



**ADVISORY GROUP
OF EXPERTS**

APPROVED

**Minutes No. 15 of the session of the Advisory Group of Experts
of January 28, 2025**

DECISION 1.30

*On the compliance of the candidate
for the position of judge of the Constitutional Court of Ukraine
Zakhar Tropin with the criterion of high moral qualities*

The Advisory Group of Experts (hereinafter referred to as the Advisory Group) in remote mode using electronic video-conference means, 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 Vasylychenko, in the presence of the deputy members of

the Advisory Group: Thomas Griffith, Richard Barrett and Volodymyr Kuzmenko, 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 high moral qualities, under the Law, the Regulations and the Methodology for Assessing Moral Qualities and the Level of Competence in the Field of Law, approved by the decision of the Advisory Group of Experts of December 4, 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 “Methodology”),

established:

1. Under part 25, Art. 10² of the Law, the Advisory Group, among other things, assesses the moral qualities of candidates for the position of judge of the Constitutional Court of Ukraine.

2. Under Art. 10⁸ of the Law, the Advisory Group within four months from the date of receipt from the selection commission for selecting candidates for the position of judge of the Constitutional Court of Ukraine regarding the persons appointed by the President of Ukraine, the Committee of the Verkhovna Rada of Ukraine responsible for the legal status of the Constitutional Court of Ukraine, and the Council of Judges of Ukraine of all documents submitted by the candidates, reviews and studies the submitted documents, results of the special check, other information and materials received by the Advisory Group in the process of administration of its powers, and after conducting an interview with the candidate, based on the results of the assessment of high moral qualities of the candidate, makes a reasoned decision on the assessment of the compliance with the criterion of moral qualities.

3. The criterion “high moral qualities”, envisaged by Art. 10⁸ of the Law, shall be determined by the Advisory Group in the course of assessment of the “integrity” component through the indicators of independence, honesty, impartiality, diligence, incorruptibility, compliance with ethical standards and demonstration of impeccable behaviour in professional activity and personal life, as well as through the component “the legality of sources of property origin”, “compliance of the standard of living of the

candidate or his/her family members with the declared income” and “compliance of the candidate's lifestyle to his/her status”, the content of which is disclosed in part 1, Art. 2 of the Methodology.

4. Under paragraph 1, part 3, Art. 10⁸ of the Law, a candidate may be deemed to be compliant with the criterion of high moral character only if he or she is of good integrity and there are no reasonable doubts as to the legality of the sources of his or her property, the standard of living of the candidate or his or her family members in line with the declared income, or the candidate’s lifestyle being in line with his or her status. Under paragraph 4, part 3, Art. 10⁸ of the Law, a candidate does not meet this criterion if non-compliance of the candidate is proven or if there are reasonable doubts regarding the candidate’s compliance.

5. On August 07, 2024, the Advisory Group received from the Committee of the Verkhovna Rada of Ukraine on Legal Policy documents of Zakhar Tropin, Director of the Department of International Cooperation and Representation of the Ministry of Justice of Ukraine, for participation in the competition for the position of a judge of the Constitutional Court of Ukraine (letter No. ДГЕ-697/24-ВХ. dated August 07, 2024).

6. The Advisory Group reviewed, verified and analyzed the Candidate’s documents, written explanations, and information received from public authorities, public organizations, state registers, databases, legal entities under private law, individuals, as well as data received from the National Agency for the Prevention of Corruption and the National Anti-Corruption Bureau of Ukraine.

7. On January 16, 2025, the Advisory Group [interviewed](#) the Candidate, in particular, to refute doubts about the Candidate’s compliance with the criterion of high moral qualities.

8. The Advisory Group has completed its review, verification, and analysis of the Candidate’s documents, individually and in their entirety, the Candidate’s answers to the Advisory Group’s written questions and the Advisory Group’s questions during the interview and has decided that the Candidate is compliant with the criterion of high moral qualities, given the following.

9. As of the date of the interview, the Advisory Group had doubts as to the Candidate’s compliance with the criterion of high moral qualities, such as indicators of

the “integrity” component as “independence”, “honesty”, “impartiality”, “diligence” and “adherence to ethical norms and demonstration of impeccable conduct in professional activity and personal life”, in particular, regarding the actions of the Candidate as the chairman of the competitive commission for the selection of candidates for the appointment by the President of Ukraine to the position of a member of the High Council of Justice during the adoption of the decision published on July 3, 2024, on the [official website of the President of Ukraine](#), not to recommend for the appointment by the President of Ukraine to the position of a member of the High Council of Justice any of the candidates recognized by the Ethics Council as meeting the criteria of professional ethics and integrity and included in the list of candidates recommended by the Ethics Council for appointment to the position of a member of the High Council of Justice.

10. Most of the doubts that arose in the Advisory Group were refuted based on the results of the Candidate's answers to written questions, the questions of the Advisory Group during the interview, the analysis of the Candidate's documents, each individually and in their entirety, and other information that the Advisory Group received during the Candidate's assessment.

11. At the same time, regarding the doubt in the independence and impartiality of the Candidate during the adoption of the above-mentioned decision by the competition commission, pursuant to part 2, Article 2 of the Methodology, in assessing compliance with high moral qualities criterion, the Advisory Group may take into consideration the gravity or severity, and the totality of the circumstances, and the willfulness of any integrity incident, and, with respect to minor incidents, whether there has been a sufficient passage of time without further recurrences. While determining the gravity, the Advisory Group takes into account all circumstances, including but not limited to: whether the incident was a singular case; whether the incident caused no or only insignificant damage to private or public interests (including public trust); whether the incident would be perceived by an objective observer as an attitude of disrespect for the social order arising from disregard for rules and regulations.

12. Taking into account the severity, gravity and totality of the circumstances identified during the Candidate's assessment, the Advisory Group, guided by part two

of Article 2 of the Methodology, concluded that the Candidate met the criterion of high moral qualities.

Thus, being guided by Articles 6 and 7 of the Regulations on the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts on November 12, 2023, with changes approved by Protocol No. 10 of the meeting of the Advisory Group of Experts dated May 30, 2024, the Methodology for Assessing Moral Qualities and the Level of Competence in the Field of Law of the Candidates for the Position of Judge of the Constitutional Court of Ukraine, approved by the decision of the Advisory Group of Experts on December 04, 2023, with changes approved by Protocol No. 10 of the meeting of the Advisory Group of Experts dated May 30, 2024, Articles 10², 10⁸ of the Law of Ukraine “On the Constitutional Court of Ukraine”, the Advisory Group

has decided that

for the purpose of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine, the candidate for the position of a judge of the Constitutional Court of Ukraine Zakhar Tropin complies with the criterion of high moral qualities.

Signatures:

Алеш Залар
(Aleš Zalar)

Василь Шакун
(Vasyl Shakun)

Ганна Сухоцька
(Hanna Suchocka)

Віталій Махінчук
(Vitalii Makhinchuk)

Морін О’Коннор
(Maureen O’Connor)

Ярослав Романюк
(Yaroslav Romaniuk)

Recording of the interview broadcast:

