



**ADVISORY GROUP
OF EXPERTS**

APPROVED

**Minutes No. 16 of the meeting of the Advisory Group of Experts
dated 18 February 2025**

DECISION No. 2.17

*On the compliance of the candidate
for the position of a judge of the Constitutional Court of Ukraine
Zakhar Tropin
with the criterion of a recognised level of competence in the field of law*

The Advisory Group of Experts (hereinafter referred to as the Advisory Group) composed consisting of the Secretary of the Advisory Group Maureen O'Connor and the members of the Advisory Group: Hanna Suchocka, Aleš Zalar, Yaroslav Romaniuk, Vasyl Shakun, and the deputy member of the Advisory Group Vitalii Makhinchuk, who, in accordance with part 4, Art. 10¹² of the Law of Ukraine on the Constitutional Court of Ukraine (hereinafter referred to as the Law) and part 6, Art. 8 of the Regulations of the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts of November 12, 2023, with amendments approved by Minutes No. 10 of the meeting of the Advisory Group of Experts of May 30, 2024 (hereinafter referred to as the Regulations), exercises the powers of the member of the Advisory Group Oksana Vasylchenko, in the presence of the deputy members of the Advisory Group: Volodymyr Kuzmenko, Vitalii Makhinchuk, Marek Zubik, as well as Richard Barrett and Thomas Griffith (in remote mode using electronic means of video communication), having assessed the compliance of the candidate for the position of a judge of the Constitutional Court of Ukraine Zakhar Tropin (hereinafter referred to as the Candidate) with the criterion of a recognised level of competence in the field of law, in accordance with the Law, the Regulations, the Methodology for Assessing Moral Qualities and Level of

Competence in the Field of Law of Candidates for the Position of Judge of the Constitutional Court of Ukraine, approved by the decision of the Advisory Group of Experts of 04 December 2023, as amended by Minutes No. 10 of the meeting of the Advisory Group of Experts of 30 May 2024 (hereinafter referred to as the Methodology),

has established:

1. In accordance with part twenty-five of Article 10² of the Law, the Advisory Group, among other things, assesses the level of competence in the field of law of candidates for the position of a judge of the Constitutional Court of Ukraine.

2. According to part five of Article 10⁸ of the Law, candidates who have received a "compliant" assessment from the Advisory Group on the criterion of high moral qualities are assessed for compliance with the criterion of the level of competence in the field of law.

3. According to paragraph 2 of part three of Article 10⁸ of the Law, a candidate for the position of a judge of the Constitutional Court of Ukraine is deemed to comply with the criterion of a recognised level of competence in the field of law if the candidate has the necessary knowledge to exercise the powers of a judge of the Constitutional Court of Ukraine. According to paragraph 4 of part three of Article 10⁸ of the Law, a candidate does not comply with this criterion in case of proof of non-compliance or reasonable doubts about compliance.

4. The Advisory Group determines whether the candidate for the position of a judge of the Constitutional Court of Ukraine possesses the necessary knowledge to perform the powers of a judge of the Constitutional Court of Ukraine by assessing the candidate's knowledge in the areas defined in part four of Article 2 of the Methodology.

5. According to the decision of the Advisory Group No. 1.30, formalised in Minutes No. 15 of the meeting of the Advisory Group of 28 January 2025, Zakhar Tropin was recognised as complying with the criterion of high moral qualities for the purposes of competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine.

6. In accordance with the second paragraph of part two of Article 10⁸ of the Law, Article 4 of the Methodology, within fifteen days from the date of the decision to assess

the compliance of all candidates with the criterion of high moral qualities, the Advisory Group assesses the level of competence in the field of law of each candidate for the position of a judge of the Constitutional Court of Ukraine, in particular by conducting a written assessment of candidates for the position of a judge of the Constitutional Court of Ukraine, as well as conducting additional interviews (if necessary).

7. In accordance with parts two, three, five and six of Article 10⁸ of the Law and on the basis of paragraph d of part one of Article 4 of the Methodology, the Advisory Group adopted decisions Nos. 2-4, formalised in Minutes No. 5 of the meeting of the Advisory Group of 23 March 2024, by which it approved: the conditions for conducting a written assessment of the level of competence in the field of law of candidates for the position of a judge of the Constitutional Court of Ukraine, the composition of the external group of international experts to prepare written questions and questions for additional interviews to determine the level of competence in the field of law.

8. By the decision of the Advisory Group No. 2, formalised in Minutes No. 15 of the meeting of the Advisory Group of 28 January 2025, the Advisory Group set 08 February 2025 as the date for the written assessment of candidates for the positions of judges of the Constitutional Court of Ukraine.

9. On 08 February 2025, the Candidate participated in the written assessment by providing a written answers to written questions in accordance with the procedure provided for in paragraph d of part two of Article 4 of the Methodology.

10. On 18 February 2025, in accordance with part four of Article 4 of the Methodology, the Advisory Group adopted Decision No. 1, formalised in Minutes No. 16 of the meeting of the Advisory Group of 18 February 2025, on the absence of the need for additional interviews.

11. The Advisory Group, having reviewed the information about the Candidate and analysed the Candidate's response to the written assessment, decided that the Candidate complies with the criterion of a recognised level of competence in the field of law, given the following.

12. The Candidate has demonstrated a high level of knowledge and legal analysis in the written assessment.

13. The Candidate conducted a thorough analysis of the constitutional and legal issues presented in the written tasks and prepared structured and reasoned answers,

demonstrating an understanding of the modern doctrine of constitutionalism and international human rights law. In answering the second question, the Candidate demonstrated a deep understanding of the principle of separation of powers and gave his own interpretation of the concept of “constitutional order”, outlining its key features, which, in turn, confirmed the Candidate's correct understanding of this legal concept. Although in answering the first question, the Candidate refrained from providing specific conclusions, in particular, regarding the correlation of modern standards of regulation of the right to freedom of peaceful assembly and association with the right to respect for private and family life, he provided a comprehensive constitutional and legal assessment of the legal status of a penitentiary institution as a high-security facility and the permissible restriction of human rights in it. Eventually, the Candidate, throughout all the tasks, cited the key and relevant provisions of the Constitution of Ukraine, which are essential for resolving the constitutional and legal cases outlined in the tasks.

14. The Candidate has demonstrated the ability to comprehensively analyse complex legal issues of a constitutional and legal nature, formulate reasonable conclusions that are relevant to the essence of the tasks, and present them in a clear and precise language.

15. In addition, the Candidate holds a PhD in Law, having defended his dissertation on the topic "Mechanism for the Settlement of International Disputes under the Energy Charter Treaty" in 2008. The Candidate is an Associate Professor of the International Law Department at the Educational and Scientific Institute of International Relations of Taras Shevchenko National University of Kyiv and has a significant number of scientific papers in the field of peaceful settlement of international disputes and the operation of international judicial and arbitration institutions, international economic law, international criminal law and international human rights law. The Advisory Group takes into account the above mentioned when assessing the Candidate's compliance with the criterion of a recognised level of competence in the field of law.

16. Taking into account the above, based on the results of the assessment of the Candidate's level of competence in the field of law for the purposes of selecting candidates for the position of a judge of the Constitutional Court of Ukraine, the Advisory Group did not find confirmation of inconsistency and has no reasonable doubts about the Candidate's compliance with the criterion of a recognised level of competence

in the field of law. Thus, the Candidate has the necessary knowledge to exercise the powers of a judge of the Constitutional Court of Ukraine.

Guided by Articles 6, 7 of the Regulations of the Advisory Group of Experts approved by the decision of the Advisory Group of Experts of 12 November 2023, as amended by Minutes No. 10 of the meeting of the Advisory Group of Experts of 30 May 2024, the Methodology for Assessing Moral Qualities and Level of Competence in the Field of Law of Candidates for the Position of Judge of the Constitutional Court of Ukraine approved by the decision of the Advisory Group of Experts of 04 December 2023, as amended by Minutes No. 10 of the meeting of the Advisory Group of Experts of 30 May 2024, Articles 10², 10⁸ of the Law of Ukraine "On the Constitutional Court of Ukraine", the Advisory Group

has decided:

candidate for the position of a judge of the Constitutional Court of Ukraine Zakhar Tropin for the purposes of selection of candidates for the position of a judge of the Constitutional Court of Ukraine on a competitive basis complies with the criterion of a recognised level of competence in the field of law.

Signatures:

Алеш Залар
(Aleš Zalar)

Василь Шакун
(Vasyl Shakun)

Ганна Сухоцька
(Hanna Suchocka)

Віталій Махінчук
(Vitaly Makhinchuk)

Морін О'Коннор
(Maureen O'Connor)

Ярослав Романюк
(Yaroslav Romaniuk)