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Report on the Functional Audit of the Council of Prosecutors of Ukraine and the Qualification and Disciplinary Commission of Prosecutors

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*The opinions expressed in this study belong to the authors and do not necessarily reflect
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Introduction

Exactly ten years ago, in the spring of 2016, the Council of Prosecutors (CoP) became operational. In the same year, the Qualification and Disciplinary Commission of Prosecutors (QDCP) was also expected to start operating, however, this did not happen. After a couple of months of CoP operations, the Verkhovna Rada decided to terminate the legal basis of the newly established body. This decision by the Verkhovna Rada coincided with the appointment of a new Prosecutor General, who promised to cleanse the prosecution service.

A similar scenario occurred in 2019, when the Verkhovna Rada of Ukraine suspended the operations of the CoP (partially) and the QDCP (completely) in order to allow the new Prosecutor General to conduct the attestation of all prosecutors (without the involvement of the self-governing bodies). Although the CoP and the QDCP resumed their work at the end of 2021, the attestation process launched then has not yet been completed.

Such transformations can significantly weaken any institution, especially newly established ones. The European Commission's EU Enlargement Reports on Ukraine (notably those of 2024 and 2025) underline the need to further strengthen the institutional capacity and effective functioning of prosecutorial self-governance bodies, as part of the broader rule of law reforms required for EU accession. In this context, the conduct of the present functional audit, as envisaged in the Roadmap on the Rule of Law in Ukraine approved by Cabinet of Ministers Resolution No. 475-r of 14 May 2025, is both timely and relevant. Accordingly, the functional audit was primarily intended to assess where the institutions, having operated in one form or another for the last decade, currently stand in terms of functional and institutional design, procedures, resources, capacities, and overall results. The audit was also intended to identify factors that weaken or pose challenges to these institutions. Somewhat surprisingly, the war is not the greatest challenge to the proper functioning of these institutions.

The main challenges lie in their institutional design, especially for the CoP, and in the lack of autonomous resources—financial, material, and human. At present, almost all these resources are provided to the institutions by the Office of the Prosecutor General (OPG). In fact, the significant dependence of these institutions on the OPG lies at the core of their problems. Such a situation not only runs counter to European standards and, consequently, to Ukraine's commitments to the Council of Europe and the European Union, but also fuels mistrust toward the self-governing bodies, as well as scepticism regarding the sincerity of the prosecution service's efforts to transform from a Soviet-style institution into a European-style one.

The audit identified several other gaps in the institutional design and functioning of the CoP and the QDCP and formulated a set of recommendations to strengthen the institutional capacity of these bodies and enhance their accountability.

Many of these recommendations are addressed to the Verkhovna Rada of Ukraine and the Government, which will require their active involvement in this process—one that fully corresponds to the measures set out in the Rule of Law Roadmap. Overall, implementing these recommendations will require not only the efforts of the OPG, CoP and the QDCP, as well as the Ukrainian Government and Parliament, but also external expert and technical assistance.

Definitions and Abbreviations

PPS	– Public Prosecution Service
OPG	– Office of the Prosecutor General
CoP	– Council of Prosecutors of Ukraine
QDCP	– Qualification and Disciplinary Commission of Prosecutors
the Law	– Law of Ukraine “On the Prosecutor’s Office”
The Court	– European Court of Human Rights
Convention	– European Convention on Human Rights
CM	– Committee of Ministers
CCPE	– Consultative Council of European Prosecutors
VC	– Venice Commission

I. Methodology

The functional audit of the Council of Prosecutors of Ukraine (CoP) and the Qualification and Disciplinary Commission of Prosecutors (QDCP) was conducted as one of the key measures set out in the Roadmap on the Rule of Law, approved by Cabinet of Ministers Resolution No. 475-r of 14 May 2025. Its main purpose was to provide an independent, evidence-based assessment of these prosecutorial self-governance bodies.

The functional audit was conducted by a team of international and national experts with extensive experience in the fields of justice, prosecutorial reform, human rights, and rule of law standards:

- Bernard Lavigne – honorary magistrate, graduate in law and history, who held numerous judicial positions over nearly thirty-five years in France, serving as an investigating judge, presiding judge, public prosecutor, and deputy general prosecutor, as well as internationally as a liaison magistrate in the Middle East and West Africa and at the Office of the Prosecutor of the International Criminal Court.
- Lorena Bachmaier Winter – Prof. Dr. Dr. h.c., Full Professor of Law at Complutense University of Madrid and longstanding Council of Europe expert.
- Borys Malyshev — expert in public law and human rights, Doctor of Laws (Dr. Habil.), Professor.
- Volodymyr Petrakovskiy – Senior Lecturer at the Faculty of Law of the National University of Kyiv-Mohyla Academy and former public prosecutor.

Methodological support was provided by Pim Albers – an internationally recognised rule of law expert with more than 25 years of professional experience, former senior administrator at the Ministry of Justice and Security of the Netherlands, former Special Advisor to the CEPEJ of the Council of Europe, academic researcher, co-creator of the International Framework for Court Excellence, and author of numerous monitoring and evaluation studies.

The assessment in this report examined their institutional framework, day-to-day operations, independence safeguards, transparency and integrity standards, operational efficiency, and overall contribution to justice sector reform in Ukraine. Particular emphasis was placed on member selection procedures, accountability mechanisms, compliance with national legislation, and alignment with established European standards. The audit was not a performance evaluation of individual officials and did not involve any supervisory or disciplinary elements.

The methodology drew on the standards developed for justice sector audits under the Rule of Law Roadmap framework. These standards incorporate best international practices for institutional reviews in the justice area. The assessment criteria integrated Ukrainian legislation with international benchmarks, including Venice Commission opinions, GRECO recommendations, Council of Europe standards, as well as relevant international best practices.

The audit took place from 8 December 2025 to 31 March 2026 and followed a clear four-stage structure: (1) preparatory phase (planning, data requests, and methodology finalisation), (2) fieldwork mission in Kyiv during 5–9 January (interviews, observations, and on-site checks), (3) preparation of the draft report, and (4) finalisation and presentation after receiving stakeholders feedback. The review covered the period from 1 January 2021 to 1 October 2025, allowing for a thorough analysis of practices and decision-making trends over that time. It was coordinated by the EU Project Pravo-Justice and the Council of Europe Project “Fostering Human Rights in the Criminal Justice System in Ukraine – Phase II”, and in active cooperation with the OPG, the CoP, and the QDCP.

To provide a comprehensive and balanced view, the audit examined the following functional areas: Legal Framework & Clarity of Powers; Organisational Model & Capacity; Operational Activities; Integrity & Ethics; Transparency & Accountability; Independence & Impartiality; Decision-Making Processes; Resource Management; Digitalization & Data Governance; Stakeholder Relations & Communication; and Impact & Strategic Planning. These areas included both legally prescribed functions (such as member election processes and disciplinary proceedings) and broader systemic elements that affect institutional effectiveness, resilience, and independence.

A mixed-methods approach was used to gather solid, cross-verified evidence. Qualitative methods involved detailed document analysis (legislation, internal rules, decisions, minutes, and related court practice), semi-structured interviews with a wide range of stakeholders (representatives of public authorities, including the Ministry of Justice of Ukraine, the Parliament, current and former heads of the CoP/QDCP and their members, secretariat staff, prosecutors, civil society representatives, and international experts), and targeted consultations to understand context. Quantitative analysis focused on caseload volumes, procedure timelines and compliance rates, budget execution. The audit included a field mission to Kyiv to enable direct communication between the audit team and key stakeholders and to support in-depth interviews, consultations, and verification of operational practices. All data were obtained through formal requests to the audited bodies and on a voluntary basis, with a risk-based focus on the most critical areas, particularly independence and transparency.

The evaluation followed a strict, evidence-based process. The audit team developed the criteria drawing from national legislation, internal regulations, and international good practices. Each functional area and criterion were assessed using a four-level compliance scale:

(A) Fully compliant / Advanced – the requirement is clearly set out in law or internal documents and is consistently applied in practice with no exceptions, supported by recent evidence, in line with European standards, and without negative assessment remarks from GRECO, the Venice Commission, EU bodies, or international organisations in the last three years;

(B) Largely compliant / Good – the requirement is met in most cases (85–95% compliance), with only minor or isolated issues; the body recognises the shortcomings and has a funded, time-bound plan to address them; previous international organisations recommendations are largely or fully implemented;

(C) Partially compliant / In progress – the requirement exists in law or rules, but implementation is irregular or incomplete (<70% compliance), often delayed or applied selectively; key international organisations or public concerns remain open; improvement plans exist but show little real progress;

(D) Requires substantial improvement / Limited – core elements are missing, exist only on paper, or are not implemented; there are persistent serious problems and longstanding international recommendations with no credible response, creating real risks to independence, transparency, or effectiveness.

Recommendations are developed for each criterion where the compliance level is B, C, or D, with the objective of addressing identified shortcomings and enhancing the institutional operation of the CoP and QDCP. Recommendations are practical, feasible and categorised according to the required speed of implementation and potential impact:

- **High/Critical** – immediate action is required within 6 months to mitigate serious risks to independence or operational effectiveness;
- **Medium** – action is recommended within 12 months to deliver significant improvements.

When drafting recommendations, the audit team ensures a direct link to the findings, specifies measurable actions, assigns clear institutional responsibility, and sets realistic timelines. In determining the timeframes for implementation, the audit team considered the external environment and the urgency of certain changes in light of Ukraine's international obligations and the progress of the European integration process, as well as available resources. All recommendations are discussed and peer-reviewed within the expert team to ensure consistency, objectivity and constructiveness.

Compliance levels were assigned through team discussions and consensus based on evidence. All observations were peer-reviewed internally to guarantee accuracy, objectivity, and consistency, and were based on available evidence and the experts' professional judgement.

The purpose of this audit was not to compare the performance or functioning of the QDCP and the CoP. The assessment was conducted separately for each institution, and the methodology applied does not support comparative analysis. Therefore, the findings should not be used for comparison between the two institutions.

The audit observed strict ethical and confidentiality standards in accordance with Ukraine's Law "On Personal Data Protection". Participation in interviews and consultations was entirely voluntary. Sensitive personal data were anonymised in the report. The team had no access to materials classified as official secrets or otherwise legally restricted; any such limitations were noted as scope exclusions where they affected the assessment.

The conclusions in this report represent the audit team's best professional judgement based on the information gathered and analysed during the audit. The team reserves the right to revise any findings, conclusions, or recommendations if materially significant new information becomes available that was not known or accessible at the time of the audit.

This structured and evidence-driven approach ensures the findings are reliable, well-supported, and positioned to contribute meaningfully to strengthening prosecutorial self-governance in Ukraine.

II. Applicable International Standards

The analysis presented below is based, inter alia, on the commitments undertaken by Ukraine in 1995 when it assured the Parliamentary Assembly of the Council of Europe of its ability and willingness to fulfil the obligations arising from membership in the Council of Europe, including sincere and effective cooperation in achieving the Organisation's objectives.

In this context, Ukraine undertook, among other commitments, to transform the prosecutor's office "into a body which is in accordance with the Council of Europe standards". In pursuit of these commitments, several key legislative reforms were adopted, including the Criminal Procedure Code of 2012, the Law on the Prosecutor's Office of 2014, and the constitutional amendments on justice introduced in 2016.

European standards relevant to the functioning of the prosecution services are derived primarily from the Convention and the case – law of the Court, as well as from other Council of Europe Conventions and recommendations, such as: Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe On the Role of Public Prosecution in the Criminal Justice System; Parliamentary Assembly Recommendation No. 1604 (2003) on the role of the public prosecutor's office in a democratic society governed by the rule of law; the European Guidelines on Ethics and Conduct for Public Prosecutors (Budapest Guidelines, 2005); the report of the European Commission for Democracy through Law (Venice Commission) on European standards of judicial independence, Part II – the Prosecution Service; the Bordeaux Declaration of the Consultative Council of European Judges and the Consultative Council of European Prosecutors on "Judges and Prosecutors in a Democratic Society"; and the opinions of the Consultative Council of European Prosecutors (CCPE).

The Bordeaux Declaration "Judges and Prosecutors in a Democratic Society" in para. 29 of the Explanatory Note, specifically sets out: "Whatever their status, public prosecutors must enjoy complete functional independence in the discharge of their legal roles, whether these are penal or not. Whether they are under a hierarchical authority or not, in order to ensure their accountability and prevent proceedings being instituted in an arbitrary or inconsistent manner, public prosecutors must provide clear and transparent guidelines as regards the exercise of their prosecution powers" (Declaration, paragraph 9).

The CCPE in its Opinion No.18 (2023) on Councils of Prosecutors as key bodies of prosecutorial self – governance, noted that while the Court has not yet developed specific case – law concerning Councils of Prosecutors comparable to the case – law of the Court of Justice of the European Union regarding Councils for the Judiciary, it has nonetheless emphasised the general principle of prosecutorial independence. The Court has further underlined the public interest in maintaining confidence in the independence and political neutrality of the prosecuting authorities of a State.

CCPE recommends the establishment of a status for prosecutors that ensures both their external and internal independence and autonomy, preferable through provisions enshrined at the highest legal level. Such guarantees should be supported by an independent body, such as a Council of Prosecutors, responsible in particular for matters relating to appointments or elections, career development and disciplinary proceedings. These processes should be regulated through clear and well-defined procedures.

The VC has likewise underlined the importance of Councils of Prosecutors in reducing and ultimately eliminating the risks of undue interference by other branches of state power, notably the executive and the legislature, thereby strengthening the independence of prosecutors. It has further observed that when independent from other state bodies, Councils of Prosecutors are well placed to provide expert input in appointment and disciplinary procedures, thus helping to shield prosecutors from political influence. Depending on their composition and method of appointment, such bodies may also contribute to the democratic legitimacy of the prosecution system.

GRECO also developed guidance on the self-governance of prosecutors when issuing recommendations on enhancing the independence of prosecutors as a prerequisite for promoting integrity in the prosecution service. Acknowledging that there is a diversity of systems with regard to the role and organisation of public prosecution in the criminal justice system, GRECO recommended countries where prosecutorial (or mixed, judicial and prosecutorial) councils exist, that they play a stronger role in the selection, appointment/

election and career management of prosecutors, in disciplinary matters, as well as in case management and organisational programmes of prosecutorial offices.

The Court and the CM, in the course of supervising the execution of Lutsenko group of cases, have drawn attention to the central focus of these cases, namely the independence of the public prosecution service and the reforms aimed at strengthening safeguards in this respect against any undue external and internal influence.

Emphasis has been placed on the need to strengthen both the external and internal independence of prosecutors, as well as to improve the rules governing the selection and promotion/career advancement of prosecutors and their disciplinary liability, which fall within the competence of the prosecutorial self – governance bodies.

Attention has also been drawn to issues relating to the composition of the QDCP and its practice, with a view to bringing it more closely into line with Council of Europe standards, including with regard to the quality of legal reasoning in its decisions. As well as, to the practice of the Council of Prosecutors in exercising its statutory functions, in particular the measures taken in response to threats to the independence of prosecutors. In this context, the authorities have been encouraged to carry out a comprehensive analysis of the practice of the Council of Prosecutors with a view to further improving it.

III. Key Observations and Conclusion

Council of Prosecutors of Ukraine

Legal Framework & Clarity of Powers

The mandate and powers of the CoP fully comply with national legislation and relevant international standards (e.g. Council of Europe bodies and mechanisms, such as GRECO, VC etc.) The CoP has several important functions whose implementation has not yet been regulated by its by-laws. These include, in particular, the procedures for reviewing prosecutors' complaints regarding threats to their independence and for providing clarifications on conflicts of interest. This lack of regulation negatively affects both the effectiveness of the Council's activities and its authority among prosecutors.

The Organisational model and Capacity

According to the Rules of Procedure of the All-Ukrainian Conference of Prosecutors, any prosecutor may stand as a candidate for the CoP. However, he or she may not hold a managerial position or be a member of the QDCP. No provisions in the Law provides an adequate procedure in the event of non-performance or improper performance of a member of the CoP's duties in the execution of its mandate. A specific mechanism should be put in place to address such situations. By requiring that prosecutors standing as candidates for membership of the CoP do not hold administrative functions, the legislature seemingly sought to ensure a CoP more detached from the career-driven considerations of more senior prosecutors. As a result, the CoP's responsibility for proposing candidates for managerial positions to the Prosecutor General is now exercised predominantly by members with comparatively limited experience in this specific area. Accordingly, this raises questions about the quality of the assessment of strategic and analytical thinking and human resources management, which can be better evaluated only by members of the CoP - prosecutors who perform these specific functions on a daily basis.

Prosecutorial members of the CoP work as prosecutors in a full-time capacity and serve in the CoP on part-time basis and without any substantial compensation. This lack of institutional recognition undermines both the credibility of the CoP and its members' essential motivation. Since some CoP members work in different offices throughout the country, online meetings are more common. However, the excessive workload of CoP members in their main roles prevents them from devoting sufficient attention to the CoP.

It is useful to add that, because of the absence of substantial compensation or full-time status as members of the CoP, prosecutors may legitimately wish to continue their careers during their term. Elected under quotas allocated to regional, district prosecutors' offices or to the OPG, some of them have obtained new assignments during that term, thereby altering the CoP's original and legal composition.

Regarding the recommendations addressed to the Prosecutor General concerning candidacies for managerial positions, the absence of a competition process, as determined by the Prosecutor General, effectively removes any real autonomy and consolidates his role as the final decision-maker.

As for decisions regarding threats to prosecutors' independence, once confirmed, the CoP's involvement appears to be limited to transmitting a notification letter to the competent authorities for further action.

The Unit "responsible for carrying out the activities of the self-governing bodies of the prosecution" operates as the Secretariat of the CoP, but, legally, it is first a subdivision of a completely different service from the OPG.

The Secretariat consists of five people, and one of its functions is to support the CoP and the interaction between the OPG and the CoP. The Secretariat also ensures the organisation of the All-Ukrainian Conference of Prosecutors and supports the CoP in organising and preparing its meetings. The capacity of the secretariat's staff and their professional qualifications are sufficient to perform the institution's functions, including filled positions, pending vacancies, staff turnover etc. Although the Unit's members demonstrate a high level of professionalism and dedication in supporting the CoP's activities, they operate under the authority of the

Prosecutor General. The fact is the CoP does not have an independent secretariat capable of operating autonomously under the control of its Head.

The CoP doesn't have the status of a separate legal entity. The financing of the CoP's activities depends entirely on the OPG, which does not contribute to the CoP's independence or institutional capacity.

Operational Activities

The Law and the bylaws precisely define the CoP's activities. Based on the statistics provided by the CoP, the CoP's operational activity between 2021 and 2025 is characterised by an annual average of 93 decisions, a significant proportion of which concern recommendations for managerial appointments.

The decision-making activity of the CoP is thus concentrated mostly on three functions provided for in its statutes: 1) Recommendations for appointments to managerial positions; 2) Responses to threats to prosecutors' independence reported by prosecutors; 3) Clarifications in matters relating to conflicts of interests.

	Appointments to managerial positions	Reports from prosecutors about threats to their independence	Clarifications on conflicts of interest	Annual total
2021	14	0	0	14
2022	24	2	0	26
2023	118	24	6	148
2024	54	13	1	68
2025	200	7	0	207
Total + Annual Average	410 / 82	46 / 9,2	7 / 1,4	463 / 92,6

The recommendations for appointments to managerial positions were not subject to competition for a large part of the period that is covered by the functional audit. In this context, the CoP's role was therefore limited to confirming the sole proposal submitted by a head of department by recommending it to the Prosecutor General. This may create the impression that the CoP functions largely as a body endorsing a decision previously taken by an external authority (the head of a regional service), which is also likely to have the support of the Prosecutor General.

The decisions of the CoP regarding the recommendation of a candidate for the position do not contain any reasoning or justification. Regarding the CoP's responses to threats to prosecutors' independence reported by prosecutors, the notion of urgency does not appear to be considered in the CoP's responses. Although the Head of the CoP may convene a meeting at any time, in practice the review of prosecutors' statements alleging threats to their independence is usually carried out within the CoP's regular meeting schedule, even in cases of urgent matters. When CoP establishes the need to protect prosecutors' independence, the CoP submits their decision and a request to the subject whose actions threaten the independence of the prosecutor (media editorial offices, bodies of lawyers' self-governance, the prosecutor's manager). Or the CoP sends it to the Prosecutor General who may, in accordance with the law, request law enforcement authorities to take measures to ensure the physical protection of a prosecutor who has reported a threat to his or her life to the CoP. But most of such decisions and requests issued by the CoP are not subject to consistent monitoring, which may further undermine the CoP's credibility.

Integrity and Ethics

The CoP does not have any internally approved code of ethics or standards of conduct, and the Code does not contain specific provisions related to prosecutors who are members of self-governance bodies and obviously should comply with additional rules during the period of their respective mandate.

The CoP does not have separate regulations on the prevention and resolution of conflicts of interest among its members and the members of its Secretariat. Therefore, in this case, the general provisions of the Law of Ukraine “On Prevention of Corruption” concerning conflicts of interest apply. But this may be insufficient in certain aspects, given that the CoP is a collegial body.

There are no specific mechanisms whistleblowers may use if there are cases of corruption in the CoP’s activities. The CoP does not have its own anti-corruption program and does not conduct regular assessments of corruption risks.

Transparency and accountability

Neither annual or thematic public reports nor public statistics are published on a regular basis by the CoP. On 2 August 2024 a special report was published on the website. Although it provides some useful information, from the content standpoint it looks like a brief and rather cursory enumeration of the activities prescribed by the law and appears to be the only one report published for the period in question.

The CoP’s website is not directly managed by the members of the CoP, it is run by the OPG unit. Any public request must be submitted through the OPG website before reaching the CoP’s internal platform.

Independence and impartiality

The CoP does not have a separate Secretariat and doesn’t operate an autonomous document-management system. Incoming correspondence is received and registered by the Secretariat, which assigns a reference number and date and forwards the documents to the CoP via the OPG document management system.

As a result, CoP may be “de facto” considered as one of the units of the OPG, more than an independent and respected institution that engages with the OPG on an equal footing.

The CoP is largely composed of prosecutors seconded from their original positions on a very limited part-time basis and without any substantial compensatory allowance.

An anonymous vote is not required at the end of the CoP’s deliberations. A decision, even a crucial and delicate one may be adopted by open vote and by a simple majority of its members present at the meeting. Anonymous voting should be used instead of open voting to safeguard the independence of each CoP member and protect them from collective pressure.

Decision-Making Processes

When the CoP recommends a candidate for appointment to a managerial position, it evaluates only one candidate for one position. The candidate is selected in advance by a superior prosecutor.

In 2021, during the CoP’s practice, self-nominated candidates were also allowed to apply for vacant managerial positions for a short period. However, this practice was later discontinued by a decision of the All-Ukrainian Conference of Prosecutors.

Currently, decisions on recommending a candidate for a managerial position are published, but they do not provide a rationale for whether the candidate meets the statutory criteria (i.e., the candidate’s professional and moral-business qualities, as well as their managerial and organisational abilities and work experience). Also, there is no Regulation establishing clear deadlines, procedures, and standards for the examination of reports concerning threats to prosecutorial independence.

Resource Management

The CoP occupies four to five rooms in the OPG building. One room is used by the Head of the CoP, one is dedicated to CoP meetings, and two to three rooms are allocated to the CoP Secretariat. All these offices are located within the OPG premises. Consequently, once an autonomous secretariat is assigned to the CoP, it needs to be relocated to independent premises.

All economic and financial matters related to the CoP are handled by the OPG. As previously mentioned, the CoP functions solely as an operational body and does not have a financial identity as a separate justice institution.

No complaints have been identified regarding staffing levels or workload. There are no defined performance indicators (e.g., processing timeframes, decisions per year) for the CoP and used for resource planning.

Digitalisation and Data Governance

The CoP does not maintain its own electronic document management system and doesn't have direct access to manage its own official website. All documents are received through the Secretariat (which is the subdivision of the OPG) rather than directly by the CoP. The CoP receives technical support, as well as hosting a website, from OPG units.

The electronic case-management system managed by the Secretariat is part of the OPG's system, appears secure and functional, and is actively used by both the Secretariat and the CoP members. However, the CoP and the Secretariat don't have a separate case-management system.

The OPG is collecting statistics through the CoP Secretariat. Decisions of the CoP concerning recommendations for managerial positions, as well as decisions on the examination of prosecutors' statements alleging threats to their independence, are published on a regular basis on the CoP website which is hosted by the OPG website.

No specific analysis of decisions, appeals or recommendations is published on the CoP website or on any other public available sources.

Stakeholder relations & communication

Usually, the CoP does not interact with media and civil society organisations and engages primarily with international organisations, noting that such meetings require prior authorisation from the OPG.

In terms of external communication, the CoP appears to rely almost exclusively on its website to disseminate limited information about its activities and the content of certain decisions, insofar as these may contribute useful elements to public debate on justice-related issues.

Although the CoP's website provides some useful information, it reads more like a brief, rather cursory enumeration of the activities prescribed by law and appears to be the only report published during the relevant period.

Although the CoP appears to derive some benefit from international engagement, such activities are organised and financed by the OPG.

Impact and strategic planning

The CoP doesn't have an adopted Strategy or even a mid-level plan for its activities and priorities.

Conclusions

The CoP, as a body of prosecutorial self-governance, performs functions that may be grouped into two categories. The first category includes ensuring prosecutors' independence, improving organisational support of prosecutorial offices, addressing the legal and social protection of prosecutors and their families, submitting proposals on the functioning of the prosecution service, and overseeing the implementation of decisions of All-Ukrainian Conference of Prosecutors. These functions are generally performed adequately by the CoP.

The second category includes recommending candidates for managerial positions to the Prosecutor General, examining applications lodged by prosecutors regarding threats to their independence, and issuing clarifications on conflicts of interest. These functions, however, are performed with limited effectiveness and transparency. In particular, the CoP does not have the authority to take binding measures in response to applications concerning threats to prosecutors' independence from superiors or colleagues. Moreover, the CoP's function of recommending candidates for managerial positions is carried out without competitive procedures or reasoned assessments confirming compliance with the established criteria.

The CoP's current institutional status lacks a minimum level of independence from the OPG. The CoP operates without formal registration as a legal entity, relies on a secretariat that is a structural unit of the OPG, and has no separate budget. Its members perform their functions as an additional unpaid activity alongside their main duties. Members of the CoP are selected without open competition and integrity checks, and the CoP does not conduct corruption risk assessments or have a strategic development plan.

However, there is a risk that even if legislative amendments strengthened the CoP's independence, its questions may remain regarding its capacity to effectively select candidates for managerial positions and review applications concerning internal threats to prosecutors' independence.

In this context, and with a view to future developments, it may be appropriate to consider, at a later stage and in alignment with the Rule of Law Roadmap, the possibility of transferring these two important functions to the QDCP. Any such consideration would need to be carefully assessed and would be conditional upon the introduction of the necessary legislative amendments, the allocation of adequate financial, human and administrative resources, and the preservation of a majority representation of prosecutors within the body.

At the same time, this approach could contribute to the further strengthening of the QDCP as a prosecutorial self-governing body. Its established experience in conducting competitive selection procedures, combined with its relatively higher degree of institutional independence from the Prosecutor General – also ensured through the broader representation of other legal professions among its members, may position it well to assess and recommend candidates for managerial posts. Furthermore, the QDCP may be better placed to safeguard prosecutorial independence, as complaints concerning undue interference by superiors or colleagues can be examined within the framework of disciplinary proceedings, thereby ensuring appropriate accountability.

All in all, while this might not be a recommendation to be followed at the current stage of reforms, but it has to be already emphasised that, with a view to a full alignment with European standards, a single self-governing body for the public prosecution service, in analogy to the one established for the judges, would be a model to be considered. Councils of prosecutors are aimed to ensure that the prosecution service acts without political pressure and needs to have the means to react in case of interference of other powers of the state. It is at odds having a body as the QDCP developing functions of a self-governing body – evaluations, disciplining, promotions, etc., aimed at ensuring independence of the prosecutors, and not define it as a self-governing body (see paras. 71 and 73 CCPE 18(2023)). While it is also at odds that the CoP is named a self-governing body, in practice it is not independent and even lacks capacity to protect the independence of prosecutors. For the future, it might be considered to move towards a merger of the currently existing two bodies into a single self-governing body, made preferably of a majority of prosecutors showing high ethical standards, elected in a transparent way, gender-balanced and with capabilities to act with broader independence.

Qualification and Disciplinary Commission of Prosecutors

Legal Framework & Clarity of Powers

While QDCP is conceived as an independent body, in the law it is not labelled as a “self-governing body”. This has deprived the QDCP from having its own department of human resources, budget and IT, which are dependent on the OPG. This creates a de facto hierarchical system without real autonomy for QDCP.

The staffing-related powers of the QDCP are only partially defined by law and, in general, comply with European standards. The QDCP itself regulates most procedural matters. The procedures established by the QDCP are comprehensive, detailed, periodically updated, and publicly available on the institution’s website. For ensuring proper development of QDCP functions the law should establish a longer term for the QDCP members (at least 5 years) and provide for a more efficient transition between salient and new composition. The law is clear on how members are to be elected, but it does not contain specific provisions for dealing with institutions that block the appointment of members. This risk should be adequately addressed in the law.

At the same time, Law №4555-IX, adopted in July 2025, provides that, for the period of martial law, the Prosecutor General and heads of regional prosecution offices may appoint prosecutors to positions in the OPG and regional prosecution offices, respectively, without a competitive procedure, provided that the candidates hold a completed higher education degree and have passed a special vetting process. Hence, this Law has limited the QDCP’s powers regarding the initial selection of prosecutors and transfers to higher-level prosecution offices. As a result, it has restored to the Prosecutor General and heads of regional prosecution offices powers that were removed as part of the 2014 prosecutorial reform. This development runs counter to Ukraine’s commitments to the Council of Europe and the European Union. In addition, the EU Enlargement report 2025 and the EU-communicated codified Benchmarks on Chapter 23 states that Ukraine shall remove the provisions allowing the appointment and transfer of prosecutors to regional prosecution offices and the OPG without competition

Organisational Model & Capacity

The QDCP is a collegial body consisting of eleven members working on full-time basis, including five prosecutors, two scholars appointed by the Congress of the Representatives of Law Universities and Academic Institutions, three individuals appointed by the Parliamentary Commissioner for Human Rights upon approval of the Parliamentary Law-enforcement Committee and one attorney at law appointed by the Bar Conference (Article 74 Law on PPS). The members of the QDCP are granted tenure during their mandate and the grounds for early termination are set out in the law, although Article 76 of the Law should be improved.

Regarding the existence of a clear separation of powers among/between the CoP, QDCP and the OPG, there is a clear allocation of powers in the law, but this does not ensure a “division” of powers, since all the staffing and budgetary issues rely on the HR and budget units of the OPG. Such structure determines a hierarchical model with no real autonomy of the self-governing bodies. Formally there is a clear distribution of powers, but in practice the power is strictly pyramidal.

The role of the All-Ukrainian Conference of Prosecutors is to ensure the self-governance of the public prosecution, but the system of functioning through delegates and the way the delegates are elected, in practice seems to consolidate the hierarchical control of CoP and QDCP by the OPG.

As of now, the secretariat consists of 48 staff members divided into four units. Any increase in the number of secretariat staff is addressed by the QDCP through negotiations with the OPG. Although secretariat staff perform tasks delegated by the Commission, they are legally subordinated only to the OPG: the OPG recruits them, pays their salaries, evaluates their performance, and therefore may dismiss them or transfer them to other positions.

The roles and functions of QDCP members and secretariat employees are clearly defined in the internal regulations. Responsibilities have been allocated in full detail not only among the members of the QDCP but also among the secretariat’s units and staff within each unit.

Operational Activities

Regarding the selection of QDCP members, the absence of a competitive procedure may raise concerns as to whether the process is sufficiently based on merit. While the 10-year experience requirement ensures some level of expertise, the election system within the All-Ukrainian Conference of Prosecutors lacks fair competition among candidates. As to the early termination of the members of the QDCP, it is still unclear in Article 76 of the Law whether the loss of the position of the non-PP members of the QDCP in their professional status would also cause their termination in the QDCP.

A disciplinary complaint against any prosecutor may be filed by any person who is aware of circumstances indicating alleged misconduct. At the same time, it is observable that the QDCP tends to be more receptive to complaints submitted by heads of prosecution offices and, correspondingly, less receptive to complaints filed by lawyers, judges, and individuals. The QDCP diligently complies with the prosecutors' guarantees. Affected prosecutors receive all necessary information in writing and, upon first request, additional information as well. They are given sufficient opportunities and guarantees to present their position and submit evidence to the Commission prior to the oral hearing. Affected prosecutors are informed of the oral hearing in advance and may participate either in person or online. No indication that the QDCP treats SAPO prosecutors differently.

The disciplinary proceeding is subject to strict statutory deadlines. During the audit period, the QDCP closed slightly more than 50 disciplinary proceedings due to the expiry of the one-year statute of limitations for imposing disciplinary liability. The overwhelming majority of these cases occurred in 2022 and the first half of 2023, when the Commission's work was adversely affected by the war. An additional contributing factor is that the statute of limitations is unjustifiably short, a concern repeatedly highlighted in documents of the Council of Europe and the European Union.

In addition, one competition for transfer (promotions) was delayed by approximately six months because, following the expiry of the terms of office of some Commission members, the QDCP became non-quorate. The root cause was the unjustified failure of the appointing authorities (the Parliamentary Commissioner for Human Rights and the relevant parliamentary committee) to appoint new members promptly.

Integrity & Ethics

In its business, members of the QDCP follow a list of ethical principles, the content of which is not specified in either the law or internal regulations. A violation of these principles may result in the termination of a Commission member's tenure, a decision made by the QDCP itself.

The Commission maintains a fairly robust system of reporting and resolving conflicts of interest. However, the QDCP lacks a comprehensive anticorruption program and is not connected to a nationwide whistleblower reporting portal that provides a secure and reliable channel for reporting corruption.

Transparency & Accountability

The QDCP published various reports and analytical briefs. On an annual basis, the QDCP publishes only a report on disciplinary practice. All reports and analytical summaries are reasonably structured and include both quantitative and qualitative information. The quality of reports has gradually improved over time. Public information for which the QDCP is the holder, is available on the institution's website, upon written or electronic request, and in the form of open data sets. Most of the information on the Commission's business and the result of its work is available on the institution's website, including in the form of open data sets.

Independence & Impartiality

This is one of the key problems in ensuring the self-governance of the prosecution service and of each public prosecutor. As long as the appointment of the Prosecutor General is politically driven, to reduce the OPG's influence on the entire prosecution service, there is a need to increase the independence of the self-governing bodies. At present, although the QDCP is formally an independent body and its composition is quite balanced, the OPG's influence within it is not excluded. In practice the OPG has a decisive influence in the appointment

of the delegates of the All-Ukrainian Conference of Prosecutors, which allows for an extensive control of the OPG also upon the QDCP (5 members out of 11 are appointed by the All-Ukrainian Conference of Prosecutors).

The fact that there is no secret voting procedure of the members of the QDCP in sensitive issues, although it ensures transparency, does not aid in strengthening their independence.

In addition, the lack of its own secretariat deprives the head of the QDCP of leadership in managing this institution, which at the end affects its effective functioning, and thus also its independence. This has also a negative impact in the resource management and distribution of workload.

Decision-Making Processes

Thousands of candidates for prosecutorial positions and many hundreds of prosecutors (including candidates for promotion and subjects of disciplinary proceedings) have undergone procedures administered by the QDCP. All QDCP decisions are published on the institution's website. They are well structured and, in terms of the presentation of facts and the applicable law, are broadly comparable in quality and depth to judicial decisions. Only a small proportion of these individuals have challenged QDCP decisions. The share of QDCP decisions overturned by the courts or the High Council of Justice is insignificant.

At the same time, it is evident that the Commission struggles to provide sufficiently detailed reasoning for its choice of a particular sanction. At a minimum, such a rationale is rather generic than tailored to the specific circumstances of the case. During the audit period, there were approximately a dozen instances in which a Commission member issued a dissenting opinion, disagreeing with the Commission's decision on specific issues in disciplinary proceedings (this privilege is provided to the QDCP members by the law). It is important to note that, except in the common law system, many European judicial systems do not allow separate opinions and permit them only in decisions of the higher courts. The unity of reasoning should be preserved.

Resource Management

Staffing levels and workloads for the QDCP and the secretariat need to be addressed separately. QDCP members face a high workload due to court hearings and recruitment exams, in addition to the initial backlog due to the inefficient transition phase as well as the short term for their appointment. As to the secretariat, the number of staff seems to be adequate, but the unclear leadership does not ensure the optimal level of performance and management structure. The needs are reviewed, but the structural problems remain. In addition, the resource management suffers also from the absence of key performance indicators that would be used for the management planning.

The QDCP is located in premises rented from the Prosecutors' Training Center. Each QDCP member has a separate cabinet, and several additional cabinets are used by secretariat staff. These cabinets are equipped with the minimum set of necessary office equipment (technical and furniture). The QDCP also has a court-like room (with a separate deliberation room for decision-making) equipped with a technical setup to record the disciplinary proceedings and enable online participation by plaintiffs and prosecutors. The QDCP also uses several software instruments: a system for the automated allocation of disciplinary complaints, a testing system (for competition procedures), and, since last year, an electronic document management system. The electronic document management system was granted to the QDCP by the EU Project Pravo-Justice (implemented by Expertise France) in early 2025 and enables the complete digitalization of the QDCP operations. However, the system has not yet been fully rolled out or put into active use.

Although the QDCP independently takes the necessary financial commitments within the limits of approved budgetary appropriations, expenditure administration is carried out by the OPG's financial service. Accordingly, the budget request is prepared by the OPG (as the main budget holder) but based on estimates provided by the QDCP. During the audit period, there were no instances in which the OPG altered estimates prepared by the QDCP. However, under the law, the OPG retains the authority to do so. Moreover, the OPG (as the main budget holder) is authorised to amend the approved budgetary appropriations of a lower-level budget holder, such as QDCP. Approximately 85% of the institution's budget is spent on remuneration of its members and related charges (allowances, bonuses, payroll taxes). Almost all the remaining funding is allocated to rent and utility expenses. Remuneration of the QDCP secretariat staff is financed by the OPG budget. The QDCP independently carries out its procurements.

Digitalisation & Data Governance

The QDCP was granted the electronic document management system by the EU Project Pravo-Justice (implemented by Expertise France) in early 2025 and enables the complete digitalisation of the Commission's operations. However, the system has not yet been fully rolled out or put into active use. The QDCP's statistics are collected manually until the granted electronic document management system is fully operationalised.

The QDCP's IT systems are part of the OPG's IT perimeter. Neither the QDCP nor the OPG has a dedicated cybersecurity policy. Moreover, the internal regulations on personal data protection do not contain any protocol for responding to cybersecurity incidents. Staff at the QDCP Secretariat did not receive training in personal data protection or cybersecurity.

Stakeholder Relations & Communication

Contacts and communication with stakeholders are generally sporadic, occurring on a case-by-case basis. Business relations have been properly formalised only with the Prosecutors' Training Center. When selecting and holding competitions for promotion, the QDCP depends on the resources of the Prosecutors' Training Center: premises and equipment. Both institutions are rather satisfied with their cooperation.

Relations with international organisations and technical assistance projects established by the QDCP independently (without the involvement of the OPG) are more or less systematic. The QDCP's international partners also help it develop direct contact with the prosecutorial community. At the same time, the Parliament and the Government continue to interact with the QDCP through the OPG.

The media and the public have limited awareness of and show little interest in the QDCP's activities. The QDCP would benefit from enhanced visibility and a more systematic approach to its external communication.

Impact & Strategic Planning

The QDCP does not have a strategic plan. Its institutional development is covered by the Prosecution Service Development Strategy, approved by the Prosecutor General, although the QDCP has adequate capacity for strategic planning on its own.

Conclusions

The QDCP has established itself as a relatively capable institution, able to process a large number of cases (both selection and disciplinary) in an environment characterised by multi-layered regulation and a high degree of competition and adversarial procedures.

The QDCP continuously improves its procedures and practices, operates transparently, and issues decisions that are rarely criticised by the High Council of Justice or the courts. Still, the QDCP lacks a comprehensive anti-corruption programme.

However, the entire institutional capacity and functioning of the QDCP depend on the financial, material, human, and other administrative resources provided by the OPG. Such a system entails a risk of dependence of the QDCP on the OPG entails significant risks for the proper functioning of the body as a self-governing institution. In addition, the absence of reliable safeguards against the appointment of QDCP members on grounds other than merit, as well as the prosecution service's leadership's coordination of the All-Ukrainian Conference of Prosecutors, does not inspire confidence in the independence of the QDCP.

The QDCP also lacks resources for further institutional development. A state budget depleted by the war, the absence of its own human and technical resources and constraints on their fostering, limited interest from civil society, the media, and international organisations significantly undermine the institution's capacity for expected improvements.

IV. Recommendations

Council of Prosecutors of Ukraine

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
Legal Framework & Clarity of Powers	1	The mandate and powers of the Council fully comply with national legislation and relevant international standards (CoE, including GRECO, Venice Commission etc.)	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> To amend the Law in order to strengthen the independence and institutional capacity of the CoP, taking into account the recommendations set out below in the indicators. In particular, this should include introducing an open competitive selection procedure for members of the CoP with integrity checks of candidates with the involvement of an independent commission, the majority of whose members are nominated by international organisations and/or civil society; granting the CoP the status of a separate legal entity with its own budget, secretariat and premises; and providing that the CoP operates its own document management system independently from the OPG (The full list of proposed amendments to the Law is set out in the recommendations below). To amend the Law in order to establish additional provisions obliging the CoP to adopt secondary (by-law) regulations concerning its all forms of activities 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	2	Roles and responsibilities of the Council, its members and secretariat are clearly defined in legislation and internal regulations	C – Partially compliant / In progress	See recommendations #7 and #8	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	3	Statutes, regulations, documented procedures and internal policies are up-to-date, publicly accessible and consistently followed	C – Partially compliant / In progress	<p>To the CoP:</p> <ul style="list-style-type: none"> To develop internal rules and policies regarding all the activities provided within the Law as CoP's functions 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	4	Clear separation of powers among/between the Council, QDCP, the Prosecutor General, and other bodies, with no overlaps or gaps in their competences, including in areas such as appointments to administrative roles, promotions, and related functions.	D – Absence / Requires substantial improvement	<p>To the All-Ukrainian Conference of Prosecutors, the CoP</p> <ul style="list-style-type: none"> Return, as a matter of priority, to the principle of competitive selection for managerial positions within the prosecution service. <p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Adopt the law establishing that selection by the CoP for managerial positions is made through an open competition among incumbent prosecutors. To amend the Law so that the authority to examine complaints concerning the improper performance of managerial functions by a prosecutor (including those related to interference with the independence of prosecutors) is vested exclusively in the CoP. The Law should also provide that the CoP submits recommendations to the Prosecutor General or the Heads of regional or district prosecutor's offices regarding dismissal, and that, in the event of disagreement, the Prosecutor General or relevant head of the prosecutor's office must provide written reasons for such a decision. In such cases, the CoP should have the right to submit a disciplinary complaint to the QDCP against the prosecutor concerned. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Organisational Model & Capacity	5	Members are selected through a transparent, merit-based and competitive procedure	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Establish in the Law provisions ensuring equal opportunities for all candidates seeking nomination to the CoP. Determine that members of the CoP are elected by all prosecutors, rather than only by delegates. Thus, the composition of the CoP representing the prosecutorial community should be elected through direct and secret voting by all prosecutors, using an electronic signature within a secure internal electronic platform. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
				<ul style="list-style-type: none"> Define by law the procedure and criteria for assessing candidates for positions in the CoP. Such criteria may include, in particular: 1. Professional experience. 2. Integrity. The integrity criterion implies an assessment of candidates, as well as members of their families, and their lifestyle in terms of compliance with anti-corruption legislation, adherence to professional ethics, and independence. Verification of compliance with this criterion may be carried out through the analysis of a candidate's dossier, available analytical information, and an interview. For the transitional period, compliance of candidates with the above-mentioned criteria should be determined by a special commission in which representatives of Ukraine's international partners should have a decisive vote. Amend the Law as follows: The Council of Prosecutors of Ukraine consists of fifteen members, including: <ol style="list-style-type: none"> two representatives (prosecutors) from the Office of the Prosecutor General, one holding a managerial position and the other not. one representative (prosecutor) from the Specialised Anti-Corruption Prosecutor's Office. five representatives (prosecutors) from regional prosecutor's offices, two holding a managerial position and the other not. five representatives (prosecutors) from district prosecutor's offices, two holding a managerial position and the other not. two representatives (scholars) appointed by the congress of representatives of law schools and research institutions. 	<p><i>* Given that the term of office of the current composition of the CoP expires in August 2026, it is crucial to ensure an open competitive selection procedure for members of the CoP, including integrity checks of candidates, already during the selection of the next composition of the CoP, with the involvement of an independent commission, the majority of whose members are nominated by international organisations and/or civil society.</i></p>
	7	Organisational structure and decision-making procedures are rational and efficient	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Amend the Law ensuring that all the activities currently carried out by the "Unit for Ensuring the Activities of Prosecutorial Self-Government Bodies" must be exercised by a secretariat directly under the authority of the head of the CoP 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	8	The capacity of the secretariat's staff and their professional qualifications are sufficient to perform the institution's functions, including filled positions, pending vacancies, staff turnover etc.	C – Partially compliant / In progress	<p>To the Verkhovna Rada and the CoP:</p> <ul style="list-style-type: none"> Amend the Law to provide the Head of the CoP with enhanced managerial autonomy to ensure the efficient functioning of the Secretariat and to enable the body to develop its own HR charter, in line with modern, efficiency-oriented management principles. Clarify the Secretariat's administrative arrangements so as to remove the Secretariat from the subordination of the OPG and place it under the authority of the CoP. Streamline reporting lines for Secretariat staff, ensuring that during their service they are directly accountable to its Head. Review the rules governing the secondment of public officials. <p><i>Also see Recommendation # 7</i></p>	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	9	Material, technical, and financial resources are sufficient and secured independently from the Prosecutor General's Office, including indicators such as the requested and received budget etc.	D – Absence / Requires substantial improvement	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Amend the Law so that the financing of the CoP is carried out in accordance with the budget request approved singularly by the CoP, within the annual number of expenditures provided for by the state budget for the budget period <p><i>Also see the Recommendation # 7 and # 8</i></p>	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Operational Activities	11	Submitting recommendations regarding the appointment and dismissal of prosecutors from managerial positions.	C – Partially compliant / In progress	<p>To the All-Ukrainian Conference of Prosecutors, the CoP:</p> <ul style="list-style-type: none"> Return, as a matter of priority, to the principle of competitive selection for managerial positions within the prosecution service. <p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Adopt the law establishing that recommendations by the CoP regarding appointments to managerial positions are made on the basis of an open competition among prosecutors. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
				<ul style="list-style-type: none"> To amend the Law so that the authority to examine complaints concerning the improper performance of managerial functions by a prosecutor (including those related to interference with the independence of prosecutors) is vested exclusively in the CoP. The Law should also provide that the CoP submits recommendations to the Prosecutor General or the Heads of regional or district prosecutor's offices regarding dismissal, and that, in the event of disagreement, the Prosecutor General or relevant head of the prosecutor's office must provide written reasons for such a decision. In such cases, the CoP should have the right to submit a disciplinary complaint to the QDCP against the prosecutor concerned. 	
	14	Reviewing appeals submitted by prosecutors, as well as reports concerning threats to their independence.	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Amend the Law on the Prosecutor's Office and other legislative acts in order to: <ol style="list-style-type: none"> grant the CoP the authority to dismiss a prosecutor from a managerial position in cases of unlawful interference with prosecutorial independence; oblige law enforcement authorities, following a request from the CoP, to take measures to ensure the physical security of a prosecutor and their family members in cases of threats of physical harm. Establish, at the level of the Law and subordinate legislation, clear deadlines, procedures, and standards governing the examination of reports concerning threats to prosecutorial independence, to take into account the nature and urgency of such requests, and to provide for the systematic notification of applicants regarding the procedure following submission. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	17	Providing guidance on compliance with legislation governing the resolution of conflicts of interest in prosecutorial activities.	D – Absence / Requires substantial improvement	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Amend the laws to clearly regulate the procedure (by clearly delineating the competences of the CoP and the National Agency on Corruption Prevention/NACP) and significance of the CoP's clarifications on conflicts of interest, 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	18	Other functions	C – Partially compliant / In progress	<p>To the CoP:</p> <ul style="list-style-type: none"> Establish, at the level of a secondary legal act, the timeframes, selection criteria (professional competence and integrity), and the procedure for assessing compliance with these criteria for candidates to the Selection Commission for the position of the Deputy Prosecutor General – Head of the Specialised Anti-Corruption Prosecutor's Office, as well as for the positions of the First Deputy Head and Deputy Head of the Specialised Anti-Corruption Prosecutor's Office (Article 29-1(3) of the Law of Ukraine "On the Prosecutor's Office"). 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Integrity & Ethics	19	Formal of ethics / professional conduct is adopted, implemented and effectively enforced	C – Partially compliant / In progress	<p>To the CoP:</p> <ul style="list-style-type: none"> Develop and implement a detailed code of ethical conduct that meets or exceeds the standards outlined in the code of prosecutorial ethics 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	20	Conflict-of-interest declarations are collected, verified and measures are taken when conflicts are identified	D – Absence / Requires substantial improvement	<p>To the CoP:</p> <ul style="list-style-type: none"> Adopt rules on the resolution of conflicts of interest for members of the CoP and Secretariat 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	21	Mechanisms exist for reporting and addressing corruption and other unethical practices	D – Absence / Requires substantial improvement	<p>To the CoP:</p> <ul style="list-style-type: none"> Establish a specific mechanism for reporting and addressing corruption and other unethical practices 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	22	Anti-corruption and integrity risks are regularly assessed, and mitigation measures are implemented	D – Absence / Requires substantial improvement	<p>To the CoP:</p> <ul style="list-style-type: none"> Conduct an assessment of corruption risks of the CoP with the support of the independent experts Adopt the Anti-Corruption Program of the CoP with measures aimed at minimising risks in its activities and the activities of its members and the Secretariat. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)

Area	№	Criterion / Function	Compliance level	Recommendations	Priority
Прозорість і підзвітність	23	Annual and thematic public reports, as well as statistical summaries, are regularly published	D – Absence / Requires substantial improvement	To the All-Ukrainian Conference of Prosecutors: <ul style="list-style-type: none"> Include in the CoP regulations a provision requiring the CoP to publish an annual activity report, containing in particular statistical data collected for the past year, the main decisions, achieved results, a plan and priorities for the next year and analytics; budget, expenditures and public procurement procedures. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	24	Clear, accessible and effectively applied procedures exist for public requests for information	D – Absence / Requires substantial improvement	See the recommendation # 23	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	25	Budget, expenditures and public procurement procedures are fully transparent and publicly available	D – Absence / Requires substantial improvement	See the recommendation # 23	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
Independence & Impartiality	26	No undue influence or interference from the Prosecutor General, OPG or executive branch is observed	C – Partially compliant / In progress	To the OPG and the CoP: <ul style="list-style-type: none"> Within the OPG regulations integrate provisions where the OPG has to mandatory written consult the CoP regarding any draft law related to the legal status of prosecutors and the functioning of the prosecution system. 	Medium (action recommended within 12 months, for significant improvements)
	27	Effective legal and practical safeguards protect members from political or administrative pressure	D – Absence / Requires substantial improvement	To the Verkhovna Rada: <ul style="list-style-type: none"> Amend the Law for the significant increase in the allowances granted to CoP members, including coverage of transportation costs: <ol style="list-style-type: none"> 1) Consideration should be given to performing the functions of the Head and the Secretary of the CoP on a full-time basis. 2) For other members of the CoP – the full-time basis or introduction of additional remuneration for the period during which they exercise their functions as members of the CoP 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	28	Voting on sensitive matters is conducted anonymously where required by law or internal regulations	D – Absence / Requires substantial improvement	To the All-Ukrainian Conference of Prosecutors, the CoP: <ul style="list-style-type: none"> Modify the CoP regulations to impose anonymous vote regarding sensitive matters 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
Decision-Making Processes	29	Procedures for appointment/dismissal recommendations are clear, predictable and consistently applied	C – Partially compliant / In progress	To the All-Ukrainian Conference of Prosecutors, the CoP: <ul style="list-style-type: none"> Return, as a matter of priority, to the principle of competitive selection for managerial positions within the prosecution service 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	30	Recommendations are evidence-based, properly reasoned and contain comprehensive justification	D – Absence / Requires substantial improvement	To the CoP: <ul style="list-style-type: none"> Introduce the practice of providing reasoned decisions of the CoP when recommending candidates for managerial positions 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	31	Established timelines and procedural deadlines are respected in practice	C – Partially compliant / In progress	To the CoP: <ul style="list-style-type: none"> Establish clear deadlines, procedures, and standards for the examination of reports concerning threats to prosecutorial independence. Precise rules taking into account the specificity of various requests, their degree of urgency, and to inform each applicant exactly about the process following the submission of their request 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	32	Procedural rights of affected prosecutors (right to be heard, access to materials, appeal) are fully respected	C – Partially compliant / In progress	See the Recommendation # 31	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
Resource Management	33	Sufficient infrastructure (e.g. office, work places etc) are in place	C – Partially compliant / In progress	See the recommendations #8 and #9	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	34	Budget is planned and executed in line with actual needs	C – Partially compliant / In progress	See the recommendation #9	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	36	Key performance indicators (e.g., processing times, decisions per year) are defined, monitored, and used for resource planning	D – Absence / Requires substantial improvement	To the CoP: <ul style="list-style-type: none"> Establish a set of key performance indicators to demonstrate workload volume, justify staffing needs, and substantiate claims for budgetary autonomy 	Medium (action recommended within 12 months, for significant improvement)
	37	Functional internal financial control / audit mechanism is in place and conducts regular checks	D – Absence / Requires substantial improvement	To the All-Ukrainian Conference of Prosecutors, the CoP: <ul style="list-style-type: none"> Carry out every three year an external independent state or private financial audit, the results of which would be publicly available 	Medium (action recommended within 12 months, for significant improvements)
Digitalization & Data Governance	38	Secure and functional electronic case-management / document-flow system is in place and actively used by members and secretariat	D – Absence / Requires substantial improvement	To the OPG, the CoP: <ul style="list-style-type: none"> Secure the CoP's website to be managed separately from the OPG Nominate an IT Officer as an employee of the Secretariat in charge of managing a CoP website fully independent of the OPG IT Department. 	Medium (action recommended within 12 months, for significant improvements)
	39	Reliable, verifiable statistics on activities (decisions, appeals, recommendations etc.) are regularly collected, analysed and published	B – Largely Compliant / Good	See the Recommendation #21	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
Stakeholder Relations & Communication	43	Regular, structured dialogue and consultation with civil-society organisations and the public is maintained	C – Partially compliant / In progress	To the CoP: <ul style="list-style-type: none"> Adopt the Communication Policy of the CoP. Identify amongst CoP members a communication and media Officer in charge of implementing the Communication Policy intended for prosecutors, public, civil society organisations and media 	Medium (action recommended within 12 months, for significant improvements)
	44	Effective communication channels exist for receiving and responding to public and prosecutorial concerns	C – Partially compliant / In progress	See the recommendation #21	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness))
	45	Active participation in international judicial and prosecutorial cooperation with international partners	C – Partially compliant / In progress	To the OPG: <ul style="list-style-type: none"> Amend the internal procedures to ensure the autonomy of the members of the CoP in establishing and implementing cooperation with international organisations and international organisations of prosecutors without the approval of the OPG 	Medium (action recommended within 12 months, for significant improvements)
Impact & Strategic Planning	46	Adopted and implemented strategic/action plan with measurable objectives, evidence of progress toward reform goals, and a functional monitoring	D – Absence / Requires substantial improvement	To the CoP: <ul style="list-style-type: none"> Include in the CoP regulations a provision requiring the CoP to elaborate, adopt and publish an annual strategic development plan developing a clear vision of its role with regard to its multiple mandates and the priorities adapted to the specific context 	Medium (action recommended within 12 months, for significant improvements)

Qualification and Disciplinary Commission of Prosecutors

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
Legal Framework & Clarity of Powers	1	The mandate and powers of the QDCP fully comply with national legislation and relevant international standards (CoE, GRECO, Venice Commission etc.)	B – Largely compliant / Good	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Amend the law that recognises the QDCP as a prosecutorial self-governing body. Amend Article 74.4 of the Law extending the term of the members of the QDCP to at least 5 years and no more than 7 in any event. Introduce a legal provision establishing a mechanism for reacting in case the appointing bodies do not comply in time with their obligations to appoint the member/s to the QDCP. Provide for the possibility for the ending composition of the QDCP to continue working on the pending cases, until the new composition takes office and is operative 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Legal Framework & Clarity of Powers	2+3	Roles and responsibilities of the Council, its members and secretariat are clearly defined in legislation and internal regulations + Statutes, regulations, documented procedures and internal policies are up-to-date, publicly accessible and consistently followed	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Repeal the provisions introduced by the Law №4555-IX of 22.07.2025, which allows circumvention of the competitive selection and promotion of prosecutors. Amend the law to clarify disciplinary offenses related to the behavior of prosecutors and their compliance with ethical standards and expand the list of available disciplinary sanctions to increase their proportionality and effectiveness. Amend the law to improve the effectiveness of disciplinary proceedings by extending the statute of limitations for disciplinary liability. <p>To the All-Ukrainian Conference of Prosecutors:</p> <ul style="list-style-type: none"> Review the Regulations on the QDCP to align with the Rule of Law Roadmap reforms and this audit recommendations 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Legal Framework & Clarity of Powers	4	Clear separation of powers among/between the Council, QDCP, the Prosecutor General, and other bodies, with no overlaps or gaps in their competences, including in areas such as appointments to administrative roles, promotions, and related functions	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Restore the powers of the QDCP to decide on the appointment and transfer of PPs based on merits and competitive selection, derogating the powers allocated to the OPG by Law 4555-IX- Identify the QDCP in the Law PP as a self-governing body of the PPO. Separate the Human Resources division and allow for more autonomy in managing the secretariat. Allow them to select their own staff, who should report to the relevant body and not to the OPG. The same should be done with the budget administration and the IT department. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Organisational Model & Capacity	5	Members are selected through a transparent, merit-based and competitive procedure	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Ensure the participation of all prosecutors in the competition to be appointed delegates of the All-Ukrainian Conference of Prosecutors. Introduce a system of rotation for delegates from each prosecution office to avoid the hierarchy exerting control over their appointment. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Organisational Model & Capacity	6	Grounds and procedures for early termination of membership are clear, limited and applied proportionally	B – Largely compliant / Good	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Amend Article 76 of the Law clarifying the application of the grounds for termination of membership of the QDCP, defining which rules apply to members of QDCP that are prosecutors and which to those members which are not. Amend Article 76 of the Law in order to include as a ground for possible early termination the "reiterated and manifest non-performance of the duties" dismissal proceedings that should in any event respect the due process rights. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Organisational Model & Capacity	7	Organisational structure and decision-making procedures are rational and efficient	C – Partially compliant / In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Provide for more control of the Head of the QDCP for ensuring efficiency of the secretariat and allow this body to develop their own HR charter according to a modern management efficient-led structure. End the dependence from the OPG HR unit. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
				<ul style="list-style-type: none"> Eliminate the double reporting of the members of the secretariat, so that they are directly accountable to the head of the QDCP, while they work in that body. Revise the rules on secondment of public officials. 	
Organisational Model & Capacity	8	The capacity of the secretariat's staff and their professional qualifications are sufficient to perform the institution's functions, including filled positions, pending vacancies, staff turnover etc.	C – Partially compliant/ In progress	<p>To the QDCP:</p> <ul style="list-style-type: none"> Continue/increase the training of the staff in digital tools, archives and data protection. Consider defining performance indicators also for the members of the staff of the Secretariat, if they are not existent at present, even if they would only be indicators with no impact on bonus. 	Medium (action recommended within 12 months, for significant improvements)
Organisational Model & Capacity	9	Material, technical, and financial resources are sufficient and secured independently from the Prosecutor General's Office, including indicators such as the requested and received budget etc.	C – Partially compliant/ In progress	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Amend the law aimed to ensure that the QDCP has autonomous institutional resources independent from the OPG, including an independent secretariat Amend the Law so that the financing of the QDCP is done in accordance with budget requests compiled by the QDCP as a fully separate and independent budget organisation/institution envisaged as such in the state budget law <p>To the QDCP:</p> <ul style="list-style-type: none"> Fully transition to paperless operations using the electronic document management system in all aspects of the institution's business 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Operational Activities	11	Maintaining comprehensive records of all prosecutorial positions, including occupied, vacant, and temporarily vacant posts.	B – Largely compliant/ Good	<p>To the OPG:</p> <ul style="list-style-type: none"> Create an electronic comprehensive HR system, which includes: Aligning the figures of prosecutors on the payroll with those actually active and working, differentiating according to their professional/statutory position. Ensuring that the digitalisation of the whole structure reflects the actual manpower in the PP. Establishing a clear distinction in the digital system of prosecutors actively working in courts/prosecution offices, and those who are seconded in other duties 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Operational Activities	12	Conducting competitive recruitment processes for prosecutor positions.	B – Largely compliant/ Good	<p>To the Verkhovna Rada:</p> <ul style="list-style-type: none"> Derogate Law 4555-IX and restore the powers of the QDCP in the selection and transfers of PPs, while ensuring that the principle of meritocracy is respected in all selection/transfer proceedings. Establish a fixed timeline to finalise the vetting proceedings and provide the necessary means and budget to carry out the vetting within reasonable time. <p>To the QDCP:</p> <ul style="list-style-type: none"> Provide for a notification of admission to the recruitment procedure once the admission documents have been checked, and not only 7 days in advance of the examination. Ensure that the communication with the Training Centre is more efficient, so that the planning of initial training is made possible in due time. Digitalise all communications via digital platforms and avoid postal communications. Ensure that the appellate system for candidates that have failed in the competition, is open and effective. Consider reducing the time of 6 months of internship for newly appointed PPs, who have previous experience in working as PPs. Simplify the file to be presented to be admitted as a candidate to the recruitment procedure and establish a timeframe to cure a possible mistake in complying with the requested documents. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
Operational Activities	13	Participating in decisions related to the promotion/reduction of prosecutors.	B – Largely compliant/ Good	To the QDCP: <ul style="list-style-type: none"> Digitalise the information of vacant or open positions, so that it is immediately known to the QDCP. Digitalise the information on workload and cases in each regional Office, so that it is also directly accessible by the QDCP. Establish a more structured communication channel between the QDCP and the OPG on the vacant positions and needs for recruitment. 	Medium (action recommended within 12 months, for significant improvements)
	14	Reviewing disciplinary complaints concerning alleged prosecutorial misconduct and conducting disciplinary proceedings.	C – Partially compliant/ In progress	To the Verkhovna Rada: <ul style="list-style-type: none"> Amend the law to clarify disciplinary offenses related to the behavior of prosecutors and their compliance with ethical standards, and expand the list of available disciplinary sanctions to increase their proportionality and effectiveness Amend the law to improve the effectiveness of disciplinary proceedings by extending the statute of limitations for disciplinary liability To the QDCP: <ul style="list-style-type: none"> Ensure equal treatment of the parties at the proceedings (especially, equality of arms), and provide a separate explanation for any refusal to admit evidence during oral hearings (either on the record or in the written decision) 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	15	Issuing decisions on the imposition of disciplinary sanctions on prosecutors.	B – Largely compliant/ Good	To the QDCP: <ul style="list-style-type: none"> Improve the reasoning underpinning the choice of a specific disciplinary sanction 	Medium (action recommended within 12 months, for significant improvements)
Integrity & Ethics	16	Formal of ethics / professional conduct is adopted, implemented and effectively enforced	B – Largely compliant/ Good	To the QDCP: <ul style="list-style-type: none"> Develop and implement a detailed code of ethical conduct that meets or exceeds the standards outlined in the code of prosecutorial ethics 	Medium (action recommended within 12 months, for significant improvements)
	18	Mechanisms exist for reporting and addressing corruption and other unethical practices	C – Partially compliant/ In progress	To the National Agency on Corruption Prevention: <ul style="list-style-type: none"> Connect the QDCP to the unified whistleblower reporting portal 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	19	Anti-corruption and integrity risks are regularly assessed, and mitigation measures are implemented	D – Absence / Requires substantial improvement	To the QDCP: <ul style="list-style-type: none"> Request an external independent assessment of the corruption risks and then develop an anti-corruption program based on its results 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Transparency & Accountability	20	Annual and thematic public reports, as well as statistical summaries, are regularly published	B – Largely compliant/ Good	To the QDCP: <ul style="list-style-type: none"> Publish a report on all aspects of the institution's business annually 	Medium (action recommended within 12 months, for significant improvements)
Transparency & Accountability	22	Budget, expenditures and public procurement procedures are fully transparent and publicly available	B – Largely compliant/ Good	To the QDCP: <ul style="list-style-type: none"> Publish budgetary reports on the receipt and use of funds (for all years of operation) 	Medium (action recommended within 12 months, for significant improvements)
Independence and impartiality	23	No undue influence or interference from the Prosecutor General, OPG or executive branch is observed	C – Partially compliant/ In progress	To the Verkhovna Rada: <ul style="list-style-type: none"> Introduce a legal amendment of Article 69 Law PP with regard to the form of electing the delegates of the All-Ukrainian Conference of Prosecutors. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Independence and impartiality	24	Effective legal and practical safeguards protect members from political or administrative pressure	D – Absence / Requires substantial improvement	To the Verkhovna Rada: <ul style="list-style-type: none"> Amend the composition of the QDCP, ensuring that a majority of members consists of prosecutors. Revise the current functioning of selecting delegates to the All-Ukrainian Conference of Prosecutors to ensure that they really represent the prosecutor's community and not only the hierarchy. To the QDCP: <ul style="list-style-type: none"> Raise awareness of the role of the QDCP as a self-governing body, since the functions attributed to this body are the ones to ensure the independence of the individual prosecutors. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
Independence and impartiality	25	Voting on sensitive matters is conducted anonymously where required by law or internal regulations	B – Largely compliant/ Good	To the All-Ukrainian Conference of Prosecutors: <ul style="list-style-type: none"> Introduce in the Regulation the possibility to adopt voting by secret ballot in sensitive matters when a qualified majority of the QDCP so requests. 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Decision-Making Processes	26	Procedures for appointment/promotion/bringing to liability and other related are clear, predictable and consistently applied	C – Partially compliant/ In progress	To the Verkhovna Rada: <ul style="list-style-type: none"> Amend the law to clarify disciplinary offenses related to the behavior of prosecutors and their compliance with ethical standards, and expand the list of available disciplinary sanctions to increase their proportionality and effectiveness Amend the law to improve the effectiveness of disciplinary proceedings by extending the statute of limitations for disciplinary liability To the QDCP: <ul style="list-style-type: none"> Fully transition to paperless operations using the electronic document management system in all aspects of the institution's business 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	27	Decisions are evidence-based, properly reasoned and contain comprehensive justification	B – Largely compliant/ Good	To the Verkhovna Rada: <ul style="list-style-type: none"> Repeal the provisions of the Law on Prosecution Office, which allows QDCP members to issue dissenting opinions To the QDCP: <ul style="list-style-type: none"> Systematise and publish information on the appeal review of Commission's its decisions in the Commission's annual report 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness) Medium (action recommended within 12 months, for significant improvements)
	28	Established timelines and procedural deadlines are respected in practice	B – Largely compliant/ Good	To the Verkhovna Rada: <ul style="list-style-type: none"> Amend the law to improve the effectiveness of disciplinary proceedings by extending the statute of limitations for disciplinary liability Amend the law to provide that the tenure of QDCP members expire only upon the appointment of new members 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	29	Procedural rights of affected prosecutors (right to be heard, access to materials, appeal) are fully respected	B – Largely compliant/ Good	To the QDCP: <ul style="list-style-type: none"> Ensure equal treatment of the parties at the proceedings (especially, equality of arms), and provide a separate explanation for any refusal to admit evidence during oral hearings (either on the record or in the written decision) 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Resource Management	30	Sufficient infrastructure (e.g. office, workplaces etc) are in place	C – Partially compliant/ In progress	To the QDCP: <ul style="list-style-type: none"> Fully transition to paperless operations using the electronic document management system in all aspects of the institution's business 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	31	Budget is planned and executed in line with actual needs	B – Largely compliant/ Good	To the Verkhovna Rada: <ul style="list-style-type: none"> Amend the law so that the financing of the QDCP is carried out in accordance with the budget request approved singularly by the QDCP, within the annual amount of expenditures provided for by the state budget for the budget period 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	32	Staffing levels and workload are adequate and regularly reviewed in accordance to the exited needs	C – Partially compliant/ In progress	To the QDCP: <ul style="list-style-type: none"> Assess the workload and determine its adequacy for ensuring an efficient performance without undue delays and backlogs. Revise the double reporting of the staff of the secretariat and consider a single leadership to strengthen the capacities of the QDCP. Undertake a cost analysis based on the estimated number of cases. 	Medium (action recommended within 12 months, for significant improvements)
	33	Key performance indicators (e.g., processing times, decisions per year) are defined, monitored, and used for resource planning	D – Absence/Requires substantial improvement	To the QDCP: <ul style="list-style-type: none"> Carry out an analysis on the processing times and prognosis of cases to be able to establish key performance indicators, which would allow to develop a strategic action plan for the QDCP. 	Medium (action recommended within 12 months, for significant improvements)
	34	Functional internal financial control / audit mechanism is in place and conducts regular checks	B – Largely compliant/ Good	To the QDCP: <ul style="list-style-type: none"> Request an external independent state or private financial audit, the results of which would be publicly available 	Medium (action recommended within 12 months, for significant improvements)

Area	Nº	Criterion / Function	Compliance level	Recommendations	Priority
Digitalization & Data Governance	35	Secure and functional electronic case-management / document-flow system is in place and actively used by members and secretariat	D – Absence / Requires substantial improvement	To the QDCP: <ul style="list-style-type: none"> Fully transition to paperless operations using the electronic document management system in all aspects of the institution's business 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
	36	Reliable, verifiable statistics on activities (decisions, appeals, recommendations etc.) are regularly collected, analysed and published	C – Partially compliant / In progress	To the QDCP: <ul style="list-style-type: none"> Fully transition to paperless operations using the electronic document management system in all aspects of the institution's business Publish a report on all aspects of the institution's business annually Systematise and publish information on the appeal review of Commission's decisions in the Commission's annual report 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness) Medium (action recommended within 12 months, for significant improvements)
	37	Personal data processing and IT systems fully comply with the Law of Ukraine "On Personal Data Protection" and relevant international standards	B – Largely compliant / Good	To the QDCP: <ul style="list-style-type: none"> Provide periodic training on personal data protection for the Commission's and Secretariat's members 	Medium (action recommended within 12 months, for significant improvements)
	38	Cybersecurity policy / incident response plan exists, staff are trained, and regular security checks or audits are conducted	D – Absence / Requires substantial improvement	To the QDCP: <ul style="list-style-type: none"> Request an external state or private assessment of cybersecurity risks and then develop regular checks and incident response protocols based on its results Provide periodic training on cybersecurity for the Commission's and Secretariat's members 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness) Medium (action recommended within 12 months, for significant improvements)
Stakeholder Relations & Communication	39	Constructive cooperation with prosecutors and prosecution offices exists without undue dependence or subordination	B – Largely compliant / Good	To the QDCP: <ul style="list-style-type: none"> Develop and implement a memorandum(s) of cooperation with prosecutorial bodies regarding the main areas of the Commission's business 	Medium (action recommended within 12 months, for significant improvements)
	40	Regular, structured dialogue and consultation with civil-society organisations and the public is maintained	D – Absence / Requires substantial improvement	To the QDCP: <ul style="list-style-type: none"> Develop and implement a communication strategy 	Medium (action recommended within 12 months, for significant improvements)
	41	Effective communication channels exist for receiving and responding to public and prosecutorial concerns	C – Partially compliant / In progress	To the QDCP: <ul style="list-style-type: none"> Develop and implement a communication strategy 	Medium (action recommended within 12 months, for significant improvements)
	42	Active participation in international judicial and prosecutorial cooperation with international partners	B – Largely compliant / Good	To the Verkhovna Rada and the Government: <ul style="list-style-type: none"> In matters that are of QDCP's mandate, maintain direct contact with the Commission without the mediation of the OPG 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)
Impact & Strategic Planning	43	Adopted and implemented strategic/action plan with measurable objectives, evidence of progress toward reform goals, and a functional monitoring	C – Partially compliant / In progress	To the QDCP: <ul style="list-style-type: none"> Develop and implement its own strategy with a focus on institutional development according to the Rule of Law Roadmap reforms, and these audit recommendations 	High/Critical (immediate action required, within 6 months, to mitigate serious risks to independence or effectiveness)

V. Auditors assessment of CoP and QDCP functional areas and operation (in the form of charter)

Council of Prosecutors of Ukraine

Area	Nº	Key Findings	Compliance level
Legal Framework & Clarity of Powers	1	<p>The Council of Prosecutors (CoP) formally complies with Ukrainian legislation: Article 123 of the Constitution provides that the organisation and functioning of the prosecution service are determined by law, while Article 71 of the Law on the Prosecutor's Office defines the CoP's composition and powers.</p> <p>At the European level, there is no single institutional model for prosecutorial councils. The Venice Commission adopts a functional approach, emphasizing that any model must guarantee protection from political interference, merit-based appointments, security of tenure, and safeguards against arbitrary removal, with a council of prosecutors being one possible mechanism to achieve these objectives.</p> <p>Similarly, the Consultative Council of European Prosecutors (CCPE), in Opinion No. 18 (2023), highlights the importance of such councils as key bodies of prosecutorial self-governance and stresses the need for clear legal frameworks, transparent composition, and effective functioning to ensure independence and accountability.</p> <p>Although the Law on the Prosecutor's Office establishes the CoP's status, composition, formation procedure, and main powers, the regulation remains relatively general. In practice, this lack of detailed regulation weakens the Council's effectiveness in performing its functions and ensuring operational independence.</p>	C – Partially compliant / In progress
Legal Framework & Clarity of Powers	2	<p>The CoP performs several key functions under the Law:</p> <ul style="list-style-type: none"> • It recommends candidates for appointment or dismissal of prosecutors in administrative positions. If the Prosecutor General rejects a recommended candidate, another candidate must be submitted to the CoP for consideration. • It organises measures to safeguard prosecutors' independence and improve the organisational functioning of prosecutors' offices. • It addresses legal and social protection issues concerning prosecutors and their families and adopts relevant decisions. • It reviews complaints or reports about threats to prosecutorial independence and may take actions such as notifying competent authorities, initiating safety measures, issuing public statements, or informing international organisations. • It submits proposals to state and local authorities on matters concerning the functioning of the prosecution service. • It oversees the implementation of decisions taken by prosecutorial self-governance bodies. • It provides guidance on conflicts of interest affecting prosecutors or members of disciplinary bodies. <p>Although CoP regulations outline a broad scope of authority, Article 72 of the Law on the Prosecutor's Office states that the CoP's activities are supported by the Office of the Prosecutor General.</p> <p>According to the European Commission's 2023 report, while prosecutors enjoy a generally sufficient degree of independence, self-governance bodies remain heavily dependent on the Office of the Prosecutor General, particularly for financing and organisational support. This dependence should be addressed to meet European standards.</p> <p>In view of the current workload and the possibility of holding meetings online, full-time engagement of CoP members (with the exception of the Head and the Secretary) does not appear to be a first priority at this stage. However, this situation also means that, for prosecutors serving as CoP members, their responsibilities within the Council tend to be secondary to their primary duties as prosecutors. This may negatively affect the quality of the Council's work and consequently their activity in their capacity as prosecutors.</p> <p>Therefore, alongside the introduction of a new open and competitive selection procedure for CoP members, including the application of evaluation criteria by an independent commission, it would be advisable to consider providing full or partial remuneration for prosecutors serving as CoP members, as well as reimbursement of travel expenses (in the event of in-person meetings).</p> <p>On the other hand, if the CoP significantly increases its powers (particularly with regard to the 1) open and competitive selection of prosecutors for each managerial position provides full evaluation of the candidates and 2) vesting the CoP with the authority to examine complaints regarding the improper performance of managerial functions by prosecutors, including those involving interference with prosecutorial independence) then in line with the Rule of Law Roadmap—the option of full-time engagement for all members of the Council should be considered.</p>	C – Partially compliant / In progress
Legal Framework & Clarity of Powers	3	<p>The CoP has the Regulation on the recommendation on managerial positions. But the CoP doesn't have the regulation on the protection of the independence of prosecutors from the threats and doesn't have the regulation on providing the clarifications on compliance with legal requirements regarding the resolution of conflicts of interest.</p> <p>This absence of precise functioning rules creates legal insecurity that undermines the credibility of the COP both vis-à-vis prosecutors and the Office of the Prosecutor General.</p>	C – Partially compliant / In progress
Legal Framework & Clarity of Powers	4	<p>The competence of the CoP is clearly defined by Law and does not overlap with that of other bodies. However, its role in recommending candidates for managerial positions is minimal in the absence of competition among candidates. Under the current model, the CoP considers only one candidate for one position, nominated by his or her superior. The Prosecutor General then appoints that candidate.</p> <p>Because of the lack of initial competition to recommend candidates for administrative positions, CoP is linked with the initial choice of Regional Chief Prosecutor and with the final decision of the Prosecutor General.</p>	D – Absence / Requires substantial improvement

Area	№	Key Findings	Compliance level
Organisational Model & Capacity	5	<p>According to the Rules of Procedure of the All-Ukrainian Conference of Prosecutors, any prosecutor, whether or not he or she is a delegate of the Conference, may stand as a candidate for the Council of Prosecutors.</p> <p>However, paragraph 5 of the Article 71 of the Law restricts the access to the CoP to prosecutors who don't practice an administrative position. As a result of which, it is up to prosecutors with no experience in administrative functions to evaluate and recommend candidates for administrative positions.</p> <p>In light of the significant responsibilities assigned to the Council of Prosecutors under the Law governing its functioning, it appears surprising that no prior vetting procedure, taking into account not only the candidate's professional experience but also his or her ethical standards, has been established in order to enhance the credibility of the elected members of the CoP and strengthen public confidence in the institution.</p> <p>This requirement is clearly reflected in the recommendations of European bodies, notably in Opinion No. 18 (2023) of the CCPE on Councils of Prosecutors as key bodies of prosecutors' self-governance.</p> <p>The current CoP's composition grants prosecutors a more than comfortable majority. The presence of two members from professional backgrounds outside the prosecution service gives precedence to academia, potentially to the detriment of other legal professions, such as that of lawyers.</p> <p>Conversely, the provision prohibits any prosecutor holding administrative functions from being a member of the Council of Prosecutors.</p> <p>This rule dates to Law No. 113-IX of 19 September 2019 and appears to have been introduced as a safeguard against interference by prosecutors occupying administrative positions.</p> <p>It appears indisputable that the exercise of administrative functions within a service requires specific skills, such as leadership, conflict management, organisation of activities and planning, strategic and analytical thinking, and human resources management, which can be properly assessed only by prosecutors who perform these specific functions on a daily basis.</p>	C – Partially compliant / In progress
Organisational Model & Capacity	6	<p>Article 71 paragraph 6 of the Law on the Prosecutor's Office provides that the mandate of a CoP's member is five years without the right to be re-elected.</p> <p>From the perspective of European standards, this duration appears appropriate. In general, a shorter term (two to three years) may create political dependence, as the question of renewal arises too quickly and exposes the officeholder to pressure and a risk of instrumentalization. Conversely, an excessively long term (more than seven years) may lead to institutional rigidity and a corporatist risk.</p> <p>A five-year term provides sufficient stability and constitutes a reasonable compromise. However, the duration remains an indicator rather than a binding rule.</p> <p>On the other hand, the Law does not provide for any procedure for the dismissal of a member of the CoP, before the termination of the mandate in cases of non-performance or improper performance of their duties in the execution of the mandate. As it exists with the High Judicial Council, a specific mechanism to address such situations should be established analogous to those existing in the case of the High Judicial Council.</p> <p>Clause 2.1.3 of the Reglament of the CoP and clause 5.6 of the Regulation on the CoP state that a member of the CoP may be recalled by the All-Ukrainian Conference of Prosecutors. This likely applies to cases where a prosecutor improperly performs their duties as a member of the CoP. There are doubts, however, as to whether this provision complies with the Law on the Prosecutor's Office, since the Law does not regulate this issue. At the same time, regarding members of the CoP who are scholars and were appointed by the Congress of Representatives of Legal Higher Education Institutions and Scientific Institutions, even the Reglament and Regulation do not contain any provisions on the early termination of their powers in cases of improper performance of their duties as members of the CoP.</p>	A – Fully compliant / Advanced
Organisational Model & Capacity	7	<p>The effectiveness of the decisions and measures adopted by the CoP within the scope of its mandate warrants examination in light of the following observations. Regarding the recommendations addressed to the Prosecutor General concerning candidacies for managerial positions, the absence of competition process, as determined by the Prosecutor General, effectively removes any real autonomy and consolidates his role as the final decision-maker. As for decisions relating to threats reported by prosecutors concerning their independence, where such threats are confirmed, the CoP's involvement appears to be limited to transmitting a letter of notification to the competent authorities for further action.</p> <p>Interviews with several prosecutors indicate that the CoP does not conduct any follow-up regarding the actual implementation of measures undertaken by those authorities.</p> <p>Finally, concerning other activities provided for by law, it appears that the CoP acts primarily as a spokesperson for the All-Ukrainian Conference of Prosecutors or on its own initiative, but without the authority to implement the measures it advocates.</p> <p>There are also issues with the implementation of decisions providing clarifications on conflicts of interest in the activities of prosecutors and members of the QDCP, as the competence of the CoP in this area enters into a legislative conflict with the competence of the National Agency on Corruption Prevention.</p> <p>The procedure for adopting decisions by the CoP is defined in the Reglament of the CoP and the Regulation on the CoP. These sub-laws regulate the election of the Chair and the Secretary of the CoP and define their powers.</p> <p>The main form of work is meetings. A meeting is convened by the Head, the Deputy Head in the Head's absence, or at the request of at least one third of the members. A meeting is valid if at least eleven members participate. Delegation of powers is not allowed. If there is no quorum, the presiding officer may postpone the meeting. Reports are presented by CoP members or officials of the prosecution authorities by decision of the Chair. Decisions are adopted by open voting with a simple majority of members present. Draft decisions are prepared by the reporting member or the Secretary. If votes are equal, the presiding officer has the decisive vote and votes last. Meetings are generally open but may be closed if confidentiality is required, including cases involving protected secrets or private life. A closed meeting requires a majority decision of the CoP's statutory membership. Meetings are held at least once per quarter. Issues may be submitted by the Head or members with supporting information and relevant materials. A member may participate in a meeting remotely via video communication.</p> <p>Regulation and Reglament do not contain a provision requiring mandatory recording of CoP meetings.</p> <p>They also do not provide for secret voting on specific issues. The rule is that the Head's vote is decisive in the event of an equal distribution of votes and that he votes last.</p> <p>The combination of the absence of secret voting and the principle of the head's casting vote in the event of a tie may be interpreted as a breach of the principle of equality among CoP members.</p> <p>Should secret voting be introduced, the head's casting vote in the event of a tie must be retained in order to avoid decision-making deadlock.</p>	C – Partially compliant / In progress

Area	Nº	Key Findings	Compliance level
Organisational Model & Capacity	8	<p>The regulatory provisions clearly establish an administrative support structure for the activities of the CoP, the QDCP, and the Training Center, directly under the Office of the Prosecutor General.</p> <p>The Head of the CoP specifies his needs in terms of funding for activities to this Unit, which then makes its proposals to the Prosecutor General. He confirmed that in practice he never applied to the OPG to increase the number of employees of the division supporting the prosecutorial self-government bodies.</p> <p>It is therefore the "Unit responsible for carrying out the activities of the self-governing bodies of the prosecution" that operates as the Secretariat of the CoP, but legally it is first a subdivision of a completely different service from the OPG.</p> <p>The Secretariat consists of five people, and its purpose is to support interaction between the OPG and the CoP which occupies 4–5 rooms in the OPG building. The Secretariat also ensures the organisation of the All-Ukrainian Conference of Prosecutors and supports the work of the CoP in organizing and preparing its meetings.</p> <p>The CoP does not maintain its own document management system. All documents are received through the Secretariat rather than directly by the Cop. The Secretariat assigns a registration number and date and forwards the documents to the Cop. The Secretariat is integrated into the OPG document management system.</p> <p>Although the members of the Unit demonstrate a high level of professionalism and dedication in supporting the activities of the CoP, they operate under the authority of the Prosecutor General. Consequently, the CoP does not have an independent secretariat capable of operating autonomously under the functional authority of the President of the CoP and reporting directly to him or her.</p>	C – Partially compliant / In progress
Organisational Model & Capacity	9	<p>The Law does not provide for the participation of the CoP in determining the budgetary financing of its activities or in establishing the procedure for the allocation and use of such funds.</p> <p>Consequently, the financing of the Council's activities depends entirely on the OPG, which does not contribute to the Council's independence or institutional capacity.</p> <p>In this regard, it is proposed to introduce into the Law clear criteria and guidelines for the formation of the CoP's budget, including the categories of expenditure it should cover separately. It is also proposed to establish the right of the Chair of the CoP to administer the allocated budgetary funds.</p>	D – Absence / Requires substantial improvement
Organisational Model & Capacity	10	<p>Roles and functions of members and secretariat are clearly defined in practice and in internal regulation. However, this regulation was adopted by the OPG since the secretariat is a part of the OPG's Department.</p>	A – Fully compliant / Advance
Operational activities	11	<p>Based on the statistics provided by the Council of Prosecutors and by the services of the Prosecutor General at the request of the audit team, the decision-making activity of the Council of Prosecutors between 2021 and 2025 is characterised by an annual average of 93 decisions, a significant proportion of which concern recommendations for appointments to managerial positions.</p> <p>There are no specific statistics regarding the other activities.</p> <p>The decision-making activity of the Council of Prosecutors is mainly concentrated on three functions: Recommendations for appointments – Responses to threats to prosecutors' independence reported by prosecutors – Conflicts of interest.</p> <p>As already noted, recommendations for appointments to managerial positions were not subject to competition for a large part of the period under review. In this context, the CoP's role was therefore limited to confirming the sole proposal submitted by the Prosecutor General.</p> <p>Similarly, during the period concerned, no appeals against these recommendations, whether lodged by the prosecutors concerned or by the Prosecutor General, were recorded.</p> <p>This may reinforce the view that the Council of Prosecutors operates as a mere rubber-stamping body for a decision previously taken by an external authority (the head of a regional prosecutor's office) and which necessarily enjoys the support of the Prosecutor General.</p> <p>According to the Law, one of the core functions of the CoP is to assess candidates and issue recommendations for managerial positions within the prosecution service. However, the Law does not provide that the selection must be conducted on a competitive basis. As a result, the competitive procedure existed only for a short period. Thereafter, by decision of the All-Ukrainian Conference of Prosecutors, the CoP may consider only one candidate per position.</p> <p>Such an approach seriously undermines the significance and role of the CoP and lowers the professional standards for persons seeking managerial positions within the prosecution authorities.</p> <p>The decision to discontinue the competitive system for recommendations for management positions, originally provided for by law, seriously undermines the substance and credibility of decisions taken in this context and deprives the CoP of any real independence from the Prosecutor General.</p> <p>A return, as soon as possible, to the principle of competitive selection for management positions is therefore necessary.</p> <p>Regarding the recommendations on dismissal of prosecutors from administrative positions: In connection with the amendments to Article 41(1) and (3) of the Law introduced by Law No. 113-IX of 19.09.2019, the Council of Prosecutors of Ukraine is deprived of the authority to make recommendations on dismissal of prosecutors from administrative positions, except for cases when the QDCP, in accordance with Article 49(6) of the Law of Ukraine "On the Public Prosecutor's Office", may initiate consideration of such a matter based on the results of disciplinary proceedings against a prosecutor.</p> <p>The CoP does not consider applications regarding improper performance of powers by managers. This is handled by a relevant special commission created by the Prosecutor General. Whatever the reasons invoked by OPG to justify this transfer of competence, it appears legally necessary to return to the strict meaning of the law. The CoP has to consider such applications.</p>	C – Partially compliant / In progress
Operational Activities	12	<p>As regards the function of implementing measures to legal safeguard prosecutorial independence and improve the organisational support of prosecution offices, the CoP primarily issues written statements and appeals to Parliament and the Cabinet of Ministers concerning the increase of benefits, pensions and payments to prosecutors during the preparation of the state budget for the following year or in the course of approving state social benefit programs.</p> <p>The CoP also seeks to participate in the discussion of relevant draft acts of the Government.</p>	A – Fully compliant / Advanced

Area	Nº	Key Findings	Compliance level
Operational Activities	13	<p>The CoP regularly submits written appeals to the Parliament and the Government of Ukraine concerning the financial situation of prosecutors. It also paid attention to issues related to ensuring the social guarantees of prosecutors.</p> <p>However, the result of such appeals could not be verified in publicly accessible official sources.</p>	A – Fully compliant / Advanced
Operational Activities	14	<p>The main part of requests sent by prosecutors to CoP are about threats on their independence. In the first years there weren't any at all. In the current period CoP received about 46 requests. Some of them may be urgent but all requests are handled in the same manner without distinction of the urgency. The prosecutor is summoned to appear, but he's not informed about his right to be accompanied by a lawyer or a friend. In addition, he/she is not aware that his/her possible opponent may be summoned at the same time.</p> <p>Currently, in cases of internal interference in the activities of prosecutors, the only measures available to the CoP are summoning the parties to a meeting to discuss the situation, without any legal consequences.</p> <p>As a result, prosecutors are discouraged from using the CoP as an effective mechanism for protection against undue pressure.</p> <p>In practice, several applications concerning external threats to prosecutorial independence submitted to the CoP are subsequently forwarded to the Prosecutor General for action (for example, the Prosecutor General may contact relevant law enforcement agencies to ensure physical protection of a prosecutor).</p>	C – Partially compliant / In progress
Operational Activities	15	<p>In performing the function of submitting proposals to state authorities and local self-government bodies on issues related to the functioning of the prosecution service, the Council of Prosecutors makes the above-mentioned appeals concerning the allocation of new premises or land plots for the needs of prosecutors' offices, as well as on other matters which established by state or local social programs aimed at the social protection of prosecutors.</p>	A – Fully compliant / Advanced
Operational Activities	16	<p>Pursuant to Part 1 of Article 71 of the Law of Ukraine "On the Prosecutor's Office", in the period between the All-Ukrainian Conferences of Prosecutors, the CoP acts as the highest body of prosecutorial self-governance. Accordingly, the Council of Prosecutors is entrusted with the function of monitoring the implementation of the decisions adopted by the All-Ukrainian Conference of Prosecutors. As a rule, this concerns decisions related to the Conference's response to issues of improving prosecutors' remuneration, pension provision and social guarantees. However, since the practical implementation of these matters depends on the budgetary legislation of Ukraine, the main actors in this process are the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine.</p> <p>In this regard, during the interviews it was established that the CoPs regularly, whenever appropriate, addresses the Prosecutor General, the Verkhovna Rada and the Cabinet of Ministers with letters and proposals for legislative amendments. It also maintains proper follow-up communication with these bodies regarding the responses received to the Council's submissions. At the same time, the CoP is not and cannot be a guarantor of prosecutors' social rights, since it does not have direct or immediate influence on decisions adopted in the budgetary sphere by the Verkhovna Rada and the Cabinet of Ministers.</p>	A – Fully compliant / Advanced
Operational activities	17	<p>Law No. 113 of 19 September 2019 supplemented Article 71(9) with an additional provision empowering the CoP to "provide explanations regarding compliance with the requirements of the legislation on the settlement of conflicts of interest in the activities of prosecutors, as well as of the head or members of the relevant body conducting disciplinary proceedings."</p> <p>Statistics demonstrate that this power has been used only marginally. Its limited application appears to reflect practical and institutional difficulties, not only on the part of the CoP but also on the part of the QDCP and the General Inspectorate, which have made very few requests for clarification.</p> <p>Within the overall scope of the CoP's competences, this specific power has generated internal debate, particularly given the existence of a specialised body in this field, namely the National Agency on Corruption Prevention (NACP).</p> <p>Moreover, the legislator did not accompany this provision with implementing regulations. This regulatory gap substantially weakens the normative effectiveness of the provision and discourages CoP members from exercising this competence.</p> <p>The absence of procedural and normative clarity undermines legal certainty and risks creating overlapping or conflicting interpretations between competent bodies.</p>	D – Absence / Requires substantial improvement
Operational activities	18	<p>Paragraph 4 9) of the CoP's regulations considers appeals from the relevant authority conducting disciplinary proceedings regarding the improper performance by a prosecutor holding an administrative position of the official duties established for the relevant administrative position.</p> <p>The CoP does not consider applications regarding improper performance of powers by managers. This is handled by a relevant special commission created by the Prosecutor General. Whatever the reasons invoked by OPG to justify this transfer of competence, it appears legally necessary to return to the strict meaning of the law. The CoP has to consider such applications.</p>	C – Partially compliant / In progress
Integrity and ethics	19	<p>There is a Code of Professional Ethics and Conduct for public prosecutors approved by the All-Ukrainian Conference of Prosecutors, which defines the basic principles, moral norms and rules of prosecutorial ethics.</p> <p>In addition, by the decision of the Council of Prosecutors of Ukraine dated 23.11.2022 No. 36, a commentary to the Code of Professional Ethics and Conduct of Prosecutors was approved, which contains an explanation of its provisions.</p> <p>However, the Council of Prosecutors does not have any internally approved code of ethics or standards of conduct.</p> <p>Therefore, and in view of the judicial, administrative and disciplinary functions exercised by members of the CoP, which entail specific ethical risks not fully covered by the rules applicable to ordinary prosecutors, a dedicated code of professional ethics and conduct should be adopted.</p>	C – Partially compliant / In progress
Integrity and ethics	20	<p>The CoP does not have its own separate regulation on the prevention and resolution of conflicts of interest among its members and the members of Secretariat. Therefore, in this case, the general provisions of the Law of Ukraine "On Prevention of Corruption" concerning conflicts of interest apply.</p> <p>But this may be insufficient in certain aspects, given that the CoP is a collegial body. Therefore, the general provisions of the Law on Prevention of Corruption require further clarification, considering the specific nature of the body's activities.</p>	D – Absence / Requires substantial improvement

Area	Nº	Key Findings	Compliance level
Integrity and ethics	21	<p>To prevent corruption and to protect whistleblowers, Ukraine adopted in 2020 a special amendment to the Law on Prevention of Corruption. Among other provisions, whistleblowers and their close associates are now protected by the state. Notably, they can use the Unified Whistleblowers Reporting Portal (UWRP) to report possible facts of corruption and can also contact the authorised bodies that review such reports.</p> <p>However, there are no specific mechanisms whistleblowers may use if there are cases of corruption in the activities of the Council of Prosecutors.</p> <p>No assessment of corruption risks in the activities of the Council of Prosecutors has ever been carried out.</p>	D – Absence / Requires substantial improvement
Integrity and Ethics	22	<p>As stated by the Head of the CoP: “Sometimes there are cases where a member of the Council of Prosecutors has a potential conflict of interest when considering matters within the competence of the Council of Prosecutors of Ukraine. In such cases, the member informs the Council, recuses himself or herself, and abstains from participating in the meeting”.</p> <p>The audit revealed that the structured and regular assessment of anti-corruption and integrity risks within the CoP is not currently in place.</p> <p>Although the current activities of the CoP may, for the most part, concern decisions with limited practical stakes, given the absence of competitive procedures in relation to recommendations, there remains a need for CoP members to be subject to regular scrutiny, in light of their specific institutional status and their prominent role within the prosecution service.</p> <p>Similarly, the CoP does not conduct corruption risk assessments and does not have an anti-corruption program containing measures aimed at minimizing risks in its activities and in the activities of its members.</p> <p>Unlike members of the QDCP, non-prosecutor members of the CoP (academics) do not appear to be required to submit asset declarations to the National Agency for the Prevention of Corruption. This exemption may raise concerns in relation to their activities within the CoP.</p>	D – Absence / Requires substantial improvement
Transparency & Accountability	23	<p>Neither annual or thematic public reports nor public statistics are published on a regular basis.</p> <p>In terms of external communication, it appears that the CoP relies exclusively, or almost exclusively, on its website to disseminate limited information about its activities, as well as the content of decisions, insofar as they may contribute useful elements to public debate on justice-related issues.</p> <p>However, the CoP web site is not an autonomous website as such. It's hosted within the OPG web site and the information available is only managed by IT specialists within the Unit for ensuring the activities of prosecutorial self-government bodies which is one of the structural units of the OPG.</p> <p>The content of the CoP website does not seem to be updated on a regular basis.</p> <p>On 2 August 2024, on the third anniversary of the CoP's composition (elected by the All-Ukrainian Conference of Prosecutors on 27 August 2021), an activity report was published on the website. Although it provides some useful information, it reads more like a brief and rather cursory enumeration of the activities prescribed by law and appears to be the only report published for the period in question.</p> <p>However, strengthening public trust in the justice system and in prosecutorial services, requires broader and more professional communication.</p>	D – Absence / Requires substantial improvement
Transparency & Accountability	24	<p>As previously noted, the CoP website is not directly accessible. Any public request must be submitted through the OPG website before reaching the CoP's internal platform.</p> <p>That being said, no specific procedure appears to be in place to address public requests for information relating to the CoP.</p> <p>The public interest in the existence and activities of the CoP is reportedly limited. While this may partly explain the absence of a dedicated procedure for handling information requests, it does not in itself justify such a gap.</p> <p>As already suggested in previous recommendations, the CoP should designate a Communication Officer responsible for taking appropriate measures to enhance public awareness of, and interest in, the role and activities of the CoP.</p>	D – Absence / Requires substantial improvement
Transparency & Accountability	25	<p>In accordance with subparagraph 8.3 of paragraph 8 of the Regulations on the Council of Prosecutors of Ukraine, proposals for funding the costs of maintaining and supporting the activities of autonomous prosecution bodies are prepared by the relevant structural units of the Office of the Prosecutor General, upon request of the Council of Prosecutors of Ukraine.</p> <p>With regard to the decisions described above, which fall within the powers of the OPG, the CoP's role is limited to submitting a request. The transparency of these decisions and the authority to disclose the relevant documents remain with the OPG.</p>	D – Absence / Requires substantial improvement
Independence and Impartiality	26	<p>When preparing draft legislation, the OPG seeks the opinion of the CoP and the QDCP on the same basis as other OPG units. Their proposals do not enjoy any status or enhanced authority.</p> <p>Within the framework of the Rule of Law roadmap implementation, the OPG established a working group on the draft law including representatives of the CoP and other OPG departments. The drafting, however, is carried out by a designated OPG unit. The CoP is not the lead body, and its proposals are not systematically taken into account.</p> <p>The CoP does not operate an autonomous document-management system. Incoming correspondence is received and registered by the Secretariat, which assigns a reference number and date and forwards the documents to the CoP through the OPG document-management system.</p> <p>After signature by the Head of the CoP, decisions are transmitted to the Secretariat for registration. The Secretariat subsequently forwards them to the OPG IT unit, which administers the CoP website and publishes the decisions.</p> <p>As a result, CoP may be “de facto” considered as one of the Units of the OPG, more than an independent et respected institution that engages with the OPG on an equal footing.</p>	C – Partially compliant / In progress
Independence and Impartiality	27	<p>Currently, under the Law, as soon as a CoP member is appointed to a managerial position, he or she loses their CoP position. As a result, the CoP members are deprived of career advancement. Prosecutorial members of the CoP work as prosecutors in a full-time capacity and serve in the CoP on part-time basis and without any substantial compensation.</p> <p>This lack of institutional recognition undermines both the credibility of the CoP and the essential motivation of its members.</p>	D – Absence / Requires substantial improvement

Area	Nº	Key Findings	Compliance level
Independence and Impartiality	28	<p>An anonymous vote is not required at the end of the CoP's deliberations. A decision, even a crucial and delicate one may be adopted by open vote and by a simple majority of its members present at the meeting.</p> <p>Both the Venice Commission and the Consultative Council of European Prosecutors (CCPE) underline that, in sensitive cases, anonymous voting should be used instead of open voting to safeguard the independence of each CoP member and protect them from collective pressure.</p>	D – Absence / Requires substantial improvement
Decision-Making Processes	29	<p>CoP decisions recommending a candidate for a managerial position do not contain any reasoning regarding the candidate's compliance with the criteria established by Law. According to the explanations provided by the CoP, the reasoning for its position, including the motives and circumstances taken into account when adopting the decision on recommendation, is contained in the minutes of the discussions held by CoP members regarding the candidate. However, such minutes are not made public, and their content is not reflected in any of the CoP's decisions on recommendations for managerial positions available on the CoP's website.</p> <p>In connection with the amendments to Article 41(1) and (3) of the Law introduced by Law No. 113-IX of 19.09.2019, the Council of Prosecutors of Ukraine is deprived of the authority to make recommendations on dismissal of prosecutors from managerial positions, except for cases when the QDCP, in accordance with Article 49(6) of the Law of Ukraine "On the Public Prosecutor's Office", may initiate consideration of such a matter based on the results of disciplinary proceedings against a prosecutor.</p>	C – Partially compliant / In progress
Decision-Making Processes	30	<p>With regard to appointments to managerial positions, and considering the current absence of competitive procedures, there appears to be no requirement for structured and detailed reasoning in the decisions, including comprehensive justification.</p> <p>In addition, no appeals were lodged during the period under review. This limited evidence may not constitute a sufficiently strong basis to encourage CoP prosecutors to enhance the quality of their legal reasoning.</p> <p>If competitive procedures are restored, as recommended by the audit team, the CoP's recommendations will need to be significantly strengthened in terms of their reasoning and motivation.</p>	D – Absence / Requires substantial improvement
Decision-Making Processes	31	<p>In cases where specific time limits are established by the Law or by acts of the CoP, the CoP generally complies with them in practice. However, there are concerns regarding those functions that are not regulated by the Council's provisions and therefore do not contain any procedures or time limits. This refers to the consideration of prosecutors' applications concerning threats to their independence, as well as to the provision by the CoP of clarifications on compliance with the legislation on the settlement of conflicts of interest in the activities of prosecutors.</p>	C – Partially compliant / In progress
Decision-Making Processes	32	<p>Since there are no specific regulations regarding the rights of affected prosecutors, the empiric rules which exist are not compliant with normal procedural rights.</p> <p>The notion of urgency does not appear to be considered in the CoP's response. Meetings are scheduled at fixed times, with no possibility of bringing them forward in cases of urgent matters. This absence of differentiated and timely handling results in the inappropriate and uniform treatment of prosecutors' requests submitted to the CoP for review.</p>	C – Partially compliant / In progress
Resource Management	33	<p>The CoP occupies 4–5 rooms in the OPG building. One room is for the Head of the CoP, one room is for CoP meetings, and 2–3 rooms are for the CoP Secretariat.</p> <p>However, all these offices are located within the OPG premises. This arrangement is understandable insofar as the Unit responsible for the CoP Secretariat is permanently based in the OPG building. On the other hand, the close proximity between the CoP and the OPG constitutes further evidence of the former's lack of independence vis-à-vis the latter.</p> <p>Consequently, once an autonomous secretariat is assigned to the CoP, it will need to relocate to independent premises.</p>	C – Partially compliant / In progress
Resource Management	34	<p>All economic and financial matters for the CoP are handled by the OPG.</p> <p>This issue may be addressed through the broader structural modifications already mentioned under the previous criteria.</p>	C – Partially compliant / In progress
Resource Management	35	<p>The statistical data indicate a moderate annual level of decision-making activity in relation to the number of CoP members.</p> <p>In the interviews with different stakeholders, it was deduced that staffing levels and workload are adequate and regularly reviewed in accordance to the exited needs.</p> <p>The adoption of the law aimed at strengthening the institutional capacity, independence, and efficiency of the Council of Prosecutors of Ukraine may require an increase in the number of its members.</p>	A – Fully compliant / Advanced
Resource Management	36	<p>No specific indicators (quantitative or qualitative) of the Council of Prosecutors' performance as a prosecutorial self-government body have been approved.</p> <p>However, the Law of Ukraine "On the Public Prosecutor's Office" stipulates that the Head of the Council of Prosecutors of Ukraine reports to the All-Ukrainian Conference of Prosecutors on the completion by the Council of Prosecutors of the tasks of the prosecutorial self-government bodies, and on the financial and organisational support of the prosecution service.</p> <p>Only one report of the Head of the CoP addressed to the All-Ukrainian Conference of Prosecutors in 2024 is available on the CoP website. However, no specific key performance indicators are described therein. However, given that key performance indicators operationalise core principles of efficiency, accountability, transparency, and institutional autonomy, they should be clearly defined and publicly available. This would enable the CoP to assess objectively whether it is functioning efficiently and whether procedural delays may undermine credibility and legal certainty.</p> <p>Accordingly, it is a matter of institutional credibility for the CoP to develop and propose a set of key performance indicators to demonstrate workload volume, justify staffing needs, and substantiate claims for budgetary autonomy. In the absence of relevant data (for example, the number of appeals per year or the average duration of proceedings), requests for additional resources risk appearing discretionary rather than evidence - based.</p>	D – Absence / Requires substantial improvement
Resource Management	37	<p>No internal audit is scheduled by CoP regulations.</p> <p>Both the Venice Commission and the Consultative Council of European Prosecutors consistently treat councils for prosecutors as constitutional guarantee bodies. Because they exercise powers affecting careers and discipline, they must themselves be subject to structured evaluation.</p> <p>Therefore, and because of the need to prevent corporatism and conflicts of interest, to maintain public trust through transparency, to verify institutional effectiveness, to protect prosecutors' procedural rights and to guarantee conformity with evolving rule-of-law standard an audit on a regular basis is essential for the CoP.</p>	D – Absence / Requires substantial improvement

Area	Nº	Key Findings	Compliance level
Digitalization & Data Governance	38	<p>The CoP does not maintain its own document management system. All documents are received through the Secretariat rather than directly by the CoP. The Secretariat assigns a registration number and date and forwards the documents to the CoP. The Secretariat is integrated into the OPG document management system.</p> <p>The CoP is connected and uses the OPG access control system and therefore has restrictions. The CoP receives technical support, as well as hosting and website protection, from OPG units. There have been no requests from the CoP regarding the introduction of digital technologies into its activities.</p> <p>The electronic case-management system managed by the Unit responsible for carrying out the activities of the self-governing bodies of the prosecution appears to be secure and functional, and it is actively used by both the secretariat and the CoP members.</p> <p>The issue remains the same with regard to the status of the secretariat, which is a unit of the OPG and reports directly to the Prosecutor General. The deep dependence of the CoP vis-à-vis this Unit is entirely contrary to the principle of the CoP's independence.</p>	D – Absence / Requires substantial improvement
Digitalization & Data Governance	39	<p>Most of the CoP decisions are published on the CoP website which is hosted by the OPG website.</p> <p>No specific analysis of decisions, appeals or recommendations is published on the CoP website or on any other media.</p> <p>This lack of communication is specifically addressed in the relation to the Criterion 23 regarding: "Annual and thematic reports as well as statistical summaries are regularly published".</p>	B- largely Compliant / Good
Digitalization & Data Governance	40	<p>Personal data processing and IT systems of the CoP and the Secretariat are under OPG, but fully comply with the Law of Ukraine "On Personal Data Protection" and relevant international standards.</p>	A – Fully compliant / Advanced
Digitalization & Data Governance	41	<p>Clearly, at least with regard to the administrative aspects of its work, the CoP is fully dependent on the OPG, and more specifically on the Unit for Ensuring the Activities of Prosecutorial Self-Government Bodies, which is responsible for cybersecurity policy.</p> <p>According to meetings held with representatives of both institutions, OPG staff members appear to manage all related matters, with no specific involvement of CoP members.</p> <p>Despite this the cybersecurity policy / Incident response plan exists (established by OPG), staff are trained, and regular security checks or audits are conducted.</p>	A – Fully compliant / Advanced
Stakeholder Relations & Communication	42	<p>This is a particularly sensitive issue, as meetings and interviews are not the most effective means of identifying potential subordination or undue dependence between CoP members and prosecutors.</p> <p>As it was conducted in the interview's constructive cooperation with prosecutors and prosecution offices exists without undue dependence or subordination.</p>	A – Fully compliant / Advanced
Stakeholder Relations & Communication	43	<p>The CoP does not interact with civil society organisations, only with international organisations.</p> <p>Meetings with international organisations require permission from the OPG, and international business trips of CoP members also require permission from the OPG.</p> <p>The CoP should designate, from among its members, a Communications and Media Officer responsible for improving the communication policy aimed at civil society organisations, as developed by the Chair and approved by the members of the CoP.</p>	C – Partially compliant / In progress
Stakeholder Relations & Communication	44	<p>In terms of external communication, the CoP appears to rely exclusively, or almost exclusively, on its website to disseminate limited information about its activities, as well as decisions.</p> <p>However, the CoP website is not an autonomous website as such. It is hosted within the OPG website, and the information available there is managed exclusively by IT specialists within the Unit for Ensuring the Activities of Prosecutorial Self-Government Bodies, which is one of the structural units of the OPG.</p> <p>The content of the CoP website consists of selected decisions and information, and it does not appear to be updated on a regular basis.</p> <p>On 2 August 2024, marking the third anniversary of the CoP's composition (elected by the All-Ukrainian Conference of Prosecutors on 27 August 2021), an activity report was published on the website.</p> <p>Although it provides some useful information, it reads more like a brief and rather cursory enumeration of the activities prescribed by law and appears to be the only report published during the relevant period.</p> <p>In order to strengthen institutional autonomy and visibility, the appointment of an IT Officer by the Head of the CoP could be envisaged to develop and maintain a website independent of the IT services of the Prosecutor General's Office.</p>	C – Partially compliant / In progress
Stakeholder Relations & Communication	45	<p>Members of the CoP may participate in international activities, subject to the authorisation and financial support of the OPG.</p> <p>However, they don't participate in international activities "as a separate entity".</p> <p>Rather, through cooperation with the Office of the Prosecutor General and international missions, CoP takes part in joint activities aimed at aligning its work with international standards.</p> <p>Although the CoP appears to derive some benefit from international engagement, such activities are organised and financed by the Office of the Prosecutor General.</p> <p>This arrangement constitutes an additional element reflecting the CoP's limited factual independence from the OPG.</p>	C – Partially compliant / In progress
Impact & Strategic Planning	46	<p>The Council of Prosecutors of Ukraine does not have a separate strategic development plan. It clearly appears that the CoP currently lacks strategic planning regarding its functioning.</p> <p>In its current operation, the CoP is not a body whose functioning is independent of the Office of the Prosecutor General, nor is it perceived as sufficiently credible by prosecutors.</p> <p>In the absence of a clear vision of CoP role with regard to its multiple mandates, of defined priorities adapted to the specific context, and of systematic reliance on the statistical analysis of its decisions and opinions, as well as on the monitoring of measures taken in the interest of prosecutors, the CoP cannot attain the status of a genuinely independent authority, as provided for by law and recommended by European institutions.</p>	D – Absence / Requires substantial improvement

Qualification and Disciplinary Commission of Prosecutors

Area	Nº	Key Findings	Compliance level
Legal Framework & Clarity of Powers	1	<p>According to the Law on Prosecutor's Office (Article 73) the QDCP is the body responsible for ensuring the level of professional qualification of the candidate prosecutors and it decides on disciplinary liability, transfer and dismissal of prosecutors. The QDCP is a collegial body consisting of eleven members working on full-time basis, including five prosecutors, two scholars appointed by the Congress of the Representatives of Law Universities and Academic Institutions, three individuals appointed by the Parliamentary Commissioner for Human Rights upon approval of the Parliamentary Law Enforcement Committee and one attorney at law (advocate) appointed by the Bar Conference (Article 74). The QDCP has the status of a legal entity.</p> <p>The mandate and powers of the QDCP comply with the relevant national legislation and there is no specific reference to infringements or shortcomings in this regard in any of the international reports (GRECO, Venice Commission). In practice, however, the short time limit of the term of the members of the QDCP (Article 74.4): 3 years, with a possible renewal for another 3 years), seems to be too short to promote efficiency and quality, as expressed by its members to these experts. [Report of the Council of Europe "Needs assessment report on the Council of Prosecutors of Ukraine and the Qualification and Disciplinary Commission of Prosecutors" of September 2017, p. 23] As stated already in 2017, a proper balance with regard to the duration of the term of office should be found taking into consideration all these and other relevant factors.</p> <p>As to the appointment of members from outside of the prosecutor's office, the law does not face possible risks when the bodies appointing the two academics and the lawyer do not comply with such duty in time. This might increase the risk of blocking the functioning of this body, since for operating at least 9 members should be in office.</p> <p>Once the mandate of the members of the QDCP has expired, and until the new composition is operative, there might be a lapse of time, which originates delays in the handling of pending cases, recruitment procedures, etc.. Going through files managed under the prior composition is difficult, if the secretariat does not fulfil the duties of updating efficiently to the new members. The transfer of powers from the old composition to the new one has been difficult, contributing to more delays.</p> <p>In conclusion, the short member terms added to the delayed appointments and an inefficient transition in the QDCP causes operational delays and contributes to an increasing backlog of cases.</p>	B – Largely compliant / Good
Legal Framework & Clarity of Powers	2+3	<p>The staffing-related powers of the QDCP are only partially defined by law and, in general, comply with European standards. The vast majority of procedural matters are regulated by the QDCP itself. The procedures established by the QDCP are comprehensive, detailed, periodically updated, and publicly available on the institution's website.</p> <p>At the same time, Law №4555-IX, adopted in late July 2025, provides that, for the duration of martial law, the Prosecutor General and heads of regional prosecution offices may appoint prosecutors to positions in the OPG and regional prosecution offices, respectively, without a competitive procedure, provided that the candidates hold a completed higher education degree and have passed a special vetting process. Hence, this Law has limited the powers of the QDCP regarding the initial selection of prosecutors and transfers to higher-level prosecution offices. As a result, it has restored to the Prosecutor General and heads of regional prosecution offices powers that were removed as part of the 2014 prosecutorial reform. This development runs counter to Ukraine's commitments to the Council of Europe and the European Union. In addition, the EU Enlargement report 2025 and EU-communicated codified Benchmarks on Chapter 23 states that Ukraine shall remove the provisions allowing the appointment and transfer of prosecutors to regional prosecution offices and the Prosecutor General's Office without competition.</p> <p>The disciplinary procedure is regulated in considerable detail by law and, in general, complies with European standards. Substantive criticism from the Council of Europe, the European Union, and other international organisations has focused only on disciplinary offenses related to prosecutors' conduct and compliance with ethical standards, as well as on the scope and structure of the available disciplinary sanctions.</p> <p>Also, the QDCP's operations are regulated by the Regulations on the QDCP issued by the All-Ukrainian-s Conference of Prosecutors (which is publicly available document as well). Despite its complexity, detail, and recent updates, it needs significant revision to align with the reforms envisioned by the Rule of Law Roadmap and clarified by this audit.</p> <p>Conclusion: There is a limitation of the QDCP's powers in prosecutor selection and transfers, countering Ukraine's European commitments. There is immediate need for action in this area within 6–12 months and it is assessed as High/Critical to mitigate serious risks to independence or effectiveness.</p>	C – Partially compliant / In progress
Правова база та чіткість повноважень	4	<p>Formal division of powers exists as set out in the Law PP, providing for the system where the All-Ukrainian Conference of Prosecutors through its delegates of prosecutors appoints the CoP. The composition of the QDCP is set out in Article 74 Law made of 11 members appointed by different bodies. The CoP is conceptualised and legally defined as the "self-governing" body of the prosecution system, while the Law does not identify the QDCP as a self-governing body. This is a conceptual mistake, since the tasks of both bodies are designed to ensure the independence of the prosecution system. However, by not defining the QDCP as a "self-government" body, it allows the system to deprive it from its own secretariat, and also to provide for a composition that is not made of a majority of PPs. This needs to be corrected [CDL-AD(2013)025, p. 25, para 161].</p> <p>The powers of the QDCP, which were separated from those of the OPG and CoP in the law, attributing to the QDCP the mandate to carry out the selection proceedings of candidates to a PP position, has been somewhat distorted by Law no. 4555-IX which has allowed the appointment of prosecutors to the OPG and regional prosecutor's offices without a competition, provided the candidate has a full higher education and 3 or 5 years legal experience respectively. At the same time, the general procedure for appointing a trainee prosecutor — previously, the typical starting point for a prosecutorial career — has been retained. This has created a conceptual inconsistency: in lower-level prosecution offices, recruitment is carried out through a competition with the participation of the independent QDCP, while in higher-level prosecution offices, appointments are made without competition, solely at the discretion of the head of the prosecution body". [EU Shadow Report 2024 on Chapter 23+24, p.197]</p> <p>This system of appointment, which shall only apply during martial law, has mixed up the powers of the QDCP as defined in the Law PP for recruitment and transfers, and allocated some of those powers to the OPG directly. In addition to circumventing the distribution of powers provided in the Law, this reform grants discretionary powers to appoint PPs to certain positions without any competitive systems, and thus without any control on their merits, capacities, or professional skills [Shadow report, p. 197].</p> <p>Human Resources, budget and IT are dependent on the OPG, and despite the legally provided independence of the QDCP from the OPG, this creates a de facto high risk of a dependent system without ensuring in practice complete autonomy for QDCP. Article 73.2 of the Law on PP states that the QDCP is a legal entity and has an independent balance sheet and accounts with the State Treasury of Ukraine, but no separate budget line is provided for the QDCP in the State Budget.</p>	C – Partially compliant / In progress

Area	№	Key Findings	Compliance level
		<p>At present, there is a clear allocation of powers in the law, but this does not ensure a full “division” of powers, since all the staffing and budgetary issues rely on the HR and budget units of the OPG. Such structure determines a hierarchical model with no real autonomy of the self-governing bodies. Formally there is a clear distribution of powers, but in practice the system does not exclude risks of interferences.</p> <p>This is not a new finding, since the impact upon the independence of the QDCP due to the lack of an own budget was pointed out when assessing the draft law on the LPP in 2013 by the Venice Commission, [CDL-AD(2013)025, p. 25, para.161] and was later also highlighted in 2017 [CoEReport “Needs assessment report on the CoP of Ukraine and the QDCP” September 2017] where it was already recommended that secretariat of the QDCP should not be placed within the PGO but structured as a separate entity under the QDCP. The QDCP needs urgent support in administrative and financial issues in order to establish it as a legal entity with its own independent budget, infrastructure and human resources.</p> <p>In conclusion, this problematic structure, as confirmed by the interviewees, does not encourage the autonomy of the QDCP from the OPG and deprives the head of the QDCP of leadership to exercise in full the powers of the QDCP with efficiency.</p>	
Organisational Model & Capacity	5	<p>The Law provides for the procedure for selecting/appointing the members of the QDCP (Article 73 and 74 Law PP). Nevertheless, the transparency of the procedure should be supported with legislative reforms, since the All-Ukrainian Conference of Prosecutors could seem to openly represent all members of the PPO, although in practice the system of electing the delegates does not seem to encourage a fair competition among candidates. The selection system does not seem to be free from politically driven interests, despite the fact that the merit-based system has improved significantly. The 10-year experience for being elected to the QDCP is a positive requisite to ensure certain experience and merits.</p> <p>Conclusion: The QDCP member selection process appears politically driven rather than merit-based, with no competitive procedure in place. While the 10-year experience requirement ensures some level of expertise, the election system within the All-Ukrainian Conference of Prosecutors lacks fair competition among candidates.</p>	C – Partially compliant / In progress
Organisational Model & Capacity	6	<p>Members of the CoP are appointed for a single term of 5 years (Article 71.6 Law PP) and members of QDCP for 3 years, and no more than 6 (Article 74.4 Law PP). The specific grounds and procedures for early termination of membership of the QDCP is provided in Article 76 Law PP. In addition, for those members of the QDCP who are PPs, the general rules for termination of the position of PP also apply (Article Arts. 51-63 Law PP): loss of citizenship, incompatibilities, disciplinary offence, committing a criminal offence, etc.</p> <p>Venice Commission Opinion 2013 [CDL-AD(2013)025, p. 25, para.161] when analysing these provisions of the Law PP, stated that termination for impossibility to perform duties for health reasons is “ostensibly imprecise” and it would be better to specify that this is a general concept found in another legislation, such as the labour code. This was addressed already in the reform of the Law PP in 2019 specifying what should be considered health problems leading to an early termination of the mandate of a member of the QDCP, thus there is no problematic issues related to the grounds on early termination of the members of the QDCP. According to the interviews carried out, application of Article 76.5 Law PP does not seem to have caused any problems in practice so far.</p> <p>It is still unclear in Article 76 LPP whether the loss of the position of the non-PP members of the QDCP in their professional status would also cause their termination in the QDCP. For example, if the member appointed by the bar has lost its status as lawyer; or the member of Academia is no longer a professor; or the member of Parliament HR Commissioner has lost its status as MP.</p> <p>Finally, Article 76 Law PP does not mention the “non-performance of the duties” of the members of the QDCP as one of the possible grounds for early termination. Since, according to European standards [CCPE Opinion No. 18 (2023) on Councils of Prosecutors as key bodies of prosecutorial self-governance, para. 66] the removal of office of a member of the Council of Prosecutors should only be done upon legally established grounds, it appears convenient to include the reiterated non-performance of duties as one of those grounds.</p>	B – Largely compliant / Good
Organisational Model & Capacity	7	<p>Article 79 Law PP establishes the general legal framework on the Organisation of Work and Conduct of Meetings of the QDCP. This provision is clear and provides for the rules on the organisation of the meetings, election of chair, etc. There is one aspect which has been mentioned as problematic for the smooth functioning of the QDCP, namely the difficulties in having a quorum to make decisions. Article 79.5 LPP sets out:</p> <p>“A meeting of the commission shall be deemed to be quorate if at least nine members of the relevant disciplinary body are present.”</p> <p>Having only quorum when there are 9 out of 11 members of the QDCP, combined with the need of the members to appear in person in court proceedings related to their decisions, in practice, as reported by the interviewees, creates sometimes problems of having quorum.</p> <p>As to the performance of this organisational structure, it does not seem that the legal model of the QDCP organisation hampers its effective functioning. Problems, as reported, lie with the lack of clear metrics on individual productivity of the members of the secretariat and the issue of double reporting contributing to inefficiencies, despite the number of staff appearing to be adequate. While the secretariat's staff is generally qualified, complaints about compliance and low performance persist. The double reporting does not aid effective management, and different interviewees mention problems related to low performance. However, there is no precise information on how much each of the members of the staff effectively works and whether there are internal evaluations that are taken into account in solving problems of low performance of the secretariat. Such information has not been made available. There are 48 people working currently at the secretariat divided into four units, a number which, seen from outside, seems to be enough staff, but it is unclear how efficient their performance is. The problem does not seem to lie in the workforce, but rather in their productivity.</p>	C – Partially compliant / In progress
Organisational Model & Capacity	8	<p>The capacity of the secretariat's staff and their professional qualifications is in general adequate, most of them holding a law degree and many coming from the prosecution service. Nevertheless, the problem does not seem to be the lack of professional capacities or skills, but the management structure.</p> <p>The staff undergoes training, although there are some complaints related to the level of skills related to digital tools. There was no information provided on the use of AI tools or the level of professional capacities of the staff in areas such as data protection, cybersecurity, or AI tools. The comments received were inconclusive, as some interviewees did not find any gaps in the professional capacity of the staff, while others commented on the contrary. It appears that the legal qualification might be adequate, but the general performance not so much, and this might be the cause for the diverse assessment of the members of the QDCP regarding the capacities of the staff.</p>	C – Partially compliant / In progress

Area	Nº	Key Findings	Compliance level
Organisational Model & Capacity	9	<p>The QDCP is located in premises rented from the Prosecutors' Training Center. Each Commission member has a separate cabinet, and several additional cabinets are used by secretariat staff. These cabinets are equipped with the minimum set of necessary office equipment (technical and furniture). The Commission also has a court-like room (with a separate deliberation room for decision-making) equipped with a technical setup to record the disciplinary proceedings and enable online participation by plaintiffs and prosecutors.</p> <p>The Commission also uses several software instruments: a system for the automated allocation of disciplinary complaints, a testing system (for competition procedures), and, since last year, an electronic document management system. The electronic document management system was granted to the QDCP by the EU Project Pravo-Justice (implemented by Expertise France) in early 2025 and enables the complete digitalization of the Commission's operations. However, the system has not yet been fully rolled out or put into active use.</p> <p>Under the law, the QDCP is a lower-level budget holder. Accordingly, the budget request is prepared by the OPG (as the main budget holder) but based on estimates provided by the QDCP. These estimates are prepared by the members of the QDCP themselves. During the audit period, there were no instances in which the OPG adjusted estimates prepared by the QDCP. However, under the law, the OPG retains the authority to do so. Moreover, the OPG (as the main budget holder) is authorized to amend the approved budgetary appropriations of a lower-level budget holder. No such cases occurred during the period covered by the audit.</p> <p>Although the QDCP independently takes necessary financial commitments within the limits of the approved budgetary appropriations, the administration of expenditures is carried out by the financial service of the OPG. Procurements are carried out independently by the QDCP: the institution determines its procurement plan and conducts all types of procurement permitted by law (competitive and non-competitive).</p> <p>The QDCP does not have its own secretariat. The secretariat that supports its activities is a structural part of the OPG (specifically, part of the Human Resources Department). Although secretariat staff perform tasks delegated by the Commission, they are legally subordinated only to the OPG: the OPG recruits them, pays their salaries, evaluates their performance, and therefore may dismiss them or transfer them to other positions. At the same time, the OPG informs QDCP members about the release of secretariat staff (not always in advance) and allows the Head of the QDCP to conduct an interview with candidates prior to their appointment.</p> <p>As of now, the secretariat consists of 48 staff members divided into four units. Any increase in the number of secretariat staff is addressed by the QDCP through negotiations with the OPG.</p>	C – Partially compliant / In progress
Organisational Model & Capacity	10	<p>The roles and functions of QDCP members and secretariat employees are clearly defined in the internal regulations. Responsibilities have been allocated in full detail not only among the members of the QDCP but also among the secretariat's units and staff within each unit.</p>	A – Fully compliant / Advanced
Operational Activities	11	<p>According to the EU Facility Plan 2024 - 2027 [p. 66], the number of vacant and temporarily vacant positions of prosecutors in the prosecution authorities of Ukraine (except for administrative ones) as of 21 February 2024 were:</p> <ul style="list-style-type: none"> • Vacant: 451 in the Office of the Prosecutor General, regional and equivalent prosecutor's offices; 820 in district and equivalent prosecutor's offices. • Temporarily vacant: 60 in the Office of the Prosecutor General, regional and equivalent prosecutor's offices; 207 in district and equivalent prosecutor's offices. <p>Comprehensive records of all prosecutorial positions are in general maintained, including occupied, vacant and temporarily vacant positions. However, it seems that the total number of PPs does not reflect the actual number of PPs actively exercising prosecutorial functions in the justice system, since many of them count as PPs but in practice are developing administrative functions in different bodies. In addition, prosecutors who have failed the vetting continue to receive salaries as stipulated by law, despite performing no prosecutorial duties, and it appears they count as "active" PPs. [Shadow Report 2025 p. 198]</p> <p>For an adequate assessment of the actual needs in the prosecution service, all these circumstances have to be considered when determining the number of positions to be covered and the statistical information on number of PPs per inhabitant.</p> <p>The complete digitalisation of the system should reflect the current picture of active public prosecutors and vacancies needed to be covered, should be accessible immediately.</p> <p>Conclusion: Digitalisation is needed for real-time updates on the actual needs and the positions of PPs in criminal proceedings.</p>	B – Largely compliant / Good
Operational Activities	12	<p>Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system, 6 October 2000, § 5, items a, b and c; and CCPE Opinion No. 9(2014), European norms and principles concerning prosecutors, clearly establish "that the recruitment, the promotion and the transfer of prosecutors are carried out according to fair and impartial procedures and excluding discrimination on any ground such as gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status" (para. 51) and suggests that in ensuring the impartiality competitive selection procedures a competitive system to entry into the profession should be arranged. This is in place in Ukraine and has been already for many years.</p> <p>The procedure for selecting candidates for the position of prosecutor in compliance with Article 29 ff. Law PP follows these steps:</p> <ol style="list-style-type: none"> 1) Adoption of the decision of the Qualification and Disciplinary Commission of Public Prosecutors on the selection process; 2) Submission of documents by persons wishing to become prosecutors, including verification of their compliance with the requirements established by the Law of Ukraine 'On the Prosecutor's Office'; 3) Conducting a qualification exam to test the level of theoretical knowledge in the field of law, European standards in the field of human rights protection and proficiency in the state language, as well as to test analytical skills, and performing a practical task; 4) Organising a special test; 5) Determining the rating of candidates; 6) Forming a reserve to fill vacant positions; 7) Holding a competition for appointment as a trainee prosecutor of the district prosecutor's office; 8) Submission to the head of the regional prosecutor's office of a proposal for the appointment of a candidate as a trainee prosecutor of the district prosecutor's office; 9) The prosecutor-in-training of the district prosecutor's office undergoes special training; 10) Submission to the head of the regional prosecutor's office of a proposal to appoint a prosecutor-intern of the district prosecutor's office who has successfully completed the special training to the position of a prosecutor of the district prosecutor's office. 	B – Largely compliant / Good

Area	№	Key Findings	Compliance level
		<p>The legally foreseen procedure is adequate and provides for adequate criteria for the selection of candidates. However, as stated in the EU Ukraine Report 2025, "Integrity, meritocracy and capacities of the judiciary and prosecutorial service, as well as the status of the Public Integrity Council remain weak" [EU Ukraine Report 2025, p.5]. Despite the comprehensive vetting procedure that was carried out after launching the reform of the Law PP in 2019, when more than 11,000 prosecutors at the central, regional and local levels underwent an attestation procedure based on professionalism and integrity criteria (about one quarter of the prosecutors failed the attestation and had to leave the service) [Ukraine Facility Plan, p.68] the prosecution system does not seem to have left behind features of the past, and some elements of corruption.</p> <p>In the positive, it has to be stated, that the public prosecutor's recruitment process has improved over the last years, promoting a more objective system of selecting the best candidates and ensuring an adequate level of knowledge and skills to develop the functions entrusted to PPs in the Law at the district level. Access to the competition is open and correctly announced on the website of the QDCP. The requirements are described comprehensively, and the candidates know what is to be expected from them and how to prepare for such competition.</p> <p>However, there is still room for improvement, since the whole procedure is still lengthy and remains delayed. This might be affected by the general war constraints, but also by the time taken in carrying out the background checks. Legally such a timeline is of 2 months, in practice it is not unusual that it takes up to 6 months. The available data regarding the number of public prosecutors, who have successfully passed this process from September 2024 to 25 July 2025 shows that 26 prosecutors were vetted, 16 passed, 10 unsuccessful, but it is unknown to use what were the reasons for not passing or whether these candidates challenged the results or not. [Shadow Report 2025, p. 198] There are a huge number of lawsuits pending against these decisions [Shadow Report 2025, p. 198]. The only information this team obtained was that the procedure is lengthy, but no further details were shared.</p> <p>The conducting of competitive selection processes for prosecutors' positions in district prosecutor's offices has improved significantly. Specific elements in the proceedings can be improved. This is the case of Article 80 of the Regulation of 27.04.2017 which provides that: "The authority shall notify candidates admitted to the qualification exam of the date, time and place of the exam no later than seven days before the scheduled date by publishing the relevant information on the official website of the authority."</p> <p>There are hardly any appeals/requests to revise the corrections of the exams. Out of the interviews it is unclear if this is due to fear of challenging the results and being subject to any kind of retaliation in future proceedings. The candidates and PPs interviewed didn't clarify this. The fact that many of the candidates to the positions of public prosecutors come from the law enforcement agencies, might explain that they are used to follow strict orders from the hierarchy, rather than challenge legal grounds of decisions. While the fact that many of the candidates have served as police or other law enforcement agents is positive as they have experience in criminal investigation and knowledge on the operative of these inquiries, their background is less focused on the legal aspects of the indictment, legal reasoning or lawfulness of evidence. This was confirmed during the interviews held in Kyiv.</p> <p>There is a high number of candidates who see their applications to the recruitment procedure rejected, because their documents have not been provided or uploaded correctly. The reason for this is unclear.</p> <p>The mechanism for ensuring the fairness and the confidentiality of the testing seems to be adequate. The online system is under the control of the head of the QDCP, and the online system selects randomly the questions for the exam out of a repository of 5.000 questions.</p> <p>Conclusion: Despite working reasonably well, the recruitment procedure is lengthy, and some minor amendments could contribute to streamline the whole selection procedure</p>	
Operational Activities	13	<p>The participation of the QDCP in the decisions on the promotion/reduction of PPs seems to be in line with EU standards. However, the information of open positions is provided to the QDCP by the OPG, and they claim they cannot check such information. The same with the workload and needs of the prosecution offices in the regions. Only OPG has access to such information.</p> <p>The communication from the OPG to the QDCP on the positions to be filled, is done in papers. Despite this way of communication, no problems are signalled by this.</p> <p>Conclusion: The QDCP's involvement in decisions on prosecutor promotions aligns with EU standards, but it lacks access to information on open positions and regional workload, which is only available to the OPG.</p>	B – Largely compliant / Good
Operational Activities	14	<p>The disciplinary procedure is regulated in considerable detail by law and, in general, complies with European standards. Substantive criticism from the Council of Europe, the European Union, and other international organisations has focused only on disciplinary offenses related to prosecutors' conduct and compliance with ethical standards, as well as on the scope and structure of the available disciplinary sanctions.</p> <p>A disciplinary complaint against any prosecutor may be filed by any person who is aware of circumstances indicating alleged misconduct. At the same time, it is observable that the QDCP tends to be more receptive to complaints submitted by heads of prosecution offices and, correspondingly, less receptive to complaints filed by lawyers, judges, and individuals. However, once disciplinary proceedings are opened, the Commission conducts the examination of the circumstances with equal rigor, at times involving the General Inspectorate and, less frequently, other state authorities.</p> <p>The QDCP diligently complies with the prosecutors' guarantees. Affected prosecutors receive all necessary information in writing and, upon first request, additional information as well. They are given sufficient opportunities to present their position and submit evidence to the Commission prior to the oral hearing. Affected prosecutors are informed of the oral hearing in advance and may participate either in person or online. Where there are valid reasons, the Commission accommodates the prosecutor concerned and postpones the hearing.</p> <p>No indication that the QDCP treats SAPO prosecutors differently.</p> <p>At the same time, during the oral part of proceedings, the principle of equality of arms is not always fully observed: representatives of prosecutor's managers are often given more airtime to present their position and evidence than the affected prosecutors. In addition, Commission decisions refusing admission of evidence at oral hearings are not always sufficiently clear to prosecutors concerned.</p>	C – Partially compliant / In progress
	15	<p>All QDCP decisions imposing disciplinary sanctions are published on the institution's website. They are well structured and, in terms of the presentation of facts and applicable law, are largely comparable in quality and depth to judicial decisions.</p> <p>At the same time, it is evident that the Commission struggles to provide sufficiently detailed reasoning for its choice of a particular sanction. At a minimum, such reasoning tends to be rather generic than tailored to the specific circumstances of the case.</p>	B – Largely compliant / Good

Area	Nº	Key Findings	Compliance level
Integrity & Ethics	16	<p>The members of the QDCP have concluded an agreement on internal operations, which, inter alia, refers to the ethical principles they are expected to follow during their activities. However, the content of these principles is not specified. In addition, members of the QDCP are subject to the general ethical principles applicable to public officials, which are briefly defined in the Law on Corruption Prevention.</p> <p>A violation of these principles may result in the termination of a QDCP member's tenure, a decision made by the QDCP itself. No such cases have occurred.</p>	B – Largely compliant / Good
	17	<p>The provisions of the Law on Corruption Prevention concerning conflicts of interest apply to members of the QDCP, and these provisions are detailed in the Regulations on the QDCP. Accordingly, when such a conflict arises, a member of the QDCP informs the other members by submitting a statement of recusal. The remaining members (as a body) then consider the statement and determine whether a conflict of interest indeed exists and, if so, how it should be resolved. Such situations have occurred on multiple occasions.</p> <p>Members of the QDCP could seek clarification regarding the existence or absence of a conflict of interest not only from the National Agency on Corruption Prevention but also from the Council of Prosecutors. Such requests have also been issued.</p> <p>The QDCP has also disciplined multiple prosecutors for violating rules on reporting and resolving conflicts of interest.</p> <p>It should be noted that during a period the audit didn't cover, the Supreme Court annulled a disciplinary decision (a reprimand for the SAPO prosecutor) issued by the QDCP because its member failed to disclose a conflict of interest. Although this case occurred at the very beginning of the QDCP's existence, it is of a precedent-setting nature and should be remembered. For such cases not only undermine trust in the QDCP as a whole, but also cast doubt on its ability to resolve alleged cases of conflict of interest within the framework of disciplinary complaint proceedings. Accordingly, such cases need to be prevented in the future.</p>	A – Fully compliant / Advanced
	18	<p>The QDCP relies on traditional channels for reporting corruption and other unethical practices: it accepts paper and electronic tips and operates a "hotline" for reports of any nature.</p> <p>The Commission is not connected to the national whistleblower reporting portal, which provides a secure and reliable channel for reporting corruption. The reason for this is the 2021 letter from the National Agency on Corruption Prevention stating that the QDCP is not vested with governing power and does not provide administrative services; therefore, it is not even required to have an anti-corruption programme. The opinion of the National Agency on Corruption Prevention and, consequently, the situation regarding the QDCP can hardly be considered acceptable, at least given that both the High Council of Justice and the High Qualification Commission of Judges are connected to the national whistleblower reporting portal.</p>	C – Partially compliant / In progress
	19	<p>The QDCP does not have an anti-corruption programme and, accordingly, has not assessed corruption risks in its business.</p> <p>The reason for this is the 2021 letter from the National Agency on Corruption Prevention, which states that the Commission is not vested with managerial powers and does not provide administrative services; therefore, it is not required to have an anti-corruption programme. The opinion of the National Agency on Corruption Prevention and, consequently, the situation regarding the QDCP can hardly be considered acceptable, at least given the fact that both the High Council of Justice and the High Qualification Commission of Judges have anti-corruption programmes.</p>	D – Absence / Requires substantial improvement
Transparency & Accountability	20	<p>During the audit period, the QDCP published various reports and analytical summaries.</p> <p>On an annual basis, the QDCP publishes only a report on disciplinary practice. A report covering all aspects of the QDCP's operations was published only in 2022 (for the year following the resumption of its work), and in 2024 in the form of an analytical review covering the period from late 2021 through 2022 and 2023.</p> <p>In addition, in 2022, the QDCP published a summary of disciplinary practice concerning unethical conduct, and in 2024, a summary on typical mistakes made by candidates for prosecutor positions.</p> <p>All reports and analytical summaries are reasonably structured and include both quantitative and qualitative information. The quality of the reports has noticeably improved each time.</p>	B – Largely compliant / Good
Transparency & Accountability	21	<p>The QDCP ensures access to public information in accordance with the procedure established by the relevant law and other national legal acts. The Commission has designated one of its members as the person responsible for access to public information.</p> <p>Public information for which the QDCP is the holder is available on the institution's website, upon written or electronic request, and in the form of open data sets. Most of the information on the Commission's business and the result of its work is available on the institution's website, including in the form of open data sets.</p> <p>The QDCP's website also regularly publishes reports on the handling of requests for access to public information.</p>	A – Fully compliant / Advanced
Transparency & Accountability	22	<p>Procurement plans (including amendments thereto) are published on the institution's website, and information on conducted and announced procurements is listed on the unified state procurement portal ProZorro.</p> <p>The structure and amount of budgetary appropriations of the QDCP are publicly available on the institution's website, but the budgetary reports on the receipt and use of funds are not.</p>	B – Largely compliant / Good

Area	Nº	Key Findings	Compliance level
Independence and Impartiality	23	<p>As set out in the Ukraine 2025 Report of the EU “the Council of Prosecutors and the Qualification and Disciplinary Commission of Prosecutors (QDCP) need to become more independent, in particular from the Office of the Prosecutor General”.[SWD(2025) 759 final,4.11.2025, p.29] As long as the appointment of the Prosecutor General, is politically driven, to reduce the influence of the OPG upon the whole structure of the prosecution service, there is need to increase the independence of the self-governing bodies. At present, although the QDCP is formally an independent body and its composition is quite balanced, the influence of the OPG in this body is not excluded. Since it is reported that in practice the OPG has a decisive influence in the appointment of the delegates of the All-Ukrainian Conference of Prosecutors, this fact determines at the end an extensive control of the OPG also upon the QDCP (5 members out of 11 are appointed by the All-Ukrainian Conference of Prosecutors). This has been explained by several interviewees, although the QDCP itself does not acknowledge such influence. On the contrary, they claim that they are not subject to any undue influence or interference from the Prosecutor General, the OPG or the executive branch. However, the whole system of appointment does not exclude such interference by indirect ways.</p> <p>Moreover, the fact that the secretariat depends on the OPG reinforces the idea that the QDCP in its operational activities is not fully independent.</p>	C – Partially compliant / In progress
Independence and Impartiality	24	<p>The QDCP’s formal independence is compromised by its composition, where non-PP members can outvote elected PPs, undermining the concept of a “self-governing body,” and the election of PP members appears influenced by the OPG hierarchy, despite claims of functional independence from the head of the QDCP</p> <p>The formal independence of the QDCP seeks to be ensured by the system of electing their members under Article 74 Law PP. However, out of 11 members only 5 must be PPs elected by PPs (All-Ukrainian Conference of Prosecutors), thus they are not the majority. The non-PP members can in fact outvote them. This flaw in a “self-governing body” is overlooked and explained by stating that the QDCP is not a self-governing body of the PPS, which is a conceptual mistake.</p> <p>Further, to this legal shortcoming in the composition of the QDCP, the election of the 5 members of the PP appointed by the All-Ukrainian Conference of Prosecutors seems to be very much streamlined by the OPG hierarchy.</p> <p>The head of the QDCP reaffirms his functional independence, although stakeholders confirm that a candidate which has not the approval of the OPG would not be appointed.</p>	D – Absence / Requires substantial improvement
Independence and Impartiality	25	<p>The Regulation of 27.04.2017 allows secret voting for QDCP members, but only for certain positions, with no provision for secret ballots on other sensitive matters; Regulation of 27.04.2017 provides for the rules on secret voting by the members of the QDCP. Article 59 “Absentee voting and secret voting (except for the election of the Chair, Deputy Chair and Secretary of the authority) shall not be permitted”.</p> <p>Voting on other sensitive matters by secret ballot is not foreseen in the Regulation. The mechanism for voting the said positions by secret ballot as provided under Article 18 seems adequate and no complaints were received by the interviewees on this issue.</p>	B – Largely compliant / Good
Decision-Making Processes	26	<p>The staffing-related powers of the QDCP are only partially defined by law and, in general, comply with European standards. The vast majority of procedural matters are regulated by the QDCP itself. The procedures established by the QDCP are comprehensive, detailed, periodically updated, and publicly available on the institution’s website.</p> <p>The disciplinary procedure is regulated in considerable detail by law and, in general, complies with European standards. Substantive criticism from the Council of Europe, the European Union, and other international organisations has focused only on disciplinary offenses related to prosecutors’ conduct and compliance with ethical standards, as well as on the scope and structure of the available disciplinary sanctions.</p> <p>Thousands of candidates for prosecutorial positions and many hundreds of prosecutors (including candidates for promotion and subjects of disciplinary proceedings) have undergone procedures administered by the QDCP. Only a small proportion of these individuals have challenged QDCP decisions. The share of QDCP decisions overturned by the courts or High Council of Justice is insignificant.</p> <p>Last year, the electronic document management system was granted to the QDCP by the EU Project Pravo-Justice (implemented by Expertise France) in early 2025 and enables the complete digitalization of the Commission’s operations. However, the system has not yet been fully rolled out or put into active use.</p>	C – Partially compliant / In progress
Decision-Making Processes	27	<p>All QDCP decisions imposing disciplinary sanctions are published on the institution’s website. They are well structured and, in terms of the presentation of facts and applicable law, are largely comparable in quality and depth to judicial decisions.</p> <p>A similar approach is observed with regard to decisions related to staffing matters. The QDCP sets out the reasoning for its decisions and demonstrates an approach comparable to that applied in disciplinary proceedings.</p> <p>At the same time, it is evident that the Commission struggles to provide sufficiently detailed reasoning for its choice of a particular sanction. At a minimum, such reasoning tends to be rather generic than tailored to the specific circumstances of the case.</p> <p>During the audit period, there were approximately a dozen instances in which a Commission member issued a dissenting opinion, disagreeing with the Commission’s decision on specific issues in disciplinary proceedings. It is important to note that, except in the common law system, many European judicial systems do not allow separate opinions and permit them only in decisions of the higher courts. The unity of reasoning should be preserved.</p> <p>Only a small proportion of these individuals have challenged QDCP decisions. The share of QDCP decisions overturned by the courts or High Council of Justice is insignificant. The European Commission, in its Enlargement Report (2023), suggests that the HCJ review complaints against the disciplinary decisions of the QDCP, a competence that could, in the future, be transferred to the Council of Prosecutors. Meanwhile, the GRECO doesn’t recommend the same approach, because it may lead to inconsistent decision-making; an appeal to a court against disciplinary sanctions should be a solution.</p> <p>Despite the limited number of appeals against its decisions, the QDCP would benefit from summarising this practice and including the relevant information in its annual reports or publishing it separately.</p>	B – Largely compliant / Good

Area	Nº	Key Findings	Compliance level
Decision-Making Processes	28	<p>In the QDCP's operations, statutory deadlines apply only to disciplinary proceedings. During the audit period, the QDCP closed slightly more than 50 disciplinary proceedings due to the expiry of the one-year statute of limitations for imposing disciplinary liability. The overwhelming majority of these cases occurred in 2022 and the first half of 2023, when the Commission's work was adversely affected by the war. An additional contributing factor is that the statute of limitations is unjustifiably short, a concern repeatedly highlighted in documents of the Council of Europe and the European Union.</p> <p>In addition, one competition for transfer (promotions) was delayed by approximately six months because, following the expiry of the terms of office of some Commission members, the QDCP became non-quorate. The root cause was the unjustified failure of the appointing authorities (the Parliamentary Commissioner for Human Rights and the relevant parliamentary committee) to appoint new members promptly.</p>	B – Largely compliant / Good
Decision-Making Processes	29	<p>The QDCP diligently complies with the prosecutors' guarantees. Affected prosecutors receive all necessary information in writing and, upon first request, additional information as well. They are given sufficient opportunities to present their position and submit evidence to the Commission prior to the oral hearing. Affected prosecutors are informed of the oral hearing in advance and may participate either in person or online. Where there are valid reasons, the Commission accommodates the prosecutor concerned and postpones the hearing.</p> <p>At the same time, during the oral part of proceedings, the principle of equality of arms is not always fully observed: representatives of prosecutor's managers are often given more airtime to present their position and evidence than the affected prosecutors. In addition, Commission decisions refusing admission of evidence at oral hearings are not always sufficiently clear to prosecutors concerned.</p>	B – Largely compliant / Good
Resource Management	30	<p>The QDCP is located in premises rented from the Prosecutors' Training Center. Each Commission member has a separate cabinet, and several additional cabinets are used by secretariat staff. These cabinets are equipped with the minimum set of necessary office equipment (technical and furniture). The Commission also has a court-like room (with a separate deliberation room for decision-making) equipped with a technical setup to record the disciplinary proceedings and enable online participation by plaintiffs and prosecutors.</p> <p>The Commission also uses several software instruments: a system for the automated allocation of disciplinary complaints, a testing system (for competition procedures), and, since last year, an electronic document management system. The electronic document management system was granted to the QDCP by the EU Project Pravo-Justice (implemented by Expertise France) in early 2025 and enables the complete digitalization of the Commission's operations. However, the system has not yet been fully rolled out or put into active use.</p>	C – Partially compliant / In progress
Resource Management	31	<p>Under the law, the QDCP is a lower-level budget holder. Accordingly, the budget request is prepared by the OPG (as the main budget holder) but based on estimates provided by the QDCP. These estimates are prepared by the members of the QDCP themselves, considering expenditures in previous periods. During the audit period, there were no instances in which the OPG adjusted estimates prepared by the QDCP. However, under the law, the OPG retains the authority to do so. Moreover, the OPG (as the main budget holder) is authorized to amend the approved budgetary appropriations of a lower-level budget holder. No such cases occurred during the period covered by the audit.</p> <p>Although the QDCP independently takes necessary financial commitments within the limits of the approved budgetary appropriations, the administration of expenditures is carried out by the financial service of the OPG. This is because the QDCP currently consists only of 10 members and, accordingly, does not have its own secretariat. The OPG's financial services also provide the QDCP with the necessary advisory support upon request.</p> <p>Approximately 85% of the institution's budget is spent on remuneration of its members and related charges (allowances, bonuses, taxes). Almost all the remaining funding is allocated to rent and utility expenses. Remuneration of the QDCP secretariat staff is paid from the OPG budget.</p> <p>The QDCP also carries out some procurements. The small volume of procurement expenditures is explained by the reluctance of QDCP members to spend public funds of a country at war. Procurements are carried out independently by the QDCP: the institution determines its procurement plan and conducts all types of procurement permitted by law (competitive and non-competitive). By decision of the QDCP, one of its members has been designated as the person responsible for conducting procurements. In carrying out these functions, that member is guided by the relevant legislation and by an internal regulation of the QDCP. The OPG's financial services also provide the necessary advisory support to the QDCP upon request.</p>	B – Largely compliant / Good
Resource Management	32	<p>QDCP members face a high workload due to court hearings and recruitment exams, with the short 3-year term (extendable by another 3 years) contributing to inexperience and added pressure.</p> <p>QDCP members: the QDCP has a very high workload, considering the number of court hearings they have to attend and the number of candidates they have to examine in each recruiting process. A body which would have a long experience in dealing with these tasks might not feel overwhelmed, but since the term of office is only 3 years (possibility of re-election for another 3 years), the initial lack of experience with adequate support, appears to result in a high workload of them.</p> <p>Secretariat: the number of staff does not seem to be the problem, but rather, as mentioned above, the unclear leadership, which does not ensure the optimal level of performance and management structure. The needs are reviewed, but the structural problems remain.</p> <p>It is unclear what should be the amount of funding necessary for the proper functioning of the Commission and its staff, and this can likely not be determined at the present stage, without a complete strategic planning. The current war does not allow a clear prognosis of the future development of the number of cases, but at least some estimates (maximum and minimum) should allow us to calculate the budget needed.</p>	C – Partially compliant / In progress
Resource Management	33	<p>There are no key performance indicators which would be used for resource planning.</p>	D – Absence / Requires substantial improvement
Resource Management	34	<p>Since the QDCP is a lower-level budget holder, the institution is subject to internal (financial) supervision by the main budget holder - OPG. During the entire period of QDCP's operation, the relevant OPG unit did not conduct an internal (financial) inquiry into QDCP.</p> <p>In 2025, the QDCP approved its own internal procedure for internal (financial) supervision and established a working group that developed risk indicators and regularly monitors these risks.</p> <p>No external financial audit of the QDCP was ever conducted.</p>	B – Largely compliant / Good

Area	Nº	Key Findings	Compliance level
Digitalization & Data Governance	35	The electronic document management system was granted to the QDCP by the EU Project Pravo-Justice (implemented by Expertise France) in early 2025 and enables the complete digitalization of the Commission's operations. However, the system has not yet been fully rolled out or put into active use.	D – Absence / Requires substantial improvement
	36	The QDCP maintains, or can produce upon request, statistics on each aspect of its business. However, such statistics are collected manually. The QDCP publishes parts of these statistics in its periodic or thematic reports. The collection of statistical data could be automated through the use of the electronic document management system granted to the QDCP by the EU Project Pravo-Justice (implemented by Expertise France), which has not yet been fully rolled out or put into active use.	C – Partially compliant / In progress
	37	In 2025, the QDCP and the OPG fully updated their internal regulations on personal data protection, setting out procedures for handling personal data in both digital and paper formats. However, during the audit period, staff at the QDCP Secretariat did not receive training on personal data protection.	B – Largely compliant / Good
	38	The QDCP's IT systems are part of the OPG's IT perimeter. Accordingly, responsibility for the integrity of the QDCP's digital infrastructure rests not only with the Commission but also with the OPG. Neither the QDCP nor the OPG has a dedicated cybersecurity policy. Moreover, the internal regulations on personal data protection do not contain any protocol for responding to cybersecurity incidents. During the audit period, staff at the QDCP Secretariat did not receive cybersecurity training.	D – Absence / Requires substantial improvement
Stakeholder Relations & Communication	39	During its operations, the QDCP interacts with prosecutors and prosecutorial bodies independently and directly. A more formalized (written) format of interaction is characteristic of disciplinary proceedings or interaction with candidates for positions. Coordination with heads of prosecutorial bodies, for example in matters of organizing competitions for positions, takes place partially in a formalized (written) format, as well as through telephone/electronic communication. The QDCP and the Prosecutors' Training Center have signed a memorandum of cooperation, which defines the nature of their interaction during the selection of first-time prosecutors. When selecting and holding competitions for promotion, the QDCP depends on the resources of the Prosecutors' Training Center: premises and equipment. Both institutions are rather satisfied with their cooperation.	B – Largely compliant / Good
Stakeholder Relations & Communication	40	The QDCP has not established regular relations with civil society organisations. Some relations have developed only with individual experts who systematically analyse the Commission's business within the framework of their projects. As a rule, interest in the activities of the QDCP among civil-society organisations and the media arises when the Commission examines scandalous cases in disciplinary proceedings, or when the subject of such proceedings is the highest officials of the prosecution service. In such cases, the QDCP responds to direct requests from representatives of such organisations and media.	D – Absence / Requires substantial improvement
Stakeholder Relations & Communication	41	The QDCP has not established regular communication channels with the prosecutorial community or with society at large. The Commission communicates through its decisions, information notes, and reports on its website. Meanwhile, each Commission composition, with the support of international partners, has conducted (and is currently conducting) visits to the regions to meet with prosecutors (town halls), during which Commission members explain their work and receive feedback.	C – Partially compliant / In progress
Stakeholder Relations & Communication	42	The QDCP independently establishes contacts with international organisations and technical assistance programs (projects). Commission members also travel on business trips, including abroad, without the OPG's approval. The key international partners of the Commission are the Council of Europe, the European Union Advisory Mission, and the EU Project Pravo-Justice (implemented by Expertise France). Meanwhile, the Parliament and the Government maintain contact with the Commission, for example, within the framework of the Rule of Law Roadmap, only through the OPG.	B – Largely compliant / Good
Impact & Strategic Planning	43	The QDCP does not have its own strategic plan. At the same time, several aspects—including those fundamental to the institutional development of the body and the exercise of its key functions—are covered by the Prosecution Service Development Strategy for 2025–2028, which was approved by the Prosecutor General in October 2025. Members of the QDCP participated in the working group that developed this Strategy and its implementation plan. In addition, in June 2022, the previous composition of the QDCP approved a roadmap intended to help relaunch the institution's work under wartime conditions. This roadmap enabled the institution to stabilize its operations and provided clear guidance for ensuring its uninterrupted and proper functioning in challenging circumstances.	C – Partially compliant / In progress