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ETHICS COUNCIL

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Kyiv

DECISION

No. 28

***On compliance of candidate
for the position of the member of
the High Council of Justice S. H. Melenko
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 Council: Yurii Triasun (remotely by videoconference), Volodymyr Siverin (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 Serhii Havrylovych Melenko 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:

On November 8, 2021 S. H. Melenko applied to the Secretariat of the High Council of Justice with the statement of intention to be selected a member of the High Council of Justice from the Congress of Representatives of Law Universities and Research Institutions.

According to Part 1 of Article 6 of the Law of Ukraine "On the High Council of Justice", a citizen of Ukraine who meets the criteria of professional ethics and integrity may be elected (appointed) to the position of the member of the High Council of Justice.

Part 1 of Article 9 of the Law of Ukraine "On the High Council of Justice" provides that selection of candidates for the position of the member of the High Council of Justice shall be carried out according to the criteria of professional ethics and integrity.

According to Part 1 of Article 9-1 of the Law of Ukraine "On the High Council of Justice", the Ethics Council is formed to assist the bodies that elect (appoint) members of the High Council of Justice in establishing the compliance of a candidate for the position of a member of the High Council of Justice with the criteria of professional ethics and integrity.

The Ethics Council evaluates the compliance of a candidate for the position of the member of the High Council of Justice with the criteria of professional ethics and integrity and provides an appropriate opinion on each candidate, as well as a list of candidates recommended for appointment to the position of the member of the High Council of Justice.

According to Article 9¹(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, results of the 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.

For the purposes of such selection, rapporteurs from among the members of the Ethics Council study documents, the results of a special audit and relevant information from open sources and prepare a draft opinion on admission or refusal of admission of a candidate to an interview, which is passed on to other members of the Ethics Council (Subparagraph 1 Clause 3.7.2. of the Rules of Procedure of the Ethics Council).

Candidate S. H. Melenko 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.

According to the Law of Ukraine "On amendments to certain legislative acts of Ukraine concerning the procedure for election (appointment) to the positions of members of the High Council of Justice and the activities of disciplinary inspectors of the High Council of Justice", the Law of Ukraine "On the High Council of Justice", the Rules of Procedure of the Ethics Council, Methodology of assessment, the Ethics Council assessed the candidate for the position of member of the HCJ S. H. Melenko on compliance with the criteria of professional ethics and integrity.

A candidate for the position of the member of the HCJ is considered to meet the criteria of professional ethics and integrity if he is independent, honest, impartial, incorruptible, diligent, adheres to ethical standards and demonstrates impeccable behavior in professional activities and personal life, as well as in respect of which there is no doubt about the legality of sources of origin of property, compliance with the standard of living of the candidate or his family members with declared income, compliance with the candidate's lifestyle with his status.

Having studied documents submitted by S. H. Melenko at the request of the Ethics Council, his 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 S. H. Melenko, the Ethics Council has established the following.

Candidate for the position of the member of the High Council of Justice S. H. Melenko meets the criteria of professional ethics and integrity for holding the position of a member of the High Council of Justice defined in paragraphs 1.3 1.3.1., 1.3.2., 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.7.6 of the Methodology.

Thus, being governed by Rules 2.3, 3.1, 3.15.1, and 3.2 of the Ethics Council's Rules of Procedure, the 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 "On the 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 Serhii Havrylovych Melenko as 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