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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**UKRAINE**

**DRAFT LAW**  
**ON ANTICORRUPTION COURTS\***

\* Unofficial translation

## **LAW OF UKRAINE On Anti-Corruption Courts**

### **Section I. General Provisions**

#### **Article 1. Scope of the Law**

1. This Law defines the peculiarities of the organization of Anti-Corruption Courts, the requirements for candidates for positions of judges of Anti-Corruption Courts, the peculiarities of selection, appointment and status of judges of these courts.
2. The Laws of Ukraine "On the Judicial System and the Status of Judges" and "On the High Council of Justice" apply in matters that are the subject of regulation of this Law insofar as this does not contradict the provisions of this Law.

#### **Article 2. System of Anti-Corruption Courts**

1. Anti-Corruption courts are part of a unified system of courts of Ukraine.
2. The system of Anti-Corruption Courts consists of:
  - 1) Supreme Anti-Corruption Court;
  - 2) Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court of Ukraine (hereinafter - Anti-Corruption Chamber).

### **Section II. Organization of Anti-Corruption Courts**

#### **Article 3. Supreme Anti-Corruption Court**

1. Supreme Anti-Corruption Court:
  - 1) conducts justice as a court of first instance for cases under investigation by the National Anti-Corruption Bureau of Ukraine according to the procedure established by the procedural law;
  - 2) analyzes judicial statistics, studies and generalizes judicial practice, informs the results of the generalization of judicial practice to the Anti-Corruption Chamber, the National Anti-Corruption Bureau of Ukraine and the Specialized Anti-Corruption Prosecutor's Office.
2. The Supreme Anti-Corruption Court consists of no more than 70 judges.
3. The Chamber of Investigative Judges, the Appeals Chamber and other court chambers shall be established within the Supreme Anti-Corruption Court, by the decision of the assembly of the judges of this court. The quantitative and personal composition of the court chambers shall be determined by the meeting of the judges of the Supreme Anti-Corruption Court.

4. The Chamber of Investigative Judges shall operate within the Supreme Anti-Corruption Court. The judges of this Chamber shall exercise powers of judicial control over the observance of the rights, freedoms and interests of persons in criminal proceedings according to the procedure established by the procedural law.

Judges of the Chamber of Investigative Judges do not participate in the consideration of cases on the merits. The judges of the Chamber of Investigative Judges who rendered the decision do not participate in the review of this decision on appeal.

5. The Appeals Chamber shall operate within the Supreme Anti-Corruption Court. The judges of this Chamber review the decisions of this court on appeal which can be appealed in accordance with the procedural law except those which the consideration of the case on the merits was completed with.

Judges of the Appeals Chamber do not participate in criminal proceedings as a court of first instance. The judges of the Appeals Chamber, who previously participated in adopting the court decision, do not participate in its review on appeal.

3. The Grand Chamber of the Supreme Court, in cases defined by procedural law, reviews under cassation procedure the court decisions of the Supreme Anti-Corruption Court, which entered into legal force.

#### **Article 4.** Head of the Supreme Anti-Corruption Court

1. Head of the Supreme Anti-Corruption Court:

1) represents the court as a body of state power in relations with other bodies of state power, local self-government bodies, individuals and legal entities, as well as with relevant bodies of other states and international organizations;

2) determines the administrative powers of the deputy chairmen of the Supreme Anti-Corruption Court;

3) issues a corresponding order on the basis of an act on appointment of a judge to a position, transfer of a judge, dismissal of a judge from office, and also in connection with the termination of powers of a judge,;

4) notifies the High Qualification Commission of Judges of Ukraine, the Competition Commission and the State Judicial Administration of Ukraine, as well as through the web portal of the judiciary on vacant judges' positions in court within three days from the date of their formation;

5) ensures implementation of decisions of the Supreme Anti-Corruption Court Judges' meeting;

6) organizes the conduct and analysis of judicial statistics, organizes the study and generalization of judicial practice, informational and analytical support of judges in order to improve the quality of legal proceedings;

7) contributes to the fulfillment of the requirements for maintaining the qualification of judges of the Supreme Anti-Corruption Court and raising their professional level.

#### **Article 5. Anti-Corruption Chamber**

1. Anti-Corruption Chamber, which is constituted by this Law, acts in the Cassation Criminal Court of the Supreme Court to review the Sentences and Decisions of the Supreme Anti-Corruption Court, which the consideration of the case on the merits was completed with.

2. Anti-Corruption Chamber has administrative autonomy within the Supreme Court and the Cassation Criminal Court of the Supreme Court.

3. Anti-Corruption Chamber:

1) conducts justice in accordance with the procedure established by the procedural law;

2) analyzes judicial statistics, studies and generalizes judicial practice.

4. Anti-Corruption Chamber consists of at least 30 judges. The personal composition of the Anti-Corruption Chamber shall be determined in accordance with the procedure established by this Law.

5. The Grand Chamber of the Supreme Court, in cases determined by the procedural law, reviews under cassation procedure the court decisions of the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court, which has become legally valid.

6. The Grand Chamber of the Supreme Court does not generalize the judicial practice of the Anti-Corruption Chamber.

#### **Article 6. Secretary of the Anti-Corruption Chamber**

1. The Anti-Corruption Chamber shall be chaired by its Secretary, who shall be elected for the term of four years and dismissed by majority vote of the Anti-Corruption Chamber judges by secret ballot.

2. Secretary of the Anti-Corruption Chamber:

1) determines the administrative powers of the Deputy Secretary of the Anti-Corruption Chamber;

2) organizes the conduct and analysis of judicial statistics in the Anti-Corruption Chamber, study and generalization of judicial practice, informational and analytical support of judges with the aim of improving the quality of legal proceedings;

3) convenes an assembly of judges of the Anti-Corruption Chamber, introduces issues to be discussed by the assembly and presides at its meetings;

4) notifies the High Qualifications Commission of Judges of Ukraine, the Competition Commission and the State Judicial Administration of Ukraine, as well as through the web portal of the judiciary on vacant judges'

positions in the cassation court within three days from the date of their formation;

5) issues a corresponding order on the basis of an act on appointment of a judge to a position, transfer of a judge, dismissal of a judge from office, and also in connection with the termination of the powers of a judge;

6) ensures implementation of decisions of the Anti-Corruption Chamber Judges' meeting;

3. The Secretary of the Anti-Corruption Chamber issues decrees and orders on issues that fall within his administrative powers.

4. The assembly of the Anti-Corruption Chamber judges on the proposal of the Secretary of the Anti-Corruption Chamber elects the Deputy Secretary of the Anti-Corruption Chamber. In the absence of the Secretary of the Anti-Corruption Chamber, his administrative powers are exercised by the Deputy Secretary of the Anti-Corruption Chamber, and in the absence of the Deputy Secretary of the Anti-Corruption Chamber, the judge of the Anti-Corruption Chamber, who has major service record in a position of a judge.

#### **Article 7. Administrative autonomy of the Anti-Corruption Chamber**

1. Judges of the Anti-Corruption Chamber and the staff of the Anti-Corruption Chamber Secretariat are not subject to the decrees and orders of the Chairman of the Supreme Court and the Chairman of the Cassation Criminal Court of the Supreme Court.

2. Judges of the Anti-Corruption Chamber may not be elected to the Grand Chamber of the Supreme Court.

3. A judge of the Anti-Corruption Chamber may not be elected as a Chairman of the Supreme Court and his deputy, Chairman of the Cassation Court of the Supreme Court and his deputy or to occupy any other administrative positions other than the position of the Secretary of the Anti-Corruption Chamber or his deputy.

### **Section III. Peculiarities of Anti-corruption court judge status**

#### **Article 8. Requirements to candidates for the position of a judge of the Supreme Anti-Corruption Court, a judge of the Anti-Corruption Chamber**

1. A citizen of Ukraine, not younger than thirty and not older than sixty five years, having higher legal education, who is competent, honest and has a command of state language and also meets one of the following requirements:

1) has at least ten years of professional experience in a position of judge;

2) has a scientific degree in law, scientific work experience in the field of law for at least ten years;

3) has experience of professional lawyer activity in the field of court representation and/or defense against criminal charge for at least ten years;

4) has professional experience in a position of prosecutor for ten years;

5) has accumulated service record (experience) (professional activity) in accordance with the requirements specified in paragraphs 1-4 of this part for at least ten years may be appointed as a judge of the Supreme Anti-Corruption Court, a judge of the Anti-Corruption Chamber.

2. A citizen who:

1) is recognized by court as impaired or disabled;

2) has chronic mental or other diseases that impede the performance of functions on justice conduction;

3) has unexpunged or outstanding conviction cannot be appointed as a judge of the Supreme Anti-Corruption Court, a judge of the Anti-Corruption Chamber.

3. A person who according to law is prohibited from occupying the position of a judge, shall not be entitled to apply for the position in question.

4. A person who was previously dismissed from the position of a judge for the violation of oath, committing a substantial disciplinary offence, gross or systematic neglecting of duties, that is incompatible with the status of judge or revealed his inconsistency with the position occupied, violation of requirements on incompatibility, violation of obligation to confirm legitimacy of the property origin or with regard to entry into force of a judgment of conviction towards such a person shall not be entitled to apply for the position of a judge, except for the cases of judicial recognition of unlawful decision on the dismissal on these grounds or the abolishment of a court's judgment of conviction.

5. A person who was previously dismissed from the position of a judge based on the results of qualification assessment shall not be entitled to apply for the position of a judge.

6. For the purposes of this Law it shall be considered:

1) that higher legal education shall be the higher legal education of Master's Degree (or equivalent to it higher education at educational qualification level of specialist), obtained in Ukraine (except for higher legal education acquired in higher military educational institutions), as well as higher legal education of the relevant degree obtained abroad and recognized in Ukraine in accordance with the procedure established by law;

2) that scientific degree shall be a scientific degree in the field of law, obtained in a higher educational institution (university, academy or institute, except for higher military educational institutions) or in a scientific institution of Ukraine or similar higher educational or scientific institution of

a foreign state. Scientific degree obtained in higher educational or scientific institution of a foreign state must be recognized in Ukraine in accordance with the procedure established by law;

3) scientific work experience shall be professional experience in the field of law in the positions of scientific (scientific and pedagogical) employees in a higher educational institution (university, academy or institute, except for higher military educational institutions) or scientific institution of Ukraine or in a similar higher educational institution or scientific institution of a foreign state.

**Article 9.** Restrictions on the transfer of judges of Anti-Corruption Courts

1. A judge of the Supreme Anti-Corruption Court, a judge of the Anti-Corruption Chamber cannot be transferred to a position of another court in the procedure of disciplinary liability or assignment.

**Article 10.** Peculiarities of judicial self-governance of judges of the Supreme Anti-Corruption Court

1. Judges of the Supreme Anti-Corruption Court shall carry out judicial self-governance through the assembly of judges of the Supreme Anti-Corruption Court, joint assembly of judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber as well as through participation in the Congress of Judges of Ukraine.

2. Assembly of judges of the Supreme Anti-Corruption Court shall be convened by the Head of the Supreme Anti-Corruption Court upon his own initiative or at the request of no less than one third of the total number of judges of the Supreme Anti-Corruption Court. Assembly of judges of the Supreme Anti-Corruption Court shall be convened in case of necessity, but not less than once per three months.

3. Assembly of judges of the Supreme Anti-Corruption Court shall be competent if at least two thirds of the number of the Supreme Anti-Corruption Court judges is present. Only judges of the Supreme Anti-Corruption Court shall participate in the voting. Employees of the Supreme Anti-Corruption Court Secretariat, retired judges, representatives of public associations, journalists and other individuals can be invited to the assembly of judges.

4. Assembly of judges of the Supreme Anti-Corruption Court:

1) shall discuss the issues related to the internal activities of the Supreme Anti-Corruption Court or the work of certain judges or employees of the court secretariat and take decisions on these issues that are compulsory for judges and employees of the Supreme Anti-Corruption Court Secretariat;

- 2) shall determine the level of work load of judges of the Supreme Anti-Corruption Court taking into account their performance of administrative or other duties;
  - 3) shall hear the reports of judges holding administrative positions in the Supreme Anti-Corruption Court and a Head of the Supreme Anti-Corruption Court Secretariat;
  - 4) shall address with the request to impose disciplinary liability on the lawyer, prosecutor, official of state government body or local self-governmental body for committing acts or inaction that violate guarantees of independency of the Supreme Anti-Corruption Court and of a judge of this court;
  - 5) shall decide on the establishment of judicial chambers, determine its quantitative and personal composition;
  - 6) shall provide consent to open disciplinary case against a judge of the Supreme Anti-Corruption court;
  - 7) shall impeach credit to the Head of the Supreme Anti-Corruption Court Secretariat;
  - 8) shall approve the Regulations on the Supreme Anti-Corruption Court Secretariat;
  - 9) shall elect through secret ballot the delegates to the Congress of the Judges of Ukraine.
5. Assembly of judges of the Supreme Anti-Corruption Court may address with proposals regarding the activities of this court to state government bodies and local self-government authorities that are obliged to consider these proposals within fifteen days and provide a substantive answer.
6. Assembly of judges of the Supreme Anti-Corruption Court shall make decisions by the majority vote of judges present at the meeting through open ballot unless a decision to hold a secret ballot is taken.
7. The implementation of decisions of the assembly of judges of the Supreme Anti-Corruption Court by order of the assembly shall be laid upon the Head of the Supreme Anti-Corruption Court or his deputy.

**Article 11.** Peculiarities of judicial self-governance of judges of the Anti-Corruption Chamber

1. Judges of the Anti-Corruption Chamber shall carry out judicial self-governance through assembly of judges of the Anti-Corruption Chamber as well as through joint assembly of judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber.
2. Assembly of judges of the Anti-Corruption Chamber shall be convened by the Secretary of the Anti-Corruption Chamber upon his own initiative or on the request of not less than one third of total number of judges of the Anti-Corruption Chamber. Assembly of judges of the Anti-



Corruption Chamber shall be convened in case of necessity, but not less than once per three months.

3. Assembly of judges of the Anti-Corruption Chamber shall be competent if at least two thirds of the number of judges of the Anti-Corruption Chamber is present. Only judges of the Anti-Corruption Chamber shall participate in voting. Employees of the Anti-Corruption Chamber Secretariat, retired judges, representatives of public associations, journalists and other individuals may be invited to the assembly of judges.

4. Assembly of judges of the Anti-Corruption Chamber:

1) shall discuss the issues related to internal activities of the Anti-Corruption Chamber or the work of certain judges or employees of the Anti-Corruption Chamber Secretariat and take decisions on these issues that are compulsory for judges and employees of the Anti-Corruption Chamber Secretariat;

2) shall determine the level of work load of judges of the Anti-Corruption Chamber taking into account their performance of administrative and other duties;

3) shall hear the reports of judges holding administrative positions in the Anti-Corruption Chamber and the Head of the Anti-Corruption Chamber Secretariat;

4) shall address with the request to impose disciplinary liability on the lawyer, prosecutor, official of state government body or local self-governmental body for committing acts or inaction that violate guarantees of independency of the Anti-Corruption Chamber and of a judge of the Anti-Corruption Chamber;

5) shall provide consent to open disciplinary case against a judge of the Anti-Corruption Chamber;

6) shall impeach credit to the Head of the Anti-Corruption Chamber Secretariat;

7) shall approve the Regulations on the Anti-Corruption Chamber Secretariat.

5. Assembly of judges of the Anti-Corruption Chamber shall take decision by the majority vote of judges of this chamber present at the meeting through open ballot, unless a decision to hold a secret ballot is taken.

6. The implementation of decisions of assembly of judges of the Anti-Corruption Chamber by order of the assembly shall be laid upon the Secretary of the Anti-Corruption Chamber or his deputy.

7. Judges of the Anti-Corruption Chamber shall not be included into the Plenum of the Supreme Court and assembly of judges of the Cassation Criminal Court of the Supreme Court.

8. Judges of the Anti-Corruption Chamber may not be elected as delegates to the Congress of Judges of Ukraine.

**Article 12.** Joint assembly of judges of the Supreme Anti-Corruption court and the Anti-Corruption Chamber

1. Joint assembly of judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber shall be held to discuss common practice of considering certain categories of cases and other issues determined by such assembly. Joint assembly of judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber shall be convened by the Head of the Supreme Anti-Corruption Court or the Secretary of the Anti-Corruption Chamber upon their own initiative or at the request of at least one third of total number of judges of the Supreme Anti-Corruption Court or the Anti-Corruption Chamber respectively. The procedure for holding a joint assembly of judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber shall be determined by this assembly.

2. Joint assembly of judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber shall take decision by the majority vote of judges present at the assembly by open ballot, unless a decision to hold a secret ballot is taken.

**Article 13.** Peculiarities of disciplinary proceedings against judges of Anti-Corruption Courts

1. The Disciplinary Chamber of the Supreme Council of Justice shall open disciplinary case against a judge of Anti-Corruption Court only after obtaining the approval of the assembly of judges of the Supreme Anti-Corruption Court or the assembly of judges of the Anti-Corruption Chamber respectively.

**Section III. Peculiarities of selection and appointment for the position of judges to the Anti-Corruption Court**

**Article 14.** General provisions on selection and appointment for the position of judges to Anti-Corruption Courts

1. Selection process and appointment for the position of judges to Anti-Corruption Courts shall be carried out solely in accordance with the procedure established by this Law.

2. To ensure the competition for vacant positions of judges of Anti-Corruption Courts and establishment of its results the Competition Commission shall be formed. The Competition Commission shall participate in holding the competition for vacant positions of judges of Anti-Corruption Courts in accordance with the procedure established by Article 21 of this Law.

**Article 15.** Procedure of the Competition Commission formation

1. The Competition Commission shall consist of:
  - 1) three persons appointed by the President of Ukraine;
  - 2) three persons elected by the Verkhovna Rada of Ukraine;
  - 3) three persons appointed by the Minister of Justice of Ukraine.
2. Only persons having immaculate business reputation, high professional and moral qualities, public authority as well as significant experience in the field of corruption prevention and counteraction can be members of the Competition Commission.
3. Persons who within the last five years have been on civil service, have been members of the Parliament of Ukraine, members of local councils, worked (served) within the bodies of prosecutor's office, the Ministry of Internal Affairs of Ukraine, police, the Security Service of Ukraine, other law enforcement bodies (law enforcement agencies), the National Anti-Corruption Bureau of Ukraine, National Agency for Corruption Prevention cannot be members of the Competition Commission.
4. At least one person appointed by the President of Ukraine to the Competition Commission and one person elected by the Verkhovna Rada of Ukraine to the Competition Commission must have service record in a position of a judge of at least ten years.
5. A member of the Competition Commission shall be elected or appointed for the period of four years with the right of reelection or reappointment.
6. The Competition Commission shall be considered to be competent in the event of election or appointment of at least eight persons.
7. If within three months from the date of election by the Verkhovna Rada of Ukraine or appointment by the President of Ukraine of the Competition Commission members, the President of Ukraine will not appoint or the Verkhovna Rada of Ukraine will not respectively elect all the Competition Commission members according to their quotas in compliance with the procedure established by this Law the Competition Commission shall be deemed competent upon the election or appointment of seven members.
8. If for reasons of dismissal or termination of powers of a member of the Competition Commission, it becomes incompetent a body or an official who elected or appointed such a member of the Competition Commission shall without delay but no later than twenty working days from the moment of dismissal or termination of powers of a member of the Competition Commission elect or appoint a new member of the Competition Commission.

**Article 16.** Peculiarities of appointment of the Competition Commission members by the Verkhovna Rada of Ukraine

1. The Verkhovna Rada of Ukraine shall elect members of the Competition Commission from among the number of persons nominated by the deputy factions (deputy groups).

2. For the election of a member of the Competition Commission by the Verkhovna Rada of Ukraine, the Verkhovna Rada Secretariat shall make the information on the commencement of acceptance of proposals by deputy factions (deputy groups) regarding the persons to be elected as members of the Competition Commission on the official web-site of the Verkhovna Rada of Ukraine public.

3. Every deputy faction (deputy group) may nominate only one person to be elected as a member of the Competition Commission.

4. Deputy faction (deputy group) shall submit a proposal regarding the person to be elected as a member of the Competition Commission within forty-five calendar days from the date of announcement on the official web-site of the Verkhovna Rada of Ukraine on the commencement of acceptance of proposals by deputy factions (deputy groups). Alongside with a proposal, a deputy faction (deputy group) shall also submit documents certifying compliance of a person with the requirements established by Article 15 of this Law. The list of such documents shall be set up by the Committee of the Verkhovna Rada of Ukraine the subject matter of which is corruption prevention and contraction.

5. Information on proposals of deputy factions (deputy groups) and on individuals applying for being elected as members of the Competition Commission alongside with copies of the documents submitted, shall be published on the official web-site of the Verkhovna Rada of Ukraine on the following day from the day of the deputy faction (deputy group) proposal receipt. Copies of the documents submitted shall be published in accordance with the law on personal data protection.

6. The Committee of the Verkhovna Rada of Ukraine the subject matter of which is corruption prevention and contraction, shall consider proposals of deputy factions (deputy groups), on the basis of the documents submitted, identify the compliance of individuals with the requirements established by Article 15 of this Law, and adopt the corresponding recommendation.

7. The Verkhovna Rada of Ukraine shall adopt a decision on appointment of a person as a member of the Competition Commission by the majority vote of its constitutional composition. If the Verkhovna Rada of Ukraine has to elect more than one member of the Competition Commission, the election of such members shall be carried out by one voting for list.

**Article 17.** Peculiarities of the appointment of the Competition Commission members by the Minister of Justice of Ukraine

1. Minister of Justice of Ukraine appoints the members of the Competition Commission based on the recommendations of at least two governments of foreign states or international organizations, which provided international technical assistance to Ukraine in the field of combating corruption over the past two years, since the entry into force of this Law (hereinafter, for the purposes of this Article, referred to as agencies);
2. To obtain these recommendations the Minister of Justice of Ukraine sends a written request to the appropriate agencies.
3. Agencies send a letter to the Minister of Justice of Ukraine with a list of candidates, whom they recommend for the appointment to the Competition Commission.
4. The Minister of Justice of Ukraine appoints recommended candidates as members of the Competition Commission within ten days after the receipt of the letter. The Minister of Justice of Ukraine may not appoint as a member of the Competition Commission a person who was not recommended by any of the agencies in the way prescribed by this Article.
5. The Minister of Justice of Ukraine may refuse to appoint members of the Competition Commission from the candidates recommended under paragraph 3 of this Article, only on the basis of their non-compliance with the Article 15 of this Law. In this case the Minister of Justice of Ukraine sends a letter to the appropriate representation, in which he states why the candidate that has been recommended fails to fulfil the requirements of the Article 15 of this Law. In turn, this agency should immediately, but not later than in fifteen days after receiving the letter from the Minister of Justice of Ukraine, send the letter to the Minister of Justice of Ukraine with the recommendations to appoint a member of the Competition Commission, who fulfils the requirements of the Article 15 of this Law.
6. A failure to appoint one of the recommended individuals as a member of the Competition Commission in the case referred to by the paragraph 5 of this Article, shall not prevent the appointment of other individuals recommended by this agency, that fulfil the requirements of the Article 15 of this Law.

**Article 18.** The dismissal of a member of the Competition Commission

1. The reasons for a dismissal of a member of the Competition Commission are:
  - 1) the submission of the application for dismissal from the Competition Commission by a member at his/her own will;

2) non-compliance of the member of the Competition Commission with the requirements established by the paragraph 3 of the Article 15 of this Law.

2. The decision to dismiss a member of the Competition Commission from the office is taken by the Competition Commission.

3. The mandate of a member of the Competition Commission in this case is terminated from the moment of the relevant decision of the Competition Commission.

**Article 19.** The suspension of the member of the Competition Commission

1. The mandate of the Competition Commission member shall be terminated in case:

1) if the term for which he/she was elected (appointed) is expired;

2) of entry into force of a court conviction against him/her;

3) of recognition of him/her as missing or dead, legally incapable or partially legally incapable;

4) of his/her death.

2. The mandate of a member of the Competition Commission is terminated with the onset of the relevant event.

**Article 20.** Procedure of the Competition Commission

1. The Competition Commission at its meeting approves the Rules of Procedure of its work.

2. The meeting of the Competition Commission is authorized if attended by at least seven of its members.

3. The decision of the Competition Commission is considered approved if at least seven members of the Competition Commission voted for it at the meeting of the Competition Commission.

4. The media and interested persons have free access to the meetings of the Competition Commission. The Secretariat of the High Qualification Commission of Judges of Ukraine provides video and audio recording and video broadcasting of the meetings of the Competition Commission on the official website of the High Qualification Commission of Judges of Ukraine. The video and audio recordings of the meetings of the Competition Commission, including video and audio recordings of interviews conducted by the Competition Commission under Article 28 of this Law are publicly available on the official website of the High Qualification Commission of Judges of Ukraine.

5. The time and place of the meeting of the Competition Commission shall be published on the official website of the High Qualification Commission of Judges of Ukraine no later than 48 hours before the meeting.

6. The work of the Competition Commission is provided by the Secretariat of the High Qualification Commission of Judges of Ukraine.

7. Competition Commission members perform their duties on a voluntary basis.

**Article 21.** The procedure for holding a competition and appointing judges to Anti-Corruption Courts

1. The competition and the appointment of judges to the Anti-Corruption Courts shall be carried out accordance with the procedure established by this Law.

2. Single contest is held for vacant positions of judges in the Higher Anti-Corruption Court and the Anti-Corruption Chamber.

3. The competition and appointment of judges to the Anti-Corruption Courts shall consist of the following stages:

1) the High Qualification Commission of Judges of Ukraine adopts a decision to announce a competition for vacancies of judges of the Anti-Corruption Court;

2) the High Qualification Commission of Judges of Ukraine places on its official web site an announcement of a competition for the vacancies of judges of the Anti-Corruption Court an Anti-Corruption Court;

3) individuals who have expressed their intention to become a judge of the Anti-Corruption Court, submit relevant applications and documents to the High Qualification Commission of Judges of Ukraine;

4) the High Qualification Commission of Judges of Ukraine examines the persons who have applied for participation in the competition to comply with the requirements established by this Law;

5) the High Qualification Commission of Judges of Ukraine decides on the admission of persons who, according to the results of the examination at the time of the application, meet the requirements specified by this Law, to the competition and commences the formation of their dossiers.;

6) the High Qualification Commission of Judges of Ukraine conducts a special examination in respect to the persons admitted to the competition in accordance with the procedure established by the legislation on prevention of corruption, taking into account the specifics established by this Law and decides on admission to the qualification assessment of persons who have successfully passed a special examination;

7) The candidates for the position of a judge of the Anti-Corruption Court, who are admitted to the next stage of the competition by the results of a special examination, undergo a qualification assessment;

8) The Competition Commission based on the results of the qualification assessment decides on the confirmation of the ability of a candidate to the Anti-Corruption Court to administer justice in the Anti-Corruption Court and forms the rating of candidates;

9) The Competition Commission adopts the decision on establishing the results of the competition, which approves the list of candidates for the position of a judge of the Anti-Corruption Court for the appointment to the appropriate court;

10) the High Qualification Commission of Judges of Ukraine approves the results of the competition established by the Competition Commission and makes recommendations to the High Council of Justice on the appointment of candidates for the post of judge;

11) the High Council of Justice is considering the recommendations of the High Qualification Commission of Judges of Ukraine and makes a decision to address the President of Ukraine regarding the appointment of a candidate to the position of a judge;

12) The President of Ukraine issues a decree on appointment to the position of a judge.

**Article 22.** The announcement of the competition for occupying vacant positions of judges in Anti-Corruption Courts

1. The High Qualification Commission of Judges of Ukraine adopts a decision regarding the announcement of the competition for the occupation of vacant posts of judges in Anti-Corruption Courts and places a relevant announcement on its official website. The announcement shall specify the deadline for submission of documents to the High Qualification Commission of Judges of Ukraine, which may not be less than 30 days from the day of the publication of the announcement.

**Article 23.** Submission of applications and documents by the individuals, who have declared the intention to become a judge of an Anti-Corruption Court

1. Within the period specified in the announcement, the individuals, who have declared the intention to become a judge of an Anti-Corruption Court, submit to the High Qualification Commission of Judges of Ukraine:

1) a written application for participation in the competition;

2) a copy of the passport of the citizen of Ukraine;

3) an application of a candidate for a position of the judge with the information about him/her;

4) a motivational letter stating reasons for becoming a judge;

5) a declaration of the family ties of the candidate for the position of judge;

6) a copy of a diploma of higher law education obtained in Ukraine (with annexes), copies of documents law education obtained abroad, together with copies of documents confirming their recognition in Ukraine, as well as copies of the documents confirming the academic title or degree (if any);

7) a copy of the employment record, track record (if any);



- 8) a certificate of medical institution confirming that the health condition of the candidate is sufficient to make him/her suitable for the position related to the execution of functions of the state;
- 9) a written consent to the collection, storage, processing and usage of the information about the candidate to assess his/her eligibility for the position of a judge;
- 10) a consent for a special examination of him/her according to law;
- 11) the declaration of the person authorized to perform the functions of a state or local government, in accordance with the legislation on prevention of corruption;
- 12) a copy of a military card (for servicemen or persons liable for military service);
- 13) application statement for an examination specified by the Law of Ukraine "On purification of power";
- 14) a declaration of integrity of a candidate for a judge's position;
- 15) documents confirming compliance with one of the requirements specified in paragraphs 1-5 of the first part of the Article 8 of this Law.

2. In the application for participation in the contest, the person who intend to become a judge of an Anti-Corruption Court may note which vacant position in any of the Anti-Corruption Courts he/she prefers to occupy.

3. Applications and documents submitted by individuals, who intend to become a judge of an Anti-Corruption Court are posted on the official website of the High Qualification Commission of Judges of Ukraine by its secretariat. These documents are open to the public, except for:

- 1) information about the place or residence, date of birth of individuals, their addresses, telephone numbers or other means of communication, email addresses, registration numbers of the taxpayers account cards, series and serial numbers of passports, military cards, the property location (except for the region, district, town where the object is located), vehicle registration numbers, medical information;
- 2) any information and data on underage children, except for the information about assets, property assets and other objects to declare that are in their property, in accordance with the declaration of the person authorized to perform the functions of a state or local government, submitted by the candidate for the position of a judge of an Anti-Corruption Court.

**Article 24.** Verification of compliance with the requirements of the candidate for the position of judge of the Anti-Corruption Court

1. The High Qualification Commission of Judges of Ukraine on the basis of the submitted documents, according to the requirements set out in

the Article 8 of this Law, shall examine individuals who submitted applications for the participation in the competition.

2. The High Qualification Commission of Judges of Ukraine shall decide on the admission to the competition of persons who, according to the results of the examination, meet the requirements for the candidate for the position of a judge of an Anti-Corruption Court, and shall commence the formation of their dossiers in accordance with the requirements of the Law of Ukraine "On the Judiciary and the Status of Judges".

**Article 25.** Conducting a special examination of a candidate for the position of a judge of an Anti-Corruption Court

1. The High Qualification Commission of Judges of Ukraine holds a special examination of the candidates for the position of a judge of an Anti-Corruption Court in accordance with the Law of Ukraine "On prevention of corruption" and in the manner and with the peculiarities set forth in this Law.

2. For the special examination the High Qualification Commission of Judges of Ukraine no later than in three working days after the decision on the admission to participation in the competition shall send requests for information on the correspondent candidates admitted to the competition to the competent authorities. Such requests shall be signed by the chairman or deputy chairman of The Higher Qualification Commission of Judges of Ukraine.

3. If in response to this request the competent authority indicates that the candidate for the position of the judge of the Anti-Corruption Court does not pass the special examination, such authority must justify its decision and provide the relevant information to confirm it. If the competent authority did not prove the impossibility of passing the special examination by the candidate for the position of a judge of an Anti-Corruption Court, it is considered that the competent authority has confirmed that it is possible for the candidate to pass the special examination.

4. Based on the information received by the High Qualification Commission of Judges of Ukraine it is preparing a statement on the results of the special examination.

5. Individuals and legal entities may apply to the High Qualification Commission of Judges of Ukraine with information as to the candidates for the position of a judge of an Anti-Corruption Court.

6. During the special examination, in case of obtaining information that may indicate non-compliance of the candidate for the position of a judge of an Anti-Corruption Court with the requirements established by this Law, the High Qualification Commission of Judges of Ukraine shall consider it at

its meeting with the invitation of such a candidate. The candidate for the position of a judge of an Anti-Corruption Court has the right to access this information, to give explanations, to refute and to deny it. According to the results of the information review, the High Qualification Commission of Judges of Ukraine shall adopt a motivated decision to terminate further participation in the competition for vacancy positions of judges of the Anti-Corruption Court.

7. Applicants who have successfully passed a special examination shall be admitted to the qualification assessment by the High Qualification Commission of Judges of Ukraine.

**Article 26.** The qualification assessment

1. Qualification assessment shall be carried out taking into account the requirements established in the Law of Ukraine "On the Judiciary and Status of Judges" and the peculiarities established by this Law.

2. The qualification assessment shall consist of the following stages:

1) an exam, conducted by the High Qualification Commission of Judges of Ukraine;

2) examination of the dossier and the interview, conducted by the Competition Commission.

3. The results of the qualification assessment shall be established by the Competition Commission.

**Article 27.** Compilation of the exam

1. The exam is the first stage of the qualification assessment and the main mean for determining the compliance of the candidate for the position of a judge of Anti-Corruption Court with competence criterion.

2. The examination is carried out by performing an anonymous written practical assignment by a candidate for the position of a judge Anti-Corruption Court in order to identify the level of knowledge, practical skills and abilities in the application of Anti-Corruption legislation of Ukraine, including criminal and criminal procedural law, international legal acts on the corruption prevention, the practice of European Court of Human Rights, as well as conducting hearing of the court.

3. The procedure for passing the exam, the methodology for evaluating candidates is determined by the provisions, the draft of which is developed by the Higher Qualification Commission of Judges of Ukraine and approved by the Competition Commission.

4. The examination is conducted by the High Qualification Commission of Judges of Ukraine in a specially equipped premises. Members of the Competition Commission, representatives of the media and any interested persons may be present at each stage of the examination and at the time

of evaluation of its results. The course of exam is recorded with the use of technical means of video and audio recording.

5. Candidates for the position of a judge of Anti-Corruption Court who previously participated in the competition for occupying vacant positions of judges in Anti-Corruption Courts and according to the results of the qualification assessment confirmed the ability to administer justice at Anti-Corruption Court, may use the results of the examination established during the previous competition, if such examination was conducted not earlier than three years before the current competition, and if the procedure for examination and the methodology of evaluation have not been changed.

6. Upon completion of the examination, the High Qualification Commission of Judges of Ukraine shall forward all materials relating to the results of the examination and the tasks performed by the candidates for the position of an Anti-Corruption Court judge to the Competition Commission.

7. The Competition Commission shall establish the results of the examination, which shall be published on the official website of the High Qualification Commission of Judges of Ukraine. The results of the examination for each candidate and the tasks performed by him, the results of the examination of general abilities shall be open to public, except the information about the results of testing to verify the personal moral and psychological qualities for the position of a judge of the Anti-Corruption Court.

8. After establishing the results of the examination, the Competition Commission shall decide on the admission of a candidate for the position of a judge of Anti-Corruption Court to the next stage of qualification assessment.

#### **Article 28.** Dossier examination and interviewing

1. The Competition Commission shall examine the dossiers of candidates for the position of a judge of Anti-Corruption Court to verify their compliance with the criteria of professional ethics and integrity. For this purpose, the Competition Commission receives full and direct access to the dossiers of candidates for the position of judges of Anti-Corruption Court.

2. The Competition Commission may decide on the necessity of obtaining additional information about the candidate for the position of a judge of Anti-Corruption Court. In order to receive such information, the Competition Commission has the right to receive, free of charge, information and copies of documents and materials (including those with restricted access) regarding the candidate for the position of an Anti-corruption court judge and members of his family or relatives from any

persons who own or administers the information (documents, materials) requested. Such persons are obliged to provide the requested information (documents, materials) within ten days from the date of receipt of the request.

3. In the case of storage of information (documents, materials) by the owner (manager) of information in electronic form, such information shall be provided to the Competition Commission in electronic form (if technically possible).

4. The Competition Commission has the right to direct requests, issue joint orders with the owners or managers of the requested information.

5. A person who received a request from the Competition Commission (other than a public authority) may refuse to provide information (documents) containing state, professional secret, secret of pre-trial investigation, bank secrecy or secrecy about the state of health. Disclosure of such secrecy shall be carried out upon the demand of the Competition Commission by a court decision in the manner and on the grounds established by law.

6. If it is necessary to send a request specified in part two of this Article, the Competition Commission has the right to suspend the conduct of the qualification assessment for the period necessary for obtaining the relevant information.

7. In case of failure to provide the Competition Commission with information, as well as of provision knowingly false information, the Competition Commission shall address to the High Qualification Commission of Judges of Ukraine with the requirement to send a request for the provision of reliable information to entities that did not provide it or provided knowingly false information. Failure to inform the High Qualification Commission of Judges of Ukraine the information, as well as provision of knowingly false information, results in bringing the perpetrators to liability established by law.

8. The Public Council of Integrity has the right to submit to the Competition Commission the conclusion on non-compliance of the candidate for the position of a judge of Anti-Corruption Court with the criteria of professional ethics and (or) integrity. Such conclusion shall be attached to the dossier of the respective candidate.

9. Individuals and legal entities have the right to provide the Competition Commission with the information on candidates for the position of a judge of Anti-Corruption Court. Such information is attached to the dossier of the relevant candidate by the decision of the Competition Commission.

10. The Competition Commission conducts interviews with candidates for the position of a judge of Anti-Corruption Court admitted to this stage of

qualification assessment. The interview is to discuss the results of a dossier examination.

11. According to the results of the qualifying exam, the examination dossier materials and the interview, the Competition Commission makes a separate decision on confirmation or not confirmation of the ability to administer justice at Anti-Corruption Court by each candidate for the position of a judge of Anti-Corruption Court. If the Public Council of Integrity in its conclusion has established that a candidate for a position of judge does not meet the criteria for professional ethics and integrity, the Competition Commission may decide to confirm the ability of such a candidate for the position of a judge to administer justice at Anti-Corruption Court only if such a decision is supported by at least seven of its members.

12. The Competition Commission shall form the rating of candidates who have confirmed the ability to administer justice at Anti-Corruption Court, based on the results of examination of dossier materials and the interview and taking into account the results of the exam.

#### **Article 29.** Establishment of the competition results

1. The Competition Commission adopts the decision on the establishment of the results of the competition, approving the list of candidates for the position of a judge of Anti-Corruption Court to be appointed to the corresponding Anti-Corruption Court.
2. In course of the establishment of the results of the competition, the Competition Commission may take into account the information specified in the application for participation in the contest in accordance with the second part of Article 23 of this Law.

#### **Article 30.** Peculiarities of appointment for the position of a judge

1. The High Qualification Commission of Judges of Ukraine shall approve the results of the competition, established by the Competition Commission, and make recommendations to the High Council of Justice on the appointment of a candidate for the position of a judge or the transfer of a judge.
2. The High Qualification Commission of Judges of Ukraine may not refuse to approve the results of the competition established by the Competition Commission.
3. The High Council of Justice, on the basis of the recommendation of the High Qualification Commission of Judges of Ukraine, adopts a decision to make a submission to the President of Ukraine on the appointment of a judge and the transfer of a judge.
4. The High Council of Justice may refuse neither to make a submission to the President of Ukraine regarding the appointment of a

judge for a position, nor to refuse in approval of the recommendation of the High Qualification Commission of Judges of Ukraine regarding the transfer of a judge.

5. The President of Ukraine issues a decree on appointment of a judge in accordance with the requirements of the Law of Ukraine "On the Judiciary and the Status of Judges".

**Article 31.** Appeal against decisions of the High Qualification Commission of Judges of Ukraine

1. The decision of the High Qualification Commission of Judges of Ukraine on the approval of the results of the selection may be challenged and abolished solely on the following grounds:

- 1) the composition of members of the High Qualification Commission of Judges of Ukraine that made such a decision, was not entitled to adopt it;
- 2) decision was not signed by any of the members of the High Qualification Commission of Judges of Ukraine that made a decision to approve the results of the selection.

#### **Section IV. Peculiarities of maintenance of Anti-Corruption Courts**

**Article 32.** Financial support of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber

1. Expenditures for the maintenance of the Supreme Anti-Corruption Court and the Appeals Chamber shall be determined by separate lines of the State Budget of Ukraine.

2. The Supreme Anti-Corruption Court and the Anti-Corruption Chamber are the main budget holders of the State Budget of Ukraine regarding financial support of their activities.

**Article 33.** Requirements to premises where Anti-Corruption Courts are located

1. The Supreme Anti-Corruption Court is located in a separate building (buildings). The Supreme Anti-Corruption Court cannot be located in the same building with other courts.

2. The Anti-Corruption Chamber is located in a separate building. The Anti-Corruption Chamber cannot be located in a building together with other buildings of the Supreme Court or other courts.

3. Office space of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber shall be equipped with advanced security measures that guarantee personal safety of judges and employees of Anti-Corruption Courts Secretariat, the maintenance of documentation, and the prevention of illegal penetration into the building of Anti-Corruption Courts.

4. In order to ensure the publicity and openness of judicial trial, court rooms of the Supreme Anti-Corruption Court and court rooms of the Anti-

Corruption Chamber shall have a separate room that makes possible for the public representatives and mass media representatives to observe directly court sessions, but does not impede the administration of justice. If such a room cannot accommodate all those willing to participate in the court session, the Anti-Corruption Court Secretariat must provide video and audio broadcasting of the court session in another publicly accessible premises of the court.

**Article 34.** Provision of Judicial Anti-Corruption Courts with Service Housing and Transport

1. Judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber, if necessary, shall be provided with free housing. The status of such housing cannot be changed, nor expropriated.
2. Judges of the Supreme Anti-Corruption Court and the Appeals Chamber shall be provided with service vehicles.

**Article 35.** Security guarantees of judges of Anti-Corruption Courts

1. Judges of the Supreme Anti-Corruption Court, Judge of the Anti-Corruption Chamber shall be provided with 24-hour security.
2. If necessary, on application of a judge, members of his family and / or other persons with whom such a judge has a common life or family ties, shall be provided with 24-hour security.
3. On application of a judge, 24-hour security of personal or free housing shall be carried out.
4. Security of a judge, members of his family, other persons with whom such a judge has a common life or family ties, as well as security of housing, is provided by the Administration of State Guard of Ukraine.
5. Judge's personal or free housing shall be equipped with a security alarm and alarm buttons for an emergency police call.
6. A judge, his family members and other persons with whom such a judge has a common life, shall be provided with the means of communication protected from off-site wiretapping.
7. In case of threat to life or health of a judge of Anti-Corruption court, his family members, or other persons with whom such a judge has a common life or family ties, at the request of a judge, Administration of State Guard of Ukraine shall ensure the temporary accommodation of such persons in places that guarantee their safety.
8. The state maintains life and health insurance of judges of the Supreme Anti-Corruption Court, judges of the Appeals Chamber, life and health of their family members, as well as persons with whom such a judge has a common life.

**Article 36.** Judicial remuneration of judges of Anti-Corruption Courts



1. Judicial remuneration of judges of Anti-Corruption courts consists of official salary.
2. The size of the official salary of a judge of Anti-Corruption Court shall be:
  - 1) 75 minimum wages – of a judge of the Supreme Anti-Corruption Court;
  - 2) 94 minimum wages – of a judge of the Anti-Corruption Chamber.
3. Expenditures for providing remuneration of judges shall be carried out with a separate code of the economic classification of expenditures.
4. Judicial remuneration shall be paid to a judge from the date of his enrolment to the establishment of the relevant Anti-Corruption Court.

**Article 37.** Peculiarities of the Supreme Anti-Corruption Court administration

1. The organizational maintenance of the Supreme Anti-Corruption Court functioning is carried out by the Supreme Anti-Corruption Court Secretariat. The Supreme Anti-Corruption Court Secretariat shall be headed by the chairman of the administration. The Chairman of the Supreme Anti-Corruption Court Secretariat shall be appointed by the Head of the State Judicial Administration of Ukraine upon submission of the Competition Commission, that holds a competition for the position of a chairman of the Secretariat in accordance with the Law of Ukraine "On Civil Service", taking into account the specifics established by this Law.
2. The Head of the State Judicial Administration of Ukraine may not refuse appointment of the person nominated by the Competition Commission as the Chairman of the Supreme Anti-Corruption Court Secretariat.
3. The Chairman of the Supreme Anti-Corruption Court administration shall be dismissed by the Head of the State Judicial Administration of Ukraine on the grounds determined by the Law of Ukraine "On Civil Service". The assembly of judges of the Supreme Anti-Corruption Court may express no confidence to the Chairman of the Supreme Anti-Corruption Court administration, which results in his dismissal from the office.
4. Employees of the Supreme Anti-Corruption Court Secretariat shall be appointed and discharged by the head of the Secretariat. Appointment to a position shall take place on the basis of the results of competition conducted in accordance with the Law of Ukraine "On Civil Service", taking into account the peculiarities established by the Law of Ukraine "On the Judiciary and Status of Judges".
5. The legal status of employees of the Supreme Anti-Corruption Court administration is defined in the Law of Ukraine "On Civil Service", taking into account the peculiarities established by the Law of Ukraine "On the Judiciary and Status of Judges".

6. The Regulations on the Supreme Anti-Corruption Court Secretariat shall be approved by the assembly of judges of the Supreme Anti-Corruption Court. The structure and the number of staff of the Supreme Anti-Corruption Court Secretariat shall be determined by the State Judicial Administration of Ukraine on agreement with the Chairman of the Supreme Anti-Corruption Court Secretariat within the limits of expenditures for its maintenance.

**Article 38.** Peculiarities of the Anti-Corruption Chamber Secretariat

1. The organizational maintenance of the Anti-Corruption Chamber functioning is carried out by a separate Secretariat. The Anti-Corruption Chamber Secretariat is not a structural unit of the Supreme Court Secretariat. The Anti-Corruption Chamber Secretariat shall not adhere to the Supreme Court Secretariat, and the Chairman of the Anti-Corruption Chamber Secretariat shall not be under the control of the Head of the Cassation Criminal Court of the Supreme Court.

2. The Anti-Corruption Chamber Secretariat shall be headed by the chairman of Secretariat. The Chairman of the Anti-Corruption Chamber Secretariat shall be appointed by the Head of the State Judicial Administration of Ukraine on the submission of the Competition Commission, that holds a competition for the position of a chairman of the Secretariat in accordance with the Law of Ukraine "On Civil Service", taking into account the peculiarities established by this Law.

3. The Head of the State Judicial Administration of Ukraine may not refuse the appointment of a person nominated by the Competition Commission as the Chairman of the Anti-Corruption Chamber Secretariat.

4. The Chairman of the Anti-Corruption Chamber shall be discharged by the Head of the State Judicial Administration of Ukraine on the basis determined by the Law of Ukraine "On Civil Service". The assembly of judges of the Anti-Corruption Chamber may express distrust to the chairman of the Secretariat, that has result of his discharging from the position.

5. Employees of the Anti-Corruption Chamber Secretariat shall be appointed and discharged by the chairman of the Secretariat. Appointment to a position takes place on the basis of the results of the competition conducted in accordance with the Law of Ukraine "On Civil Service", taking into account the peculiarities established by the Law of Ukraine "On the Judiciary and Status of Judges".

6. The assembly of judges of the Anti-Corruption Chamber shall approve the Regulations on the Anti-Corruption Chamber Secretariat. The structure and the number of staff of the Anti-Corruption Chamber Secretariat shall be determined by the State Judicial Administration of

Ukraine on agreement with the Chairman of the Anti-Corruption Chamber Secretariat within the limits of expenditures for its maintenance.

## **Section V**

### **FINAL AND TRANSITIONAL PROVISIONS**

1. This Law shall come into force on the date after the date of its publication.
2. The competition commission shall be formed within three months from the date of entry into force of this Law.
3. Within six months from the date of entry into force of this Law:
  - 1) Higher Anti-Corruption Court and the Anti-Corruption Chamber shall be formed in accordance with the procedure and membership established by this Law;
  - 2) judges of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber are appointed on the basis of the competition conducted in accordance with this Law.
4. The Highest Anti-Corruption Court shall start to function if at least 25 judges of the Supreme Anti-Corruption Court are appointed according to the results of the competition held in accordance with this Law.
5. Anti-Corruption Chamber shall start to function, if at least 11 judges of the Anti-Corruption Chamber are appointed according to the results of the competition held in accordance with this Law.
7. To make amendments to the following legislative acts of Ukraine:
  - 1) in the Criminal Procedural Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 9-10, No. 11-12, No. 13, p.88):
    - a) Paragraph 18 of the Part 1 of Article 3 shall be restated as follows:

“18) an investigating judge is a judge of the court of first instance, whose authority is to exercise in accordance with the procedure provided by this Code, judicial control over the observance of the rights, freedoms and interests of persons in criminal proceedings, the judge of the Chamber of Investigators of the Supreme Anti-Corruption Court, and in the case provided for Parts 1, 2 of Article 247 of this Code - the chairman or, by its definition, another judge of the Court of Appeal of the Autonomous Republic of Crimea, the district Court of Appeal, the cities of Kyiv and Sevastopol. The investigative judge (investigative judges) in the court of first instance is elected by assembly of judges from the membership of judges of this court;
    - b) in paragraph 20 of the Part 1 of Article 3, after the words "court of first instance, which adopted the appeal," add the words "Anti-Corruption Chamber of the Cassation Court of the Supreme Court, in terms of reviewing the judgements and decisions of the Supreme Anti-Corruption Court on the closure of criminal proceedings, the application or refusal to use compulsory measures of medical or educational nature, the Appeals

Chamber of the Supreme Anti-Corruption Court in terms of reviewing decisions of the investigative judges of the Chamber of Investigators and other decisions in cases provided by this Code; "

c) in paragraph 22 of the Part 1 of Article 3 after the words "on the closure of criminal proceedings;" add the words "The Supreme Anti-Corruption Court of Ukraine, as a court of first instance in criminal proceedings, investigated by the National Anti-Corruption Bureau of Ukraine, in accordance with the procedure established by the procedural law;"

d) in paragraph 23 of the Part 1 of Article 3, after the words "the High specialized court for the consideration of civil and criminal cases," add the words "the Supreme Anti-Corruption Court of Ukraine"

e) in the Part 2 of Article 31 after the words "is carried out collectively by a court composed of three professional judges.", Add the words "except for the cases specified in the paragraph of the Part 2 of Article 9".

f) in the Part 9 of Article 31 after the words "whose positions are in the category" A "," and before the word "carried out", exclude the words "as well as regarding the prosecution of criminal offenses of the National Anti-Corruption Bureau of Ukraine"

g) the Part 9 shall be supplemented by the sub-paragraph 2 with the following content:

"The criminal proceedings concerning the prosecution of criminal offenses referred to the National Anti-Corruption Bureau of Ukraine are carried out:

1) in the court of first instance by a panel of judges consisting of three professional judges of the Supreme Anti-Corruption Court;

2) in appeal proceedings - by a panel of judges consisting of five professional judges of the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court."

h) the Part 3 of Article 32 shall be restated as follows:

"3. The Supreme Anti-Corruption Court carries out criminal proceedings in respect of a criminal offense, a pre-trial investigation of which was conducted by the National Anti-Corruption Bureau of Ukraine or the territorial office of the National Anti-Corruption Bureau of Ukraine."

i) Article 33 shall be supplemented with the Part 6 as follows:

"6. Criminal proceedings concerning the prosecution of criminal offenses referred to the National Anti-Corruption Bureau of Ukraine in the first instance are carried out by the Supreme Anti-Corruption Court, and in the appellate instance, the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court.

Revision of the court decisions of the Highest Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court, which came into force, is carried out by the Grand Chamber of the Supreme Court solely on the basis of the establishment by an international judicial body whose jurisdiction is recognized by

Ukraine, violation by Ukraine international obligations in resolving the case by Anti-Corruption Court. As a result of the review of the court decision, the Grand Chamber of the Supreme Court may revoke such a judgment or court decisions in whole or in part and refer the case for a new consideration to the court that issued the contested judgment. "

j) in Part 7 of Article 100, after the words "in accordance with Articles 171 to 173 of this Code," add the words "In criminal proceedings attributed to the National Anti-Corruption Bureau of Ukraine, the investigator, in consultation with the prosecutor, or the prosecutor applies with the corresponding petition to the investigating judge of the Highest Anti-Corruption Court."

k) in the Part 2 of Article 132 after the words "within the territorial jurisdiction of which the pre-trial investigation body is located" add the words "In a criminal proceeding attributed to the National Anti-Corruption Bureau of Ukraine, such a petition shall be submitted to the Highest Anti-Corruption Court."

l) in the Part 1 of Article 184, after the words "pre-trial investigation is carried out", and before the words "and must contain:" add the words "and in the criminal proceedings that are attributed to the investigation of the National Anti-Corruption Bureau of Ukraine - to the Supreme Anti-Corruption Court"

m) the Part 1 of Article 192 shall be supplemented with the second paragraph of the following content:

"In criminal proceedings referred to the jurisdiction of the National Anti-Corruption Bureau of Ukraine, the prosecutor, the investigator, in agreement with the prosecutor, has the right to request the application of a preventive measure against a person detained without a decision on the detention order on suspicion of committing a criminal offense to the Supreme Anti-Corruption Court."

n) in the Part 2 of Article 199 after the words "within the territorial jurisdiction of which the pre-trial investigation is carried out" add the words ", and in the criminal proceedings, that are classified as the National Anti-Corruption Bureau of Ukraine, - to the Supreme Anti-Corruption Court."

o) in the Part 1 of Article 201 after the words "within the territorial jurisdiction of which a pre-trial investigation is carried out" and before the words "request for changing preventive measure" add the words "and in the criminal proceedings referred to the National Anti-Corruption Bureau of Ukraine - to the High Anti-Corruption Court,"

p) article 247 shall be supplemented with the Part 3 as follows:

"3. Consideration of applications, that is referred according to provisions of this chapter to the jurisdiction of an investigating judge in a criminal proceeding attributed to the National Anti-Corruption Bureau of Ukraine

shall be conducted by a judge of the Chamber of Investigators of the Supreme Anti-Corruption Court. "

q) in the Part 10 of Article 290 after the words "within the territorial jurisdiction of which pre-trial investigation is carried out" and before the words "not later than five days from the date of its receipt to the court" add the words "and in criminal proceedings related to the jurisdiction of the National Anti-Corruption bureau of Ukraine -by the judge of the Chamber of Investigators of the Supreme Anti-Corruption Court,"

r) in the Part 1 of Article 306 after the words "are considered by the investigating judge of the local court" and before the words "according to the rules of trial" add the words "and in criminal proceedings related to the investigation of the National Anti-Corruption Bureau of Ukraine - the judge of the Chamber of Investigators of the Supreme Anti-Corruption Court,"

s) to add section XI with paragraphs 20-2, 20-3, 20-4, 20-5, 20-6, 20-7, 20-8, 20-9, 20-10, 20-11, 20-12 of the following content:

"20-2. Investigative judges, courts of the first instance, appellate instances and cassation instances in criminal proceedings attributed to the National Anti-Corruption Bureau of Ukraine continue to exercise their power according to the provisions of this Code before the Supreme Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court start to function.

20-3. The Supreme Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court begin their work the day after the publication in the newspaper "Holos Ukrainy" of the corresponding joint statement of the heads of the Supreme Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court.

20-4. Investigative judges, courts of the first instance, appellate instance and cassation instance in criminal proceedings referred to the jurisdiction of the National Anti-Corruption Bureau of Ukraine, from the day the Supreme Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court began to work, stop applying for consideration petitions of criminal proceedings, petitions of precautionary measures, petitions of secret investigative (search) actions, indictments, petitions of compulsory measures of medical or educational nature, petitions of exemption from criminal liability, appeals, cassation appeals, petitions for review under the new circumstances.

20-5. The investigative judge, the court in criminal proceedings referred to the jurisdiction of the National Anti-Corruption Bureau of Ukraine, continues to consider petitions on the application of measures to ensure criminal proceedings, petitions for the application of preventive measures, petitions for secret investigative (search) actions that were filed before the date the Anti-Corruption Court starts to function

20-6 The court of first instance in criminal proceedings under the jurisdiction of the National Anti-Corruption Bureau of Ukraine continues to consider indictments, petitions on the use of compulsory measures of medical or educational nature, requests for release from criminal liability, which are in its consideration on the date the Supreme Anti-Corruption Court starts to function

20-7 After the commencement of the work of the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court, court decisions, which were adopted by the court of first instance and not valid, in criminal proceedings under the jurisdiction of the National Anti-Corruption Bureau of Ukraine, may be appealed in appeal to the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court on the grounds provided by this Code.

20-8 The court of appellate instance in criminal proceedings regarding the revision of the verdict of the first instance court, which was classified as the National Anti-Corruption Bureau of Ukraine, on which the appeal proceedings were opened before the day the Anti-Corruption Chamber of the Cassation Court of the Supreme Court started to function, continues to review them.

20-9 The court of appellate instance in criminal proceedings referred to the jurisdiction of the National Anti-Corruption Bureau of Ukraine regarding the appeal review of the decisions of investigative judges, that were opened for the appeal before the date the Anti-Corruption Chamber of the Cassation Court of the Supreme Court started to function, continues to review them.

20-10. In criminal proceedings against the National Anti-Corruption Bureau of Ukraine, cassation complaints, applications for review of judgments by the Supreme Court of Ukraine, that were opened for the proceedings before the date the Supreme Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court began to function, are considered by the courts that opened Appropriate proceedings.

20-11. In criminal proceedings against the National Anti-Corruption Bureau of Ukraine, applications for review of newly discovered circumstances of court decisions, in which proceedings were opened before the day the Supreme Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court began, are considered by the courts that opened the relevant proceedings.

20-12. Applications for review of newly discovered circumstances of court decisions of criminal proceedings referred to the jurisdiction the courts of the first, appellate, and cassation instances the National Anti-Corruption Bureau of Ukraine before the date the Supreme Anti-Corruption Court and the Anti-Corruption Chamber of the Cassation Criminal Court of the

Supreme Court start to function, are submitted to the Supreme Anti-Corruption Court and it considers them according to the procedure of this Code. "

2) In the Law of Ukraine "On the Prevention of Corruption" (News of Verkhovna Rada, 2014, No. 49, p.2056), in the sub-paragraph 2 of the Part 2 of Article 56, after the words "shall be defined by the Law of Ukraine" On the Judiciary and the Status of Judges " add the words "And the Law of Ukraine" On Anti-Corruption Courts". "

3) In the Law of Ukraine "On the High Council of Justice" (Voice of Ukraine, January 1, 2017, No. 1):

a) Part 1 of Article 43 shall be supplemented with paragraphs 5, 6 of the following content:

"5) appeals to the Head of the Supreme Anti-Corruption Court with the requirement to convene immediately assembly of judges of the Supreme Anti-Corruption Court to address the issue on granting consent to open a disciplinary proceeding against a judge of the Supreme Anti-Corruption Court

6) appeals to the Secretary of the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court requesting the immediate convening of the meeting of the Anti-Corruption Chamber Judges of the Cassation Criminal Court of the Supreme Court to resolve the issue of granting consent to the opening of a disciplinary case against the judge of the Anti-Corruption Chamber of the Cassation Court of the Supreme Court; "

b) Part 1 of Article 45 shall be supplemented with paragraphs 5, 6 of the following content:

"5) the assembly of judges of the Supreme Anti-Corruption Court did not give consent to the opening of a disciplinary case on a complaint regarding a disciplinary offense by a judge of the Supreme Anti-Corruption Court;

6) the assembly of judges of the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court did not give consent to the opening of a disciplinary case against a judge of the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court. "

**Chairman of the Verkhovna Rada of Ukraine**