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ETHICS COUNCIL

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Kyiv

DECISION

No. 27

***On non-compliance of candidate
for the position of the member of
the High Council of Justice L. M. Moskvych
with the professional ethics and integrity criteria
for filling in the position of the member
of the High Council of Justice***

The Ethics Council consisting of Chair of the Ethics Council Lev Kyshakevych (remotely by videoconference), Deputy Chair of the Ethics Council Sir Anthony Hooper (remotely by videoconference), members of the Ethics Council: Yurii Triasun (remotely by videoconference), Volodymyr Siverin (remotely by videoconference), Robert Cordy (remotely by videoconference), Lavly Perling (remotely by videoconference), having conducted evaluation of compliance of candidate for the position of the member of the High Council of Justice Lidiia Mykolaiivna Moskvych with the criteria of professional ethics and integrity, according to the Law of Ukraine “On the High Council of Justice”, the Rules of Procedure of the Ethics Council adopted by Decision No. 1 of the Ethics Council as of December 1, 2021 and Decision No. 4 as of December 9, 2021, as amended pursuant to Decision No.4 of the Ethics Council as of April 26, 2022, Methodology for assessing compliance of the candidate to the position of the member of the High Council of Justice and sitting members of the High Council of Justice with the

criterion of professional ethics and integrity adopted by Decision No.5 of the Ethics Council as of December 9 (hereinafter referred to as the Methodology),

has established:

According to Article 9-1(14) of the Law of Ukraine "On the High Council of Justice", the Ethics Council shall carry out selection of candidates for the position of the member of the High Council of Justice in two stages:

- 1) selection of candidates pursuant to results of consideration of documents submitted by candidates, the results of a special check and respective information from open sources, and formation of the list of candidates admitted to the interview;
- 2) conduct of interviews with selected candidates and determination of the list of candidates recommended to bodies which elect (appoint) members of the High Council of Justice.

The Ethics Council received copies of documents submitted by Lidiia Mykolaiivna Moskvych for participation in the competition for the position of the member of the High Council of Justice the Congress of Representatives of Law Universities and Research Institutions.

Candidate Moskvych L.M. was admitted to the interview for the position of the member of the High Council of Justice pursuant to the decision of the Ethics Council as of 21 December 2021.

Having studied documents provided by L. M. Moskvych upon the Ethics Council's request, her written explanations, information obtained from open sources and from public organizations, information received from the National Agency on Corruption Prevention and National Anti-Corruption Bureau of Ukraine, as well as the results of the interview with L.M. Moskvych., the Ethics Council has established the following.

According to the paragraph 1.3 of the Methodology, indicators for the criterion of professional ethics and integrity are independence, honesty, impartiality, incorruptibility, diligence, compliance with ethics norms and impeccable behavior in professional activities and personal life, as well as absence of doubts regarding

legality of the sources of origin of property, conformity of the candidate's level of life or that of his family members with declared incomes, conformity of the candidate's lifestyle to his status.

L. M. Moskvych is a member of the Scientific Advisory Council at the Supreme Court (hereinafter referred to as the SAC).

The President of the Cassation Administrative Court within the Supreme Court sent Letter No. 51/0/27-21 as of 6 May 2021 while considering case No. 440/2682/20 to the SAC with a request to provide expert opinion regarding correct application of provisions of the Law of Ukraine "On the Prosecution Service", No. 1697-VII, and Law of Ukraine "On Introducing Amendments into Some Legislative Bills of Ukraine Regarding Priority Measures on Reform of Prosecution Bodies", No. 113-IX. It was necessary to address issues raised in the letter, in particular, in order to establish lawfulness of dismissal of prosecutors who failed to pass attestation set out by Law No. 113-IX.

In response to Letter No. 51/0/27-21 L. M. Moskvych drafted "Scientific Advisory Opinion Regarding Separate Issues Relating to Dismissal of Prosecutors from Positions (Letter No. 7 to members of the SAC at the SC (failure to pass attestation and dismissal of prosecutors)" which was sent to the Cassation Administrative Court within the Supreme Court on 20 May 2021 (incoming reference number 309/0/26-21 as of 21.06.2021). In response to the Ethics Council's request to provide copies of this opinion, the candidate replied that she could not provide it as she did not have the copy of the opinion at her disposal.

While studying materials regarding the candidate, the Ethics Council found out that there was sent "Scholarly Opinion of Specialists of the Academician Stashys Scientific Research Institute for the Study of Crime Problems of the National Academy of Legal Sciences of Ukraine Regarding Separate Issues Relating to Dismissal of Prosecutors Raised in the Request of the President of the Cassation Administrative Court within the Supreme Court" to the Cassation Administrative Court within the Supreme Court on 21 May 2021 in response to letter No. 51/0/27-21, which had been prepared by senior research fellow of the criminal process and judiciary research department of the Academician Stashys Scientific Research

Institute for the Study of Crime Problems of the National Academy of Legal Sciences of Ukraine, candidate of legal sciences, associate professor Serhii Vasylovych Podkopaiev (incoming reference number 312/1/26-21 as of 25.05.2021).

When comparing the opinions prepared by L.M. Moskvych and S.V. Podkopaiev, the Ethics Council found an extremely high degree of similarity (almost identical) in their texts (see Annex 1 to this Decision). During the interview L.M. Moskvych said that they prepared both opinions together based on her opinion for the Constitutional Court of Ukraine, but she had not seen the final text of the opinion prepared by S.V. Podkopaiev. At the same time in her response to the Ethics Council's written questions, the candidate reported that the practice of organization of work of the SAC does not involve familiarization of the SAC members with opinions of other researchers. Therefore, she does not have opinions of other SAC members.

When asked why the opinion prepared by her and the opinion prepared by S.V. Podkopaiev were almost identical, the candidate said that she had received a request for an opinion from two parties at the same time. However, since she could not prepare two different opinions on the same matter, she sent the same opinion to both parties. The Ethics Council does not accept such statement as they do not explain why the candidate is indicated as the author in one instance, while in another instance the author is S. V. Podkopaiev. If it was the same opinion drafted by L. M. Moskvych, she should have been indicated as the author in both instances regardless of the party to which such opinion was submitted. Likewise, if Podkopaiev S.V. participated in drafting the opinion, signed by Moskvych L.M., he had to be indicated as an author of the opinion.

According to paragraph 12 of Part 1 of Article 1 of the Law of Ukraine "On Scientific and Scientific-Technical Activities" scientific activity is an intellectual creative activity aimed at acquiring new knowledge and (or) the search for ways of their application, the main types of which are basic and applied scientific research.

While exercising the powers of a member of the SAC in preparation of the scientific opinion L.M. Moskvych, in fact, carried out scientific activity according

to the Law of Ukraine "On Scientific and Scientific-Technical Activities", because she carried out intellectual creative activity aimed at acquiring new knowledge, which resulted in the preparation of the mentioned opinion. At the same time the candidate indicated her scientific degree (Doctor of Law) and academic rank (Professor) in the opinion itself, which also confirms her status during its preparation. Accordingly, the candidate prepared the scientific opinion as a result of carrying out scientific activity, therefore, she is subject to legislative requirements for scientific activity, in particular, for academic integrity.

According to Part 1 of Article 42 of the Law of Ukraine "On Education", academic integrity is a set of ethical principles and rules defined by law, which guide educational process stakeholders over the course of their training, teaching and scientific (creative) activities in order to ensure the credibility of learning outcomes and / or scientific (creative) achievements. Part 2 of this Article stipulates that observance of academic integrity by pedagogical, scientific-pedagogical and scientific workers shall include: links to sources of information in the case of the use of ideas, developments, statements, information; compliance with the law on copyright and related rights; providing reliable information about research methods and results, sources of information used and own pedagogical (scientific-pedagogical, creative) activities; control over the observance of academic integrity by students; objective assessment of learning outcomes. Paragraph Seven of Part Four of this Article states that a violation of academic integrity is deception - providing knowingly false information about one's own educational (scientific, creative) activities or the organization of the educational process; forms of deception are, in particular, academic plagiarism, self-plagiarism, fabrication, falsification and cheating.

Since during the interview, the candidate said that she had prepared the scientific opinion together with another researcher, the result of their scientific activity is joint, which is also confirmed by the extremely high degree of similarity of the texts of the scientific opinions prepared by L.M. Moskvych and S.V. Podkopaiev and sent to Cassation Administrative Court within the Supreme Court (see Annex 1). By not indicating the co-author of the scientific opinion she provided,

L.M. Moskvych hid that this scientific opinion is a result of their joint scientific activity, which should be indicated in the opinion itself. In this regard, the Ethics Council has grounds to believe that the scientific opinion sent by the candidate in response to the letter of the President of the Cassation Administrative Court within the Supreme Court No. 51/0/27-21 as of 06.05.2021 contains signs of deception in terms of the Law of Ukraine "On Education" in the part indicating researchers who participated in the preparation of this opinion.

According to paragraph 1.3.2. of the Methodology, honesty is the presence of high moral qualities, truthfulness in professional activity and everyday life. Paragraph 1.3.4.1. of the Methodology states that a candidate fails to comply with the criteria of honesty, in particular, if there are reasonable doubts that such candidate, while in present or any past professional capacity has acted in line with requirements of the legislation, professional ethical rules (academic integrity requirements), other ethical norms regarding honesty.

Considering the above, the Ethics Council had reasonable doubts regarding the compliance of L.M. Moskvych with such a criterion of professional ethics and integrity as honesty (para. 1.3.4.1. of the Methodology) due to the failure to indicate the co-author of the scientific opinion sent by the candidate in response to the letter No. 51/0/27-21 as of 06.05.2021 sent by the President of the Cassation Administrative Court within the Supreme Court.

Based on information from open sources, L. M. Moskvych was research consultant of S. V. Podkopaiev while he was drafting his thesis paper to obtain the scholarly degree of PhD in Law. During the interview L. M. Moskvych claimed that S. V. Podkopaiev was her student.

According to information from the Unified State Register of Court Decisions, in January of 2020 S. V. Podkopaiev filed a claim with Circuit Administrative Court of Kyiv in which he asked, in particular, to recognize as unlawful and overturn the Prosecutor General's order as of 21.12.2019 on his dismissal due to failure to pass attestation (court case No. 540/1504/20). Respectively, S. V. Podkopaiev was directly involved into legal relations, with respect to which issues were raised in letter No. 51/0/27-21, as well as having a dispute concerning such issues pending in

the administrative court. As of the date on which the Cassation Administrative Court received the scholarly opinion drafted by S. V. Podkopaiev, case No. 540/1504/20 was considered by the Sixth Administrative Court of Appeal, while the decision of Circuit Administrative Court of Kyiv as of 19.02.2021 had not come into force by then. Since 30.08.2021 this case was considered by the Cassation Administrative Court within the Supreme Court.

As pursuant to Article 242 (5) of the Code of Administrative Proceedings of Ukraine the court shall take into consideration opinions regarding application of provisions of the legislation given in the Supreme Court's rulings while selecting and applying provisions of the law to disputed legal relations. Accordingly, when considering the case No. 640/1504/20 the Administrative Court is obliged to consider the opinion regarding application of provisions of the legislation made by the Cassation Administrative Court within the Supreme Court in the case No. 440/2682/20. Thus, if the Cassation Administrative Court had recognized dismissal of prosecutors based on failure to pass attestation as unlawful within case No. 440/2682/20, S. V. Podkopaiev would have had an opportunity to strengthen his legal position (as claimant) in the process of consideration of case No. 640/1504/20. Therefore, S.V. Podkopaiev could have a private interest in the results of consideration of case No. 440/2682/20.

During the interview in response to the question whether the candidate knew as of the moment of drafting the opinion that S. V. Podkopaiev had been dismissed from the prosecutor's office due to failure to pass attestation and that he could have been interested in results of consideration of case No. 440/2682/20, L. M. Moskvych informed that this case was not directly related to S. V. Podkopaiev, as of the moment of the opinion drafting he had been reinstated as the position of the prosecutor, the opinion was of purely advisory nature, the opinion provided only scholarly and objective evaluation of provisions of the law and that the candidate distinguished between professional activities and personal life. At the same time, when answering the clarifying question whether S.V. Podkopaiev was indeed reinstated at the time of drafting the opinion, the candidate replied that she was not

sure. According to the information available to the Ethics Council, S.V. Podkopaiev was not reinstated as a prosecutor at the time of preparation of the scientific opinion.

The Ethics Council considers such response to be unconvincing. Since admitting that she knew that S.V. Podkopaiev had been dismissed from the prosecutor's office due to failure to pass certification, the candidate, as a specialist in the sphere of law and a member of the SAC within the Supreme Court, should be aware of the importance of the conclusions of the Supreme Court regarding the application of provisions of the legislation. Since case number 440/2682/20 concerned the legality of the dismissal of the prosecutor due to failure to pass certification, the similarity of legal relations, over which S.V. Podkopaiev's dispute arose in case No. 640/1504/20, is obvious. A different claimant in the cases does not hinder taking into account the conclusion on the application of the provisions of the legislation of one case in the other one. The Ethics Council also does not accept the candidate's claim that the scientific opinion provides only a scientific and objective assessment of the provisions of the legislation and that she separates professional activity and personal life, as they are not relevant to the issue.

Hence, the candidate refused to acknowledge that S. V. Podkopaiev, with whom, according to the candidate, they prepared the text of the scientific opinion together, could have private interest in drafting the scholarly opinion for case No. 440/2682/20. The Ethics Council considers that the candidate's response regarding possible private interest of a person with whom she has close professional ties is indicative of her attitude toward the conflict of interest and the prevalence of personal ties over the rules of professional ethics.

According to paragraph 1.3.3. of the Methodology, impartiality shall mean absence of negative or positive subjective opinion, attitude towards someone or something which have been formed in advance, ability to take impartial, fair, objective decisions regardless of any sympathies, antipathies, public opinion. Paragraph 1.3.4.1. of the Methodology states that a candidate fails to comply with the indicator of impartiality in the case when there is reasonable doubt that such candidate, in the present or any past professional capacity has acted in line with the

requirements of the legislation, professional ethical rules (academic integrity requirements), other ethical standards regarding impartiality.

According to paragraph 1.4. of the Methodology, when determining compliance with the criterion of professional ethics and integrity, the Ethics Council shall take into consideration gravity of any ethics and integrity violation. The Ethics Council considers that the present case contains sufficient grounds to assert the existence of a violation of ethics, since the Supreme Court's opinion on unlawfulness of dismissal of prosecutors due to failure to pass the certification, made in case no. 440/2682/20, could have influenced the administrative court's decision in case no. No. 640/1504/20, which was in the private interest of the person with whom the candidate was in a professional relationship and together with whom she prepared the text of the scientific opinion. The Ethics Council considers that this is a reason for not indicating Podkopaiev S.V. as an author in the opinion submitted and signed by Moskvych L.M. to the Cassation Administrative Court within the Supreme Court.

Thus, the Ethics Council has reasonable doubts regarding the compliance of L.M. Moskvych with such a criterion of professional ethics and integrity as impartiality (paragraph 1.3.4.1. of the Methodology).

Thus, being governed by Rules 2.3, 3.1, 3.15.1, 3.2 of the Ethics Council's Rules of Procedure, Methodology for assessing compliance of a candidate to the position of the member of the High Council of Justice and members of the High Council of Justice with the criterion of professional ethics and integrity, Article 9¹ of the Law of Ukraine "High Council of Justice", Final and Transitional Provisions of the Law of Ukraine "On Introducing Amendments into Some Legislative Bills of Ukraine Regarding the Procedure of Election (Appointment) to Positions of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice", the Ethics Council

has decided:

to recognize candidate for the position of the member of the High Council of Justice Lidiia Mykolaiivna Moskvych as non-compliant with the professional ethics

and integrity criteria for filling in the position of the member of the High Council of Justice.

Chair

(signed)

Lev Kyshakevych

Annex 1

to the Decision on the non-compliance of a candidate for the position of a member of the High Council of Justice

L.M. Moskvych with the criteria of professional ethics and integrity for filling in the position of a member

of the High Council of Justice

Comparative table of scientific opinions drafted by L.M. Moskvych and S.V. Podkopaiev in response to the letter No. 51/0/27-21 as of 06.05.2021 of the President of the Cassation Administrative Court within the Supreme Court

Identical text is highlighted in yellow.

Advisory Opinion Regarding Separate Issues Relating to Dismissal from Positions of Prosecutors (Letter No. 7 to Members of the Scientific Advisory Council at the Supreme Court (failure to pass attestation and dismissal of prosecutors)	SCIENTIFIC OPINION of specialists of the Academician Stashis Scientific Research Institute for the Study of Crime Problems of the National Academy of Legal Sciences of Ukraine on certain issues of dismissal from the positions of prosecutors raised in the appeal of the President of the Cassation Administrative Court within the Supreme Court
In the letter of appeal from the President of the Cassation Administrative Court within the Supreme Court to the members of the Scientific Advisory Council (SAC) regarding problematic issues which emerged in the process of considering an administrative case (regarding failure to pass	The Academician Stashis Scientific Research Institute for the Study of Crime Problems has received a letter No.448 as of 11.05.2021 (incoming email No.383 as of 11.05.2021) from the President of the National Academy of Legal Sciences of Ukraine O.V. Petryshyn with an

attestation and dismissal of prosecutors based on Law No. 113-IX).	instruction to prepare a scientific opinion on the issues raised in the appeal of the President of the Cassation Administrative Court within the Supreme Court.
Having looked through the raised questions, I may express the following opinion: The appeal received for processing contains the following questions:	<p>Having looked through the content of the appeal, we can note that it contains the following questions:</p> <p>1) Do provisions of Law No. 113-IX envision (ensure, implement) implementation of the reform of the system of prosecutorial bodies with respective legal consequences? In which manner and in which forms is implementation of this reform set out by this Law?</p> <p>2) Which type of organizational and legal changes (liquidation, reorganization, change of name) do changes occurring in the system of prosecutorial bodies of Ukraine based on Law No. 113-IX belong to?</p> <p>3) How are Law No. 1697-VII and Law No. 113-IX correlated in terms of special general legislation?</p> <p>4) Which causal link is there between legal facts given in para. 9 of Article 51(1) of Law No. 1697-VII and legal facts set out by clause 19 of Section II “Final and Transitional Provisions” of Law No. 113-IX?</p> <p>5) Can provisions of Section II “Final and Transitional Provisions” of Law No. 113-IX be considered as a constituent element of the procedure of appointment to the position and dismissal from the position for prosecutors of regional and circuit prosecutor’s offices in the understanding of Law No. 1697-VII?</p> <p>Having looked through ourselves with the above-mentioned normative legal acts and draft documentation, the following can be noted.</p>
<p><i>Question 1. Do provisions of Law No. 113-IX envision (ensure, implement) implementation of the reform of the system of prosecutorial bodies with respective legal consequences? In which manner and in which forms is implementation of this reform set out by this Law?</i></p>	<p><i>1. Do provisions of Law No. 113-IX envision (ensure, implement) implementation of the reform of the system of prosecutorial bodies with respective legal consequences? In which manner and in which forms is implementation of this reform set out by this Law?</i></p>
Provisions of Law No. 113-IX, as mentioned in cl. 2 of the Explanatory Note to its draft, are aimed at implementing priority and, in many respects, temporary measures related primarily to the personnel renewal of prosecutorial bodies by means of carrying out attestation of current prosecutors, as well as providing an opportunity to all candidates with integrity and with proper theoretical knowledge and practical skills to fill in the position of a prosecutor in any prosecutorial body as a result of competitive selection. In this respect, they envision not the reform of the system of prosecutorial bodies of Ukraine, but rather “evaluation of current prosecutor’s compliance with the criteria of professional competence, integrity, and professional ethics” (cl. 1 of the	Provisions of Law No. 113-IX, as mentioned in cl. 2 of the Explanatory Note to its draft, are aimed at implementing priority and, in many respects, temporary measures related primarily to the personnel renewal of prosecutorial bodies by means of carrying out attestation of current prosecutors, as well as providing an opportunity to all candidates with integrity and with proper theoretical knowledge and practical skills to fill in the position of a prosecutor in any prosecutorial body as a result of competitive selection. In this respect, they envision not the reform of the system of prosecutorial bodies of Ukraine, but rather “evaluation of current prosecutor’s compliance with the criteria of professional competence, integrity, and professional ethics” (cl. 1 of the

<p>Explanatory Note). Hence, in its authors' opinion, they should create conditions for further reforming (cl. 1 of the Explanatory Note); as well as "prerequisites for building a prosecution service system, activities of which are based on principles of efficiency, professionalism, independence, and responsibility" (cl. 2 of the Explanatory Note).</p>	<p>Explanatory Note). Hence, in its authors' opinion, they should create conditions for further reforming (cl. 1 of the Explanatory Note); as well as "prerequisites for building a prosecution service system, activities of which are based on principles of efficiency, professionalism, independence, and responsibility" (cl. 2 of the Explanatory Note).</p>
<p>Therefore, based on these positions, without touching upon pure semantics of the notion of reform as a set of changes, in my opinion, Law No. 113-IX is not about the reform, but rather about the personnel renewal of prosecutorial bodies as the system of prosecutorial bodies, their tasks and functions have not been covered by this law. And, as properly indicated in the explanatory note, this is a foundation, prerequisite for a real reform of the prosecution service. One could delve into the academic doctrine of the reform, but is it really necessary in an administrative case? The Cassation Administrative Court has an open proceeding on these issues, but it is currently not known how quickly a decision may be expected.</p> <p>Hence, in my opinion, there has been no reform, there has been personnel renewal in prosecutorial bodies, implementation of which takes place in the <i>form of attestation</i> that is a procedure of evaluating professional competence, professional ethics and integrity of prosecutors of the Prosecutor General's Office of Ukraine, regional prosecutor's offices, local prosecutor's offices, and military prosecutor's offices stipulated by Section II "Final and Transitional Provisions" of Law No. 113-IX and the Procedure according to cl. 1 of the Procedure of Prosecutors Undergoing Attestation adopted by Order No. 221 of the Prosecutor General as of 3 October 2019.</p>	<p>The implementation of the "personnel renewal" is carried out in the form of attestation, which is a procedure of evaluating professional competence, professional ethics and integrity of prosecutors of the Prosecutor General's Office of Ukraine, regional prosecutor's offices, local prosecutor's offices, and military prosecutor's offices stipulated by Section II "Final and Transitional Provisions" of Law No. 113-IX and the Procedure according to cl. 1 of the Procedure of Prosecutors Undergoing Attestation adopted by Order No. 221 of the Prosecutor General as of 3 October 2019.</p>
<p>According to cl. 13 of Section II of Law No. 113-IX, attestation of prosecutors includes the following stages:</p> <p>1) exam in the form of anonymous written testing or in the form of anonymous testing with the use of computers in order to identify the level of knowledge and skills in applying laws, compliance for fulfillment of prosecutor's authorities. Results of anonymous testing are published by the personnel commission at the official website of the Prosecutor General's Office or Office of the Prosecutor General not later than within 24 hours before the interview;</p> <p>2) interview in order to reveal the prosecutor's compliance with requirements relating to professional competence, professional ethics, and integrity. Prosecutors shall perform a written practical assignment with a view to evaluating their level of practical skills and abilities. Attestation may include other stages, failure to pass which may be a ground for the personnel commission adopting a decision on the prosecutor's failure to pass attestation. The list of such stages is determined in</p>	<p>According to cl. 13 of Section II of Law No. 113-IX, attestation of prosecutors includes the following stages:</p> <p>1) exam in the form of anonymous written testing or in the form of anonymous testing with the use of computers in order to identify the level of knowledge and skills in applying laws, compliance for fulfillment of prosecutor's authorities. Results of anonymous testing are published by the personnel commission at the official website of the Prosecutor General's Office or Office of the Prosecutor General not later than within 24 hours before the interview;</p> <p>2) interview in order to reveal the prosecutor's compliance with requirements relating to professional competence, professional ethics, and integrity. Prosecutors shall perform a written practical assignment with a view to evaluating their level of practical skills and abilities. Attestation may include other stages, failure to pass which may be a ground for the personnel commission adopting a decision on the prosecutor's failure to pass attestation. The list of such stages is determined in</p>

<p>the Procedure of Prosecutors Undergoing Attestation adopted by the Prosecutor General.</p> <p>According to cl. 6 of the Procedure of Prosecutors Undergoing Attestation adopted by Order No. 221 of the Prosecutor General as of 3 October 2019, attestation includes the following stages: 1) exam in the form of anonymous testing with the use of computers in order to identify the level of knowledge and skills in applying the law, compliance for fulfillment of the prosecutor's authorities; 2) exam in the form of anonymous testing for general abilities and skills with the use of computers; 3) interview in order to identify the prosecutor's compliance with requirements relating to professional competence, professional ethics, and integrity. Prosecutors shall perform a written practical assignment with a view to evaluating their level of practical skills and abilities.</p>	<p>the Procedure of Prosecutors Undergoing Attestation adopted by the Prosecutor General.</p> <p>According to cl. 6 of the Procedure of Prosecutors Undergoing Attestation adopted by Order No. 221 of the Prosecutor General as of 3 October 2019, attestation includes the following stages: 1) exam in the form of anonymous testing with the use of computers in order to identify the level of knowledge and skills in applying the law, compliance for fulfillment of the prosecutor's authorities; 2) exam in the form of anonymous testing for general abilities and skills with the use of computers; 3) interview in order to identify the prosecutor's compliance with requirements relating to professional competence, professional ethics, and integrity. Prosecutors shall perform a written practical assignment with a view to evaluating their level of practical skills and abilities</p>
<p>Question 2. Which type of organizational and legal changes (liquidation, reorganization, change of name) do changes occurring in the system of prosecutorial bodies of Ukraine based on Law No. 113-IX belong to?</p>	<p>2. Which type of organizational and legal changes (liquidation, reorganization, change of name) do changes occurring in the system of prosecutorial bodies of Ukraine based on Law No. 113-IX belong to?</p>
<p>According to cl. 3 of the Explanatory Note to the draft Law of Ukraine "On Introducing Amendments into Some Legislative Acts of Ukraine Regarding Priority Measures on Reform of Prosecutorial Bodies", the draft law "introduces amendments into the Law of Ukraine "On the Prosecutor's Office", as well as to a range of other Laws related mostly to the need to change titles of prosecutorial bodies". Clause 21 of Section I of Law No. 113-IX sets out a substitution of words in Law No. 1697-VII, namely, words "Prosecutor General's Office of Ukraine" (in all cases) are substituted with words "Office of the Prosecutor General" (in all cases), while word "regional" (<i>in the meaning of territorial</i>) is substituted with "regional" (<i>in the meaning of oblast</i>); "local" is substituted with "circuit". At the same time, Article 10(4), Article 12(1) of Law No. 1697-VII are suggested to be given in the version which envisions the Prosecutor General ensuring creation, determination of the list, territorial jurisdiction, reorganization and liquidation, determination of competence of regional and circuit prosecutor's offices. According to clause 4 of Section II of Law No. 113-IX, the date on which the Office of the Prosecutor General, regional prosecutor's offices, circuit prosecutors' offices start working is determined by decisions of the Prosecutor General.</p> <p>Order No. 351 of the Prosecutor General as of 23 December 2019 determines 2 January 2020 as the</p>	<p>According to cl. 3 of the Explanatory Note to the draft Law of Ukraine "On Introducing Amendments into Some Legislative Acts of Ukraine Regarding Priority Measures on Reform of Prosecutorial Bodies", the draft law "introduces amendments into the Law of Ukraine "On the Prosecutor's Office", as well as to a range of other Laws related mostly to the need to change titles of prosecutorial bodies". Clause 21 of Section I of Law No. 113-IX sets out a substitution of words in Law No. 1697-VII, namely, words "Prosecutor General's Office of Ukraine" (in all cases) are substituted with words "Office of the Prosecutor General" (in all cases), while word "regional" (<i>in the meaning of territorial</i>) is substituted with "regional" (<i>in the meaning of oblast</i>); "local" is substituted with "circuit". At the same time, Article 10(4), Article 12(1) of Law No. 1697-VII are suggested to be given in the version which envisions the Prosecutor General ensuring creation, determination of the list, territorial jurisdiction, reorganization and liquidation, determination of competence of regional and circuit prosecutor's offices. According to clause 4 of Section II of Law No. 113-IX, the date on which the Office of the Prosecutor General, regional prosecutor's offices, circuit prosecutors' offices start working is determined by decisions of the Prosecutor General.</p> <p>Order No. 351 of the Prosecutor General as of 23 December 2019 determines 2 January 2020 as the</p>

<p>date on which the Office of the Prosecutor General starts working. At the same time, Order No. 358 of the Prosecutor General as of 27 December 2019 “On Separate Issues Relating to Support of the Start of Work of the Office of the Prosecutor General” renames legal entity “Prosecutor General’s Office of Ukraine” into “Office of the Prosecutor General” without a change of the identification code of the legal entity in the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations (cl. 1).</p>	<p>date on which the Office of the Prosecutor General starts working. At the same time, Order No. 358 of the Prosecutor General as of 27 December 2019 “On Separate Issues Relating to Support of the Start of Work of the Office of the Prosecutor General” renames legal entity “Prosecutor General’s Office of Ukraine” into “Office of the Prosecutor General” without a change of the identification code of the legal entity in the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations (cl. 1).</p>
<p>Authorized structural units of the Prosecutor General’s Office of Ukraine are obliged “to inform a body responsible for state registration about a decision to change the name within three days of this order coming into effect by means providing documents required to enter respective changes into the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations following the procedure established by the law” (cl. 2). As evident from the Excerpt from the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations, public law legal entity “Prosecutor General’s Office of Ukraine” (EDRPOU code 00034051) changed its full and shortened name to “Office of the Prosecutor General” (EDRPOU code 00034051) as a result of state registration of changes to the legal entity’s statutory documents on 28 December 2019.</p>	<p>Authorized structural units of the Prosecutor General’s Office of Ukraine are obliged “to inform a body responsible for state registration about a decision to change the name within three days of this order coming into effect by means providing documents required to enter respective changes into the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations following the procedure established by the law” (cl. 2). As evident from the Excerpt from the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations, public law legal entity “Prosecutor General’s Office of Ukraine” (EDRPOU code 00034051) changed its full and shortened name to “Office of the Prosecutor General” (EDRPOU code 00034051) as a result of state registration of changes to the legal entity’s statutory documents on 28 December 2019.</p>
<p>Order No. 410 of the Prosecutor General as of 3 September 2020 “On Separate Issues Relating to Support of the Start of Work of Regional Prosecutor’s Offices” renamed prosecutor’s offices of regions into regional prosecutor’s offices “without a change in identification codes of legal entities in the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Association” (cl. 1).</p>	<p>Order No. 410 of the Prosecutor General as of 3 September 2020 “On Separate Issues Relating to Support of the Start of Work of Regional Prosecutor’s Offices” renamed prosecutor’s offices of regions into regional prosecutor’s offices “without a change in identification codes of legal entities in the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Association” (cl. 1).</p>
<p>At the same time, heads of regional prosecutor’s offices, prosecutor’s offices of the Autonomous Republic of Crimea and Sevastopol, Kyiv city prosecutor’s office are obliged to inform a body responsible for state registration within five working days of this order coming into effect about a decision to change the name by means of providing documents required to enter respective changes into the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations following the procedure established by the law and perform other measures set out by the law related to the renaming of regional prosecutor’s offices (cl. 2). Information from the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations also shows that only names of respective legal entities have</p>	<p>At the same time, heads of regional prosecutor’s offices, prosecutor’s offices of the Autonomous Republic of Crimea and Sevastopol, Kyiv city prosecutor’s office are obliged to inform a body responsible for state registration within five working days of this order coming into effect about a decision to change the name by means of providing documents required to enter respective changes into the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations following the procedure established by the law and perform other measures set out by the law related to the renaming of regional prosecutor’s offices (cl. 2). Information from the Unified State Register of Legal Entities, Individual Entrepreneurs, and Civil Associations also shows that only names of respective legal entities have</p>

<p>been changed. Considering the above, as well as the fact that the provisions of Law of Ukraine No. 113-IX do not stipulate the liquidation or reorganization of the General Prosecutor's Office of Ukraine and regional prosecutors' offices, it can be concluded that only the names of these bodies were changed in relation to the General Prosecutor's Office of Ukraine and regional prosecutors' offices.</p>	<p>been changed. Considering the above, as well as the fact that the provisions of Law of Ukraine No. 113-IX do not stipulate the liquidation or reorganization of the General Prosecutor's Office of Ukraine and regional prosecutors' offices, it can be concluded that only the names of these bodies were changed in relation to the General Prosecutor's Office of Ukraine and regional prosecutors' offices.</p>
<p>In the context of organizational changes of local prosecutor's offices, it should be pointed out that they did not have the status of a legal entity. It should also be pointed out that cl. 24 of Section II of Law of Ukraine No. 113-IX stipulates: Annex "List and territorial jurisdiction of local and military prosecutor's offices" to the Law of Ukraine "On the Prosecution Service" loses validity as of the date on which circuit prosecutor's offices start working. Order No. 40 of the Prosecutor General as of 17 February 2021 "On the Date on Which Circuit Prosecutor's Offices Start Working" determines 15 March 2021 as the date on which circuit prosecutor's offices start working.</p>	<p>In the context of organizational changes of local prosecutor's offices, it should be pointed out that they did not have the status of a legal entity. It should also be pointed out that cl. 24 of Section II of Law of Ukraine No. 113-IX stipulates: Annex "List and territorial jurisdiction of local and military prosecutor's offices" to the Law of Ukraine "On the Prosecution Service" loses validity as of the date on which circuit prosecutor's offices start working. Order No. 40 of the Prosecutor General as of 17 February 2021 "On the Date on Which Circuit Prosecutor's Offices Start Working" determines 15 March 2021 as the date on which circuit prosecutor's offices start working.</p>
<p>At the same time, Order No. 39 of the Prosecutor General as of 17 February 2021 "On Separate Issues Relating to Support of the Start of Work of the Office of the Prosecutor General" adopts the list and new (as compared to local prosecutor's offices) territorial jurisdiction of circuit prosecutor's offices (cl. 1). Heads of regional prosecutor's offices are obliged to organize fulfillment of measures relating to the start of work of circuit prosecutor's offices and ensuring of their proper functioning, in particular, organize transfer and acceptance of cases, documents, and property of local prosecutor's offices; organize fulfillment of measures related to material and technical support of circuit prosecutor's offices, including re-registration of movable and immovable property (cl. 3).</p>	<p>At the same time, Order No. 39 of the Prosecutor General as of 17 February 2021 "On Separate Issues Relating to Support of the Start of Work of the Office of the Prosecutor General" adopts the list and new (as compared to local prosecutor's offices) territorial jurisdiction of circuit prosecutor's offices (cl. 1). Heads of regional prosecutor's offices are obliged to organize fulfillment of measures relating to the start of work of circuit prosecutor's offices and ensuring of their proper functioning, in particular, organize transfer and acceptance of cases, documents, and property of local prosecutor's offices; organize fulfillment of measures related to material and technical support of circuit prosecutor's offices, including re-registration of movable and immovable property (cl. 3).</p>
<p>Question 3. How are Law No. 1697-VII and Law No. 113-IX correlated in terms of special general legislation?</p>	<p>3. How are Law No. 1697-VII and Law No. 113-IX correlated in terms of special general legislation?</p>
<p>The Law of Ukraine "On the Prosecution Service", No. 1697-VII, along with the Law of Ukraine "On Introducing Amendments into Some Legislative Acts of Ukraine Regarding Priority Measures on Reform of Prosecutorial Bodies", No. 113-IX, belongs to the specialized legislation as they regulate, in particular, a range of issues relating to the legal status of special subjects, i.e., prosecutors. The preamble to Law No. 1697-IX indicates that it determines legal principles for organization and activities of the prosecution service in Ukraine,</p>	<p>The Law of Ukraine "On the Prosecution Service", No. 1697-VII, along with the Law of Ukraine "On Introducing Amendments into Some Legislative Acts of Ukraine Regarding Priority Measures on Reform of Prosecutorial Bodies", No. 113-IX, belongs to the specialized legislation as they regulate, in particular, a range of issues relating to the legal status of special subjects, i.e., prosecutors. The preamble to Law No. 1697-IX indicates that it determines legal principles for organization and activities of the prosecution service in Ukraine,</p>

<p>status of prosecutors, procedure of prosecutorial self-governance, as well as the system of prosecution service of Ukraine. At the same time, Law No. 113-IX, as mentioned in the explanatory note to its draft, is aimed at implementing priority and, in many respects, temporary measures related primarily to the personnel renewal of prosecutorial bodies by means of carrying out attestation of current prosecutors (cl. 2).</p> <p>Among other things, it introduces amendments to the Law of Ukraine “On the Prosecution Service”, as well as to a range of other Laws (cl. 3).</p>	<p>status of prosecutors, procedure of prosecutorial self-governance, as well as the system of prosecution service of Ukraine. At the same time, Law No. 113-IX, as mentioned in the explanatory note to its draft, is aimed at implementing priority and, in many respects, temporary measures related primarily to the personnel renewal of prosecutorial bodies by means of carrying out attestation of current prosecutors (cl. 2).</p> <p>Among other things, it introduces amendments to the Law of Ukraine “On the Prosecution Service”, as well as to a range of other Laws (cl. 3).</p>
<p>Question 4. Which causal link is there between legal facts given in para. 9 of Article 51(1) of Law No. 1697-VII and legal facts set out by clause 19 of Section II “Final and Transitional Provisions” of Law No. 113-IX?</p>	<p>4. Which causal link is there between legal facts given in para. 9 of Article 51(1) of Law No. 1697-VII and legal facts set out by clause 19 of Section II “Final and Transitional Provisions” of Law No. 113-IX?</p>
<p>According to para. 9 of Article 51(1) of Law No. 1697-VII, “A prosecutor shall be dismissed from the position in case: ... of liquidation or reorganization of a prosecutorial body where the prosecutor holds the position, or in case of a decrease in the number of prosecutors in the prosecutorial body”. At the same time, cl. 19 of Section II of Law No. 113-IX determines a list of grounds which allow dismissing prosecutors from positions based on para. 9 of Article 51(1) of Law No. 1697-VII, in particular:</p> <ol style="list-style-type: none"> 1) failure to submit a statement on transfer to the Office of the Prosecutor General, regional prosecutor’s office, circuit prosecutor’s office and on intention to undergo attestation in connection with that within the established term; 2) the personnel commission’s decision on failure to pass the attestation by a prosecutor; 3) there are no vacant positions to which the prosecutor who has successfully passed attestation may be transferred; 4) in case of successfully passing attestation, failure of a prosecutor to give consent to being transferred to the offered position. <p>Taking into consideration the fact that both Law No. 1697-VII and Law No. 113-IX belong to the specialized legislation, have equal legal force covering subjects with the special status, their provisions shall be applied in a unified systemic connection for dismissal of prosecutors from positions. Such connection envisions mandatory presence of two circumstances: firstly, facts of liquidation, reorganization of a prosecutorial body where the prosecutor holds the position or decrease in the number of prosecutors in the prosecutorial body (para. 9 of Article 51(1) of Law No. 1697-VII);</p>	<p>According to para. 9 of Article 51(1) of Law No. 1697-VII, “A prosecutor shall be dismissed from the position in case: ... of liquidation or reorganization of a prosecutorial body where the prosecutor holds the position, or in case of a decrease in the number of prosecutors in the prosecutorial body”. At the same time, cl. 19 of Section II of Law No. 113-IX determines a list of grounds which allow dismissing prosecutors from positions based on para. 9 of Article 51(1) of Law No. 1697-VII, in particular:</p> <ol style="list-style-type: none"> 1) failure to submit a statement on transfer to the Office of the Prosecutor General, regional prosecutor’s office, circuit prosecutor’s office and on intention to undergo attestation in connection with that within the established term; 2) the personnel commission’s decision on failure to pass the attestation by a prosecutor; 3) there are no vacant positions to which the prosecutor who has successfully passed attestation may be transferred; 4) in case of successfully passing attestation, failure of a prosecutor to give consent to being transferred to the offered position. <p>Taking into consideration the fact that both Law No. 1697-VII and Law No. 113-IX belong to the specialized legislation, have equal legal force covering subjects with the special status, their provisions shall be applied in a unified systemic connection for dismissal of prosecutors from positions. Such connection envisions mandatory presence of two circumstances: firstly, facts of liquidation, reorganization of a prosecutorial body where the prosecutor holds the position or decrease in the number of prosecutors in the prosecutorial body (para. 9 of Article 51(1) of Law No. 1697-VII);</p>

<p>secondly, failure to submit a statement on transfer to the specific position within the established term and in connection with this on intention to undergo attestation or the personnel commission's decision on the prosecutor's failure to pass attestation or no vacant positions to which the prosecutor who has successfully passed attestation may be transferred or the prosecutor's failure to give consent to being transferred to the suggested position within three days in case he/she has successfully passed attestation (cl. 19 of Section II of Law No. 113-IX). Correspondingly, absence of facts of liquidation, reorganization of a prosecutorial body where the prosecutor holds the position or decrease in the number of prosecutors in the prosecutorial body as of the moment of the prosecutor's dismissal regardless of presence of grounds set out by cl. 19 of Section II of Law No. 113-IX may not serve as a ground for their dismissal in line with para. 9 of Article 51(1) of Law No. 1697-VII specifically.</p>	<p>secondly, failure to submit a statement on transfer to the specific position within the established term and in connection with this on intention to undergo attestation or the personnel commission's decision on the prosecutor's failure to pass attestation or no vacant positions to which the prosecutor who has successfully passed attestation may be transferred or the prosecutor's failure to give consent to being transferred to the suggested position within three days in case he/she has successfully passed attestation (cl. 19 of Section II of Law No. 113-IX). Correspondingly, absence of facts of liquidation, reorganization of a prosecutorial body where the prosecutor holds the position or decrease in the number of prosecutors in the prosecutorial body as of the moment of the prosecutor's dismissal regardless of presence of grounds set out by cl. 19 of Section II of Law No. 113-IX may not serve as a ground for their dismissal in line with para. 9 of Article 51(1) of Law No. 1697-VII specifically.</p>
<p>Question 5. Can provisions of Section II "Final and Transitional Provisions" of Law No. 113-IX be considered as a constituent element of the procedure of appointment to the position and dismissal from the position for prosecutors of regional and circuit prosecutor's offices in the understanding of Law No. 1697-VII?</p>	<p>5. Can provisions of Section II "Final and Transitional Provisions" of Law No. 113-IX be considered as a constituent element of the procedure of appointment to the position and dismissal from the position for prosecutors of regional and circuit prosecutor's offices in the understanding of Law No. 1697-VII?</p>
<p>Section II "Final and Transitional Provisions" of Law No. 113-IX is talking about the transfer of prosecutors who hold positions of prosecutors in regional, local prosecutor's offices (not regional and circuit ones) as of the date of this Law coming into effect to positions in regional and circuit prosecutor's offices in case they have successfully passed attestation carried out following the procedure set out by this section; grounds for dismissal of prosecutors of regional, local prosecutor's offices (not regional and circuit ones) based on para. 9 of Article 51(1) of Law No. 1697-VII, as well as selection for vacant positions in regional and circuit prosecutor's offices emerging after prosecutors' resignation, prosecutors' failure to pass attestation or based on other grounds – persons who do not hold the prosecutor's position as of the date of Law No. 113-IX coming into effect etc.</p>	<p>Section II "Final and Transitional Provisions" of Law No. 113-IX is talking about the transfer of prosecutors who hold positions of prosecutors in regional, local prosecutor's offices (not regional and circuit ones) as of the date of this Law coming into effect to positions in regional and circuit prosecutor's offices in case they have successfully passed attestation carried out following the procedure set out by this section; grounds for dismissal of prosecutors of regional, local prosecutor's offices (not regional and circuit ones) based on para. 9 of Article 51(1) of Law No. 1697-VII, as well as selection for vacant positions in regional and circuit prosecutor's offices emerging after prosecutors' resignation, prosecutors' failure to pass attestation or based on other grounds – persons who do not hold the prosecutor's position as of the date of Law No. 113-IX coming into effect etc.</p>
<p>These and other provisions of the Law are of temporary nature (by 1 September 2021). The procedure of prosecutors' transfer to positions in regional and circuit prosecutor's offices in case of successfully passing attestation may not be considered as a constituent element of the procedure of appointment to positions of prosecutors of regional and circuit prosecutor's offices in the meaning of Law No. 1697-VII since, according to cl. 1 of the Procedure of Prosecutors</p>	<p>These and other provisions of the Law are of temporary nature (by 1 September 2021). The procedure of prosecutors' transfer to positions in regional and circuit prosecutor's offices in case of successfully passing attestation may not be considered as a constituent element of the procedure of appointment to positions of prosecutors of regional and circuit prosecutor's offices in the meaning of Law No. 1697-VII since, according to cl. 1 of the Procedure of Prosecutors</p>

<p>Undergoing Attestation adopted by Order No. 221 of the Prosecutor General as of 3 October 2019, attestation of prosecutors means a procedure of evaluating professional competence, professional ethics, and integrity of prosecutors of the Prosecutor General's Office of Ukraine, regional prosecutor's offices, local prosecutor's offices, and military prosecutor's offices as set out by Section II "Final and Transitional Provisions" of Law No. 113-IX and this Procedure.</p>	<p>Undergoing Attestation adopted by Order No. 221 of the Prosecutor General as of 3 October 2019, attestation of prosecutors means a procedure of evaluating professional competence, professional ethics, and integrity of prosecutors of the Prosecutor General's Office of Ukraine, regional prosecutor's offices, local prosecutor's offices, and military prosecutor's offices as set out by Section II "Final and Transitional Provisions" of Law No. 113-IX and this Procedure.</p>
<p>Besides, firstly, current prosecutors of a respective prosecutorial body and not persons aspiring to fill in the position in this body undergo this procedure; secondly, regional prosecutor's offices have not been liquidated or reorganized. With respect to the procedure of selection for vacant positions in regional and circuit prosecutor's offices (cl. 20, cl. 22 of Section II of Law No. 113-IX), provided that there is a reference to Article 227 of Law No. 1697-VII (requirements to candidates for positions of prosecutors), it has its own peculiarities which are different from procedures set out by Law No. 1697-VII.</p>	<p>Besides, firstly, current prosecutors of a respective prosecutorial body and not persons aspiring to fill in the position in this body undergo this procedure; secondly, regional prosecutor's offices have not been liquidated or reorganized. With respect to the procedure of selection for vacant positions in regional and circuit prosecutor's offices (cl. 20, cl. 22 of Section II of Law No. 113-IX), provided that there is a reference to Article 227 of Law No. 1697-VII (requirements to candidates for positions of prosecutors), it has its own peculiarities which are different from procedures set out by Law No. 1697-VII.</p>
<p>It is not a constituent element of the procedure of appointment for positions of prosecutors of regional and circuit prosecutor's offices in the meaning of Law No. 1697-VII, but rather an independent, temporary (by 1 September 2021) procedure set out by Law No. 113-IX and Procedure of Selection for Vacant Positions of Prosecutors adopted by Order No. 11 of the Prosecutor General as of 10.01.2020.</p>	<p>It is not a constituent element of the procedure of appointment for positions of prosecutors of regional and circuit prosecutor's offices in the meaning of Law No. 1697-VII, but rather an independent, temporary (by 1 September 2021) procedure set out by Law No. 113-IX and Procedure of Selection for Vacant Positions of Prosecutors adopted by Order No. 11 of the Prosecutor General as of 10.01.2020.</p>
<p>At the same time, respective provisions of Law No. 1697-VII have been currently suspended according to para. 3 of cl. 2 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Grounds set out by cl. 19 of Section II of Law No. 113-IX, which entail dismissal based on para. 9 of Article 51(1) of Law No. 1697-VII, similarly may not be considered as a constituent element of the dismissal procedure in the meaning of the latter Law since it contains Article 60 (dismissal of a prosecutor from the position in case of liquidation or reorganization of a prosecutorial body where the prosecutor holds the position or decrease in the number of prosecutors in the prosecutorial body) which determines respective instances (effect suspended by 1 September 2021).</p>	<p>At the same time, respective provisions of Law No. 1697-VII have been currently suspended according to para. 3 of cl. 2 of Section II "Final and Transitional Provisions" of Law No. 113-IX. Grounds set out by cl. 19 of Section II of Law No. 113-IX, which entail dismissal based on para. 9 of Article 51(1) of Law No. 1697-VII, similarly may not be considered as a constituent element of the dismissal procedure in the meaning of the latter Law since it contains Article 60 (dismissal of a prosecutor from the position in case of liquidation or reorganization of a prosecutorial body where the prosecutor holds the position or decrease in the number of prosecutors in the prosecutorial body) which determines respective instances (effect suspended by 1 September 2021).</p>
<p>Hence, provisions of Section II of Law No. 113-IX, similarly to the Procedure of Dismissal of Prosecutors in Case of Liquidation or Reorganization of a Prosecutorial Body or Decrease in the Number of Prosecutors as adopted by Order No. 589 of the Prosecutor General as of 17 December 2020 may also be considered as</p>	<p>Hence, provisions of Section II of Law No. 113-IX, similarly to the Procedure of Dismissal of Prosecutors in Case of Liquidation or Reorganization of a Prosecutorial Body or Decrease in the Number of Prosecutors as adopted by Order No. 589 of the Prosecutor General as of 17 December 2020 may also be considered as</p>

temporary and as such which determine a procedure of prosecutors' dismissal separate from Law No. 1697-VII.	temporary and as such which determine a procedure of prosecutors' dismissal separate from Law No. 1697-VII.
<i>Member of SAC at the SC associate professor of legal science, professor Lidiia Moskvych</i>	<i>The material was prepared by a senior scientific specialist in charge of studying the problems of the criminal process and the judiciary of the Academician Stashys Scientific Research Institute for the Study of Crime Problems of the National Academy of Law Sciences of Ukraine, associate professor of legal science S.V. Podkopaiev</i>