



**ADVISORY GROUP
OF EXPERTS**

APPROVED

**Minutes No. 7 of the session of the Advisory Group of Experts
as of May 2, 2024**

DECISION No. 1.5

On compliance of the candidate

for the position of a judge of the Constitutional Court of Ukraine

Serhii Riznyk

with the criterion of the recognized level of competence in the field of law

The Advisory Group of Experts (hereinafter referred to as the Advisory Group) in remote mode using electronic video-conference means, consisting of the Chair of the Advisory Group Aleš Zalar, Secretary of the Advisory Group Yaroslav Romaniuk, members of the Advisory Group: Nataliia Kuznietsova, Oksana Vasylenko, Maureen O'Connor, Hanna Suchocka, in the presence of deputy members of the Advisory Group: Marek Zubik, Volodymyr Kuzmenko, Vasyl Shakun, Richard Barrett, having assessed the compliance of the candidate for the position of judge of the Constitutional Court of Ukraine Serhii Riznyk (hereinafter referred to as the Candidate) with the criterion of the recognized level of competence in the field of law, under the Law of Ukraine "On the Constitutional Court of Ukraine" (hereinafter referred to as the Law), the Regulations of the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts on November 12, 2023, 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 (hereinafter referred to as the Methodology),

established the following:

1. According to part twenty-five, 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 judge of the Constitutional Court of Ukraine.

2. According to part five, Article 10⁸ of the Law, candidates who have been assessed by the Advisory Group as compliant with the criterion of high moral qualities are evaluated in terms of their compliance with the criterion of the level of competence in the field of law.

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

4. The Advisory Group determines whether the candidate for the position of a judge of the Constitutional Court of Ukraine has necessary knowledge to exercise the powers of a judge of the Constitutional Court of Ukraine by assessing the candidate's knowledge in the areas defined by Part Four of Article 2 of the Methodology.

5. Decision No. 1.18 of the Advisory Group, executed with Minutes No. 5 of the Advisory Group's session as of March 23, 2024, recognized Serhii Riznyk as compliant with the criterion of high moral qualities for purposes of competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine.

6. According to paragraph 2 part two, Article 10⁸ of the Law, Article 4 of the Methodology, 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 within

fifteen days since adoption of the decision on assessment of all candidates' compliance with the criterion of high moral qualities, namely, by means of conducting the written assessment of candidates for the position of a judge of the Constitutional Court of Ukraine, as well as additional interviews (if necessary).

7. According to parts 2, 3, 5, and 6 of Article 10⁸ of the Law and based on paragraph d, part one, Article 4 of the Methodology, the Advisory Group adopted decisions No. 2- 5, executed with Minutes No. 5 of the session of the Advisory Group as of March 23, 2024, with which it adopted: terms and conditions for conduct of 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; composition of the external group of international experts for preparation of written questions and questions for additional interviews aimed at determining the level of competence in the field of law of candidates for the position of a judge of the Constitutional Court of Ukraine; guidelines for preparation of written questions and questions for additional interviews for 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; and determined April 05, 2024, as the date for conduct of written assessment of candidates for the position of a judge of the Constitutional Court of Ukraine.

8. On April 05, 2024, the Candidate took part in written assessment by means of providing written response to the written assignment following the procedure set out by paragraph d, part two, Article 4 of the Methodology.

9. On April 20, 2024, in line with Article 4(4) of the Methodology, the Advisory Group adopted Decision, executed with Minutes No. 6 of the session of the Advisory Group of Experts as of April 20, 2024, on absence of the need to hold additional interviews.

10. Having studied information about the Candidate, having analyzed the Candidate's response during written assessment, the Advisory Group has decided that the Candidate complies with the criterion of the recognized level of competence in the field of law based on the following.

11. During the written assessment, the Candidate demonstrated a high level of legal erudition, analytical thinking, and understanding of the doctrine of constitutional law and international standards regarding limitations on human rights and freedoms. Despite using somewhat superficial statements and, to a certain extent, a formalistic approach to utilizing available sources, the Candidate confirmed his practical skills, which contributed to a systematic exposition of his view on solving a complex constitutional law problem outlined in the written assignment.

12. The Candidate's written response indicates his ability to thoroughly analyze the situation, identify its main aspects, critically evaluate complex legal issues of constitutional law and international human rights law, correctly interpret and apply the principle of the rule of law in the context of permissible limitations on human rights and freedoms, and as a result, make reasoned conclusions, even though the Candidate ultimately did not apply the proportionality test to address the question posed in the task.

13. Given the above, pursuant to the result of the assessment of the Candidate's level of competence in the field of law for purposes of selection of candidates for the position of a judge of the Constitutional Court of Ukraine, the Advisory Group has not revealed confirmation of non-compliance and does not have reasonable doubts about the Candidate's compliance with the criterion of the recognized level of competence in the field of law. Therefore, the Candidate has the necessary knowledge to exercise the powers of a judge of the Constitutional Court of Ukraine.

Thus, being governed by Articles 6, 7 of the Regulations of the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts on November 12, 2023, 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, 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 Serhii Riznyk complies with the criterion of the recognized level of competence in the field of law.

Signatures:

Алеш Залар
(Aleš Zalar)

Наталія Кузнєцова
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