

The amendments to the Constitution of Ukraine on justice have been published

On June 29, 2016 in the newspaper "Golos Ukrainy" (№ 118) there has been published the Law of Ukraine № 1401-VIII "On Amendments to the Constitution of Ukraine (on justice)", which was adopted by the Verkhovna Rada of Ukraine on June 2, 2016. The law is aimed primarily at comprehensive and fundamental reform of the judicial system of Ukraine in accordance with international standards, at increasing of the independence of judges and simplifying procedures for the access to court.

Among the key novelties imposed by the Law there can be outlined the following:

- establishment, reorganization and dissolution of the courts shall be on the basis of a Law, which draft shall be introduced to the Verkhovna Rada by the President of Ukraine in consultation with the High Council of Justice;
- in Ukraine there may function higher specialized courts, while establishment of extraordinary and special courts is not permitted;
- the opportunity for Ukraine to recognize the jurisdiction of the International Criminal Court, under the conditions specified by ICC Rome Statute;
- age and professional requirements are increased for judicial candidates, the competition principle of appointment of judges is improved;
- judicial appointments for five years are canceled, and the judges who were appointed for five years before the enactment of this Law may be appointed as a judge with no time limit as prescribed by law;
- judges are appointed by the President of Ukraine upon the submission of the High Council of Justice;
- the list of grounds for dismissal of a judge is expanded and one of the grounds is from now on a violation by a judge of the obligation to justify the origin of the property;
- the limited judicial immunity is introduced, and it is established the possibility of bringing the judges to responsibility for acts, performed outside judicial occupation, according to the standard procedure;
- there are regulated actions of the High Council of Justice, which is being created instead of the present one;
- full powers of prosecution body are significantly limited;
- at the constitutional level there is introduced the "attorney monopoly" to represent individuals' interests in the court, which takes effect in full from January 1, 2019.

The Law of Ukraine "On Amendments to the Constitution of Ukraine (on justice)" shall enter into force three months after its publication, except for the provisions on the opportunity for Ukraine to recognize the jurisdiction of the International Criminal Court, which only takes effect three years after the publication of this Law.

The Law sets a transitional period for the formation of the High Council of Justice, and members of the High Council of Justice who were appointed before the enactment of this Law exercise the powers of the High Council of Justice members during their term of appointment, but not longer than until April 30, 2019.

In addition, from the Law enactment day onward the Minister of Justice of Ukraine and the Prosecutor General of Ukraine terminate their powers as members of the High Council of Justice.

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An annual ranking Ukrainian Law Firms 2016. A Handbook for Foreign Clients recommends Antika Law Firm in all key practices of the firm.

Antika's team has gained its respected reputation in the Energy & Natural Resources. Moreover Antika is named as one of the most vivid legal advisors in energy saving, energy efficiency, EPC, and implementation of utilities projects. Partners Alexander Burtovoy and Alexey Kot are listed among notable practitioners in the sector.

The firm's successful activity in Litigation, with partner Andrey Kuznetsov as the key litigator, was also not overlooked. Andrey Kuznetsov was named a notable practitioner in the area. The Firm is also highly recommended in Corporate, M&A, Real Estate, Construction and Land.

Managing partner Alexey Kot is named in the list of notable practitioners in Antitrust/Competition. Partner Alexander Burtovoy is on the list of notable practitioners in the practice of Real Estate, Construction and Land.

This Legal Alert is intended as a general overview of latest changes in legislation of Ukraine and does not constitute a legal advice.

For further information please contact Antika Law Firm:

12, Khreschatyk Str., 2nd floor,

Kyiv, 01001, Ukraine

tel./fax: +38 044 390 09 20/21

office@antikalaw.com.ua

www.antikalaw.com.ua