riepina Lidiia Oleksandrivna	On 19 March 2019 Grand Chamber within the Supreme Court upheld the CAC decision of 14 June 2018 that rejected the applicant's claim. Thus, the CAC noted that the Parliament of Ukraine operated within the procedure prescribed by law and took all necessary measures in order to notify the applicant about the meeting; also the applicant has received citizenship of the foreign country in 2014 and obtained employment before the end of proceeding on her dismissal.
21.	Siromashenko Nataliia Volodymyrivna	The Grand Chamber within the Supreme Court scheduled the hearing on 30 May 2019 regarding the applicant's appeal against the Higher Council of Justice decision of 14 January 2016 on filing petition to the Parliament of Ukraine for her dismissal. The proceeding is still pending before the Supreme Court.
22.	Stepanenko Viktor Viktorovych	On 19 February 2018 the CAC quashed the parliamentary resolution of 29 September 2016 as it was adopted with procedural shortcomings.
23.	Tataurova Iryna Mykolaivna	On 10 January 2018 the CAC received the applicant's appeal against the parliamentary resolution on dismissal.
24.	Tatkov Viktor Ivanovych	On 30 November 2018 the CAC quashed the parliamentary resolution of 29 September 2016. On 4 June 2019 Grand Chamber within the Supreme Court upheld the above CAC decision.
25.	Khomenko Valentyna Hryhorivna	On 29 March 2019 the CAC upheld the Higher Administrative Court decision of 26 June 2017 that quashed the parliamentary resolution on dismissal the applicant from the post of a judge, as the latter was adopted with procedural shortcomings.
26.	Tsybra Nelia Valentynivna	On 4 May 2019 Grand Chamber within the Supreme Court upheld the CAC decision of 19 February 2019 which quashed the parliamentary resolution of 29 September 2016 on dismissal of a judge.
27.	Chala Alla Petrivna	On 14 June 2018 the CAC rejected the re-examination of the Higher Administrative Court decision of 27 March 2017 on quashing the parliamentary resolution on dismissal of a judge (the reason was that the resolution was taken with procedural shortcomings).
28.	Chornobuk Valerii Ivanovych	The Grand Chamber within the Supreme Court rejected in full the Higher Administrative Court decision of 16 November 2017, and delivered a new one. Thus, the Supreme Court quashed the parliamentary resolution of 29 September 2016 due to procedural shortcomings.
29.	Shvets Valerii Anatoliiovych	The case was not pending before the Supreme Court.

Therefore, according to the results of proceedings in all 27 cases, reopened under the appeals of judges that were dismissed on 29 September 2016, the Government would like to note that Grand Chamber within the Supreme Court upheld the Higher Council of Justice decisions in 11 cases; in 12 cases – quashed the parliamentary resolution of 29 September 2016 on dismissal of judges for “breach of oath”; the remaining cases are still pending and in addition, 2 judges did not filed their appeals against dismissal.

The Government of Ukraine would like to draw attention to the positive results of the judicial reform in terms of the distribution of competences between the newly established body (the HCJ) and the Supreme Court. This should be proved by the Supreme Court practice, its coherence and application of the European Court case-law. Moreover, the Council of Europe project “Supporting the Implementation of Judicial Reform in Ukraine” while assessing the results of judicial reform in the period from 2014 to 2018 stated that “Ukraine has managed to meet about 90% of the goals at the legislative level set out in the Judicial Reform Strategy, the Judiciary and Related Legal Institutions in 2015-2020. Ukraine approached the Council of Europe standards by establishment of the new process of judges’ selection, decisions on the careers of judges, their appointment, dismissal, and disciplinary matters”.