

By the Decision of the Public Council of International Experts dated January 4, 2019

Rules of Procedures of the Public Council of International Experts

Preamble

This Rules of Procedures establishes the norms of activity for the Public Council of International Experts (PCIE), which was created in accordance with the Law of Ukraine on the High Anti-Corruption Court (HACC) to support the High Qualification Commission of Judges of Ukraine (HQCJ) in the process of selecting judges for the HACC.

Part I. General Provisions Article

Article 1. Purpose of the Rules of Procedures

The Rules of Procedures implements the provisions of the Law on the HACC to ensure the effective operation of the Public Council of International Experts.

Article 2. Approval and Publication of the Rules of Procedures

The Rules of Procedures, approved by the PCIE, is published online and submitted to the HQCJ for posting on its official website. Changes to the Rules of Procedures are made by a majority vote of the PCIE members at the PCIE meeting.

Article 3. Principles and Concept of PCIE Activities

1. The PCIE adheres to the provisions of the Constitution of Ukraine and all relevant applicable laws of Ukraine.
2. In the course of its activities, PCIE members must constantly be fair, unbiased, and independent.

Article 4. Composition of the PCIE

The PCIE consists of six members, proposed and appointed to positions in accordance with the procedure defined by the Law on the HACC.

Article 5. Secretariat of the PCIE

1. The PCIE has a Secretariat, which provides support and assistance in implementing its activities. The PCIE approves decisions regarding the duties and tasks of the Secretariat.
2. The Secretariat assists the PCIE and its members in the process of collecting, verifying, and analyzing information regarding the compliance of judge candidates with the criteria of integrity and professional qualification as defined in Article 8(4) of the Law on the HACC.
3. The Secretariat must protect against unauthorized disclosure and other unlawful processing of personal data and confidential information related to judge candidates and those providing information to the PCIE.

Article 6. Leadership of the PCIE

The PCIE selects a Chair and a Vice-Chair from among its members.

Article 7. Protection of Personal Data

1. Personal data of judge candidates and other individuals are collected, stored, published, and processed in any other manner in accordance with the legislation on personal data of Ukraine.
2. Personal data of judge candidates collected during the PCIE's activities are kept by the PCIE until the candidate participates in the competition for positions in the HACC and no longer than three months after the HQCJ determines the results of the competition for HACC judges.

Part II. PCIE Session and Decision

Article 8. PCIE Session

1. Any member of PCIE can convene a session. Members can be present either in person or remotely using electronic means of communication. A quorum is considered present if at least three PCIE members are in attendance. Decisions of PCIE can be made by a majority of those present at the meeting, with the condition that at least three members of PCIE support the decision.
2. The Chair of PCIE or, in their absence, the Deputy Chair, ensures the implementation of this Rules of Procedures. They may sign meeting protocols and letters sent on behalf of PCIE, and if necessary, represent PCIE in HQCJ, the State Judicial Administration, the International Assistance Committee, and other organizations.
3. Meeting protocols of PCIE are transmitted by the Secretariat of PCIE to its members and HQCJ.

Part III. Information Provision and Analysis by PCIE

Article 9. Information Available to PCIE

PCIE must have the ability to use sources of information that are available for collecting information about candidates for judicial positions and must take all reasonable measures to establish the credibility and conformity of such sources.

1. PCIE may send a written request to judicial candidates asking for explanations in written form, as well as other information related to the questions arising in PCIE. Responses provided by judicial candidates in response to such requests are considered by PCIE as an additional source of information.

Part IV. PCIE and Special Joint Meeting (SJM) of PCIE and HQCJ

Article 10.

1. A member of PCIE may refer a candidate for a judicial position for consideration during a PCIE meeting to discuss their compliance with the criteria defined in Part 4 of Article 8 of the

Law on HACC. In the event that a member of PCIE makes such a referral, they prepare an Informational Note regarding such a candidate.

2. Compliance of each candidate for a judicial position with the criteria defined in Part 4 of Article 8 of the Law on HACC is discussed at a PCIE meeting.
3. A PCIE meeting regarding an individual candidate begins with the presentation of the Informational Note about such a candidate by the member of PCIE who prepared it. After that, a discussion of such a candidate takes place, followed by a vote.
4. If at least three members of PCIE agree that there is a question regarding the compliance of any candidate for a judicial position with the defined criteria, PCIE may convene an SJM to consider the candidate's compliance. In such a case, the presentation of the Informational Note and the voting will be both broadcast in real-time on the PCIE website and recorded.
5. The Secretariat of PCIE must inform HQCJ of the decision of PCIE to convene an SJM and send to HQCJ the minutes of the PCIE meeting where the decision to convene an SJM was made, along with the Informational Note about the candidate for a judicial position whose compliance with the defined criteria will be considered at the SJM.
6. In the event that, after a PCIE meeting where the decision to convene an SJM regarding a specific candidate for a judicial position was made, but before holding such an SJM, at least three members of PCIE decide that the compliance of the candidate with the defined criteria no longer requires consideration at the SJM, PCIE must immediately inform HQCJ of such a decision.