



**THE CONCEPT
OF COMPREHENSIVE AMENDMENTS
TO THE RULES OF PROCEDURE
OF THE VERKHOVNA RADA OF UKRAINE
(DRAFT)**

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(draft)

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I. Introductory remarks on the legal nature of the Rules of Procedure of the Verkhovna Rada of Ukraine.

1. The Rules of Procedure of the Verkhovna Rada of Ukraine is the source of the parliamentary law in Ukraine derived from the Constitution of Ukraine, which acts as a single codified legal act and adopted in the form of a law; it regulates and protects, based on implementation of the respective process and procedural rules, the rules of procedure (activity) of the Verkhovna Rada of Ukraine, its bodies and officials, as well as the procedure of its execution of parliamentary functions and certain parliamentary procedures¹.

However, as is rightly observed in literature, «The Rules of Procedure of a parliament is one of the most underrated by public opinion and, at the same time, one of the most important elements of the political and legal culture, the culture of discussion and disputes, and ultimately - of reaching agreements»².

It is the Parliamentary Rules of Procedure that, perhaps, are the clearest form of expression of «the Parliament's self-determination» (A. Sajo)³. It sets the essential algorithm for the entire parliamentary process, organizes and unifies it identifying for each procedure for consideration of matters within the Parliament's jurisdiction a certain regulated method for such consideration. Therefore, availability of these Rules of Procedure prevents the situation where daily parliamentary work boils down to unnecessary debates about routine organizational issues, it ensures efficiency and productivity of the parliamentary process in general. At the same time, without the Rules of Procedure the Parliament may drown in an avalanche of proposals on the way to deal with every issue, which may lead to waste of time and other resources⁴.

Thus, «availability of Rules of Procedure is a means of streamlining and stabilizing the democratic order of Parliaments' work, ensuring active participation of their members in implementation of the lawmaking and monitoring functions»⁵; is a mandatory prerequisite for high-quality and effective implementation by a state's Parliament of its powers⁶. However, the functions performed by the Parliamentary

1 Ganzha N.V. Theoretical problems of the Rules of Procedure of the Verkhovna Rada of Ukraine. Auto-ref. of the dissert. ...Candidate of Law. - K., 2004. - P. 7; Ganzha N.V. Rules of Procedure of public authorities and local governments in Ukraine: concepts and classification // *Vlada. Lyudyna. Zakon*. - 2012. - No. 4 (111). - P. 22; Ganzha N.V. The mechanism of realization of the Rules of Procedure of the Verkhovna Rada of Ukraine // *Zhyttya I Pravo*. - 2005. - No. 5 (17). - P. 42-44; Ganzha N.V. Functions of Rules of Procedure of public authorities in Ukraine // *Derzhava Ta Regiony*. - 2007. - No. 4. - P. 23; Sas S.V. Legislation on the Rules of Procedure of the Verkhovna Rada of Ukraine: theoretical and practical issues. Auto-ref. of the dissert. ...Candidate of Law. - K., 2005. - P. 7; Koroleva I.N. Parliamentary Rules of Procedure as a legal form to regulate activities of a representative public authority: the Russian and international models. Auto-ref. of the disser. ...Candidate of Law. - M., 2007. - P. 22-25; The modern parliament: the theory, international experience, the practice of Russia. Textbook / Ed. by O.N. Bulakov. - M.: EKSMO, 2005. - P. 203.

2 Sas S.V. Legislation on the Rules of Procedure of the Verkhovna Rada of Ukraine: theoretical and practical issues. Dissert. ...Candidate of Law. - K., 2005. - P. 187.

3 Sajo A. Self-limitation of power. A brief course of constitutionalism / Transl. from Hung. - M.: Yurist, 2001. - P. 139.

4 The Parliamentary Rules of Procedure: the objective, functions, and interpretation of their provisions // Support Bulletin of the Parliamentary Ukraine. - K.: b. r. - P. 5-6 (authors of the section - Serhiy Kryschuk and Edward Rahimkulov).

5 Kutafin O.E. Sources of the Constitutional Law of the RF. - M.: Yurist, 2002. - P. 109.

6 Sas S.V. Legislation on the Rules of Procedure of the Verkhovna Rada of Ukraine: theoretical and practical issues. Dissert. ...Candidate of Law. - K., 2005. - P. 189.

Rules of Procedure at the lawmaking body and the role that it plays establish the very important frame that impacts efficiency of parliamentary procedures' realization⁷.

The Rules of Procedure of the Verkhovna Rada of Ukraine has a clearly defined constitutional and legal nature and origin.

To start with, according to paragraph 21, Article 92.1 of the Constitution of Ukraine, it shall be adopted in the form of a law and define the organization and procedure of work of the Verkhovna Rada of Ukraine⁸. The respective Law of Ukraine «On the Rules of Procedure of the Verkhovna Rada of Ukraine» was adopted by the Verkhovna Rada of Ukraine on February 10, 2010⁹ and since then it have been acting in the parliamentary legislation system in Ukraine.

The said Law, in accordance with the Constitution of Ukraine and the laws that define its status, establishes mechanisms for implementation of the Parliament's constitutional powers, are characterized by a high degree of detail to organize its internal structure, determines provisions on the internal organization and order of operation, and establishes procedural rules for the process of execution of powers by the Verkhovna Rada of Ukraine. Being auxiliary and derivative in relation to the Constitution of Ukraine, the Rules of Procedure of the Verkhovna Rada of Ukraine specify its provisions on procedural forms of their practical implementation and contains provisions detailing the internal operating procedures of the Verkhovna Rada of Ukraine in the process of its exercise of powers under its jurisdiction¹⁰.

The Rules of Procedure of the Parliament of Ukraine regulate procedural and legal relations emerging in connection with execution by the Verkhovna Rada of Ukraine of its constitutional functions and powers.

In fact, this act is a sort of a «compensatory» act in the sense that since the Constitution of Ukraine does not contain a large number of procedural and legal provisions dedicated to regulation of parliamentary activities, it is the Rules of Procedure of the Verkhovna Rada of Ukraine that assumes the respective regulatory role. Therefore, the Ukrainian parliamentary Rules of Procedure ensures the respective legal regulation not «after» the Constitution, but rather «in parallel» with the Constitution of Ukraine (V.M. Shapoval)¹¹. That, however, does not mean that the Rules of Procedure of the Verkhovna Rada of Ukraine has legal priority over other laws of Ukraine.

7 Sas S.V. Legislation on the Rules of Procedure of the Verkhovna Rada of Ukraine: theoretical and practical issues. Dissert. ...Candidate of Law. - K., 2005. - P. 193.

8 The Constitution of Ukraine on June 28, 1996 // *Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1996, No. 30, Art. 141.

9 Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine of February 10, 2010 No.1861 - VI // *Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2010, No. 14-15, No. 16-17, p. 133.

10 Separate opinion of the Judge of the Constitutional Court of Ukraine M.A. Markush concerning the Resolution of the Constitutional Court of Ukraine under the constitutional claim by 51 MPs of Ukraine regarding conformity with the Constitution of Ukraine (constitutionality) of the provisions of the fifth, sixth paragraphs of Article 75, paragraph four of Article 77 of the Rules of Procedure of the Verkhovna Rada of Ukraine adopted with the Law of Ukraine «On the Rules of Procedure of the Verkhovna Rada of Ukraine» (the case of election of the Speaker of the Verkhovna Rada of Ukraine) // <http://zakon4.rada.gov.ua/rada/show/nc15d710-12>.

11 Shapoval V. Sources of the constitutional law in Ukraine: the theory and practice // *Pravo Ukrainy*. - 2014. - No.9. - P. 164. See also: Koroleva I.N. Parliamentary Rules of Procedure as a legal form to regulate activities of a representative public authority: the Russian and international models. Auto-ref. of the disser. ...Candidate of Law. - M., 2007. - P. 25.

The «compensatory» role of the Rules of Procedure of the Verkhovna Rada of Ukraine is also reflected in the fact that in the absence of a system of parliamentary legislation in Ukraine, in particular, the Laws On Laws and Legislative Activities (which is to become a «unifying law in the field of regulation of legislative activities»¹²) and On Temporary Special, Temporary Investigatory, and the Temporary Special Investigatory Commission of the Verkhovna Rada of Ukraine, organization of legislative activities, as well as formation and operation of temporary commissions of the Verkhovna Rada of Ukraine have also become subject of regulation in the content of the Rules of Procedure of the Verkhovna Rada of Ukraine, which, in turn, significantly increased its size and encumbered its structure¹³. It is absolutely clear that in the course of the parliamentary reform, after adoption of these laws, the respective provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine shall be withdrawn and included into the content of these laws.

2. The legal force of the Parliamentary Rules of Procedure is objectively determined by the legal force of the act with which it was adopted - the law. The said Law also came into legal force and was put into effect on the same day as the Rules of Procedure - on the day of their official publication. Thus, there is an organic link between the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine and the Rules of Procedure as such: one cannot exist without the other; any amendments in the Rules of Procedure, in view of the form of its adoption (the law), must be introduced as laws, which is confirmed, in particular, by the domestic practice of lawmaking. The Law on the Rules of Procedure does not set out the content of the latter, but only ensures the force of law for all of its provisions without exception. Therefore, these Rules of Procedure can be described as a normative and auxiliary significance act in relation to the Law on the Rules of Procedure¹⁴.

However, the specificity of content of the Rules of Procedure of the Verkhovna Rada of Ukraine depends on expansion of constitutional regulation (after enactment of the Law of Ukraine On Amendments to the Constitution of Ukraine of December 8, 2004 No. 2222 - IV) of the political component in activities of the Ukrainian Parliament, in particular through legal institutionalization of the phenomena of the coalition and the opposition in the Parliament of Ukraine. Thus, the Rules of Procedure of the Verkhovna Rada of Ukraine combine in the sphere of their regulatory impact organizational and purely political components of the parliamentary procedure and regulation of certain related issues that do not directly fall into within the scope of the parliamentary procedure (the status of the coalition and the opposition, as well as of parliamentary factions and groups).

The above stated substantially modifies the purpose of the parliamentary Rules of Procedure as an act designed solely to regulate the organization and implementation of parliamentary procedures. Moreover, now this somewhat narrow significance no longer meets formal characteristics of the Rules of Procedure of the Verkhovna Rada of Ukraine, which has the force of law and therefore is binding not only for the Parliament, its bodies and officials, but also, at the same time, extends its action to a wide range of extra-parliamentary subjects of constitutional and legal relations (in particular, in certain cases - to the President of Ukraine, the Cabinet of Ministers of Ukraine, judicial authorities, etc.).

12 Yuschik O.I. The theoretical basis of the legislative process. Monograph. - K.: Parliamentary Publishing House, 2004. - P. 329.

13 Yevseyev O.P. Procedures in the constitutional law. Monograph. - Kh.: «FINN» Publishing House, 2010. - P. 99.

14 Shapoval V. The phenomenon of the constitution as the fundamental law // Pravo Ukrainy. - 2014. - No.7. - P. 80.

II. The key legal approaches to conceptualize amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine.

1. The concept of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine is based on analysis of the substance of the said legal act, the practice the parliamentary procedures after enactment of Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine» of February 10, 2010 No. 1861 - VI¹⁵ with the following amendments and additions, legislative developments in the field of enhancement of the legal framework for parliamentary procedures, as well as on a synthesis of accumulated domestic and foreign experience of legal regulation of parliamentary procedures and related public relations.

Thus, we should note that from the very beginning of application of the Rules of Procedure of the Verkhovna Rada of Ukraine, there were constant complaints by parliamentarians about its excessive complexity, complicated perception and application of many provisions inserted in it. Often this is associated with the very large size of the document and inclusion into it of issues rather different in content. The very practice of application of the Rules of Procedure of the Verkhovna Rada of Ukraine has led to a gradual shift of the conceptual accents that are important for correct application of the Parliamentary Rules of Procedure from issues related to the content of certain provisions to the problem of determining the total scope of issues that should be addressed in the Rules of Procedure and the degree of detail of its provisions¹⁶.

At the same time, as demonstrated by the experience of execution of constitutional powers of the Verkhovna Rada of Ukraine, implementation of the effective Rules of Procedure of the Verkhovna Rada of Ukraine in the past five years has revealed a lot of deficiencies, including facts of «its systematic violation and ignoring provisions on inadmissibility of decisions made in violation of the prescribed procedures. Violation of provisions of the Rules of Procedure occur during registration of draft laws, for example, there are several draft laws on amendments to Article 41 of the Law of Ukraine On Joint Stock Companies (regarding the quorum of the general meeting of joint stock companies with state majority corporate rights), etc. Besides, it happens during the vote on draft laws, for example the draft Law On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Role of the Civil Society in Fighting Corruption Offenses was offered for pilot voting six times»¹⁷.

15 Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine of 10.02.2010 No. 1861 - VI // The Bulletin of the Verkhovna Rada of Ukraine (BVR), 2010, No. 14-15, No. 16-17, p. 133.

16 Zhuravsky V. On conceptual foundations of the future Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine // *Pravo Ukrainy*. - 2002. - No. 7. - P. 56-57.

17 The explanatory note to the draft Law of Ukraine On Termination of the Rules of Procedure of the Verkhovna Rada of Ukraine» (Reg. No.22774 of 03.07.2015) // http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55884.

So far there is no definitive legal solution for the problem of ensuring personal voting by MPs of Ukraine in the Verkhovna Rada of Ukraine, despite all the efforts to solve this problem for at least the past 10 years¹⁸.

Proper compliance with the parliamentary procedures stipulated in the Rules of Procedure for consideration of draft laws amending the Constitution of Ukraine, adopting the State Budget of Ukraine and controlling its execution; and those on hearing by the Verkhovna Rada of Ukraine of annual and special messages of the President of Ukraine, etc. have not been ensured either. Systemic is also violation of the logics of the budgetary process set by the Rules of Procedure of the Verkhovna Rada of Ukraine: since adoption of the new Budget Code of Ukraine and simultaneously introducing amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, the respective procedures have never been complied with in Ukraine's Parliament.

In the recent years, the poor status of parliamentary procedures related to implementation of the control function of the Verkhovna Rada of Ukraine has largely been preserved. The institutions of MPs' appeals and requests have become largely decorative, parliamentary hearings, which have largely lost their publicity and parliamentary «weight», have been ritualized. At the same time, reporting to the Verkhovna Rada of Ukraine by officials of public authorities, etc. has got a largely declarative and extremely formal nature¹⁹.

It is no coincidence that purely procedural violations are often closely intertwined with violations of even the constitutionally determined procedure of passing laws. In particular, it is because of violation of the constitutional procedure for amending the Constitution of Ukraine that the Constitutional Court of Ukraine on September 30, 2010 approved the famous Judgment in the case of the constitutional petition by 252 MPs of Ukraine regarding conformity with the Constitution of Ukraine (constitutionality) of the Law of Ukraine On Amendments to the Constitution of Ukraine of December 8, 2004 No. 2222-IV (the case on observance of the procedure for amending the Constitution of Ukraine) about deeming unconstitutional the Law of Ukraine On Amendments to the Constitution of Ukraine of December 8, 2004 No. 2222-IV due to violation of the constitutional procedure of its adoption²⁰.

Excessively frequent (compared to other subjects of law-making) recognition by the Constitutional Court of Ukraine of laws of Ukraine and other legal acts adopted by the Verkhovna Rada of Ukraine such that completely or partially contradict the

18 Shamayda T. The Rules of Procedure above all. How the parliament is pressured after Maidana // <http://argumentua.com/stati/reglament-prezhde-vsego-kak-i-posle-maidana-parlament-lomayut-cherez-koleno>.

19 Linetsky S.V., Kryzhanivsky V.P. Commentary to the Rules of Procedure of the Verkhovna Rada of Ukraine. - K.: RADA Program, 2015. - P. 9.

20 Judgment of the Constitutional Court of Ukraine in the case on the constitutional petition by 252 MPs of Ukraine regarding conformity with the Constitution of Ukraine (constitutionality) of the Law of Ukraine On Amendments to the Constitution of Ukraine of December 8, 2004 No. 2222-IV (the case on observance of the procedure for amending the Constitution of Ukraine) of September 30, 2010 No. 20-rp/2010 // Bulletin of the Constitutional Court of Ukraine. - 2010., No. 5, p. 36.

Constitution of Ukraine is a direct evidence of the low level of legislative work of the Verkhovna Rada of Ukraine and an indirect one - of systematic violations of regulatory requirements for organization of the respective parliamentary procedures, particularly law-making.

2. A clear manifestation of this trend is that quite often realization of parliamentary procedures «is subject to situational corporate interests of struggle among some influential MPs groups for power in the legislative body» (O.I. Yuschyk)²¹. Usually, winners in this struggle implement such «rules of procedure» of the Parliament's work that allows them make the necessary administrative and legislative decisions, often ignoring the parliamentary opposition²². So, naturally, results of legislative activity of the Parliament of Ukraine reflect not only nationwide, people's interests, which would be the ideal model, but also corporate, class, individual ones, i.e. such that are often far from the will and interests of the majority of the state's population²³.

Too often in the practice of the Verkhovna Rada of Ukraine even quite justified and «rational procedural requirements remain on paper»²⁴.

The above mentioned points to obvious and very significant problems in the enforcement process regarding implementation of rules and regulations of the Rules of Procedure of the Verkhovna Rada of Ukraine²⁵.

3. Systemic violation of regulatory requirements and procedures are accompanied by lack of satisfactory understanding by the Parliament of Ukraine of ways out of the current situation, the best methods of resolving the respective problems.

In particular, these processes sometimes provoke too radical conclusions by some experts as to that actually «the Rules of Procedure have ceased to be a source of law, and their provisions have ceased to operate since they have lost their binding force» (V.V. Chumak²⁶). Thus, it is proposed to recognize the Rules of Procedure of the Verkhovna Rada of Ukraine void, but not to adopt any new Rules of Procedure to replace it.

Meanwhile, Ukrainian constitutional theorists and practicing lawyers directly involved in the parliamentary process emphasize that «repeated violations by certain individuals of certain provisions of the Rules of Procedure may give rise to revision of these provisions» (O.V. Melnyk²⁷), which necessitates improvement of

21 Yuschyk O.I. The theoretical basis of the legislative process. Monograph. - K.: Parliamentary Publishing House, 2004. - P. 311.

22 Yuschyk O.I. The theoretical basis of the legislative process. Monograph. - K.: Parliamentary Publishing House, 2004. - P. 311.

23 Todyka Yu.M. The comparative and legal method of research in the field of constitutional law // Methodological problems of the legal science: proceedings of the Intern. Research Conf., Kharkiv, December 13-14, 2002. / Compiled by M.I. Panov, Yu.M. Hroshevy. - Kh.: Pravo, 2003. - P. 51.

24 Yuschyk O.I. The theoretical basis of the legislative process. Monograph. - K.: Parliamentary Publishing House, 2004. - P. 318.

25 Ganzha N.V. Forms of enforcement of the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine // <http://pravoznavec.com.ua/period/article/11417%CD>.

26 The explanatory note to the draft Law of Ukraine On Termination of the Rules of Procedure of the Verkhovna Rada of Ukraine (Reg. No.2277a of 03.07.2015) // http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55884.

27 Opinion of the Main Scientific Expert Department of the Apparatus of the Verkhovna Rada of Ukraine on the draft Law of Ukraine On Termination of the Rules of Procedure of the Verkhovna Rada of Ukraine (Reg. No.2277a of 03.07.2015) // http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55884.

the Rules of Procedure of the Verkhovna Rada of Ukraine. In the context of these changes, it is necessary to «ensure stricter compliance with the Rules of Procedure of the Verkhovna Rada of Ukraine by all participants of the legislative process. This applies particularly to holding of plenary sessions, during which there are violations of procedural norms «(M.O. Teplyuk)²⁸.

In fact, according to this group of the national constitutional and legal opinions, the key problem of the Rules of Procedure of the Verkhovna Rada of Ukraine is not imperfections of its provisions but the need to ensure their unconditional implementation in all the required forms. Thus, according to this logic, the said the problem is, so to speak, «external» in respect of the content of the Rules of Procedure of the Verkhovna Rada of Ukraine.

However, as proven by impartial analysis, the problem of the improper (poor) state of observance of the Rules of Procedure of the Verkhovna Rada of Ukraine is much deeper and more systemic, not confined only by purely subjective problems (conscious reluctance of individual actors of parliamentary procedures to comply with legal requirements of the Rules of Procedure). Rather, on the contrary, it is rooted in the links between imperfections of individual regulatory provisions and the generally low level of implementing the safeguards that enable and directly condition improper implementation of provisions of the Rules of Procedure by actors in the parliamentary process. This raises the question regarding the need for understanding the reasons for the low effectiveness of the Rules of Procedure of the Verkhovna Rada of Ukraine and defining optimum organizational and legal solutions to the problem raised.

4. However, currently the leading trend regarding the update of the Rules of Procedure of the Verkhovna Rada of Ukraine is making random and typically unsystematic legislative proposals mostly intended to improve individual elements of the parliamentary procedure²⁹.

Such laws usually cause numerous expert warnings and generally do not serve the objective of streamlining of parliamentary procedures, bringing them in line with the requirements for optimization and enhancement of the institutional capacity of Ukrainian parliamentarism, its democratic nature, transparency, etc. They also do not take into account the necessity to plan legislative work of the Parliament of Ukraine in this direction, thus violating requirements for consistency and predictability of proposed legislative changes, their alignment with the requirements of stability of the respective legislation block.

Thus, fragmented elaborations of the areas and content to improve the Rules of Procedure of the Verkhovna Rada of Ukraine developed by domestic researchers

28 Teplyuk M. The constitutional foundations for effectiveness of state power in Ukraine in the context of reforms // Pravo Ukrainy. - 2015. - No. 5. - P. 51.

29 Their analysis is covered in the separate section of the proposed draft Concept.

and practitioners tend to «get lost» at the level of ongoing legislative activity of the Parliament, i.e. they have a limited impact on actual procedural changes.

5. One of solutions to these problems and contradictions seen by some experts is «lightweight» application of provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine, which includes, in particular, stopping application of the Rules of Procedure of the Verkhovna Rada of Ukraine as a law and transition to the interpretation of the Parliamentary Rules of Procedure purely as an internal legal act of the Parliament (in line with the concept of «parliamentary autonomy»), which it will be able to change any time, without waiting for the signature of the President of Ukraine.

This simplified approach to implementation of the Rules of Procedure of the Verkhovna Rada of Ukraine, however, does not guarantee improved quality of such implementation, as it will provoke chaotic changes in legal regulation of parliamentary procedures, which is unlikely to meet the requirements of legal certainty and stability of regulation as key features of the rule of law principle that must be applied, particularly, in operation of the Verkhovna Rada of Ukraine as the sole legislative body in the state. Furthermore, the transition from the Rules of Procedure as a law to the Rules of Procedure as a type of a secondary legislation act is not possible without amending the Constitution of Ukraine, due to a number of judgments of the Constitutional Court of Ukraine adopted during the period of 2008/2009 on this issue.

On the other hand, it is hardly appropriate under the current conditions to adopt brand new Rules of Procedure of the Verkhovna Rada of Ukraine due to the fact that the current Rules of Procedure of the Parliament of Ukraine, in our opinion, still has not exhausted its positive potential and is quite suitable for thorough modernization.

In view of the above considerations, the proposed Concept of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine reflects (is intended to implement) such technical and legal approach to its update that would balance the static and dynamic regulation of parliamentary procedures, be designed to optimize the components of the parliamentary process that urgently require improvement.

III. Ideological and legal grounds for reforming the Rules of Procedure of the Verkhovna Rada Ukraine

1. In order to ensure unity and compactness of structuring and placement of the normative material, the Concept of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine is based on the ideology of the reform of this legal act that embodies modern requirements for the legal framework to ensure sustained development of the national parliamentarianism and its European legal dimensions.

Therefore, it is ideological and legal grounds of reforming the Rules of Procedure of the Verkhovna Rada of Ukraine that play the priority and decisive role in understanding the logic and algorithm of the proposed changes.

Above all, the modernized Rules of Procedure of the Verkhovna Rada of Ukraine is to become the main (but not only) source of legal consolidation of parliamentary procedures and a tool of significant optimization of the parliamentary process.

The Verkhovna Rada of Ukraine must do its best to support implementation of the vital requirement that it is primarily «the Parliament that must demonstrate a new quality of decision-making. The Parliament must demonstrate openness and publicity, which means restoring confidence in the Ukrainian parliament and the parliamentary system as a whole» (the Speaker of the Verkhovna Rada of Ukraine of the Eighth Convocation V.B. Groisman, speech to open the morning plenary session of the Verkhovna Rada of Ukraine on Sept. 15, 2015)³⁰.

As stated in the Special Address of the President of Ukraine to the Verkhovna Rada of Ukraine «On the Domestic and International Situation of Ukraine in the Field of National Security» in 2014, «the issue of citizens' confidence in the Verkhovna Rada is a key in establishing the constitutional order and democracy in our state. At the same time, «a prerequisite for the growth of public confidence in the Verkhovna Rada of Ukraine is its enhanced efficiency as a representative body of the Ukrainian people»³¹.

The Coalition Agreement of the parliamentary factions «The European Ukraine» of 2014 stipulates the task of «ensuring a transparent and efficient process of high-quality law-making»³².

Finally, the reform of the Rules of Procedure of the Verkhovna Rada of Ukraine fits into the foreign policy context of the course of the new phase of the parliamentary reform in Ukraine. In particular, Section III of the Memorandum of Understanding between the Verkhovna Rada of Ukraine and the European Parliament signed on

³⁰ Transcript of the plenary session of September 15, 2015 // <http://portal.rada.gov.ua/meeting/stenogr/show/5977.html>.

³¹ The Analytic Report of the National Institute for Strategic Studies for the Special Address of the President of Ukraine to the Verkhovna Rada of Ukraine «On the Domestic and International Situation of Ukraine in the Field of National Security». - K.: NISS, 2014. - P. 63.

³² The Coalition Agreement of the parliamentary factions «The European Ukraine» of 2014 // http://dndims.com/upload/files/Koal_ugoda.pdf

July 3, 2015 provides for preparation of the Report and the Roadmap on the internal reform and enhancement of institutional capacity of the Verkhovna Rada of Ukraine. The Report and the Roadmap must be prepared in the framework of work in the Parliament of the special needs assessment mission of the European Parliament, which will assess the scope of the parliamentary support and enhancement of institutional capacity program to implement the Memorandum³³.

It seems obvious that ensuring implementation of the tasks set will be impossible without qualitative improvement of the legal regulation of parliamentary procedures, above all at the level of the Rules of Procedure of the Verkhovna Rada of Ukraine.

However, in the present program and strategic regulations of Ukraine, including Plan of Legislative Support for Reforms in Ukraine, adopted by the Verkhovna Rada of Ukraine 509-VIII of June 4, 2015³⁴, there is no holistic vision of a comprehensive upgrade of the Rules of Procedure of the Verkhovna Rada of Ukraine. This indicates a clear underestimation by the key actors of the legislative process of the need and importance of such upgrade of the Rules of Procedure of the Verkhovna Rada of Ukraine in the context of the parliamentary reform as an important component of the systemic state and legal reform in Ukraine.

Thus, the Concept of comprehensive amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine proposes to perform a systemic and holistic upgrade of legal regulation of parliamentary procedures by introducing integrated and coordinated amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, as well as to outline the basic qualitative parameters of the relevant legal changes.

2. Above all, the updated Rules of Procedure of the Verkhovna Rada of Ukraine, sure, must be grounded on provisions of the current Constitution of Ukraine, develop and detail them.

At the same time, the Concept of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine is based on the experience of implementation of the current Rules of Procedure of the Verkhovna Rada of Ukraine, functioning of the «real parliamentarism», and must implement the best modern achievements of the domestic and foreign parliamentary practices.

In particular, the new Rules of Procedure of the Verkhovna Rada of Ukraine must meet recognized international standards, principles, and requirements of international law in the field of parliamentarism, and to the extent possible consider recommendations and opinions of the European Commission For Democracy

33 The mission of P. Cox will visit Ukraine in September - V. Groisman // <http://www.unn.com.ua/uk/news/1485159-misiya-p-koksa-priyide-do-ukrayini-u-veresni-v-groysman>.

34 The Plan of the Legislative Support for Reforms in Ukraine adopted with Resolution of the Verkhovna Rada of Ukraine 509-VIII of 04.06.2015 // The Bulletin of the Verkhovna Rada (BVR), 2015, No. 31, p. 297.

through Law (Venice Commission), the Parliamentary Assembly of the Council of Europe, achievements and trends of the modern constitutionalism and parliamentary democracy.

The updated Rules of Procedure of the Verkhovna Rada of Ukraine must ensure realization of values and algorithms of development of representative democracy principles based on universal values of parliamentarism, human rights, the rule of law in combination with the principles of legality, proportionality, legal certainty, accountability, and subsidiarity in the legal framework for parliamentary procedures (which are now doctrinally regarded as components of the rule of law).

3. From the formal legal perspective, the Concept of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine also aims to draw such comprehensive amendments in the Rules of Procedure of the Verkhovna Rada of Ukraine that would clearly and unequivocally meet the following key requirements:

- be based on the principles of legal certainty, economy of the regulatory material, and stability as essential to establishing and real action of the constitutional principle of the rule of law in parliamentary activities of the elements;
- govern parliamentary procedure in a balanced and exhaustive way (without gaps or contradictions);
- contribute into enhancement of quality of lawmaking material and outputs of lawmaking activity - the adopted laws and other legal acts of the Verkhovna Rada of Ukraine;
- minimize or even prevent existence of «dead» (non-functional or selectively applied) and «defective»³⁵ parliamentary procedures;
- prevented arbitrary interpretation of legal provisions on the competence and responsibility of actors in parliamentary procedures (the chairperson, speakers, etc.);
- determine particular features of organization and activities of MP factions (groups), the parliamentary coalition and opposition as determining political components of the Parliament of Ukraine;
- essentially discipline behavior of actors in the parliamentary process and complement existing and proposed procedural prohibition with efficient and effective legal sanctions for their violation.

When drafting amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine, it is necessary to also proceed from the fact that the said legal act must become the act that fixes principles of the innovation model of parliamentarism in Ukraine, determines its development for the future, and will be designed to facilitate

35 See: Yevseyev O.P. Procedures in the constitutional law. Monograph. - Kh.: «FINN» Publishing House, 2010. - P. 53-62.

proper implementation of all and each particular constitutional functions of the Verkhovna Rada of Ukraine.

4. There is the obvious need to strengthen the mechanisms for implementing provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine as one of the leading system-defining acts in the parliamentary legislation of Ukraine.

It is unacceptable to reject application of provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine, as well as apply them selectively under dominance of political priorities and reasoning, argumentation for the need to accelerate the legislative process even at the cost of a failure to stick with parliamentary procedures within the «legal framework», of other extralegal factors and grounds.

The Rules of Procedure of the Verkhovna Rada of Ukraine must receive enhanced protection against their violation by both the Parliament, and non-parliamentary institutions (primarily - independent courts), so as to best prevent adoption by the Verkhovna Rada of Ukraine of illegitimate or even questionable in terms of their legitimacy parliamentary decisions.

5. The structure of the modernized Rules of Procedure of the Verkhovna Rada of Ukraine should be conditioned by the general logic of development of the legal and regulatory material.

Presentation of its provisions must ensure continuity (succession) in legal regulation of parliamentary procedures and due sequence of presentation of the respective regulatory material.

Use of the category and concept apparatus in the content of the Rules of Procedure of the Verkhovna Rada of Ukraine must be maximally unified and concise.

At the same time it seems essential to avoid to the extent possible overlap in use of terminology in the Rules of Procedure of the Verkhovna Rada of Ukraine and in other applicable regulations of Ukraine.

IV. Analysis of draft legislative innovations regarding amending the Rules of Procedure of the Verkhovna Rada of Ukraine during the mandate of the eighth convocation of the Verkhovna Rada of Ukraine.

A significant legal research and practical prerequisite for formulation and implementation of the basic principles of the Concept of comprehensive amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine is analyzing the existing legislative drafts in this area distinguishing their elements that seem appropriate and desirable in the process of comprehensive updating of the main parliamentary law in Ukraine.

It is worth noting that despite the short period of work of the eighth convocation of the Verkhovna Rada of Ukraine, the issue of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine attracted attention of a considerable number of MPs, a side evidenced of which is the relatively number of legislative initiatives in this field.

Thus, as of October 15, 2015 in total the Verkhovna Rada of Ukraine of the eighth convocation considers 24 draft laws dealing with different (in the depth, scope of coverage of the regulatory material, and in the ideological orientation) amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine³⁶.

These drafts propose, in particular, to regulate the following issues:

1) to provide representatives of non-faction MPs of Ukraine the right to speak during full discussion of issues at a plenary session (amendments to paragraph 5 of Article 30 of the Rules of Procedure of the Verkhovna Rada of Ukraine) and at application of the brief discussion procedure (amendments to paragraph 5 of Article 31 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to provide for non-faction MPs with the right to speak at a plenary session of the Verkhovna Rada and to apply for a tribune statement on any item in the agenda (amendments to paragraph 1 of Article 33 and paragraph 3 of Article 34 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to give a representative of non-faction MPs the right to join the Conciliation Board (paragraph 2 of new article 60-2, amendment in paragraph 2 of Article 73 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to stipulate (new Article 60-2 of the Rules of Procedure of the Verkhovna Rada of Ukraine) the rule, under which non-faction MPs will be eligible for staff, logistic, information, and organizational support as provides for the temporary investigative commission, will take part in operation of the Conciliation Board in an

³⁶ This does not include rejected, returned for revision to subjects of legislative initiative, and recalled draft laws.

advisory capacity to vote, and will be elected for committees, commissions, including temporary commissions, but no more than one non-faction MP in the composition of each committee or commission (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (regarding the rights of non-faction MPs)**) (Reg. No. 1049 of November 27, 2014);

2) inclusion into the agenda of a session of the Verkhovna Rada of Ukraine without voting of issues proposed by the Council or the Parliamentary Opposition by the parliamentary factions (parliamentary groups) that joined the parliamentary opposition in accordance with the procedure stipulated hereby (amendments to Article 20 of the Rules of Procedure of the Verkhovna Rada of Ukraine); (draft Law of Ukraine On Amendments to the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine»; to identify issues submitted by the Council of the Parliamentary Opposition as mandatory for inclusion into the weekly agenda (amendments to Article 25 of the Rules of Procedure of the Verkhovna Rada of Ukraine); supplementing the Rules of Procedure with new Chapter 12, The Parliamentary Opposition, where it is proposed to regulate the issue of the formation and termination of the parliamentary opposition, organizational and legal principles of its functioning, the procedure of formation and functioning of the opposition government; to stipulate the right of the parliamentary opposition to representation in the leadership of the Verkhovna Rada of Ukraine and its bodies, other rights of the parliamentary opposition (Articles 61-68 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to give the right to nominate a candidate for the position of the First Deputy Speaker of the Verkhovna Rada of Ukraine to the parliamentary faction that formed the parliamentary opposition (amendments to Article 79 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to give the right to propose candidates for the positions of the Chairperson of the Accounting Chamber, the Parliamentary Commissioner on Human Rights, judges of the Constitutional Court of Ukraine, and appointment of members of the High Council of Justice to the Council of Parliamentary opposition (amendments to Article 208 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to give the right to speak to a representative of the parliamentary opposition when considering approval of the Action Program of the Cabinet of Ministers of Ukraine (amendments to Article 227 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to give the right to asking questions to a representatives of the parliamentary opposition to the members of the Cabinet of Ministers of Ukraine during the «hour of questions to the Government» (amendments to Article 229 of the Rules of Procedure of the Verkhovna Rada of Ukraine) (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (on securing rights of the parliamentary opposition)**) (Reg. No. 1066 of April 14, 2015);

3) to complement Article 207 of the Rules of Procedure of the Verkhovna Rada of Ukraine a new paragraph, according to which during appointment or termination of office of the Governor of the National Bank of Ukraine, at a plenary session of the Parliament he shall report to the Verkhovna Rada of Ukraine, respectively, on the key areas of the future activities of the National Bank of Ukraine or on the results of his work at the position of the Governor of the National Bank of Ukraine and answer questions of representatives of parliamentary factions, MPs of Ukraine; discussion on the matter shall be carried out under the full discussion procedure under provisions of Article 30 of the Rules of Procedure of the Verkhovna Rada of Ukraine (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (regarding the procedures of appointment and dismissal of the Governor of the National Bank of Ukraine)**) (Reg. No. 1399 of December 11, 2014);

4) to resolve the issue of ensuring individual voting by MPs of Ukraine at sessions of the Verkhovna Rada of Ukraine by amending Articles 26, 37, 47, 55, and 78 of the Rules of Procedure of the Verkhovna Rada of Ukraine, and to supplement it with new Articles 51-1 and 56-1 (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning ensuring individual voting of MPs of Ukraine)**) (Reg. No. 1744 of January 14, 2015);

5) to replace the basic (paper) form of submission of draft laws, drafts of other acts, accompanying documents, and other materials used in the legislative process with the electronic one, i.e. it is proposed to replace submission of documents printed on paper with their mandatory sending to MPs of Ukraine by sending to the e-mail on the mail server of the Verkhovna Rada of Ukraine or by entering the respective information into the database of draft laws of the electronic computer network of the website of the Verkhovna Rada of Ukraine (draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (on optimizing costs of the Apparatus of the Verkhovna Rada of Ukraine by the introduction of e-mailing of some printed material submitted to MPs of Ukraine)) (Reg. No. 1795 of January 19, 2015);

6) to provide the Speaker of the Verkhovna Rada of Ukraine with the power to approve, upon submission of the committee having the competence to deal with issues of European integration, the Methodical Recommendations on Approximation of the Legislation of Ukraine to EU laws (amendments to Article 78 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to add to the list of documents supporting a draft law the opinion on the draft act's compliance with international legal obligations of Ukraine in the field of European integration and EU laws; this opinion shall be prepared by the subject of legislative initiative based on the Methodical Recommendations on Approximation of the Legislation

of Ukraine to EU Laws approved by the Speaker of the Verkhovna Rada of Ukraine (amendments to Article 91 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to establish that a draft law relating to the areas in which legal relations are governed by EU laws or relating to international legal obligations of Ukraine in the field of European integration shall no later than in three days be submitted by the committee whose competence includes issues of European integration to the Cabinet Ministers of Ukraine for examination of its conformity with EU laws and the obligations mentioned (amendment to Article 93 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to include into the list of the grounds for returning a draft law to the subject of legislative initiative the opinion of the committee whose jurisdiction includes issues of European integration that the draft law does not correspond, goes contrary, or does not properly take into account international legal obligations of Ukraine in the field of European integration (amendments to Article 94 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to establish that a draft law prepared for the second reading (as a comparative table) shall be submitted to the committee whose competence includes issues of European integration for their opinion on compliance of the final wording of articles of the draft law proposed by the core committee for adoption in the second reading and, if necessary, of the proposals, amendments to international legal obligations of Ukraine in the field of European integration and EU laws (amendments to Article 118 of Rules of Procedure of the Verkhovna Rada of Ukraine) (draft Law On Amendments to the Law of Ukraine «On the Rules of Procedure of the Verkhovna Rada of Ukraine» (concerning improvement of the mechanism of approximation of Ukraine to EU laws)) (Reg. No. 2046 of June 9, 2015);

7) to provide the right to the assistant/consultant of an MP of Ukraine on the basis of a written request to the committee from the MP of Ukraine - the initiator of a draft law's submission of the right to present the draft law during its consideration by the Verkhovna Rada of Ukraine (**draft Law of Ukraine On Amendments to Article 93 of the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning the right of persons authorized by MPs of Ukraine to present draft laws during their consideration by the Verkhovna Rada of Ukraine)**) (Reg. No. 2057 of June 10, 2015);

8) to prohibit MPs of Ukraine talking on a cell phone during plenary sessions; to establish that if an MP of Ukraine talks on a cell phone during a plenary session, the person presiding at the plenary session shall warn such MP of Ukraine about inadmissibility of such actions; if a warning has already been addressed to the MP during the current plenary session of the Verkhovna Rada of Ukraine, as provided in this paragraph, the Verkhovna Rada of Ukraine may decide to deprive the MP of the right to participate in plenary sessions (up to three plenary sessions); such decision shall be communicated to voters through the newspaper «Voice of Ukraine» (**draft**

Law of Ukraine On Amendments to Article 51 of the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning prohibition for MPs of Ukraine to talk on cell phones during plenary sessions)) (Reg. No. 2091 of September 15, 2015);

9) to withdraw the ban on consideration of proposals of MPs of Ukraine, committees of the Verkhovna Rada of Ukraine to the draft Law On the State Budget of Ukraine prepared for the second reading (amendments to Article 158 of the Rules of Procedure) (**draft Law of Ukraine On Amendments to the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning the procedure of adoption of the State Budget of Ukraine)**) (Reg. No. 2169 of February 18, 2015);

10) to declare void the Rules of Procedure of the Verkhovna Rada of Ukraine; it is simultaneously proposed to stipulate that the person presiding at a plenary session of the Verkhovna Rada of Ukraine shall open, conduct, and closes plenary session, announce breaks in plenary session; organizational, legal, scientific, documentary, information, expert and analytical, logistical and financial support for operation of the Verkhovna Rada of Ukraine, its bodies, MPs, parliamentary factions (parliamentary groups) in the Verkhovna Rada shall be performed by the Apparatus of the Verkhovna Rada of Ukraine; the Head of the Apparatus of the Verkhovna Rada of Ukraine shall determine the procedure for registration of draft laws, drafts of other acts (**draft Law of Ukraine On Termination of the Rules of Procedure of the Verkhovna Rada of Ukraine (Reg. No. 2277 of July 3, 2015)**);

11) to clarify that a member of a committee of the Verkhovna Rada of Ukraine shall be recalled upon the suggestion of the MP faction under whose quota the MP of Ukraine was elected to the position (amendments to paragraph 2 of Article 7 of the Law of Ukraine On Committees of the Verkhovna Rada of Ukraine), and the proposal for election or revocation the chairperson of a committee, the first deputy, deputy chairperson, secretary of a committee can be made by the MP faction under whose quota the MP of Ukraine was elected to the position (amendments to paragraph four of Article 7 of the same Law); to introduce a ban on entry into parliamentary groups and factions of the unaffiliated MPs of Ukraine elected from political parties (electoral blocs of political parties) who based on election results took part in distribution of MP seats and who were excluded from the relevant parliamentary factions (a new version of paragraph 5 of Article 59 of the Rules of Procedure of the Verkhovna Rada of Ukraine); in paragraph four of the new version of Article 59 of the Rules of Procedure of the Verkhovna Rada of Ukraine, to include all MPs who are not required to be members of parliamentary factions (including those who are part of parliamentary groups) into the category of «unaffiliated» ones (**draft Law of Ukraine On Amendments to Some Laws of Ukraine On Organization of Work of the Verkhovna Rada of Ukraine (Reg. No. 2300 of March 11, 2015)**);

12) to establish that the MPs elected under electoral lists of political parties and the MPs nominated by a political party in single-mandate constituencies who were excluded from the parliamentary faction of the party shall remain unaffiliated and cannot enter another parliamentary faction, group, or form a parliamentary group . A parliamentary faction that excludes an MP from its composition can re-admit this MP as its member (amendments to paragraph 3 of Article 59 of the Rules of Procedure of the Verkhovna Rada of Ukraine); it is proposed to stipulate that the above MPs shall be excluded from committee members and cease taking the office of the chairperson, the first deputy, deputy chairperson, and the secretary of a committee in the manner specified by the Law of Ukraine On Committees of the Verkhovna Rada of Ukraine and the Rules of Procedure of the Verkhovna Rada of Ukraine (new version of paragraph five of Article 84 of the Rules of Procedure) (**draft Law of Ukraine On Amendments to the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine and On Committees of the Verkhovna Rada of Ukraine (on political responsibility of MPs of Ukraine) (Reg. No. 2331 of March 5, 2015);**

13) to present paragraphs 2 and 3 of part seven of Article 221 of the Rules of Procedure Verkhovna Rada of Ukraine in the new version, stipulating, in particular, that after individual consideration of every submission on detention or arrest of a judge of the general or constitutional jurisdictions, the Parliament can put to the vote the issue on granting consent for detention or arrest of the judge regarding whom such petitions were made; in this case, the outcome of consideration of the detention or arrest of judges shall be legalized as a unified general Resolution of the Verkhovna Rada of Ukraine (**draft Law of Ukraine On Amendments to Article 221 of the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning improvement of the procedure of consideration at the plenary session of the Verkhovna Rada of Ukraine of issues regarding detention or arrest of judges)) (Reg. No. 2333 of July 10, 2015);**

14) to specify the types of draft laws on granting consent to the binding nature of international treaties of Ukraine and to stipulate that the President of Ukraine or the Cabinet of Ministers of Ukraine submit for consideration of the Verkhovna Rada of Ukraine in case of ratification of an international treaty - the draft law on ratification of the international treaty, in case of accession to an international treaty - the draft law on accession to an international treaty, and in case of adoption of an international treaty - the draft law on adoption of the international treaty (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (on aligning individual provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine to Vienna Convention on the Law of Treaties and the Law Ukraine On International Treaties of Ukraine»)) (Reg. No. 2340 of March 6, 2015);**

15) to introduce amendments to Articles 90 and 97 of the Rules of Procedure of the Verkhovna Rada of Ukraine that aim to clarify the provisions of the Rules of Procedure according to which for laws, regulations, and other acts of the Verkhovna Rada of Ukraine draft laws shall be accompanied not only with the list of laws and other regulations adoption or revision shall to be made to implement provisions of the draft law, if adopted, but also the list of laws that are repealed if the draft law is adopted (**Draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning clarification of the provisions under which laws, regulations, and other acts of the Verkhovna Rada of Ukraine are deemed invalid)) (Reg. No. 2359 of March 11, 2015);**

16) it is proposed to give the right of legislative initiative, which now belongs to every individual MP of Ukraine, with amendments to Article 89 of the Rules of Procedure of the Verkhovna Rada of Ukraine, to only groups of MPs the number of which is at least half of the number of the least numerous faction of the Verkhovna Rada of Ukraine; thus it is proposed to give the right to make proposals and amendments to draft laws to MPs in the number of at least 5 persons (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning the right of legislative initiative of MPs of Ukraine)) (Reg. No. 2431a of July 23, 2015);**

17) to establish the procedure of announcing MPs' inquiries after consideration of draft laws and leaving only oral questions of MPs of Ukraine to members of the Cabinet of Ministers of Ukraine during the «hour of questions to the Government» (amendments to Articles 25, 229, and 230 of the Rules of Procedure of the Verkhovna Rada of Ukraine) (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning optimization of operation of the Verkhovna Rada of Ukraine)) (Reg. No. 2536 of April 3, 2015);**

18) to exclude from paragraph three of Article 19 of the Rules of Procedure of the Verkhovna Rada of Ukraine provisions on the 30-minute break (from 12 pm till 12.30 pm) during morning plenary sessions of the Verkhovna Rada of Ukraine (amendments to Articles 19 and 120 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to make amendments in paragraph three of Article 120 of the Rules of Procedure of the Verkhovna Rada of Ukraine under which during discussion of draft laws in the second reading the MP may offer rejecting a proposal, amendment adopted by the core committee, and voting shall be held on its rejection in whole or in part; if the proposal to reject is supported by a majority of votes of MPs from the constitutional composition of the Verkhovna Rada of Ukraine, the amendment shall be deemed rejected; to stipulate that discussion of proposals, amendments to the relevant text of an article of the draft law adopted in first reading but absent from the version proposed by the core committee can be held followed by a vote

on its adoption, exclusion of the whole or a part of it (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (regarding organization of work of the Verkhovna Rada of Ukraine)**) (Reg. No. 2915 of May 20, 2015);

19) to remove from paragraph six of Article 90 of the Rules of Procedure of the Verkhovna Rada of Ukraine the provision that «a draft law may request amendments only to the text of the primary legislative act (a law, code, framework law, etc.), and not to the law on amendments to this legislative act»; paragraph eight of Article 90 of the Rules of Procedure of the Verkhovna Rada of Ukraine shall read as follows: «if to implement provisions of a draft law submitted after its approval amendments to other laws are required, such amendments shall be presented in its transitional provisions, which shall be issued as a separate structural part of the draft or in a separate draft law simultaneously introduced by its initiator. If necessary, transitional provisions of the draft may also include provisions governing peculiarities of legal regulation of the respective social relations that arose before adoption of the draft law, after its adoption»; to complement Article 90 of the Rules of Procedure of the Verkhovna Rada of Ukraine with new paragraph ten as follows: «10. The draft law may request amendments only to the text of the primary legislative act (a law, code, framework law, etc.), and not to the law on amendments to this legislative act, except amendments to this act prior to its entry into force, and after that - amending its transitional provisions that do not apply to amendments to the primary legislation»; to establish that «proposals and amendments to the draft law prepared for the second reading shall be introduced into the text of the draft law (articles, their paragraphs, items, sentences) adopted by the Parliament as the basis. The text of the draft law may also include proposals and amendments necessary to eliminate contradictions and inconsistencies among provisions of the draft law and between provisions of the draft law and provisions of the current legislation. Such suggestions and amendments to the draft law that is prepared for the second reading shall be made within 14 days after the day when the draft law was adopted as a basis» (new version of Article 116 of the Rules of Procedure of the Verkhovna Rada of Ukraine) (**draft Law of Ukraine On Amendments to Articles 90 and 116 of the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning drafting of laws)**) (Reg. No. 3067 of September 11, 2015);

20) to complement the Rules of Procedure of the Verkhovna Rada of Ukraine with new Article 218-1, which shall stipulate that an MP can independently initiate a consent to criminal prosecution, detention provided serving a notice of suspicion, and arrest by filing the respective application; provisions of Articles 218, 219, 220, and 221 of the Rules of Procedure of the Verkhovna Rada of Ukraine shall not apply when considering an application of an MP on giving consent to criminal prosecution,

detention provided serving a notice on suspicion, and arrest (**draft Law of Ukraine On Amendments to the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine (concerning voluntary withdrawal of immunity)**) (Reg. No. 3205 of October 1, 2015);

21) to complement Article 7 of the Rules of Procedure of the Verkhovna Rada of Ukraine with new paragraph five as follows: «The Apparatus of the Verkhovna Rada shall ensure maintenance of the official electronic database of acts adopted by the Verkhovna Rada of Ukraine (an element of the automated system «Legislation») containing reference electronic texts of the relevant regulations. Access to the official electronic database of act adopted by the Verkhovna Rada of Ukraine on the official website of the Verkhovna Rada of Ukraine shall be free and gratuitous «; paragraph three of Article 21 of the Rules of Procedure of the Verkhovna Rada of Ukraine shall read as follows: «3. The draft agenda of the session of the Verkhovna Rada shall be published on the official website of the Verkhovna Rada and distributed to MPs no later than one day before the beginning of the next session in the manner prescribed by paragraph one of Article 251 hereof. The draft decision on amendments to the approved agenda of the session of the Verkhovna Rada shall be published on the official website of the Verkhovna Rada and distributed to MPs no later than one day prior to its consideration in the manner prescribed by paragraph one of Article 251 hereof»; to establish the schedule of plenary sessions of the Verkhovna Rada of Ukraine approved by the Coordination Board shall be published on the official website of the Verkhovna Rada of Ukraine and distributed to MPs, committees, temporary special commissions, temporary investigative commissions, parliamentary factions (parliamentary groups) no later than at 6 pm of the day preceding the plenary session in the manner prescribed by paragraph one of Article 251 of the Rules of Procedure (new version of paragraph two of Article 24 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to complement the Rules of Procedure of the Verkhovna Rada of Ukraine with new Article 25.1 as follows: «1. Information letters on the draft agenda of the session of the Verkhovna Rada, the draft decision to amend the adopted agenda of the session of the Verkhovna Rada, the schedule of plenary sessions of the Verkhovna Rada, the agenda for the next plenary session day shall be sent to MPs, committees, temporary special commissions, temporary investigative commissions, parliamentary factions (parliamentary groups) on the day of placement of such documents on the official website of the Verkhovna Rada. 2. The information letter shall include references to the relevant pages of the official website of the Verkhovna Rada»; to clarify in paragraph one of Article 98 of the Rules of Procedure of the Verkhovna Rada of Ukraine that «registered draft laws, draft laws prepared at any stage of consideration by the Verkhovna Rada, opinions prepared by the core committee for the first, repeated first, second, repeated second,

third readings of draft laws, conclusions of other committees and other supporting documents to draft laws, proposals to eliminate inconsistencies or editorial inaccuracies in the adopted law, proposals of the President of Ukraine to the law he returns along with the opinion of the core committee, the comparative table, and other supporting documents shall be provided for an MP electronically by sending of the relevant information letters to the e-mail on the mail server of the Verkhovna Rada. The information letters shall include references to the relevant pages of draft laws in the draft law database of the electronic computer network of the website of the Verkhovna Rada»; to complement Article 98 of the Rules of Procedure of the Verkhovna Rada of Ukraine with paragraphs three through five as follows: «3. The information letter on the respective draft laws prepared for any stage of consideration by the Verkhovna Rada, opinions prepared by the core committee for the first, repeated first, second, repeated second, third readings of draft laws, conclusions of other committees and other supporting documents to draft laws, proposals to eliminate inconsistencies or editorial inaccuracies in the adopted law, proposals of the President of Ukraine to the law he returns along with the opinion of the core committee, the comparative table, and other supporting documents shall be sent for an MP to the e-mail on the mail server of the Verkhovna Rada at the beginning of the working day following the day of placing such documents in the draft law database of the electronic computer network of the web-site of the Verkhovna Rada. 4. The draft laws considered by the Verkhovna Rada under special procedures and supporting documents to them at all stages of processing and consideration shall be submitted to MPs in the paper form and electronically - by entering the relevant information to the draft law database of the electronic computer network of the web-site of the Verkhovna Rada. 5. Starting from the day of submitting to MPs of the documents specified in paragraph one of this Article electronically, but no later than 3 pm on the Friday preceding the week reserved for plenary sessions, an MP may submit a written application to the Apparatus of the Verkhovna Rada of Ukraine to receive these documents in the paper form» (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (on optimizing the legislative process)**) (Reg. No. 3207 of October 1, 2015);

22) to exclude from consideration the issue of sanctioning arrest and detention of general court judges and judges of the Constitutional Court of Ukraine, the President of the Supreme Court of Ukraine, leaving only the Prosecutor General of Ukraine or the acting Prosecutor General of Ukraine (amendments to articles 218, 220-221 of the Rules of Procedure of the Verkhovna Rada of Ukraine) (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (on improvement of the consent to detention and arrest of judges)**) (Reg. No. 3208 of October 2, 2015);

23) to additionally stipulate inclusion into the session agenda without a vote a draft law on amendments to the Constitution of Ukraine accompanied by an opinion of the Constitutional Court of Ukraine under Article 159 of the Constitution of Ukraine; approving decrees of the President of Ukraine on introduction of the martial law or the state of emergency; legislative initiatives and other matters submitted for consideration by no less than one third of MPs of Ukraine of the constitutional composition of the Verkhovna Rada of Ukraine; organization of work of the Verkhovna Rada of Ukraine and its bodies, including election and dismissal of the Speaker of the Verkhovna Rada of Ukraine and his deputies, chairpersons of committees and their deputies, secretaries of committees; initiating removing the President of Ukraine from office by impeachment; no confidence to the Prosecutor General of Ukraine (amendments to Articles 20, 172, 173, 213 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to enable adoption of the resolution on inclusion of items for consideration into the generally approved agenda of the session of the Verkhovna Rada of Ukraine at the insistence of the subject of legislative initiative with one third of votes of MPs of the Verkhovna Rada (amendments to Article 23 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to establish that it shall not be possible to include into the weekly agenda of sessions of the Verkhovna Rada of a draft law without an opinion of the committee that according to jurisdiction of the committees is determined as the leading one for preparation and preliminary consideration of the draft law; to the weekly agenda of the plenary sessions of the Verkhovna Rada the following shall be included extraordinarily without a vote of the Conciliation Board: 1) issues that extraordinarily, without a vote, are included into the agenda of the Verkhovna Rada session; 2) one draft law with an opinion of the core committee from each member of the Conciliation Board with the right of decisive vote; 3) one draft law from each committee of the Verkhovna Rada that, according to jurisdiction of the committees, is determined as the leading one for preparation and preliminary consideration of the draft law (amendments to Article 25 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to establish that consideration of the dismissal of the Speaker of the Verkhovna Rada of Ukraine from office shall be included into the agenda of the plenary session of the Verkhovna Rada of Ukraine no later than on the tenth day following inclusion of this issue into the agenda (amendment to Article 77 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to establish that proposals for dismissal of the chairperson of a committee or, respectively, the first deputy, deputy chairperson, and the secretary of a committee from their positions shall be included into the agenda of the next plenary session of the Verkhovna Rada of Ukraine after the date of making such a proposal (amendments to Article 83 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to determine that if the core committee within the period defined in the Rules of Procedure (paragraph three of Article 93 of the

Rules of Procedure of the Verkhovna Rada of Ukraine) does not adopt an opinion on inclusion of the draft law into the session's agenda, the Speaker of the Verkhovna Rada of Ukraine shall within 15 days after the written request on this matter of the subject of legislative initiative submit for consideration of the Verkhovna Rada of Ukraine the issue of the draft law at the plenary session, and it shall make a decision on its inclusion into the agenda of the session of the Verkhovna Rada of Ukraine or on allowing more time for the core committee to prepare an opinion on it (amendments to Article 96 of the Rules of Procedure of the Verkhovna Rada of Ukraine); to give the right to the committee to decide on preparing a draft law for the first reading without its inclusion into the agenda of the session of the Verkhovna Rada of Ukraine (amendments to Article 108 of the Rules of Procedure of the Verkhovna Rada of Ukraine) (**draft Law of Ukraine On Amendments to the Laws of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine and On the Constitutional Court of Ukraine (regarding the fight against populism and delays in the legislative process)**) (Reg. No. 3234 of October 6, 2015);

24) to establish that under normal circumstances the first, second, and third week of every calendar month during the session shall be allocated for plenary sessions of the Verkhovna Rada of Ukraine, the fourth one - for work of the committees, temporary special commissions and temporary investigatory commissions, parliamentary factions (parliamentary groups), and for MPs' work with voters (amendments to Article 19 of the Rules of Procedure of the Verkhovna Rada of Ukraine) (**draft Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine» (regarding the calendar plan of the session of the Verkhovna Rada)**) (Reg. No. 3311 of October 9, 2015).

Analysis of these legislative approaches to amendments in Rules of Procedure of the Verkhovna Rada of Ukraine indicates the following generalized priority areas and objectives of their reform³⁷:

- to regulate the legal features of organization and operation of the parliamentary coalition and the opposition;
- to identify the specific elements (conditions) for participation of non-faction MPs in parliamentary procedures by assigning additional procedural rights to them;
- to solve the problem of inter-factional «migrations» of MPs of Ukraine;
- to ensure implementation of the constitutional requirements for MPs' individual voting at sessions of the Verkhovna Rada of Ukraine;

- to strengthen the basis for professional examination of draft laws, particularly in terms of ensuring their European integration dimension and direction;
 - to strengthen the parliamentary discipline;
 - to simplify the procedures for granting permission for detention or arrest of judges and MPs of Ukraine;
 - to strengthen requirements for exercising the right of legislative initiative by MPs of Ukraine by abandoning the principle of personal submission of draft laws by MPs (instead, to introduce the group-based principle);
- to simplify inclusion of draft laws into sessions' agendas.

³⁷ These conclusions are based on the author's analysis of the content of the above draft law innovations in terms of their constitutionality and applicability to be taken into account when introducing amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine.

V. Features of structuring and the content of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine.

Above all, we are guided by immutability of forms of a legal act such as the Rules of Procedure of the Verkhovna Rada of Ukraine. This certainly should be a law. Another approach would require amending the Constitution of Ukraine and is unlikely to be welcomed by the parliamentary majority, at least in the short term. Moreover, the mere change in the form of the legal act such as Rules of Procedure of the Verkhovna Rada of Ukraine will not contribute into improvement of its content. Meanwhile, it is improvement of the content of the Rules of Procedure of the Verkhovna Rada of Ukraine that should obviously be the priority for a comprehensive reform of this document.

Thus, comprehensive amending of the Rules of Procedure of the Verkhovna Rada of Ukraine, in our opinion, will not require significant changes in its overall structure - by sections. But it must still be based on consistent objective demarcation of the issues regulated in the Rules of Procedure of the Verkhovna Rada of Ukraine, proceeding from their purpose and the legal nature.

From this perspective, in our opinion, it is unrecommended to keep the somewhat eclectic «mix» in Section III of the Rules of Procedure of the Verkhovna Rada of Ukraine of such issues as establishment of working bodies of the Parliament (the organizational aspect) and parliamentary political structures - including formation of parliamentary factions (groups), as well as - prospectively - regulation of activities of the coalition and the opposition in the Parliament of Ukraine (the political aspect). With this in mind, we suggest «isolating» in the different sections of the Rules of Procedure of the Verkhovna Rada of Ukraine of establishment of bodies of the Verkhovna Rada of Ukraine, election, appointment, and dismissal of its officers (as covered in Chapter III of the Rules of Procedure in its present form) and, respectively, the features of formation and activities of MP factions (groups) in the Verkhovna Rada of Ukraine, the parliamentary coalition, and the parliamentary opposition.

In addition to the mentioned above and taking into account international experience of parliamentary normative regulation, we suggest supplementing the Rules of Procedure of the Verkhovna Rada of Ukraine with a separate section on early termination of the Verkhovna Rada of Ukraine, in view of the fact that, firstly, the said procedure is clearly stated in the Constitution of Ukraine, and secondly, it involves interaction between the President of Ukraine and heads of the parliament and parliamentary factions, thirdly, its regulation at the constitutional level is characterized by lack of detail (Article 90 of the Constitution of Ukraine), which can potentially cause ambiguous interpretation of the relevant constitutional provisions

(including on the mandatory or voluntary nature of the consultations of the head of the state at early termination of powers of the Parliament of Ukraine, as well as the timing of such consultations, etc.).

Moreover, legal uncertainty characterizes the issue of the possibility of suspending the President's decree on early termination of powers of the Verkhovna Rada of Ukraine, as well as the legal consequences of enactment of the decree on termination of powers of the Verkhovna Rada of Ukraine..

We believe that these issues should be clearly and unambiguously resolved at the level of the Rules of Procedure of the Verkhovna Rada of Ukraine, which has the form of a law.

We therefore propose the structure of the Rules of Procedure of the Verkhovna Rada of Ukraine as follows:

Section I. General provisions.

Section II. Organization of work of the Verkhovna Rada of Ukraine.

Section III. Formation of bodies of the Verkhovna Rada of Ukraine, election, appointment, and dismissal of its officials.

Section IV. Establishment and activities of parliamentary factions (groups), the coalition of parliamentary factions and the parliamentary opposition in the Verkhovna Rada of Ukraine.

Section V. The legislative procedure.

Section VI. Consideration by the Verkhovna Rada of Ukraine of issues under special procedures.

Section VII. Consideration of issues related to execution by the the Verkhovna Rada of Ukraine of its control functions.

Section VIII. The procedure for early termination of powers of the Verkhovna Rada of Ukraine.

With this in mind, we believe that the Concept of amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine should, in particular, include the following general features and requirements (the list is not exhaustive and is subject to specification in the course of drafting):

1. To align provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine with provisions of the current Constitution of Ukraine.
2. To implement the legal positions of the Constitutional Court of Ukraine published in its judgments, conclusions, and decisions into the text of the Rules of Procedure of the Verkhovna Rada of Ukraine.
3. To regulate features of participation of non-faction MPs in parliamentary procedures;
4. To remove from the Rules of Procedure of the Verkhovna Rada of Ukraine the provisions that in essence are not covered by the concept of parliamentary

procedures. In particular, after adoption of the Law of Ukraine On Temporary Special and Investigative Commissions of the Verkhovna Rada of Ukraine, it is necessary to significantly reduce articles 85-88 of the Rules of Procedure of the Verkhovna Rada of Ukraine, and to review the content of Chapter 30 on the impeachment of the President of Ukraine.

5. Given the systemic links of the Rules of Procedure of the Verkhovna Rada of Ukraine with the laws On the Cabinet of Ministers of Ukraine, On the Judicial System and the Status of Judges, On the High Council of Justice, On the Central Election Commission, On Prosecution, On the Commissioner of the Verkhovna Rada of Ukraine on Human Rights, On the Accounting Chamber, On the Constitutional Court of Ukraine, On Committees of the Verkhovna Rada of Ukraine, On the Status of the Member of Parliament of Ukraine, On Central Executive Authorities in Ukraine, On Elections of Members of Parliament of Ukraine, On International Treaties, On the Procedure of Coverage of Activities of Public Authorities and Local Self-Government, On Access to Public Information, On the Legal Regime of the Martial Law, On the Legal Regime of Emergency, the Budget Code Ukraine and other acts of legislation, to consider the possibility to synchronize the regulatory changes with the respective (corresponding) amendments to the above legislation to make such amendments comprehensive and coherent.

Other amendments to the Rules of Procedure should be conceptually grouped under the relevant sections as follows.

To Section I. General provisions.

1. The terminology «block» - scattered in various articles of the Rules of Procedure of the Verkhovna Rada of Ukraine (including the largest scope in Section V «The Legislative Procedure») - should be concentrated and moved to the general provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine, allocating one article for the definition of concepts in it.
2. Paragraph 3 of Article 2 does not contain imperative provisions on holding sessions of the Parliament of Ukraine only in the official language, but it contains a reference to Art. 9 of the Law of Ukraine On the Principles of the State Language Policy of July 3, 2012, which is wrong in terms of the lower legal force of the law compared to the Constitution of Ukraine and the probability of that unconstitutional provisions could be placed in it.
3. Article 3 raises the question of stipulating an exhaustive list of the cases where it is possible not to apply the principle of openness and transparency of the Parliament. According to par. 1 of Art. 84 of the Constitution of Ukraine, a closed session of the Parliament shall be held based on the decision of the

majority of the constitutional composition of the Verkhovna Rada of Ukraine. However, a systematic analysis of the Constitution of Ukraine does not answer the question in what other cases it is allowed to deviate from the principle of openness of the Parliament's work. In view of this, we can conclude that holding a closed session of the Verkhovna Rada of Ukraine (Art. 4 of the Rules of Procedure) is an exceptional case of retreating from the principles of openness and transparency of work of the Verkhovna Rada of Ukraine.

4. In Article 3, it would be recommendable to establish periodic reporting of the committees on their work, including interaction with the public, at plenary sessions of the Verkhovna Rada of Ukraine, as well as broadcasting of such reports.
5. In par. 3 of Article 4 there is a categorical and versatile by the range of addressees ban for persons participating at a closed plenary session of the Parliament to use photo-, film-, video equipment, communication means, sound recording and processing. It also applies to the President and the Prime Minister of Ukraine, as well as MPs of Ukraine. It is clear that journalists' participation in such a session is not expected at all. At the same time, no legal sanctions are determined for violation of this prohibition in the Rules of Procedure.
6. Since currently the work on drafting the budget of the Verkhovna Rada of Ukraine is not regulated in detail in internal parliamentary acts, when updating provisions of the Rules of Procedure of the Verkhovna Rada of Ukraine it is there, in our view, that it is necessary to introduce special legal provisions on the time frame for preparation and peculiarities of consideration of the budget of the Verkhovna Rada of Ukraine (Article 7).
7. In Article 8, the wording that only the Speaker of the Verkhovna Rada of Ukraine unilaterally determines and proposes to the Verkhovna Rada a candidate for the position of Head of the Apparatus of the Verkhovna Rada of Ukraine causes doubts from the legal perspective (par. 2 of this Article). Given the factional structure of the Parliament and the collegial nature of appointment of the Head of the Apparatus of the Parliament, the right to propose a candidate should be granted not only to the Speaker of the Verkhovna Rada of Ukraine, but also to parliamentary factions and groups. This would create additional guarantees of political neutrality of the person elected for this high administrative position.
8. The Rules of Procedure do not impose the periods of time that should pass from initiating dismissal of the Head of the Apparatus of the Verkhovna Rada of Ukraine to voting for his or her candidacy. At the same time, there is no ban on reconsideration of this issue in case of an ineffective parliamentary vote for this dismissal.

For Section II. Organization of work of the Verkhovna Rada of Ukraine.

1. Article 13 does not set the rules to replace membership of the Preparation Group and re-elect of its leadership. Obviously, the first issue can be resolved in view of requirements of par. 2 of this Article by authorized entities, while the second one - by actually the Parliamentary Preparation Group for reasons of expediency.
2. The Rules of Procedure do not directly regulate the quorum of the Parliamentary Preparation Group or the quorum necessary for adoption of its decisions. Therefore, in this case when organizing the work legislators proceed from the qualification of simple majority for beginning of the Preparation Group's operation and its decision-making with the simple majority of votes of present group members. However, in the future, these rules should still be directly determined in the Rules of Procedure.
3. The Rules of Procedure do not specify the terms for the Parliamentary Preparation Group's reporting about its activities, but it is obvious that such a report is to be held at the first session of the Parliament, prior to establishment of committees of the Verkhovna Rada of Ukraine. No form of this report is determined either. Typically, it is presented by the chairperson of the Preparation Group at the plenary session of the Parliament. The content of this report must reflect peculiarities of the Parliamentary Preparation Group's activities, the main areas of its work, and the status of implementation of its tasks.
4. The Rules of Procedure does not expressly establish requirements for adoption of a special legal act by the newly elected Parliament on termination of the Parliamentary Preparation Group. Obviously, such termination must take place automatically after hearing in the Parliament of the report of the group about its activities and establishment of committees.
5. In Article 14 the Rules of Procedure do not expressly indicate the number of MPs of Ukraine who shall take the oath simultaneously, in order to launch the first session of the newly elected Verkhovna Rada of Ukraine. However, from constitutional provisions on authority of the Parliament (par. 2 of Art. 82 of the Constitution of Ukraine), it should be concluded that to open such a session the oath must be taken by at least two-thirds of the constitutional composition of the Parliament. In our view, it is necessary to reflect the corresponding requirement in the Rules of Procedure.
6. The Rules of Procedure do not expressly stipulate the situations when MPs cannot arrive to take the solemn oath before opening of the first session of the newly elected Parliament for whatever reasons (illness, not being in Ukraine, etc.). These cases cannot be covered by the rules established for recognition

of the good reasons for which MPs are absent from plenary sessions of the Parliament (par. 3 of Art. 26 of the Rules of Procedure), as the solemn session is a separate type of sessions. It is clear that in such circumstances there is the question about what should be considered an MP's refusal to take the oath, which concrete actions constitute it. Closely related to this is the question of in which cases an MP of Ukraine has the right to take the oath separately (par. 5 of Article 14): only if recognized elected after opening of the first session of the newly elected Parliament, or in other cases? Obviously, these questions (collective and individual MPs' oath) require legal regimentation at the level of the Rules of Procedure to rule out ambiguous interpretation of the relevant legal provisions in the course of their enforcement.

7. Paragraph 1 of Article 15 sets two conditions for assembling the Parliament for its first session: the term condition and that of authority. The conditions are the following: 1) holding the opening of the first session no later than on the thirtieth day after the official announcement of election results; 2) recognition of the authority of no less than two thirds of MPs from the constitutional composition of the Verkhovna Rada of Ukraine. As regards the latter condition, it is based on the constitutional provisions on the conditions of the Parliament's entry into power. With this in mind, it would be more reasonable, in our point of view, to apply the wording on **oath-taking by a specified number of MPs of Ukraine**.
8. Regarding Article 16, we should note that in the list of issues listed in the Article that must be considered by the Verkhovna Rada of Ukraine at the first session of a newly elected Parliament, there is no mention of the announcement by the Prime Minister of Ukraine or a person acting as the Prime Minister of Ukraine of resignation of the Cabinet of Ministers of Ukraine to the newly elected Parliament. However, due to reenactment of provisions of the Constitution of Ukraine in the version of the Law of December 8, 2004, the specified announcement should be recognized as a mandatory item for consideration at the first session of the newly elected Verkhovna Rada of Ukraine. In this regard, it is necessary to adjust the content of par. 1 of this Article of the Rules of Procedure. In the same way, in the same paragraph of this Article it is necessary to place a reference to mandatory formation of a coalition of parliamentary factions in the Verkhovna Rada of Ukraine.
9. The current Rules of Procedure do not include a provision under which without mandatory consideration of and relevant decisions on the matters specified in the list in par. 1 of Article 16 the Parliament cannot proceed to ~~the consideration of items on the agenda~~. This means that the imperative nature of this list is somewhat weakened, and the Parliament may for

- quite an indefinite period of time stay in a situation such as incomplete institutionalization, i.e. exercise its powers without addressing all personnel and organizational issues identified in par. 1 of this Article without exception (e.g. without formation of the full leadership of the Parliament), or work without hearing the extraordinary address of the President of Ukraine on the domestic and international situation of Ukraine), which looks questionable from the legal point of view and may weaken effectiveness of the Parliament's work and its implementation of its constitutional functions and powers.
10. Article 16 should be generally aligned with the procedural logic of the features of organization and holding of the first session of a newly elected Verkhovna Rada of Ukraine (the order of matter consideration should be revised);
 11. Article 17 does not regulate the quorum of the Counting Commission, the procedure of its decision-making, interaction with the Apparatus of the Verkhovna Rada of Ukraine, etc. At the same time, there is no clear prescription on extension on the relevant issues of other provisions of the Rules of Procedure governing establishment and operation of committees and temporary commissions of the Verkhovna Rada of Ukraine. From this, we can conclude on a somewhat superficial and fragmented nature of legal regulation of the status of this parliamentary body.
 12. Article 18 does not cover the cases when individual members of the Presidium do not sign acts passed by the Parliament, and does not mention that the Speaker of the Verkhovna Rada of Ukraine must re-sign acts of Parliament after his election.
 13. Article 20 does not contain an exhaustive list of issues to be included into the agenda of a session of the Verkhovna Rada of Ukraine without a vote, but refers to other articles of the Rules of Procedure, which somewhat complicates enforcement.
 14. In connection with re-enactment of certain provisions of the Constitution of Ukraine in the wording of the Law of December 8, 2004, in Article 23 a number of issues that are not subject to postponement must also include appointment and dismissal by the President of Ukraine of the Head of the Security Service of Ukraine (p. 12-1 of par. 1 of Art. 85 of the Constitution of Ukraine), which will require the respective amendments par. 3 of Art. 23 of the Rules of Procedure.
 15. The title of Article 26 does not reflect its contents correctly enough: while the title refers to registration of **participants** of plenary sessions of the Verkhovna Rada of Ukraine, the text only refers to registration of **MPs**, meanwhile, during a plenary session other individuals may be in the hall of

- the Parliament, i.e. other participants in the plenary session (see Art. 5-6 of the Rules of Procedure).
16. Article 26 contains no reference to what, actually, prevents registration by another individual instead of an MP. We believe that for proper implementation of the principle of individual registration of an MP, this Article of the Rules of Procedure should indicate the way to implement this principle, otherwise it will have a declarative nature.
 17. We believe that it would be reasonable to legally point out: the duty of the Apparatus of the Parliament to not only submit information about MPs absent from a session based on orders of the leadership of the Parliament, but also about other MPs absent from a plenary session for valid reasons; the need to give the chairperson the authority to also announce the list of persons the causes for whose absence are not clear; the mechanism for determining the whole set of reasons that are the circumstances recognized valid grounds for absence of an MP from a plenary session of the Parliament; the need to establish an exhaustive list of relevant grounds that would not require additional reference to other acts of legislation, including legislation on holidays.
 18. Article 30 should clearly specify the cases where the full discussion procedure is not applied. This happens when the Parliament decides to consider an issue under a simplified discussion procedure (par. 1 of Art. 31 of the Rules of Procedure), as well as in such cases clearly defined by the Rules of Procedure: - discussion of the decision to remove the person presiding at the plenary session from conducting plenary sessions (par. 2 of Art. 29 of the Rules of Procedure); - discussion of amendments to the decision of the Counting Board on the time, place, and procedure of a secret ballot (par. 3 of Art. 38 of the Rules of Procedure). - discussion on the issue on abolition of resolutions of the Verkhovna Rada of Ukraine (par. 9 of Art. 48 of the Rules of Procedure). - discussion of decisions on procedural issues (par. 1 of Art. 49 of the Rules of Procedure); - discussion on election (ad hoc) of the person presiding at the plenary session (par. 3 of Art. 76 of the Rules of Procedure); - discussion of the procedural decision to consider a draft law in the second reading in sections, parts by carrying out independent discussion and voting on each of them (par. 2 of Art. 119 of the Rules of Procedure); - discussion on the proposal to first vote in the second reading of the structural parts of the draft law that contain basic, decisive, or predetermining provisions on it other relevant structural parts (par. 3 of Art. 119 of the Rules of Procedure).
 19. In general, in order to improve the quality of law-drafting material, to substantially narrow down the options for consideration of draft laws under

- the simplified procedure, if the text of the draft includes, for example, more than 10 articles (Article 31).
20. In Article 37, the technical impossibility of voting must be set based on findings of examination of the «Rada» system (its being dysfunctional, damaging of the system, which does not allow establishing the true will of parliamentarians, etc.) by the Counting Board of the Parliament. At the same time, there is no clearly defined procedure for determining the impossibility of using the electronic voting system in the Rules of Procedure.
 21. Article 37 should directly prohibit multiple repeated voting of laws both during the current plenary session, and during the current Session of the Verkhovna Rada of Ukraine.
 22. In Article 38, the Rules of Procedure do not detail within which period after the beginning of the procedure of secret ballot the Counting Board shall conduct all preparations needed to organize the vote. It is understood that it must undertake all the steps indicated within the shortest time possible and act as quickly as possible. However, the Rules of Procedure do not stipulate penalties for inaction of the Counting Board or its members, including the leaders. The Rules of Procedure do not introduce sanctions for violations of the principles of free and secret ballot, individual vote of MPs of Ukraine, and the Counting Board does not have sufficiently effective tools to prevent the respective offenses.
 23. In Article 39 of the Rules of Procedure, there is no direct prohibition on passing the bulletin to other individuals, and it does not allow replacing a mistakenly spoilt ballot with a new one. Obviously, it is the Counting Board, if there are such ballots, that must separate them from valid ballots and ensure their withdrawal and not accounting for during the vote count and registration of results of a secret ballot.
 24. Article 40 does not explicitly indicate who has to assess the reasons for voting for those who do not receive enough votes, consider their significance - the Parliament itself, the subject who nominated the respective candidate or someone else. It is not specified who and how should approve the decision to return to vote on the said candidate. Obviously, the only body empowered to return to a previously not supported candidate is the Verkhovna Rada of Ukraine, which should make the respective decision.
 25. Comparing Article 47 with the content of Art. 37 of the Rules of Procedure, we should mention that the latter stipulates a slightly wider range of ways to vote, mentioning along with the ones listed, **open voting by show of hands** (p. 2 of par. 2 of Art. 37 of the Rules of Procedure), omitted in par. 2 of this Article.

26. There should be legal regulation of use of the touch key (Article 47 or in a separate article) for a vote by MPs of Ukraine and the statement that the procedure for its use shall be settled with the respective Resolution of the Verkhovna Rada of Ukraine.
27. In Article 48, the question arises on the way to **repeal acts of the Parliament after their signing by the Speaker of the Verkhovna Rada of Ukraine but before their entry into force**: in accordance with par. 1 of this Article, such acts cannot be repealed as they are **already** signed by the Speaker of the Parliament, and in accordance with par. 2 they cannot be recognized invalid, since they have **not** yet entered into force. At the same time, there is the question on the procedure of abolition of acts of Parliament signed before election of the Speaker of the Verkhovna Rada of Ukraine by the Provisional Presidium of the Parliament (par. 3 of Art. 18 of the Rules of Procedure).
28. Parts 5-9 of Article 48 provide for the possibility of submitting written applications and draft resolutions on abolition of a decision adopted by the Parliament, including an adopted law, resolution, another act of the Parliament. Requirements on mandatory consideration of these «proposals» are introduced. This creates the legal possibility to delay the process of registration and signing of any act adopted by the Parliament. These requirements look even more out of place in view of that par. 4 of this Article already stipulates the possibility of holding, «with the decision of the Verkhovna Rada», a re-vote for a specific act in case of violation of voting procedures or other obstacles that could affect the voting results.
29. Article 49 contains no exhaustive list of matters of procedure. They are listed in par. 3 of this Article only regarding specific issues of the legislative procedure (Section 4 of the Rules of Procedure).
30. All decisions of the Verkhovna Rada of Ukraine, including those on procedural matters (Article 49) should be adopted with the majority of the constitutional composition of the Verkhovna Rada of Ukraine, except for those where the Constitution of Ukraine directly requires only one-third of votes of the MPs of Ukraine in the constitutional composition of the Parliament;
31. Article 51 does not include a comprehensive list of the items that obstruct a session of the Parliament, citing as examples posters, slogans, loudspeakers, use of which during a parliamentary session may interfere with its normal course. However, in this case such a ban is formulated merely as a suggestion. There are no penalties for its violation in the current legislation, which significantly reduces the regulatory impact of such provisions on behavior of MPs. Sometimes these rules are violated by MPs without any negative consequences for them.

32. It is necessary to essentially revise the outdated and mostly inactive (nonfunctional) procedural provisions on discipline observance by MPs of Ukraine and by other participants of plenary sessions (Articles 51-53) to enhance the parliamentarians' discipline, in particular regarding absence at such sessions, violation of the individual voting requirement, etc;
33. It would be advisable to strengthen the principles of the parliamentary procedure by regulating in a separate chapter the status and functioning of parliamentary marshals - the special intra-parliamentary service responsible for ensuring the discipline in the Parliament of Ukraine, in particular in the plenary session hall.

For Section III. Formation of bodies of the Verkhovna Rada of Ukraine, election, appointment, and dismissal of its officials.

1. It is advisable to introduce a «closed» (exhaustive) list of powers of the Speaker of the Verkhovna Rada of Ukraine (Article 78) and to significantly revise the scope of his discretion (the phrases starting with the words «can», «shall have the right», and those similar in content).
2. In Article 79, the Rules of Procedure do not stipulate any requirements regarding factional affiliation of Deputy Speakers of the Verkhovna Rada of Ukraine. Hypothetically, it is possible that both the Speaker and his deputies are representatives of the same faction. However, in practice, in order to stabilize the work of the Parliament, the principle of wide involvement of representatives of different factions to manage the Parliament applies, i.e. the Speaker and Deputy Speakers of the Verkhovna Rada of Ukraine represent different political parties that have their factions in the Verkhovna Rada of Ukraine.
3. It is necessary to prevent violation of regulatory requirements regarding apportionment of management positions in the committees by the vote of the parliamentary coalition (Articles 82-83).

For Chapter IV. Establishment and activities of parliamentary factions (groups), the coalition of parliamentary factions and the parliamentary opposition in the Verkhovna Rada of Ukraine.

1. It is necessary to urgently complete the Section of the Rules of Procedure of the Verkhovna Rada of Ukraine with separate chapters on the features of organization and operation of the coalition and opposition in the Verkhovna Rada of Ukraine.
2. Article 59 of the Rules of Procedure includes no formulation of the principle of mandatory membership of an MP in the faction of the party from which

he was elected, despite the content of Art. 81 of the Constitution of Ukraine, which allows for early termination of powers of an MP of Ukraine in case such MP elected from a political party fails to enter or exits the faction of the party (p. 6 of par. 2 of Art. 81 of the Constitution of Ukraine). Therefore, we must assume that in the course of the future revision of the contents of the Rules of Procedure the legislator will have to also introduce amendments to this article of the Parliamentary Rules of Procedure.

3. In contrast to the concept of exiting, the **concept of «expulsion» covers the cases where the initiator of leaving the faction is the respective party (or faction) leadership**. Constitutional provisions do not provide for the loss of the parliamentary mandate by those who are excluded from factions. Moreover, the identification of an exit and expulsion do not, in our opinion, ground on a reasonable legal basis. Thus, it is not an MP's responsibility to the voters that is at the forefront, but his responsibility to the party within whose election list the MP was elected. Relations with voters are somewhat ignored, while relations with the party transform from corporate provisions into constitutional ones. The relevant processes that have gained constitutional recognition and reflection have institutionalized in the Ukrainian legislation and the political practice the phenomenon of partial imperative or party mandate, which is different from both the classical free one, and the classical imperative mandates. It is important to note that the only legal basis for termination of powers of an MP elected from a political party due to his exit or a failure to join the faction of the political party is the respective decision passed by the highest governing body of the party. The relevant constitutional provision, it is indicated that such decision should be made by law. In our opinion, in this way the Constitution of Ukraine and the Rules of Procedure do not request adoption of a special law on early termination of MPs' powers, but only indicate the form of the legal act in which the relevant provisions should be properly reflected - this shall be a law (likely, the relevant provisions should be laid down in the Law of Ukraine On the Status of the Member of Parliament of Ukraine or in the Rules of Procedure).
4. The Rules of Procedure do not establish that the expulsion of an MP from the faction (group) is the reason for the MP's recall from executive positions in committees and other bodies of the Verkhovna Rada of Ukraine, from the office of the Speaker or Deputy Speaker of the Verkhovna Rada of Ukraine, etc.
5. In Article 60, the Rules of Procedure separately regulate faction registration procedures important for factions' institutionalization, and the procedure for termination of factions. At the same time, certain provisions contained in this Article indicate that it also applies to changes in the composition of

factions (par. 2-3 of this Article). Overall, we have to note that, from the legal point of view, the content of this Article does not entirely correspond to its title: the content is somewhat broader, as it covers not only the procedure of registration and termination of a faction, but also changes in its composition. Moreover, while the title includes the term «termination of activities», in the text of the article (p. 4) the term «dissolution of the faction» is used, which, in our opinion, cannot be considered identical legal facts.

6. In Article 60, the Rules of Procedure do not set the time limits within which the Apparatus of the Parliament must verify the respective data in the notification of establishment of a faction and pass the information over to the person presiding at the plenary session for him to make the respective announcement. Moreover, it does not determine the term during which, after receipt of the relevant material, the chairperson must make the respective information notification to the plenary. However, given the imperative nature of the institute of parliamentary factions (groups), all the relevant procedures must be conducted in a very short time (they should be directly stipulated in the Rules of Procedure).
7. The current legislation does not provide for the possibility of early termination of a faction in the event of termination of the party, based on whose representation it was established. Thus, let us remind you that according to Art. 21 of the Law of Ukraine On Political Parties in Ukraine, under submission of the Ministry of Justice of Ukraine or the Prosecutor General of Ukraine a political party may be banned by court in case of violation of the requirements for establishment and activities of political parties established by the Constitution of Ukraine and laws of Ukraine. Prohibition of activities of a political party entails termination of the political party, dissolution of its governing bodies, regional, city, and district party organizations, its primary units and **other structural subdivisions** envisaged in the party's statute, termination of membership in the political party. However, no current act of legislation of Ukraine defines a faction as a structural subdivision of a political party, which does not allow applying the expansive interpretation of this provision for early termination of the faction.
8. In Article 73, the powers of the Conciliation Board contained in this article are not clearly set out, there is no their exhaustive list. Moreover, presentation of some of them in general terms is not specified in the special articles of the Rules of Procedure, transforming some of the powers of the Conciliation Board into declarative ones and complicating their application in practice.

For Section V. The legislative procedure.

1. The list of subjects of legislative initiative indicated in par. 1 of Article 89 does not fully meet the current wording of Art. 93 of the Constitution of Ukraine, because this list includes the National Bank of Ukraine, although according to the Law of Ukraine On Amendments to the Constitution of Ukraine of December 8, 2004 this public authority was withdrawn from the list. So, it is necessary to align Art. 93 of the Constitution of Ukraine and par. 1 of this Article of the Rules of Procedure.
2. To prevent realization of the right of legislative initiative in the part of submission by the President of Ukraine and the Cabinet of Ministers of Ukraine of draft resolutions on any issues of parliamentary activities, as well as draft declarations, statements, appeals of the Verkhovna Rada of Ukraine, which is hardly appropriate and logical, the Verkhovna Rada of Ukraine in par. 4 of Article 89 determines that the special agents to submit draft resolutions, declarations, appeals, applications of the Parliament shall only be MPs. This legislative construction corresponds to the content of par. 2 of Art. 27 of the Law of Ukraine On the Cabinet of Ministers of Ukraine, which states that the scope of legislative initiative of the Government is only confined to draft laws. The same rule should be extended to the scope of legislative initiative of the President of Ukraine.
3. In Article 92, there are no provisions of the impossibility of registration of draft laws deemed rejected, i.e. that drafts that under Art. 107 of the Rules of Procedure did not receive adequate support with votes (the drafts were not adopted and not sent back for revision and re-submission for the repeated first or second reading). Under par. 2 of Art. 107 of the Rules of Procedure, a draft law rejected by the Verkhovna Rada or a draft law that essentially repeats it cannot be considered at the current and the the next extraordinary session of the Verkhovna Rada of the corresponding convocation. These restrictions should be applied in registration of draft laws, and they also should be kept in mind by subjects of legislative initiative. All this points to the necessity of a clear definition in this article of an exhaustive list of grounds for a denial of registration of a draft law and clarifying the legal content of each legal ground for preventing denial of draft laws' registration for unreasonable or unsubstantiated grounds, i.e. to prevent any violations of rights of subjects of legislative initiative. It is also necessary to bring the content of this article in accordance with par. 2 of Art. 107 of the Rules of Procedure to prevent registration of the draft law that have already been considered by the Parliament at the current or the next extraordinary sessions and were rejected by it.

4. In Article 92, it would be necessary to prohibit registration of the draft laws that influence the expenditure side of the State Budget without the opinion of the Cabinet of Ministers of Ukraine to prevent submission to the Parliament and consideration of economically unjustified draft laws.
5. The structure of Article 96 looks distinctly «pro-coalition»: there may actually be a situation (especially in the situation of an intense political struggle in the Parliament) when not a single draft law initiated by the parliamentary minority will have a real chance to get to the session hall of the Parliament, as the decision on its inclusion must be supported by at least 226 votes. Thus, with the required majority in the Parliament, if it wishes, the coalition can block inclusion into the agenda of virtually any draft law from the opposition. That is why in the Rules of Procedure it is necessary to in the future stipulate additional legal safeguards for the opposition for it to include its draft laws into the agenda of the session to avoid ignoring the rights of the parliamentary opposition.
6. It is advisable to prohibit submission and registration of alternative draft laws (to remove Articles 100, 110 and the relevant references to alternative drafts in other Articles of the Rules of Procedure), given the fact that this practice is nothing but an abuse of the right of legislative initiative; the relevant entities of legislative initiative have enough opportunities to introduce legislative proposals and amendments for the second reading.
7. In par. 5 of Article 102, it is indicated that during the second and third readings of comparative tables of the draft laws are considered, while for draft laws on amendments to laws comparative tables are considered in the first reading as well. However, this formulation, from the legal perspective, is not entirely good, because, in fact, the Parliament in its every reading considers draft laws, proposals, amendments thereto, but not «comparative tables».
8. Article 102 should prohibit adoption of draft laws in the first reading and as a whole as a law to prevent narrowing of the right of legislative initiative, which is not only confined to submission and registration of a draft law.
9. Similarly, Article 102 should make the third reading mandatory for large volume draft laws, say over 50 articles (points, etc.), in order to make codified legislative material as profound and quality as possible both in terms of the content, and in terms of compliance with the lawmaking technique.
10. In Article 102, to prohibit adoption as a whole as a law of drafts with a negative opinion of the Main Legal Department of the Apparatus of the Verkhovna Rada of Ukraine, in particular without consideration of such comments by the Department.
11. In Article 102, it is necessary to prohibit consideration of draft laws in

- violation of the deadlines for advance distribution for MPs of Ukraine of the draft and accompanying documents.
12. Article 103 should introduce the obligation to submit all draft laws to the legal and procedural committees for their opinions on the conformity of the draft laws with the provisions of the Constitution of Ukraine and the Rules of Procedure of the Verkhovna Rada of Ukraine, respectively.
 13. Article 103 should provide for the possibility of public examination and other forms of public involvement into the drafting, mandatory disclosure (publication) of the most important and high-profile draft laws in order to introduce them to the public.
 14. In Article 103, the scientific and anti-corruption expertise of draft laws in the Verkhovna Rada of Ukraine should be defined as mandatory; it should be impossible without an expert opinion to consider a draft law at a plenary session; the content of such opinion must be necessarily (at least in general terms) presented by a committee representative during the address.
 15. In Article 109, to ban reduction of the term for preparation of draft laws for the second reading if the text of the draft law is quite large in volume (more than 50 articles) or if at least one MP of Ukraine insists on that.
 16. In Article 114, to provide committees of the Verkhovna Rada of Ukraine with the right to combine draft laws before their consideration in the second reading mode, in order to save time of the Parliament and reduce the chances of considering fragmentary draft laws.
 17. Par. 2 of Article 119 indicates the possibility of changing the procedure of a draft's consideration in the second reading with a procedural decision, it (the provision) should be reflected in a procedure of discussion of draft laws other than the article-by-article one and differing from the general discussion procedure as defined in Art. 120 of the Rules of Procedure. Instead, there is no such procedure in that Article mentioned above or in the Rules of Procedure in general.
 18. In Article 122, arising of the term «the editorial group» leads to an analysis of the content of this provision. Meanwhile, no provision of the Rules of Procedure stipulates establishment of such groups. The Law On Committees of the Verkhovna Rada of Ukraine mentions working group within committees, however, obviously, an editorial group is not identical to a working group, and it is different in nature and purpose from the TSC. Therefore, in our opinion, in this or other articles of the Rules of Procedure there should be more specific provisions on the editorial group, the procedures for its establishment and operation, the period of operation, etc. At the same time, the possibility of amending «by voice» stipulated

in par. 1 of this Article only leads to delays in the legislative process and encumbering the text of a draft with the amendments that MPs or the relevant committee had no chance to consider comprehensively and in advance. So, such practice should be abolished. Obviously, the editorial group or the core committee should primarily take care of removing the defects of the draft listed in par. 6 of Art. 121 of the Rules of Procedure and not engage in processing of amendments made «by voice». It should be separately emphasized that the procedure for eliminating contradictions and making editorial corrections in the text of the draft law stipulated in this article is not an independent stage of the legislative process. It is obvious that this procedure should be applied as an exception, not as a rule in such process not to encumber work of the Parliament with repeated coming back to the same stage of the legislative process - adoption of draft laws in the second reading. Lastly, the quite a significant gap in time between consideration of a draft in the second reading and the vote for its adoption after elimination of all contradictions and making editorial corrections may promote deformation of the parliamentary position and will not contribute to optimization of the legislative process, etc.

19. Article 124 requires simplification, namely the structure of par. 2 of this Article: all of its text after the words «introduced after the second reading» should be deleted: if the entire draft law is returned for the second reading, new proposals should be introduced to its entire text, while if only individual parts of the draft are returned, this situation is addressed in par. 3, where before the words «the comparative table shall be prepared» it is necessary to add «proposals, amendments shall be introduced».
20. Under the current wording of par. 4 of Art. 94 of the Constitution of Ukraine, «if during a repeated consideration the law is once again adopted by the Verkhovna Rada of Ukraine with no less than two thirds of its constitutional composition, the President of Ukraine shall be obliged to sign it and officially make it public within ten days. If the President of Ukraine does not sign such a law, it shall be promptly officially made public by the Speaker of the Verkhovna Rada of Ukraine and published with his signature». This wording of this constitutional provision is reinstated in the text of the Constitution of Ukraine according to the Law of Ukraine On Re-Enactment of Some Provisions of the Constitution of Ukraine of February 21, 2014. Therefore, in our view, given the presence in the Basic Law of the State of such a provision, it makes sense to reflect it in the current Rules of Procedure, where, by the way, it was present as a separate article - art. 137 - which was excluded from the Rules of Procedure pursuant to Law No. 2600-VI of October 8, 2010.

21. In Article 138, it is not quite correct, in particular, to use in the title and in the text of the Article the phrase «resolutions and other acts of the Verkhovna Rada», as such acts also include laws. Therefore, it would be appropriate to mention that it covers resolutions and other **secondary legislation** of the Verkhovna Rada of Ukraine.
22. It would be reasonable to specify features of adoption of by-laws of the Verkhovna Rada of Ukraine, in particular its resolutions - both regulatory and non-regulatory. Thus, Article 138 - paragraph 3 of this Article is the only legal provision of the Articles that directly relates to procedural aspects of adoption of secondary legislation by the Parliament. According to it, these acts shall be adopted in compliance with the procedure stipulated for consideration of draft laws in the first reading to be adopted as a whole, unless the Verkhovna Rada decides otherwise. However, this is an incomplete and incorrect provision. It follows from it that the Parliament should discuss a draft resolution as a draft law at the first reading, and then immediately adopt it as a whole as at the second or third reading of a draft law, unless the Parliament adopts an individual decision to continue working on the act. In this case, MPs are deprived of the right to make proposals and amendments to by-laws or they have to introduce them «by voice». On the other hand, separate discussion of the text of resolutions on individual issues is generally inadvisable, because these resolutions are purely technical documents that accompany decisions made by the Verkhovna Rada of Ukraine on the merits of the respective issues. Obviously, the procedure for consideration of draft resolutions should be formulated in more detail. In particular, the draft should include the provisions that would provide for the following:
 - in the cases where resolutions only implement decisions of the Parliament made on a particular issue (e.g. a personal issue), no separate consideration of the text of the resolutions shall be held, they shall be prepared by the subject who initiates consideration of the issue or the relevant committee, and a decision on the specific issue shall be simultaneously considered a decision on adoption of the corresponding resolution. If necessary, it can also be stipulated that templates for resolutions shall be specifically approved by the Parliament;
 - if the resolution not only implements parliamentary decisions, but also contains (should contain) certain resolute (directive, recommendation, statement, etc.) provisions, a separate procedure should be stipulated for their adoption, which should be much simpler than the legislative procedure, but at the same time offer MPs at least minimal opportunities to make suggestions and amendments to the proposed text;

- if a resolution contains regulatory provisions, it should be adopted according to the rules of the full legislative procedures, at least in the mode of the first and second readings.
23. Par. 5 of Article 138 does not stipulate the procedure for entry into force of other by-laws of the Verkhovna Rada of Ukraine (decisions, declarations, petitions, statements).
 24. Par. 3 of Article 139 allows no more than 10 days to publish the updated text of an act of the Verkhovna Rada after discovering discrepancies between the printed text and the original one. This publication shall be in the newspaper «Voice of Ukraine» and in the next issue of the Bulletin of the Verkhovna Rada of Ukraine. However, the Rules of Procedure do not stipulate which entity is authorized to confirm this discrepancy and over which period of time from the date of the respective publication. Obviously, legal consequences of enactment of acts of Parliament not identical to the ones adopted by the Parliament can be very destructive and unpredictable. For this reason, the Rules of Procedure should take care of a separate procedure to identify the respective discrepancies and their respective immediate removal to prevent manifestations of such unlawful practice of publication of fraudulent texts of acts of the Parliament of Ukraine.
 25. Paragraphs 3-4 of Article 140 contains a list of acts of enforcement accommodated by the matter of law, as well as notifications of the relevant bodies on compliance with provisions of the law and proposals to enhance effectiveness of its action. It is necessary to also added to this such important documents as acts of the Constitutional Court of Ukraine (judgments and opinions), as well as clarifications of the Supreme Court of Ukraine, if any. They make it possible to not only track the dynamics of the law's implementation, but also the directions and ways to improve it and enhance efficiency of its action. Acts of the mentioned judicial authorities are also signposts to correct deficiencies and contradictions in the law and to improve its legal quality.

For Section VI. Consideration by the Verkhovna Rada of Ukraine of issues under special procedures.

1. It is recommended to prohibit adoption of the Law On the State Budget in breach of the deadlines for submission and further consideration stipulated in the Rules of Procedure of the Verkhovna Rada of Ukraine.
2. The Budget Code of Ukraine sets the deadline until which the State Budget Law of Ukraine shall be adopted. According to par. 5 of Article 44 of the Code, such date is December 1 of the year prior to the planned one. In the Rules of Procedure, this provision as amended in 2011 is also reflected in par.

six of Article 159. The situation in 2007 to some extent confirms the validity of this approach of authors of the Rules of Procedure. The early parliamentary elections that took place on Sept. 30, 2007, as well as subsequent difficulties regarding creation of the parliamentary governmental coalition led to the situation where it was not out of the question to submit the draft Law on the State Budget for 2008 before December 1, 2007. Remarkably, in connection with the early elections to the Verkhovna Rada of Ukraine on October 26, 2014, this situation re-occurred in 2014. Thus, strict regimentation of completion of the budgetary process by the Verkhovna Rada of Ukraine is hardly appropriate, as well as setting of other fixed dates. In our view, the Rules of Procedure should include a clear explanation of the options for the course of events within the budgetary process. Currently, only the sixth paragraph of this Article of the Rules of Procedure briefly addresses such possible circumstances.

3. Given the settlement in Articles 189, 190 of issues of parliamentary involvement into introduction of the regimes of martial law and the state of emergency, the title of the Article is incorrectly, because the title does not cover introduction of emergency environmental situation and mobilization regimes, yet they are completely independent legal institutions regulated by separate laws.
4. Article 189, in view of the accelerated pace of preparation of the relevant documents, also stipulates a simplified legislative procedure for their consideration by the Parliament without the draft's consideration of the mode of the first and second readings: the draft law is considered and adopted under the procedures of the first reading and the adoption of the law as a whole (par. 5 of this Article). This means that subjects of legislative initiative can introduce not suggestions or amendments to the draft law between the first and second readings, but only reservations and recommendations, as follows from par. 1 of Art. 190 of the Rules of Procedure. Meanwhile, the difference between recommendations and reservations and proposals and amendments to the Rules of Procedure is not defined.
5. In Article 193, when determining the entities authorized to submit for consideration of the Parliament of Ukraine drafts laws on the consent to the binding nature of international treaties of Ukraine, it is necessary to keep in mind that the first paragraph of this Article of the Rules of Procedure defines only two of such entities. They are, respectively, the President of Ukraine and the Cabinet of Ministers of Ukraine. Thus, MPs of Ukraine are in this case denied the right of legislative initiative, which led to MPs' appeal to the Constitutional Court of Ukraine and the latter's adoption of the Judgment

in the case of the constitutional petition by 47 MPs of Ukraine regarding conformity to the Constitution of Ukraine (constitutionality) of Article 202 of the Rules of Procedure of the Verkhovna Rada Ukraine adopted with the Law of Ukraine On the Rules of Procedure of the Verkhovna Rada of Ukraine, in the version of the Law of Ukraine On Amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine (the right of legislative initiative) of May 30, 2012 No. 12-rp/2012. In this Judgment, the sole body of constitutional jurisdiction notes that the Constitution of Ukraine does not contain provisions that would exclude the possibility for MPs of Ukraine to submit to the Verkhovna Rada of Ukraine draft laws on ratification of international treaties of Ukraine. At the same time, the draft laws that can be submitted to the Verkhovna Rada of Ukraine only by some subjects of legislative initiative are determined in the Constitution of Ukraine. In accordance with par. 2 of Article 96 of the Constitution of Ukraine, the draft Law On the State Budget of Ukraine for the next year shall be submitted by the Cabinet of Ministers of Ukraine. In line with Article 154, paragraph one of Article 156 of the Constitution of Ukraine, draft laws amending the Constitution of Ukraine can be submitted to the Verkhovna Rada of Ukraine by the President or at least one-third or two-thirds of MPs of Ukraine in the constitutional composition of the Verkhovna Rada of Ukraine. Based on the foregoing, the Constitutional Court of Ukraine concluded that the first paragraph of Article 202 of the Rules of Procedure is contrary to Article 6, paragraphs one, two of Article 8, paragraph two of Article 19, the first paragraph of Article 93 of the Constitution of Ukraine. Therefore, this provision of the Rules of Procedure became invalid, and the range of entities to initiate laws on both denunciation of international treaties of Ukraine, and on granting consent to their binding nature corresponds to the constitutionally determined list of subjects of legislative initiative (Article 93 of the Constitution of Ukraine), i.e. includes MPs of Ukraine.

6. Par. 2 of Article 193 of the Rules of Procedure states the list of functions of the Verkhovna Rada concerning decisions on international treaties of Ukraine. While paragraphs two and three of this paragraph cause no doubt regarding their being within to the competence of the Parliament, the reference to the power of Parliament to adopt decisions to initiate conclusion or, actually, conclude international treaties, and, deriving from that, preparation and the subsequent submission by certain public authorities of necessary documents for their consideration by the Parliament seem inappropriate to the scope of parliamentary powers as outlined in the Fundamental Law of Ukraine. The said provision of the Rules of Procedure gives grounds to argue that this

provision extends the competence of the Parliament contrary to par. 2 of Article 85 of the Constitution of Ukraine, as powers within its jurisdiction shall be secured solely with constitutional provisions. The scope and the list of powers of the Verkhovna Rada of Ukraine are established by the Constitution of Ukraine (Articles 85, 87, par. 1 of Article 88, etc.) and cannot be expanded with laws. Currently, the Fundamental Law of Ukraine does not establish powers of the Parliament to initiate the procedure of entering into international treaties. Moreover, such an approach is not fully consistent with the existing constitutional model of the relations among the Parliament, the President, and the executive authorities in this sphere, according to which the President of Ukraine and the Cabinet of Ministers of Ukraine have the functions of holding negotiations, concluding international agreements, their practical enforcement, while the Parliament has the function of adoption of laws granting consent for the binding nature of international treaties of Ukraine and of monitoring their implementation. The combination in the Parliament's activities of the powers to submit proposals to concluding international treaties with the power to give consent to their binding nature applied in the Rules of Procedure is contrary to the principle of checks and balances as enshrined in Article 6 of the Constitution of Ukraine.

7. Article 195 of the Rules of Procedure ignores these facts in no way introducing the requirement for mandatory consideration of the ratification law and the related proposals to reservations and objections to reservations, as well as draft additional laws and amendments to existing laws. These arguments prove the necessity of amending the Rules of Procedure by imposing the procedure of consideration of the entire set of draft law documentation to be considered when ratifying an international treaty of Ukraine. Under provisions of Vienna Convention, the Law On International Treaties of Ukraine, and the preceding Articles of the Rules of Procedure contained in its Chapter 31, it is possible to suggest the following sequence for consideration of ratification in the Parliament: 1) The Head of State or the Government of Ukraine submit to the Verkhovna Rada of Ukraine the draft law on ratification together with proposals on reservations, declarations, objections to reservations to the relevant international treaty, besides, as related draft laws they also submit to the Parliament additional draft laws and draft laws on amending existing laws; 2) if at the phase of inclusion of these draft laws for consideration it turns out that there is a need to develop additional draft laws, the draft laws submitted are returned to the subject of legislative initiative with the decision of the Parliament for further elaboration; 3) during the second reading, all subjects of legislative initiative have the opportunity to make suggestions on

reservations, etc. or proposals for additional reservations, declarations and objections to reservations, if such materials have already been submitted; 4) overall, the consideration procedure is performed in a way similar to consideration of related draft laws when amending the Constitution of Ukraine.

8. In par. 1 of Article 197, the procedure for preliminary consideration of draft laws on granting consent to the binding nature of international treaties of Ukraine is somewhat different from the ordinary procedure of preliminary consideration of other draft laws in parliamentary committees. There is the clearly defined concept of the core committee, which, by the way, is referred to in paragraph three of the Article, and it is entrusted with preparation and preliminary consideration of the draft law. Here we encounter some confusion, because virtually three committees have the role of the core committee. Two of them, perhaps, are definitely the same committee, but the editorial inconsistency of definitions of the first and third paragraphs of the Article leads to confusion about duties of the core committee.
9. Granting by the Verkhovna Rada of Ukraine of consent to appointment by the President of Ukraine of the Prime Minister of Ukraine took place in accordance with par. 12 of Article 85, paragraph 9 of Article 106 and Article 115 of the Constitution of Ukraine, Section II «The Composition and Procedure of Formation of the Cabinet of Ministers of Ukraine» of the Law of Ukraine On the Cabinet of Ministers of Ukraine of October 7, 2010, and Chapter 33 of the Rules of Procedure of the Verkhovna Rada of Ukraine - until adoption by the Verkhovna Rada of Ukraine of the Law of Ukraine On Re-Enactment of Some Provisions of the Constitution of Ukraine of February 21, 2014. These constitutional amendments, in particular, instead of the institution of granting consent to appointment by the President of Ukraine of the Prime Minister of Ukraine introduced the revised institution of appointment after submission by the President of Ukraine of the Prime Minister of Ukraine, Ministers of Defense and of Foreign Affairs of Ukraine (p. 12 of par. 1 of Art. 85 of the Constitution of Ukraine) that existed during 2004-2010. The above is also embodied in the content of the Law of Ukraine On the Cabinet of Ministers of Ukraine adopted by the Verkhovna Rada of Ukraine on February 27, 2014 (Article 8). At the same time, the relevant amendments have not been introduced into the Rules of Procedure of the Verkhovna Rada of Ukraine, in particular its Article 205. Therefore, provisions of this Article of the Rules of Procedure can be applicable to the appointment procedure, but not to the procedure of granting consent to appointment of the Prime Minister of Ukraine in the part that does not

contradict provisions of the Constitution of Ukraine. In the future, though, it would be advisable to take care of making the corresponding amendments in this Article of the parliamentary Rules of Procedure and harmonizing in it the procedures of appointment of the Head of the Government and the two aforementioned ministers.

10. As regards submission of declaration of assets, revenues, expenses, and financial liabilities for the previous year in the form prescribed by the Law of Ukraine On Principles of Prevention and Combating Corruption of April 7, 2011, it is necessary to mention that starting from April 26, 2015 the Law of Ukraine On Prevention of Corruption of October 14, 2014 comes into effect, Articles 45-51 of which prescribe submission of the declaration by a person authorized to perform functions of the state or local government for the previous year according to the form established by the National Agency for Prevention of Corruption. We believe that in the Rules of Procedure it would be appropriate to specify who is legally mandated to verify accuracy of the information stated in the declaration.
11. It is rather surprising that Article 208 does not indicate the specific number of members of the Constitutional Court of Ukraine to be appointed by the Verkhovna Rada. The wording of paragraph one of this Article, and the title as such, lead to the misconception that the Parliament appoints the entire composition of the Constitutional Court. The same applies to appointment of members of the High Council of Justice.
12. In Article 208, there are certain discrepancies in definition of the procedures for nomination of candidates for the above-mentioned positions between the Rules of Procedure of the Verkhovna Rada and the special laws that regulate operation of these public institutions. The Rules of Procedure stipulate that the Speaker of the Verkhovna Rada shall propose to the Parliament candidates for the positions listed in par. 1 of Article 208.
13. The Law of Ukraine On the Constitutional Court of Ukraine in Art. 23 does not provide for a method of voting on dismissal of Constitutional Court judges. Instead, in par. 1 of Art. 7 of the same Law appointment of a CCU judge to the position by the Verkhovna Rada of Ukraine takes place by secret ballot through submission of ballots. So it is recommended, first, to establish in the Law of Ukraine On the Constitutional Court of Ukraine or in the Rules of Procedure (Article 206) the method of voting on dismissal of judges of the Constitutional Court of Ukraine by the Verkhovna Rada of Ukraine, and, secondly, obviously, it would be necessary to set the identical procedure for both appointment and dismissal of these judges by the Parliament (either only open, or only secret ballot).

14. In the context of consideration of a submission for rendering consent to bringing to criminal liability, detention or arrest, Article 218 of the Rules of Procedure does not specify the timing for: 1) consideration of the submission by the Speaker of the Verkhovna Rada of Ukraine; 2) his returning an improper or insufficiently reasoned submission to the subject who submitted it.
15. In Articles 218-221 of the Rules of Procedure, it is necessary to ensure prevention of decision-making on prosecution of an MP of Ukraine or a judge in violation of the regulatory requirements.
16. In connection with the expansion of parliamentary competence, confirmed, in particular, by adoption of such Resolutions of the Verkhovna Rada of Ukraine as On Establishment of the Commission to Hold the Competition for the Positions of the Director of the National Anti-Corruption Bureau of Ukraine of December 25, 2014, On Determination of Representatives of the Verkhovna Rada of Ukraine in the Commission to Hold Competitions for Administrative Positions at the Specialized Anti-Corruption Prosecutor's Office of September 17, 2015, it is necessary to supplement the Rules of Procedure of the Verkhovna Rada of Ukraine with the relevant provisions on the procedures of forming these commissions.

For Section VII. Consideration of issues related to execution by the Verkhovna Rada of Ukraine of its control functions.

1. It is advisable to include more stringent requirements for initiating and conducting parliamentary hearings and «governmental hours» in order to strengthen their credibility and status in the society (Articles 229, 234, and other).
2. Article 240 of the Rules of Procedure of the Verkhovna Rada of Ukraine should be removed from Chapter 40, because has nothing to do with its content, and moved into new chapter 41, the title of which must be identical to the title of this Article.

