

APPROVED

**decision of the High Council of
Justice of January 24, 2017 №**

54/0/15-17 AMENDED

**by the decision of the High Council of
Justice**

of August 22, 2019 № 2242/0/15-19;

**by the decision of the High Council of
Justice**

of July 21, 2020 № 2217/0/15-20;

**by the decision of the High Council of
Justice**

of September 29, 2020 № 2735/0/15-20;

**by the decision of the High Council of
Justice of November 04, 2021 №**

2170/0/15-21;

**by the decision of the High Council of
Justice of July 04, 2023 № 680/0/15-23**

**by the decision of the High Council of
Justice November 09, 2023 № 1048/0/15-23**

PROCEDURE

**for a secondment of a judge to another court of the same level and
specialization (as a temporary transfer)**

I. General provisions

1. This Procedure has been developed in accordance with the Laws of Ukraine "On the Judiciary and the Status of Judges", "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" regarding the Secondment of Judges and Settlement of Other Issues of Ensuring Functioning of the Justice System in the Absence of the Authorized Members of the High Qualification Commission of Judges of Ukraine", "On the High Council of Justice" (hereinafter - the Laws) in order to ensure access to justice in courts due to the impossibility of administering justice and the identification of an excessive level of judicial workload, as well as to temporary transfer judges in case of suspension of the court's work due to natural

disaster, military operations, counter – terrorism measures or other extraordinary circumstances.

The Procedure establishes the procedure for preparation and adoption of the decisions on the secondment of a judge as a temporary transfer to another court of the same level and specialization for the administration of justice (hereinafter referred to as the secondment of a judge), extension of the secondment period and early termination of the secondment of a judge.

paragraph one of item 1 is set out in new wording in accordance with the decision of the High Council of Justice of August 22, 2019 №2242/0/15-19

paragraphs one and two of clause 1 are set out in a new wording in accordance with the decision of the High Council of Justice dated July 21, 2020 №2217/0/15-20

A secondment of a judge, extension of the secondment term, and early termination of the secondment shall be carried out in accordance with the laws and this Procedure. The procedure for preparation and adoption of the decision on a judge's secondment is governed by the Rules of Procedure of the High Council of Justice, the Rules of Procedure of the High Qualification Commission of Judges of Ukraine, and the Regulation on the State Judicial Administration of Ukraine.

paragraph three of clause 1 is amended in accordance with a decision of the High Council of Justice of July 21, 2020 №. 2217/0/15-20

The secondment of judges from the courts where they hold full-time positions should not significantly affect the average level of court workload and access to justice in these courts.

2. The decision on the secondment of a judge, early termination of judge's secondment is made by the High Council of Justice on the basis of a submission of the High Qualification Commission of Judges of Ukraine.

2-1. The decision to extend the period of judge's secondment shall be made by the High Council of Justice upon the request of the Head of the court to which the judge is seconded and with the consent of such judge upon notification of the State Judicial Administration of Ukraine.

2-2. In the absence of the authorized composition of the High Qualification

Commission of Judges of Ukraine, the decision to second a judge shall be made by the High Council of Justice on the basis of a notification from the State Judicial Administration of Ukraine.

2-3. In the absence of the authorized composition of the High Qualification Commission of Judges of Ukraine, the decision to early terminate judge's secondment is made by the High Council of Justice on the basis of a notification from the State Judicial Administration of Ukraine upon the request of the Head of the court to which the judge is seconded or the Head of the court from which the judge is seconded.

In the absence of the Headperson of the court to which or from which the judge is seconded, such decision shall be made on the basis of notification of the State Judicial Administration of Ukraine.

clause 2 is amended in accordance with decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20,

clause 2-3 is set out in a new wording in accordance with a decision of the High Council of Justice of November 04, 2021 № 2170/0/15-21

clause 2-3 is set out in a new wording in accordance with decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

II. Establishment of the grounds for the secondment of a judge, extension of the secondment term, early termination of judge's secondment

the title of Section II was changed in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

1. The grounds for judge's secondment are as follows:
 - impossibility of administering justice in the relevant court;
 - detection of an excessive level of judicial workload in the relevant court;
 - suspension of court's work due to natural disasters, military actions, counter –

- terrorism measures or other extraordinary circumstances;
- change of territorial jurisdiction of court cases considered in the relevant court in accordance with the procedure provided for in part seven of Article 147 of the Law of Ukraine “On the Judiciary and the Status of Judges”.

clause one is set out in a new wording in accordance with the decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

1-1. The ground for the extension of the term of judge’s secondment shall be continuation of the circumstances that were the basis for judge’s secondment.

1-2. The grounds for early termination of judge’s secondment shall be the cessation of the circumstances that were the basis for judge’s secondment or a change in circumstances in the court from which or to which the judge was seconded.

Section II is supplemented by paragraphs 1-1, 1-2 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15- 20

clause 1-2 is set out in a new wording in accordance with decision of the High Council of Justice of November 04, 2021 № 2170/0/15-21

clause 1-2 has been amended in accordance with the decision of the High Council of Justice of February 18, 2025, № 264/0/15-25

2. The grounds for judge’s secondment shall be established by the State Judicial Administration of Ukraine, including upon requests from the High Council of Justice, the High Qualification Commission of Judges of Ukraine, courts, territorial departments of the State Judicial Administration of Ukraine.

clause 2 is amended in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

clause is 2 amended in accordance with the decision of the High Council of Justice of February 18, 2025 № 264/0/15-25

2-1. The grounds for the extention of judge’s secondment term shall be established by the State Judicial Administration of Ukraine upon request of the Head of the court to which the judge is seconded and with the consent of the judge.

The request of the Head of the court to which the judge is seconded and the relevant consent of the judge to extend the secondment term shall be sent to the State Judicial Administration of Ukraine no later than sixty days before the expiration of the term of judge's secondment.

2-2. The grounds for early termination of judge's secondment shall be established by the State Judicial Administration of Ukraine upon request of the Head of the court to which the judge is seconded or the Head of the court from which the judge is seconded.

In the absence of the Head of the court to which or from which the judge is seconded, such grounds shall be established by the State Judicial Administration of Ukraine.

Section II is supplemented by paragraphs 2-1, 2-2 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

clause 2-2 is set out in a new wording in accordance with the decision of the High Council of Justice of November 04, 2021 № 2170/0/15-21

clause 2-2 is set out in a new wording in accordance with the decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

3. The State Judicial Administration of Ukraine shall send a notification of the need to consider the issue of judge's secondment or early termination of judge's secondment to the High Qualification Commission of Judges of Ukraine, and in the absence of its authorized composition – to the High Council of Justice, within ten days from the date of receipt of the request referred to in paragraph 2 of this section.

Such notification shall be sent in respect of each court separately.

clause 3 is amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

clause 3 is set out in a new wording in accordance with the decision of the High Council of Justice of July 04, 2023 № 680/0/15-23

3-1. The State Judicial Administration of Ukraine shall send a notification of

the need to consider the issue of extending the term of judge's secondment to the High Council of Justice within ten days from the date of receipt of the request of the Head of the court to which the judge is seconded and with the consent of the judge.

Section II is supplemented by paragraph 3-1 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

4. If it is established that justice cannot be administered or an excessive level of judicial workload is detected in the relevant court, the notification of the State Judicial Administration of Ukraine shall specify: the name of the court in which the above grounds were established; the circumstances that confirm the establishment of these grounds; the number of judges, necessary to resume court's ability to administer justice and/or regulate the workload (taking into account the specialization of judges, if any); the term of secondment, as well as the names of courts from which judges can be seconded without significantly affecting the average level of judicial workload and access to justice in these courts.

The notification shall be accompanied by documents confirming the impossibility of administering justice or the excessive level of judicial workload in the relevant court.

clause 4 is set out in a new wording in accordance with the decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

4-1. If the circumstances that were the grounds for judge's secondment are found to continue to exist, the notification of the State Judicial Administration of Ukraine shall state:

- the name of the court in which the above grounds were established;
- the name, surname, and patronymic of the judge who was seconded;
- confirmation of the continuing existence of the circumstances that were the grounds for judge's secondment;
- the term of extension of judge's secondment.

The notification shall be accompanied by documents confirming the continuing existence of the circumstances that were the grounds for judge's secondment.

The State Judicial Administration of Ukraine shall also submit to the High Council of Justice a motion to reallocate expenses for the maintenance of the courts.

clause 4-1 is set out in a new wording in accordance with the decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

4-2. In case of termination of the circumstances that were the grounds for the secondment of a judge or change of circumstances in the court from which or to which the judge was seconded, the notification of the State Judicial Administration of Ukraine shall state:

- the name of the court where the circumstances ceased or changed, including those, which were the grounds for judge's secondment;
- the surname, name, and patronymic of the judge who was seconded;
- names of the courts from which and to which the judge is seconded;
- confirmation of the termination or change of circumstances, including those, which were the grounds for judge's secondment.

The notification shall be accompanied by documents confirming the cessation of the circumstances, including those, which were the grounds for judge's secondment or changes in circumstances in the relevant court.

Section II is supplemented by paragraphs 4-1, 4-2 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15- 20

clause 4-2 is set out in accordance with the decision of the High Council of Justice of November 04, 2021 № 2170/0/15-21

clause 4-2 is set out in accordance with the decision of the High Council of Justice of November 09, 2023 №1048/0/15-23

clause 4-2 is amended in accordance with the decision of the High Council of Justice of February 18, 2025, № 264/0/15-25

5. In case of suspension of the work of a court due to a natural disaster, military actions, counter – terrorism measures or other extraordinary circumstances, change of territorial jurisdiction of court cases considered in the respective court in accordance with the procedure provided for in part seven of Article 147 of the Law of Ukraine "On the Judiciary and the Status of Judges", the notification of the State Judicial Administration of Ukraine shall specify the name of the court where the

above grounds are established; circumstances confirming the existence of such grounds; number and surnames, names, patronymics of judges to be seconded; name of the court(s) to which such judges may be seconded, indicating the number of judges in each court; list of courts of the same level and specialization with the highest level of judicial workload and courts where the number of judges administering justice is 50 percent or less of the number of judges determined in accordance with Article 19 of the Law of Ukraine “On the Judiciary and the Status of Judges”.

clause 5 is set out in accordance with the decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

6. In case of changes in the information specified in the sent notification of the need to consider the issue of judge's secondment or early termination of judge's secondment, the State Judicial Administration of Ukraine shall inform the High Qualification Commission of Judges of Ukraine, and in the absence of its authorized composition - the High Council of Justice, within five business days after such changes are established.

In case of changes in the information specified in the sent notification of the need to consider the issue of extending the term of judge's secondment, the State Judicial Administration of Ukraine shall inform the High Council of Justice within five business days after such changes are established.

If the High Qualification Commission of Judges of Ukraine, or in the absence of its authorized composition - the High Council of Justice, decides to leave without consideration and return to the State Judicial Administration of Ukraine the notification of the need to consider the issue of judge's secondment due to the absence of judges who have expressed a desire to be seconded, and the grounds for secondment continue to exist, the State Judicial Administration of Ukraine shall resend a notification of the need to consider the issue of judge's secondment specifying the relevant information taken into account when establishing the grounds for the secondment, within the period defined in paragraph 3 of Section II of this Procedure.

Section II is supplemented by paragraph 6 in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

clause 6 is amended in accordance with the decision of the High Council of Justice of

III. Consideration of the issue of submission by the High Qualification Commission of Judges of Ukraine of a motion on the secondment of a judge or on early termination of secondment of a judge

the title of Section III is set out in a new wording in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15- 20

1. The High Qualification Commission of Judges of Ukraine shall consider the issue of submitting a motion on the secondment of a judge or on the early termination of a secondment of a judge not later than thirty days from the date of receipt of the notification from the State Judicial Administration of Ukraine.

Preparation for consideration and consideration of the issue by the High Qualification Commission of Judges of Ukraine is carried out in accordance with the Rules of Procedure of the High Qualification Commission of Judges of Ukraine.

clause 1 is amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

clause 1 is set out in a new wording in accordance with a decision of the High Council of Justice of July 04, 2023 № 680/0/15-23

1-1. The preliminary consideration of the notification of the State Judicial Administration of Ukraine on the need for a secondment of a judge or on the early termination of a secondment of a judge shall be carried out by a rapporteur determined by the automated system for determining members of the High Qualification Commission of Judges of Ukraine for preparation for consideration and reporting of cases, who shall review such notification in order to establish:

- the existence of statutory grounds for judge's secondment (for notification of a need to consider the issue of judge's secondment);
- the existence of statutory grounds for early termination of judge's secondment (for notification of a need to consider the issue of early termination of judge's secondment);
- justification of the excessive level of judicial workload in the court to which the judge is seconded (for notification of a need to consider the issue of judge's

secondment);

- absence of significant impact on the average level of judicial workload and access to justice in the court from which the judge is seconded (for notification of a need to consider the issue of judge's secondment);
- absence of significant impact on the average level of judicial workload and access to justice in the court to which the judge is seconded (for notification of a need to consider the issue of judge's secondment).

If the notification is found to be inconsistent with the requirements of this Procedure, the rapporteur shall submit to the next meeting of the Commission a proposal to leave the notification of the need to consider the issue of judge's secondment or the early termination of judge's secondment without consideration and return it to the State Judicial Administration of Ukraine. In this case, the publication of the announcement and the sending of the notification are not carried out.

Section III is supplemented by paragraph 1-1 in accordance with a decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

2. The announcement of scheduling for consideration of the issue regarding submitting a motion on judge's secondment due to the impossibility of administering justice or detecting an excessive level of judicial workload shall be posted on the official website of the High Qualification Commission of Judges of Ukraine within five business days from the date of receipt of the notification from the State Judicial Administration of Ukraine.

The announcement shall state:

- terms and procedure for granting consent to judge's secondment;
- list of documents attached to the consent;
- the names of the courts to which the judges will be seconded;
- the required number of judges, taking into account specialization;
- the date, time and place of the meeting on the issue of submitting a motion on judge's secondment.

the first paragraph of clause 2 was amended in accordance with the decision of the High Council of Justice of August 22, 2019

2-1. The announcement of scheduling for consideration of the issue regarding submitting a motion on early termination of judge's secondment due to termination or change of circumstances that were the grounds for judge's secondment shall be posted on the official website of the High Qualification Commission of Judges of Ukraine within five business days from the date of receipt of the notification from the State Judicial Administration of Ukraine.

The announcement shall specify the date, time and place of the meeting on the issue of submitting a motion for early termination of judge's secondment.

*Section III is supplemented by paragraph 2-1 in accordance with the decision of the High Council of Justice of July 21, 2020
№ 2217/0/15-20*

the first paragraph of clause 2-1 is set out in a new wording in accordance with the decision of the High Council of Justice of November 04, 2021 № 2170/0/15-21

3. The judge of such court shall be informed of the consideration of the issue of submitting a motion on judge's secondment in connection with the suspension of the court's work due to a natural disaster, military operations, counter-terrorism measures or other extraordinary circumstances by sending a notification by post or e-mail.

The notification shall state:

- a list of courts to which a judge may give consent for secondment;
- terms and procedure for granting consent for a secondment;
- a list of documents attached to the consent;
- the date, time and place of the meeting on the issue of submitting a motion on judge's secondment.

If necessary, such notification shall be posted on the official website of the High Qualification Commission of Judges of Ukraine.

Clause 4 is deleted.

clause 4 is deleted in accordance with the decision of the High Council of Justice

of February 18, 2025, № 264/0/15-25

5. For the High Qualification Commission of Judges of Ukraine to consider the issue of submitting a motion for secondment, a judge shall submit to the Commission his/her consent to be seconded to another court of the same level and specialization for the administration of justice in accordance with the established form (Annex 1), a certificate (Annex 2), as well as other documents listed in the consent to be seconded, that may be taken into account when deciding on the issue of secondment of a judge.

If the Head or Acting Head of the court cannot provide the certificate, it may be certified by the head of the relevant territorial department of the State Judicial Administration of Ukraine or the State Judicial Administration of Ukraine.

clause 5 is set out in a new wording in accordance with the decision of the High Council of Justice of July 04, 2023 № 680/0/15-23

6. In order to decide on the issue of submitting a motion for judge's secondment or early termination of judge's secondment, the High Qualification Commission of Judges of Ukraine has the right to request and receive the necessary information from judges, courts, the State Judicial Administration of Ukraine, judicial self-government bodies, other bodies and institutions in the justice system, state and local authorities, their officials, enterprises, institutions, organizations regardless of their form of ownership and subordination, associations of citizens and individuals.

clause 6 was amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

7. Information on judges who have applied to the High Qualification Commission of Judges of Ukraine for consent to be seconded to a court where an excessive level of judicial workload has been identified or where it is determined that justice cannot be administered shall be sent to the State Judicial Administration of Ukraine no later than three business days from the date of receipt of such consent.

clause 7 was amended in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

8. The judge in respect of whom the issue of submitting a motion for a

secondment due to the impossibility of administering justice or detecting an excessive level of judicial workload, a change in the territorial jurisdiction of court cases, or for early termination of judge's secondment, shall be notified of the date, time and place of the meeting of the High Qualification Commission of Judges of Ukraine by posting information about it on its official website, as well as, if necessary, by sending a notification by postal means or by e-mail.

Failure of a judge to attend a meeting does not prevent consideration of the issue of submitting a motion for judge's secondment or for early termination of judge's secondment in his/her absence.

clause 8 was amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

the first paragraph of clause 8 has been amended in accordance with the decision of the High Council of Justice of February 18, 2025, № 264/0/15-25

9. When the High Qualification Commission of Judges of Ukraine considers the issue of judge's secondment, it may decide to submit a motion for his or her secondment to a court other than the one specified in the consent. Such a decision is made provided that the judge submits their written consent in cases where the Commission has decided to second another judge to the court previously specified in the submitted consent.

10. When considering the issue of judge's secondment due to the impossibility of administering justice or detecting an excessive level of judicial workload, the High Qualification Commission of Judges of Ukraine takes into account the following criteria: the quality of judge's consideration of cases, length of service as a judge, information on the state of administration of justice in the court where the judge holds a full-time position.

The Commission may also take into account other circumstances established in the course of consideration of the issue of judge's secondment.

11. Based on the results of consideration of the issue of judge's secondment, the High Qualification Commission of Judges of Ukraine shall make one of the following decisions:

- to submit a motion to the High Council of Justice with a recommendation for judge's secondment;

- to refuse to submit a motion to the High Council of Justice for judge's secondment;
- to leave without consideration and return to the State Judicial Administration of Ukraine the notification of the need to consider the issue of judge's secondment.

The High Qualification Commission of Judges of Ukraine decides to leave without consideration and return to the State Judicial Administration of Ukraine the notification on the need to consider the issue of secondment of a judge in the absence of judges who have expressed a desire to be seconded to another court.

If the High Qualification Commission of Judges of Ukraine decides to refuse to submit a motion for the secondment of a judge, such judge shall not be deprived of the right to reapply for consideration of his/her secondment in the manner prescribed by this Procedure.

clause 11 is set out in a new wording in accordance with a decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

10-1. Based on the results of consideration of the issue regarding early termination of judge's secondment, the High Qualification Commission of Judges of Ukraine shall make one of the following decisions:

- to submit a motion to the High Council of Justice with a recommendation to early terminate judge's secondment;
- to refuse to submit a motion to the High Council of Justice on early termination of judge's secondment;
- to leave without consideration and return to the State Judicial Administration of Ukraine the notification of the need to consider the issue of early termination of judge's secondment.

Section III is supplemented by paragraph 10-1 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15- 20

clause 10-1 is set out in a new wording in accordance with the decision of the High Council of Justice of July 04, 2023 № 680/0/15-23

12. A decision of the High Qualification Commission of Judges of Ukraine to submit a motion with a recommendation for judge's secondment shall state:

- name, surname, patronymic of the judge;
- the names of the courts from which and to which a judge is proposed to be seconded;
- the term of the secondment;
- justification for establishing an excessive judicial workload in the court to which the judge is seconded;
- justification of the absence of a significant impact on the average level of judicial workload and access to justice in the court from which the judge is seconded.

If the secondment term is determined to be less than one year, the decision shall provide a justification for determining such a term.

The decision of the High Qualification Commission of Judges of Ukraine on submitting a motion to the High Council of Justice with a recommendation for early termination of judge's secondment shall state:

- name, surname, patronymic of the judge;
- names of the courts from which and to which the judge is seconded;
- the term of secondment;
- circumstances that were the grounds for judge's secondment, which have been ceased or changed and are the grounds for early termination of judge's secondment.

If the decision is made on refusal to submit a motion to the High Council of Justice on the early termination of judge's secondment, the Commission shall provide relevant arguments and justifications in its decision.

clause 12 is set out in a new wording in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

paragraph 12 was supplemented by the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

*paragraph 12 of clause 12 is set out in a new wording in accordance with the decision of the High Council of Justice of November 04, 2021
№ 2170/0/15-21*

13. The decision of the High Qualification Commission of Judges of Ukraine to submit a motion on judge's secondment to another court of the same level and specialisation or on early termination of judge's secondment, documents submitted by the judge concerned (if any) and other documents substantiating the decision (if any) shall be sent to the High Council of Justice within five business days after its adoption.

the first paragraph of clause 13 was amended in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

the first paragraph of clause 13 was amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

A copy of the decision of the High Qualification Commission of Judges of Ukraine shall be sent to the State Judicial Administration of Ukraine within five business days after its adoption.

clause 13 was amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

clause 13 is set out in a new wording in accordance with the decision of the High Council of Justice of July 04, 2023 № 680/0/15-23

paragraph 2 of clause 13 has been amended in accordance with the decision of the High Council of Justice of February 18, 2025, № 264/0/15-25

14. A judge may withdraw consent to his/her secondment to another court of the same level and specialization for the administration of justice by submitting a written application to the High Qualification Commission of Judges of Ukraine.

If a judge withdraws consent to his/her secondment to another court of the same level and specialization for the administration of justice before the High

Qualification Commission of Judges of Ukraine makes a decision, the High Qualification Commission of Judges of Ukraine shall decide to leave the issue of submitting a motion for secondment of such a judge without consideration.

In case a judge withdraws such consent after the High Qualification Commission of Judges of Ukraine has made a relevant decision, but before submitting a motion for judge's secondment to the High Council of Justice, such motion shall not be submitted to the High Council of Justice.

clause 14 is set out in a new wording in accordance with a decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

15. If the High Qualification Commission of Judges of Ukraine does not receive judge's consent for secondment within the time limits established by paragraphs 2 and 3 of Section III of this Procedure, the Commission may decide to leave the issue of submitting a motion on judge's secondment without consideration or to extend term for consideration of such a motion.

The decision of the High Qualification Commission of Judges of Ukraine to leave the issue of submitting a motion for judge's secondment without consideration shall be sent to the State Judicial Administration of Ukraine within five business days after its adoption.

clause 15 is supplemented by the second paragraph in accordance with decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

16. If the High Qualification Commission of Judges of Ukraine decides to refuse to submit a motion for the secondment of all judges who have agreed to be seconded, the Commission may decide to leave the issue of submitting a motion for the secondment of a judge without consideration or to extend the term for consideration of such an issue.

Decisions of the High Qualification Commission of Judges of Ukraine on refusal to submit a motion for secondment of all judges who have agreed to be seconded, as well as decisions to leave the issue of submitting a motion for secondment of a judge without consideration, shall be sent to the State Judicial Administration of Ukraine within five business days after they are adopted.

clause 16 is supplemented by the second paragraph in accordance with decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

IV. Adoption of the decision on judge's secondment, extension of the secondment term, early termination of judge's secondment

the title of Section IV was changed in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

1. After receiving a copy of the decision of the High Qualification Commission of Judges of Ukraine to submit a motion with a recommendation for a judge's secondment, and in the absence of the authorized composition of the High Qualification Commission of Judges of Ukraine – after receiving information about the receipt of judge's consent to the secondment by the High Council of Justice, the State Judicial Administration of Ukraine shall, within three days, shall submit to the High Council of Justice a motion of the need to reallocate expenses for the maintenance of courts.

clause 1 is set out in accordance with the decision of the High Council of Justice of September 29, 2020 № 2735/0/15-20

1-1. Simultaneously with the notification on the extension of the term of judge's secondment, the State Judicial Administration of Ukraine shall send to the High Council of Justice a motion on the need to reallocate expenses for the maintenance of courts.

Section IV is supplemented by paragraph 1-1 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

2. The preliminary consideration of the motion of the High Qualification Commission of Judges of Ukraine on the secondment of a judge is carried out by a rapporteur designated by the automated case distribution system in order to verify it and establish the following:

- the existence of statutory grounds for judge's secondment;
- compliance with the procedure for making a decision on judge's secondment, in particular, judge's consent to be seconded to a particular court;
- justification of the excessive level of judicial workload in the court to which the judge is seconded;
- absence of a significant impact on the average level of judicial workload and access to justice in the court from which the judge is seconded.

The motion of the State Judicial Administration of Ukraine on the need to reallocate court maintenance costs is also checked.

If the secondment term is less than one year, the existence of a justification for determining such a term is checked.

clause 2 is set out in a new wording in accordance with the decision of the High

Council of Justice of August 22, 2019 № 2242/0/15-19

clause 2 is amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

2-1. The preliminary consideration of the notification of the State Judicial Administration of Ukraine on the extension of the term of judge's secondment shall be carried out by a rapporteur designated by the automated case distribution system, who shall check the following notification in order to establish the existence of statutory grounds for extending the term of judge's secondment.

The motion of the State Judicial Administration of Ukraine on the need to reallocate court maintenance costs is also checked.

In order to consider the issue of extending the secondment term, the judge shall provide consent to extension of such term in accordance with the established form (Annex 1-1), a certificate (Annex 2), as well as other documents listed in the consent that may be taken into account when deciding on the extension of the secondment term.

2-2. Preliminary consideration of the motion of the High Qualification Commission of Judges of Ukraine on early termination of judge's secondment shall be carried out by a rapporteur designated by the automated case distribution system, who shall check such motion in order to establish the existence of statutory grounds for early termination of judge's secondment as defined by law.

The motion of the State Judicial Administration of Ukraine on the need to reallocate court maintenance costs is also checked.

Section IV is supplemented by paragraphs 2-1, 2-2 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

3. The High Council of Justice, in order to verify compliance with the prescribed decision-making procedure, has the right to make requests to any enterprises, institutions and organizations to verify relevant information.

4. Consideration of the motion of the High Qualification Commission of Judges of Ukraine or the notification of the State Judicial Administration of Ukraine on the secondment of a judge shall be included in the agenda of the meeting of the High Council of Justice, and information on this shall be posted on its website (taking into account restrictions established in paragraph 4 of Section III of this Procedure).

The motion of the Commission or the notification of the State Judicial Administration of Ukraine shall be considered by the Council within a period, that not exceeding thirty days from the date of receipt of the motion by the

Council.

*paragraph 4 was amended in accordance with
the decision of the High Council of
Justice of July 21, 2020 № 2217/0/15-20*

5. An invitation of a judge to a meeting of the High Council of Justice shall be conducted by publishing a notification on its website (taking into account the restrictions set forth in paragraph 4 of Section III of this Procedure), as well as by sending a notification by mail and/or other means to the known residence and working addresses of the judge no later than ten days before the day of the Council meeting.

Failure of a judge to attend a meeting of the Council does not prevent consideration of the issue of a secondment, extension of the secondment term or early termination of the secondment in his/her absence.

If necessary, the authorized representatives of the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine may be invited to the meetings of the Council.

*clause 5 was amended in accordance with
the decision of the High Council of Justice
of July 21, 2020 № 2217/0/15-20*

6. Based on the results of consideration of the submission of the High Qualification Commission of Judges of Ukraine on the secondment of a judge, the High Council of Justice shall make one of the following decisions:

- to second a judge;
- to refuse to second a judge;
- to leave the recommendation to second a judge to another court without consideration and return it to the High Qualification Commission of Judges of Ukraine.

*clause 6 is set out in a new wording in
accordance with the decision of the High
Council of Justice of August 22,
2019 № 2242/0/15-19*

*clause 6 was amended in accordance with
the decision of the High Council of Justice
of July 21, 2020 № 2217/0/15-20*

6-1. Based on the results of consideration of the notification of the State Judicial Administration of Ukraine on the extension of the period of judge's secondment, the High Council of Justice shall make one of the following decisions:

- to extend the term of judge's secondment;
- to refuse to extend the term of judge's secondment;
- to leave the notification without consideration and return it to the State Judicial Administration of Ukraine.

6-2. Based on the results of consideration of motion of the High Qualification Commission of Judges of Ukraine on early termination of judge's secondment, the High Council of Justice shall make one of the following decisions:

- to early terminate judge's secondment;
- to refuse to early terminate judge's secondment;
- to leave the motion without consideration and return it to the High Qualification Commission of Judges of Ukraine.

Section IV is supplemented by paragraphs 6-1, 6-2 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

7. The decision of the High Council of Justice on judge's secondment must contain:

- name, surname, patronymic of the judge;
- name of the court where the judge works;
- the name of the court to which the judge is being sent;
- the term of judge's secondment;
- the date from which the calculation of judge's secondment term begins, which is determined taking into account Regulation on automated system of court's document flow in the part regarding an automated distribution of court cases among judges;

paragraph sixth of item 7 is set out in a new wording in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

- approval of the reallocation of budget expenditures between courts in a specified amount and instructing the State Judicial Administration of Ukraine to ensure funding for judge's secondment expenses.

Stating the reasons for the adoption of a decision on judge's secondment is not required.

If a judge is refused a secondment, the High Council of Justice shall make a reasoned decision.

In case the High Council of Justice decides to leave the motion with a recommendation to second a judge to another court without consideration and return it to the High Qualification Commission of Judges of Ukraine, it shall set forth the relevant reasons and/or proposals for the Commission to take certain actions.

paragraph 7 is supplemented with a new paragraph in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

7-1. The decision of the High Council of Justice on the extension of judge's secondment should contain:

- name, surname, patronymic of the judge;
- the name of the court to which the judge was seconded;
- name of the court where the judge worked before the secondment;
- the term for which judge's secondment is extended;
- the date from which the calculation of the term of extension of judge's secondment begins, which is determined taking into account the Regulation on the automated system of court's document flow in the part regarding the automated distribution of court cases among judges.

The High Council of Justice shall make a reasoned decision.

If the High Council of Justice refuses to extend the term of judge's secondment, it shall make a reasoned decision.

7-2. The decision of the High Council of Justice on the early termination of judge's secondment must contain:

- name, surname, patronymic of the judge;
- the name of the court to which the judge was seconded;
- name of the court where the judge worked before the secondment;
- the date from which the calculation of judge's return term begins, which is determined taking into account the Regulation on the automated system of court's document flow in the part regarding the automated distribution of court cases among judges;
- approval of the reallocation of budget expenditures between courts in a specified amount and instructing the State Judicial Administration of Ukraine to ensure funding for expenses after judge's secondment is over.

The High Council of Justice shall make a reasoned decision.

If a judge is refused an early termination of secondment, the High Council of Justice shall make a reasoned decision.

Section IV is supplemented by paragraphs 7-1, 7-2 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

8. A judge may withdraw consent to his or her secondment to another court of the same level and specialization to administer justice until the High Council of Justice makes a decision, and submit a written application to the High Council of Justice. In such a case, the High Council of Justice shall decide to leave the Commission's motion without consideration.

**IV-1. Resolution by the High Council of Justice of the issue of
judge's secondment or early termination of judge's secondment in the
absence of the authorized composition of the High Qualification
Commission of Judges of**

Ukraine

1. The High Council of Justice shall consider the issue of judge's secondment within a reasonable period of time from the date of receipt of the notification from the State Judicial Administration of Ukraine.

The High Council of Justice shall consider the issue of early termination of judge's secondment within thirty days from the date of receipt of the notification from the State Judicial Administration of Ukraine.

2. The announcement of the beginning of the procedure for the secondment of a judge due to the impossibility of administering justice or the detection of an excessive level of judicial workload shall be posted on the official website of the High Council of Justice within five business days from the date of the Council's decision.

The announcement shall state:

- a list of courts to which a judge may give consent for a secondment;
- the required number of judges, taking into account specialization;
- terms and procedure for granting consent to judge's secondment;
- list of documents attached to the consent.

The deadline for a judge to give consent for secondment, specified in the announcement, may be extended if there are no judges who have expressed a desire to be seconded to another court.

3. Announcement of the start of a procedure for secondment of a judge due to suspension of the court's work due to a natural disaster or military operations, counter-terrorism measures or other extraordinary circumstances shall be posted on the official website of the High Council of Justice within five business days from the date of the relevant decision of the Council.

4. The announcement shall state:

- a list of courts to which a judge may give consent for a secondment;
- terms and procedure for granting consent for a secondment;
- a list of documents attached to the consent.

If necessary, such notification shall be posted on the official website of the High Council of Justice.

5. Personal data, including surname, name and patronymic, addresses of

judges, who reside (stay) in settlements where the state authorities of Ukraine temporarily do not exercise their powers and in settlements located on the contact line, are not published in case of consideration of issues regarding the submission of a motion on judge's secondment due to suspension of the court's work in connection with military operations or counter-terrorism measures.

6. For the High Council of Justice to consider the issue of secondment, a judge shall provide consent to be seconded to another court of the same level and specialization for the administration of justice (Annex 1-2), a certificate (Annex 2), as well as other documents listed in the consent that may be taken into account when deciding on the issue of secondment of a judge.

If the court work is suspended due to a natural disaster, military operations, counter-terrorism measures or other extraordinary circumstances and the Head of a court is unable to provide a certificate, the information shall be stated in accordance with the information available in the relevant territorial department of the State Judicial Administration of Ukraine and may be signed by its head.

Clause 6 was amended in accordance with the decision of the High Council of Justice of September 29, 2020 № 2735/0/15-20

7. In order to decide on judge's secondment or early termination of secondment, the High Council of Justice has the right to request and receive the necessary information from judges, courts, the State Judicial Administration of Ukraine, judicial self-government bodies, other bodies and institutions in the justice system, state and local authorities, their officials, enterprises, institutions, organizations regardless of their form of ownership and subordination, associations of citizens and individuals.

8. Information on judges who have given the High Council of Justice consent to be seconded to a court where an excessive level of judicial workload has been identified or where it is determined that justice cannot be administered shall be sent to the State Judicial Administration of Ukraine no later than three business days from the date of receipt of such consent.

9. During the period of absence of the authorized composition of the High Qualification Commission of Judges of Ukraine, the State Judicial Administration of Ukraine, along with the notification of the circumstances for early termination of judge's secondment, shall send a motion to the High Council of Justice on the need to reallocate expenses for the maintenance of courts.

10. The preliminary consideration of materials on judge's secondment is carried out by a rapporteur designated by the automated case distribution system, who, during the consideration, requests judge's file from the High Qualification Commission of Judges of Ukraine, takes other measures to obtain the necessary

documents and information for clarification of:

- the existence of statutory grounds for judge's secondment;
- judge's consent to secondment to a particular court;
- justification of the excessive level of judicial workload in the court to which the judge is seconded;
- absence of significant impact on the average level of court workload and access to justice in the court from which the judge is seconded.

The motion of the State Judicial Administration of Ukraine on the need to reallocate court maintenance costs is also checked.

11. Preliminary consideration of materials on early termination of judge's secondment is carried out by a rapporteur determined by the automated case distribution system, who establishes the existence of grounds for early termination of judge's secondment as defined by law.

The motion of the State Judicial Administration of Ukraine on the need to reallocate court maintenance costs is also checked.

12. The issue of judge's secondment or early termination of judge's secondment is included in the agenda of the High Council of Justice meeting, and information about it shall be posted on the website of the High Council of Justice.

13. The invitation of a judge to the meeting of the High Council of Justice shall be made by publishing a notification on the website of the High Council of Justice (taking into account the restrictions established in clause 4 of Section III of this Procedure), as well as by sending a notification by mail and/or other means to the known addresses of residence and/or work of the judge no later than ten days before the day of the meeting of the Council.

Failure of a judge to attend meeting of the Council does not prevent consideration of the issue in his/her absence.

If necessary, authorised representatives of the State Judicial Administration of Ukraine may be invited to the meetings of the Council.

14. When considering the issue of judge's secondment due to the impossibility of administering justice or the detection of an excessive level of judicial workload, the High Council of Justice takes into account the following criteria: the quality of judge's consideration of cases, length of service as a judge, information on the state of administration of justice in the court where the judge holds a full-time position.

The Council may also take into account other circumstances established during consideration of the issue of judge's secondment.

15. Based on the results of consideration of the issue of judge's secondment, the High Council of Justice shall make one of the following decisions:

- to second a judge;
- to refuse to second a judge;

- to leave the case without consideration.

When the High Council of Justice considers the issue of judge's secondment, it may decide to second him/her to a court other than the one specified in the consent. Such a decision shall be made subject to judge's written consent if the Council has decided to second another judge to the court specified in the previously submitted consent.

16. The decision of the High Council of Justice on judge's secondment must contain:

- name, surname, patronymic of the judge;
- name of the court where the judge works;
- the name of the court to which the judge is being seconded;
- justification for establishing an excessive workload in the court to which the judge is seconded;
- justification of the absence of a significant impact on the average level of judicial workload and access to justice in the court from which the judge is seconded;
- the term of judge's secondment;
- the date from which the calculation of judge's secondment term begins, which is determined taking into account the Regulation on the automated system of court's document flow in part regarding the automated distribution of court cases among judges;
- approval of the reallocation of budget expenditures between courts in a specified amount and instructing the State Judicial Administration of Ukraine to ensure funding for judge's secondment expenses.

The High Council of Justice shall make a reasoned decision.

If a judge is refused a secondment, the High Council of Justice shall make a reasoned decision.

A judge in respect of whom a decision on refusal of secondment is made shall not be deprived of the right to reapply for consideration of his/her secondment in the manner prescribed by this Procedure.

If the High Council of Justice decides to leave the notification of the State Judicial Administration of Ukraine without consideration, the decision shall include relevant reasons and/or proposals for certain actions.

17. A judge may withdraw consent to his or her secondment to another court of the same level and specialization to administer justice until the High Council of Justice makes a decision, and submit a written application. In this case, the High Council of Justice shall decide to leave the material without consideration.

18. In the absence of judges who have expressed a desire to be seconded to another court, the notification of the need to consider the issue of secondment of a judge shall be returned to the State Judicial Administration of Ukraine."

the Procedure was supplemented by Section IV-1 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

V. Implementation of the decision of the High Council of Justice on the secondment of a judge

the title of Section V was changed in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

1. The decision of the High Council of Justice on the secondment of a judge shall be published on its official website (taking into account restrictions established in paragraph 4 of Section III of this Procedure), copies of such decision shall be sent to the judge, the High Qualification Commission of Judges of Ukraine, and the State Judicial Administration of Ukraine to take organizational measures related to the implementation of the decision on the secondment of a judge no later than five days after the date of the decision.

2. Copies of the decision to second a judge shall be sent to the court to which the judge is seconded and to the court in which the judge holds a full-time position, except in the case of suspension of the court's work due to natural disaster, military operations, counter-terrorism measures or other extraordinary circumstances.

2-1. Copies of the decision to extend the term of judge's secondment shall be sent to the court to which the judge is seconded and to the court where the judge holds a full-time position, except in the case of suspension of the court's work due to natural disaster, military operations, counter-terrorism measures or other extraordinary circumstances.

2-2. Copies of the decision on early termination of judge's secondment shall be sent to the court to which the judge was seconded and to the court where the judge held a full-time position, except in case of termination of the court's work due to natural disaster, military operations, counter-terrorism measures or other extraordinary circumstances.

Section V is supplemented by paragraphs 2-1, 2-2 in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

3. Regarding the secondment of a judge to another court, the extension of the term of secondment of a judge, and the return of a judge from secondment in the event of the expiration of the term for which he or she was seconded, or in connection with the early termination of the secondment of a judge, the head of the court (the person performing his or her administrative powers) from which the

judge was seconded shall issue the relevant orders, copies of which shall be sent without delay to the High Council of Justice, the High Qualification Commission of Judges of Ukraine, and the State Judicial Administration of Ukraine.

The Head of the court (the person performing its administrative functions) to which a judge is seconded) the term of judge's secondment has been extended), upon the arrival of the seconded judge at the court, upon expiration of judge's secondment and in case of early termination of judge's secondment, shall issue relevant orders, copies of which are immediately sent to the High Council of Justice, the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine.

If a judge who has been seconded (or whose secondment term has been extended) fails to arrive at the court within ten business days from the date of commencement of judge's secondment term, as determined by the decision of the High Council of Justice, the Chairman of the court shall notify the High Council of Justice, the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine.

clause 3 is set out in accordance with decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

clause 3 is amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

clause 3 is set out in accordance with the decision of the High Council of Justice of November 09, 2023 № 1048/0/15-23

clause 3 is amended in accordance with the decision of the High Council of Justice dated February 18, 2025, № 264/0/15-25

Clause 4 is deleted.

clause 4 is amended in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

clause 4 was deleted by the decision of the High Council of Justice of 21 July, 2020 № 2217/0/15-20

Clause 5 is deleted.

clause 5 is set out in a new wording in accordance with the decision of the High Council of Justice of August 22, 2019

№ 2242/0/15-19 clause 5 is excluded in accordance with the decision of the High Council of Justice of July 21, 2020, № 2217/0/15-20

VI. Financial support for judge's secondment

1. Judges who are sent on a secondment as a temporary transfer of a judge to another court of the same level and specialization shall be paid judicial remuneration and reimbursed for expenses in the manner and amount determined by the Resolution of the Cabinet of Ministers of Ukraine of February 02, 2011 № 98 "On the Amount and Composition of Secondment Expenses for Civil Servants and Other Persons Sent on Secondment by Enterprises, Institutions and Organizations that are Fully or Partially Supported (Financed) by Budgetary Funds".
2. The amount of judicial remuneration to be paid in the court to which the judge is seconded is determined by the Law of Ukraine "On the Judiciary and the Status of Judges", but cannot be less than amount of judicial remuneration paid (payable) to the judge in the court from which he or she was seconded.
3. These payments shall be made by the court to which the judge is seconded.

VII. Final provisions

1. Before the automated system for the formation and maintenance of judicial dossiers starts functioning, the head of the court staff to which the judge was seconded shall, no later than ten days after the expiration of the temporary transfer term, send to the High Qualification Commission of Judges of Ukraine information on the effectiveness of judge's administration of justice during the period of such secondment.

Information on the effectiveness of judicial proceedings shall be sent in the form of completed information sheets of section 8 of the judicial dossier form.

2. In accordance with paragraph 2 of Section II "Final and Transitional Provisions" of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" regarding the secondment of judges and settlement of other issues of ensuring the functioning of the justice system for a period of absence of the authorized composition of the High Qualification Commission of Judges of Ukraine", the High Council of Justice in the absence of the authorized composition of the High Qualification Commission of Judges of Ukraine shall adopt, without recommendation or submission of the High

Qualification Commission of Judges of Ukraine, the following decisions:

- to second a judge to another court of the same level and specialization and early terminate judge's secondment;
- to amend the Procedure for the secondment of a judge to another court of the same level and specialization (as a temporary transfer).

3. The High Qualification Commission of Judges of Ukraine shall immediately continue consideration of materials on the secondment of a judge and early termination of judge's secondment, which were not completed by the High Council of Justice during the period of absence of the authorized composition of the High Qualification Commission of Judges of Ukraine, and shall complete it within a reasonable time. The announcement of the scheduling of such issues for consideration shall be published on the official website of the High Qualification Commission of Judges of Ukraine no later than the next business day after the date, time and place of consideration of such issue is determined.

4. With regard to a judge who was previously seconded under clause 56 of Section XII "Final and Transitional Provisions" of the Law of Ukraine "On the Judiciary and the Status of Judges" without specifying the maximum duration of such secondment, the High Qualification Commission of Judges of Ukraine shall establish grounds for early termination of the previous secondment of the judge and, simultaneously, for his/her secondment, including upon applications submitted by the High Council of Justice, the State Judicial Administration of Ukraine, territorial departments of the State Judicial Administration of Ukraine, courts or judges.

The High Qualification Commission of Judges of Ukraine, for the purpose of determining whether there are grounds for early termination of the previous secondment of a judge and his/her simultaneous secondment, shall be entitled to request and receive the necessary information from the High Council of Justice, the State Judicial Administration of Ukraine, territorial departments of the State Judicial Administration of Ukraine, courts and other public authorities.

The following may constitute grounds for early termination of the previous secondment of a judge and his/her simultaneous secondment:

- a change in circumstances in the court to which the judge is seconded, in particular where the workload is no longer excessive;
- a change in the territorial jurisdiction of cases handled by the court to which or from which the judge was previously seconded under clause 56 of Section XII "Final and Transitional Provisions" of the Law of Ukraine "On the Judiciary and the Status of Judges" without specifying the maximum duration of secondment;
- identification of an excessive workload in the court to which the territorial jurisdiction of cases of the court from which the judge was seconded has been transferred.

An application requesting consideration of the issue of early termination of the previous secondment of a judge and his/her simultaneous secondment, submitted to the High Qualification Commission of Judges of Ukraine or, during the period when it does not have a quorum, to the High Council of Justice, shall

contain:

- the surname, first name and patronymic of the seconded judge;
- the names of the court from which and the court to which the judge has been seconded;
- justification of the impossibility of the judge returning to work in the court from which he/she was previously seconded;
- the name of the court to which the territorial jurisdiction of cases of the court from which the judge was seconded has been transferred, the number of judges and the workload level in that court;
- circumstances confirming the existence of the established grounds.

5. When the Commission considers the issue of submitting a proposal for early termination of the secondment of a judge (seconded under clause 56 of Section XII ‘Final and Transitional Provisions’ of the Law of Ukraine ‘On the Judiciary and the Status of Judges’) to a court whose territorial jurisdiction has been changed, it shall simultaneously decide on recommending that judge for secondment to another court of the same level and specialisation for the administration of justice.

5-1. At the relevant session, the Commission shall offer the judge to give consent to his/her secondment to another court from among the courts where an excessive workload has been identified or where the administration of justice is impossible.

If the judge does not give consent to secondment, he/she may, without such consent, be recommended for secondment to the court to which the territorial jurisdiction of cases that were pending in the court where the judge worked has been transferred, or, in the absence of vacancies in that court, to another court of the same level and specialisation.

5-2. The High Qualification Commission of Judges of Ukraine shall compile a list of courts with an excessive workload or where the administration of justice is impossible, taking into account information provided by the State Judicial Administration of Ukraine. The judge shall be acquainted with this list, and it shall be published on the official website of the High Qualification Commission of Judges of Ukraine.

5-3. Following the consideration of the said issue, the Commission, in addition to the types of decisions specified in clause 11-1 of Section III of this Procedure, may adopt a decision on early termination of the previous secondment of the judge and his/her simultaneous secondment. The decision shall specify:

- the surname, first name and patronymic of the judge;
- the names of the court from which and the court to which the judge has been seconded, and the court to which the judge is proposed to be seconded;
- the duration of the secondment;
- the circumstances constituting the ground for early termination of the secondment;
- justification of the impossibility of the judge returning to the court from which he/she was previously seconded;
- justification of the excessive workload or impossibility of

administering justice in the court to which the judge is to be seconded;

- justification that the secondment will not substantially affect the average workload and access to justice in the court to which the judge was previously seconded.

5-4. The decision of the High Qualification Commission of Judges of Ukraine on submitting a proposal for early termination of the previous secondment of a judge and his/her simultaneous secondment, together with documents submitted by the judge (if any) and other documents substantiating the decision (if any), shall be sent to the High Council of Justice within five working days of its adoption.

A copy of this decision shall be sent to the State Judicial Administration of Ukraine within five working days of its adoption.

6. Preliminary consideration by the High Council of Justice of the proposal of the High Qualification Commission of Judges of Ukraine on early termination of the previous secondment and simultaneous secondment of a judge shall be carried out by a rapporteur designated by the automated case management system. The rapporteur shall verify the proposal in order to establish the existence of statutory grounds for early termination of the previous secondment and simultaneous secondment of the judge.

The proposal of the State Judicial Administration of Ukraine on the necessity to reallocate budget expenditures for the maintenance of courts shall also be verified.

6-1. Following consideration of the proposal of the High Qualification Commission of Judges of Ukraine, the High Council of Justice shall adopt one of the following decisions:

- on early termination of the previous secondment of the judge and on secondment of the judge;

- on refusal of early termination of the previous secondment and secondment of the judge;

- on leaving the proposal without consideration and returning it to the High Qualification Commission of Judges of Ukraine.

6-2. The decision of the High Council of Justice on early termination of the previous secondment of a judge and on secondment of the judge shall contain:

- the surname, first name and patronymic of the judge;

- the name of the court in which the judge held a permanent position before the previous secondment;

- the name of the court to which the judge was previously seconded;

- the name of the court to which the judge is seconded;

- the date from which the secondment period is calculated, determined taking into account the Provisions on the Automated Court Document Management System regarding the automated distribution of cases among judges;

- approval of the reallocation of budget expenditures between courts in the specified amount and an instruction to the State Judicial Administration of Ukraine to ensure financing of expenditures after the end of the judge's secondment.

The High Council of Justice shall adopt a reasoned decision.

6-3. Copies of the decision on early termination of the previous secondment of a judge and on secondment of the judge shall be sent to the court to which the judge is seconded, to the court to which the judge was previously seconded, and to the court in which the judge held a permanent position, except in cases where the court has ceased operation due to natural disaster, military actions, anti-terrorist measures or other extraordinary circumstances.

Section VII is set out in a new wording in accordance with the decision of the High Council of Justice of August 22, 2019 № 2242/0/15-19

Section VII was amended in accordance with the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20

Section VII is supplemented by paragraph six in accordance with the decision of the High Council of Justice of July 04, 2023 № 680/0/15-23

Section VII has been supplemented with paragraphs 4 - 6-3 in accordance with the decision of the High Council of Justice of February 18, 2025, № 264/0/15-25

Annex 1 to the Procedure for
Secondment of a Judge to
Another Court of the Same
Level and Specialization (as
temporary transfer)

**To the High
Qualification
Commission of Judges
of Ukraine**

(name of the judge)

*(name of the court where the judge
works)*

*(address of judge's actual
place of residence)*

*(contact phone numbers, including cell
phone numbers)*

(e-mail)

Consent

In accordance with the Article 55 of the Law of Ukraine “On the Judiciary and the Status of Judges”, I hereby consent to my secondment to _____ for the administration of justice.

(name of the court)

*(The judge may additionally specify other information that may be taken into account when deciding on the secondment of a judge to another court of the same level and specialization).

Annex:

- certificate for consideration of the issue of secondment of a judge to another court of the same level and specialization for the administration of justice on pp;
- other documents (if any) on _____ pp.

Date _____

(Signed)

(Full name)

Annex 1-1 to the Procedure for
Secondment of a Judge to Another
Court of the Same Level and
Specialization (as temporary transfer)
High Council of Justice

(Full name of the judge)

(name of the court where the judge works)

(address of actual place of residence)

*(contact phone numbers, including
cell phone numbers)*

(e-mail)

Consent

In accordance with the Article 55 of the Law of Ukraine “On the Judiciary and the Status of Judges”, I hereby give consent to the extension of the term of secondment up to _____ for administration of justice.

(name of the court)

**(The judge may additionally specify other information that may be taken into account when deciding on the extension of judge’s secondment).*

Annex:

- certificate for consideration of the issue of extending the term of judge’s secondment by ____ pp;
- other documents (if any) on ____ pp. Date

_____ ».

(signature)

(full name)

*the Procedure is supplemented by Annex 1-1 in accordance with
the decision of the High Council of Justice of July 21, 2020 № 2217/0/15-20*

Annex 1-2 to the Procedure
for Secondment of a Judge to
Another Court of the Same
Level and Specialization (as a
temporary transfer)

To the High Council of Justice

(Full name of the judge)

(name of the court where the judge
works)

(address of actual place of
residence)

(contact phone numbers,
including cell phone numbers)

(e-mail)

Consent

Pursuant to Article 55 of the Law of Ukraine "On the Judiciary and the Status of Judges" and subparagraph 1 of paragraph 2 of Section II "Final and Transitional Provisions" of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" regarding the secondment of judges and settlement of other issues of ensuring the functioning of the justice system in the absence of the authorized composition of the High Qualification Commission of Judges of Ukraine", I hereby consent to my secondment to _____ for the administration of justice.

(name of the court)

Annex:

- certificate for consideration of the issue of secondment of a judge to another court of the same level and specialization for the administration of justice on _____ pp;
- other documents (if any) on _____ p.

Date

(Signature)

(FULL NAME)

*A judge may additionally indicate other information that may be taken into account when deciding whether to second a judge to another court of the same level and specialization.

Annex 2 to the Procedure for
Secondment of a Judge to Another
Court of the Same Level and
Specialization

**CERTIFICATE
for consideration of the issue of secondment of a judge to another court of the
same level and specialization for the administration of justice**

(Name, surname, patronymic of the judge)

(Name of the court where the judge works)

I. Information about the judge						
1. Type, date and number of the legal act on appointment, election, transfer to the position of a judge						
2. Specialization of the judge for the period of work in court						
3. Information on the number of court cases with indication of categories considered by the judge in the last 2 years of his/her tenure, as well as information on the number of reversed and amended decisions						
Categories of cases		20__		20__		
Criminal cases		Quantity of considered cases	Quantity of cancelled decisions	Quantity of changed decisions	Quantity of considered cases	Quantity of cancelled decisions
Civil cases						
Administrative cases						
Commercial cases						
Cases of administrative offenses						

4. Information on the number of cases pending before the judge, indicating their categories	Criminal cases. _____, In particular, more than three months - _____, Civil cases _____, In particular, for more than three months _____
	Administrative cases _____, including more than three months _____, Commercial cases - _____, In particular, for more than three months _____
II. Information about the court	
1. Staffing number of judges in the court	
2. The actual number of judges in the court	
3. The number of judges administering justice	
4. The total number of cases pending before court judges, indicating categories	Criminal cases _____, Civil cases _____, Administrative cases _____, Commercial cases _____, Cases on administrative offenses _____,

Head of the court _____

(Signature, seal)

(FULL NAME)

* If the work of the court is suspended due to a natural disaster, military operations, counter-terrorism measures or other extraordinary circumstances and the head of the court is unable to provide a certificate, the information is filled in accordance with the available information in the relevant territorial department of the State Judicial Administration of Ukraine and may be signed by its head.