

Criteria	Requirements of the Venice Commission (VC) opinion ¹ and basic principles of Common Understanding (CU) paper ²	Provisions of the Draft Law 7440 "On High Anti-Corruption Court" (HACC)	Provisions of the Draft Law 7440-1 "On Amendments to the Law of Ukraine "On Judiciary and Status of Judges" regarding anti-corruption court" MP Pysarenko (Renaissance Party)	Provisions of the Draft Law 7440-2 "On High Anti-Corruption Court" MP Kaplin (Block of Petro Poroshenko)	Provisions of the Draft Law 7440-3 "On High Anti-Corruption Court" MPs Sotnyk, Voytsitska, Semenukha, Markevych, Opanasenko, Podoliak (all from Samopomich)	Provisions of the Draft Law 7440-4 "On High Anti-Corruption Court" MP Lutsenko Ihor (Batkivshchyna Party)
Tasks/ jurisdiction	<p><u>VC:</u></p> <p>35. The Venice Commission welcomes that under draft law No. 6011, the HACC would be competent not only for corruption offences <i>stricto sensu</i> but also for connected crimes such as abuse of power or official position, illegal enrichment and money-laundering. This is in line with the requirements set by GRECO in its 2017 evaluation report. At the same time, the question arises how cases involving both offences which fall under the HACC jurisdiction and connected offences which do not would be dealt with. There seem to be no clear legal provisions which would allow determining the competent court and the procedure to be followed in such cases. This needs to be remedied.</p> <p>65. In this connection, the Venice Commission also recalls that according to GRECO, the same court (to be read in the present context as "the same category of – specialised – judges") should be "competent to also deal with criminal offences connected to corruption, e.g. money-laundering if the proceeds of corruption have been laundered.</p> <p>73. Therefore, the Venice Commission formulates the following main recommendations ... - "...the jurisdiction of the HACC and of the appeal instance should correspond to that of the National Anti-Corruption Bureau (NABU) and of the Special Anti-Corruption Prosecutor's Office (SAPO), subject to the requirement that the courts' jurisdiction be precisely defined by law."</p> <p><u>CU:</u></p>	<p><i>[Article 3]</i></p> <p>1) Administration of justice to "protect a person, the society and the state from corruption [offences] and corruption-related offences"</p> <p>2) Judicial control over the pre-trial investigation of these crimes</p> <p><i>[Point d) part 2 of Final and Transitional Provisions]</i></p> <p>Jurisdiction of the HACC is limited to certain criminal offences (articles 191, 262, 308, 312, 313, 320, 357, 410 of the CC of Ukraine if they are committed by abuse of power, articles 210, 354, 364, 364-1, 365-2, 368 – 369-2 of the CC of Ukraine and other related offences).</p> <p>The DL includes more criminal offences (19 in total) than those under the investigative jurisdiction of NABU/SAPO (13 in total) and places "corruption-related offences" under HACC jurisdiction under the condition that the damage exceeds 500 living wages. Art. 366-1 (false declaration) is not included under HACC jurisdiction.</p>	<p><i>[Article 7]</i></p> <p>1) administers justice as first-instance court;</p> <p>2) analyses judicial statistics, examine and generalize judicial practice within its' jurisdiction.</p> <p>Exclusively NABU cases fall under HACC jurisdiction.</p>	<p><i>[Article 4]</i></p> <p>1) administers justice according to its jurisdiction, performs judicial control over observance of right, liberties and interests of persons;</p> <p>2) analyses judicial statistics, examines and generalizes judicial practice within its' jurisdiction.</p> <p>Jurisdiction of HACC covers exclusively NABU/SAPO cases.</p> <p><i>[Point g) subparagraph 4) part 2 of Final and Transitional Provisions]</i></p> <p>Only NABU cases fall under HACC jurisdiction.</p>	<p><i>[Article 4]</i></p> <p>As alternative DL 7440-3</p> <p><i>[Point d) part 2 of Final and Transitional Provisions]</i></p> <p>Same as alternative DL 7440-3.</p>	<p><i>[Article 4]</i></p> <p>As alternative DL 7440-3</p> <p><i>[Point d) part 2 of Final and Transitional Provisions]</i></p> <p>NABU/SAPO cases fall under HACC jurisdiction. However, it is also proposed to expand HACC jurisdiction to SBI cases except for military crimes.</p>

¹ European Commission for Democracy through Law (Venice Commission), Opinion No. 896/2017, CDL-AD(2017)020, 9 October 2017.

² Working Group of International Donors and Civil Society Experts, Common Understanding on the Basic Principles for Establishing the High Anti-Corruption Court in Ukraine, April 2017.

	<p>2.1. The HACC should have exclusive jurisdiction over cases investigated by NABU and prosecuted by SAPO.</p>					
Structure of the Court	<p><u>VC:</u></p> <p>73. Therefore, the Venice Commission formulates the following main recommendations ...</p> <p>- It needs to be ascertained that the Appeals Chamber is in effect separate from the rest of the HACC, in particular regarding its composition. Furthermore, the uniform application of the law by cassation courts should be ensured by the Grand Chamber of the Supreme Court in accordance with the general rules.</p> <p><u>CU:</u></p> <p>4.4. Appellate review of HACC decisions should be conducted by an appellate chamber within the HACC, which should be physically housed in a separate location.</p> <p>4.5. Cassation review should be conducted by the Criminal Cassation Court of the Supreme Court.</p>	<p>HACC as first-instance and an appellate chamber.</p> <p>Cassation is not outlined in the DL.</p>	<p>HACC is a first instance court only. However, within HACC, an Appellate Chamber is established to consider appeals for HACC rulings at pre-trial stage.</p> <p>Anti-Corruption Chamber is established under the Cassation Chamber of the Supreme Court which serves as appellate instance.</p> <p>Grand Chamber of the Supreme Court stands as cassation instance.</p>	<p>HACC as first-instance and an appellate chamber.</p> <p>Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court is mentioned in the DL, but its role is somewhat unclear because provisions of the DL seem to contradict each other (part 1 Article 4 defines HACC as first instance and appellate court, while point g) subparagraphs 4), 14) part 2 of Final and Transitional Provisions provides for the Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court to be appellate instance).</p>	<p>Same as in DL 7440.</p>	<p>Same as in DL 7440.</p>
Staffing	<p><u>VC:</u></p> <p>The VC opinion does not address the issue.</p> <p><u>HQCJ:</u></p> <p>Maximum or minimum number of the HACC judges should not be established by law. The number of judges must ensure the effective operation of the court, i.e. correspond to caseload, which may change significantly. Thus, the number of HACC judges should be established by the State Judicial Administration (SJA) in coordination with the High Council of Justice (HCJ) according to Article 19 of the Law of Ukraine "On the Judiciary and the Status of Judges".</p> <p>It is proposed to stipulate in the Law the SJA's function to review the maximum number of judges and the court apparatus upon initiative of the HACC Chief Judge.</p> <p>For the first competitive selection during the HACC formation and</p>	<p><i>[Article 5]</i></p> <p>The exact or minimal number of judges is not specified in the DL; reference is made to appropriate expenditures in the State Budget.</p>	<p><i>[Article 7]</i></p> <p>HACC shall include not more than 70 judges.</p> <p>Anti-Corruption Chamber of the Cassation Chamber of the Supreme Court includes at least 30 judges.</p>	<p>Same as in DL 7440.</p>	<p><i>[Article 5]</i></p> <p>Provides for minimum number of judges (40). However, number of judges for the HACC is established according to the Law of Ukraine "On Judiciary and Status of Judges" with reference to expenditures of the State Budget by the State Judicial Administration.</p> <p><i>[Article 7 para 3]</i></p> <p>Endorses quotas for HACC judges with different background (min. 10% - exclusively those who have law science background; min 10% - candidates who have attorney background; min. 10% - those, who have experience in international AC organizations, international judicial institutions or providing international technical assistance in AC area).</p> <p>The same quotas are applicable to the Appellate Chamber of the HACC.</p> <p><i>[Part 4 of the Final and Transitional Provisions]</i></p> <p>The State Judicial Administration shall establish the number of HACC within one month since the Law comes into force.</p>	<p><i>[Article 5]</i></p> <p>Provides for minimum quantity of judges (40). However, number of judges for the HACC is established according to the Law of Ukraine "On Judiciary and Status of Judges" with reference to expenditures of the State Budget.</p> <p><i>[Part 4 of the Final and Transitional Provisions]</i></p> <p>The State Judicial Administration shall decide on the number of HACC judges within one month after the Law enters into force.</p>

	commencement of its operation, the number of vacancies for judges can be from 40 to 70 seats.					
Special eligibility requirements for candidates	<p><u>CU:</u></p> <p>3.4. Formal qualifications requirements for candidates should be developed in a way to allow the participation of the widest range of judges, lawyers and academics in the competition.</p>	<p><i>[Article 7, para 2]</i></p> <ul style="list-style-type: none"> At least 35 years old "substantial professional experience in the anti-corruption area with inter-governmental organisations and international judicial bodies abroad" Knowledge of and practical skills in "applying modern international anti-corruption standards and best world practices in preventing and fighting corruption, ECHR practice" + one of the following requirements regarding previous working experience: <ul style="list-style-type: none"> Judge experience: min. 5 years Scientific work in law: min. 7 years Attorney experience: min. 7 years Total experience of points above: min. 7 years 	<p>The DL establishes higher requirements regarding previous working experience in comparison to the DL 7440:</p> <p><i>[Article 2]</i></p> <ul style="list-style-type: none"> Judge experience – min. 10 years Scientific experience in law – min. 10 years Attorney experience – min. 10 years Prosecutor experience – min. 10 years Total experience of points above – min. 7 years. <p>Prosecutors have been added to the "basic" list of legal professions provided for by other DLs.</p> <p>The same criteria apply to the candidate judges to the Anti-Corruption Chamber of the Cassation Chamber of the Supreme Court.</p>	<p><i>[Article 7 para 2]</i></p> <ul style="list-style-type: none"> At least 35 years old One of the following previous working experience: <ul style="list-style-type: none"> Judge experience – min. 5 years Scientific experience in law – min. 7 years Attorney experience – min. 7 years Total experience of points above – min. 7 years. <p>No mandatory requirements are needed regarding substantial professional experience in the anti-corruption area with inter-governmental organisations and international judicial bodies abroad or knowledge of and practical skills in applying modern international anti-corruption standards and best world practices in preventing and fighting corruption, ECHR practice.</p>	<p><i>[Article 7 para 2]</i></p> <ul style="list-style-type: none"> No age limit. Criteria of "substantial experience" is amended to "experience". Requirement of international experience in anti-corruption together with knowledge and expertise in application of modern international anti-corruption standards and best world practices in preventing and fighting corruption, ECHR practice etc. is changed to an alternative and not cumulative required criteria as in DL 7440 Requirements for legal professionals in comparison to the DL 7440 are softened and the list is extended (international AC organizations – min. 7 years; international judicial institutions – min. 7 years; judge experience – min. 7 years; scientific work in law – min. 7 years; attorney experience – min. 7 years; experience of providing international technical assistance in AC area – min. 7 years; total experience of different abovementioned areas – min. 7 years). 	<p><i>[Article 7 para 2]</i></p> <ul style="list-style-type: none"> No age limit. Criteria of "substantial experience" is amended to "experience". Initial mandatory requirement of international experience in AC together with knowledge and expertise in application of modern international anti-corruption standards and best world practices in preventing and fighting corruption, ECHR practice is changed to alternative and not cumulative required criteria as in DL 7440. Requirement for legal professionals remains similar to the DL 7440 (international organizations or AC CSOs experience – min. 10 years; judge experience – min. 5 years; scientific work in law – min. 7 years; attorney experience – min. 7 years), the total experience is raised to 15 years.
Disqualifying criteria for candidates	<p><u>CU:</u></p> <p>3.3. In order to ensure public trust and confidence, the selection procedure should focus on assessing the professional competencies and integrity of candidates and ensuring that candidates have maintained high standards of ethical conduct in their professional, public and private lives.</p> <p>3.4. Formal qualifications requirements for candidates should be developed in a way to allow the participation of the widest range of judges, lawyers and academics in the competition.</p>	<p>Focus is mainly on professional background and legal restrictions:</p> <p><i>[Article 7, para 4]</i></p> <ol style="list-style-type: none"> If, for the past 10 years, was employed by: PPO, MoIA, NPU, SBI, other LEAs, SSU, NABU, tax militia, NAPC, ARMA, other agencies; If, for the past 10 years, held a representative office; If, for the past 5 years, was part of the leadership of a political party or was in "contractual relations" with a political party If information about them or the legal entity they managed/ supervised was introduced into the Unified Registry of persons 	<p>Following disqualifying criteria are introduced for former judges:</p> <ul style="list-style-type: none"> Previously dismissed for oath-breaking Committed grievous disciplinary offence Systemic negligence of duties, which is inconsistent with status of judge Breach of inconsistency requirements Failure to prove legality of property origin Conviction for a criminal offence Previously dismissed due to qualification evaluation. 	<p><i>[Article 7, para 4]</i></p> <p>Same as in DL 7440.</p>	<p>Restrictions are the same as in DL 7440 except for the ground of members of tender commissions for public procurement before ProZorro was set up.</p>	<p>Same as in alternative DL 7440-3.</p>

		<p>who committed corruption offences;</p> <p>5) If was a member of High Qualification Commission of Judges or High Council of Justice before the Law on Recovery of Trust to the Judiciary entered into force;</p> <p>6) If had been a member of tender commissions for public procurement before ProZorro was set up;</p> <p>7) Deprived of the right to hold public offices by a court verdict;</p> <p>8) Record of conviction of any premeditated crime.</p>				
Selection of judges	<p><u>CU:</u></p> <p>3.1. HACC judges should be selected through an open competition, based upon fair, transparent, and merit-based criteria. Necessary guarantees should be in place to avoid any undue influence on the selection process and ensure respect for judicial independence. This will also include the mandatory participation of the Public Integrity Council in verifying the integrity and professional ethics of judicial candidates.</p>	<p>In line with the Law "On Judiciary and Status of Judges", "particularities" are outlined in <i>Article 8</i>:</p> <ul style="list-style-type: none"> • Additional documents to be submitted to HQCJ; • <i>Public Council of International Experts</i> (PCIE) with seven members to be set up to assess compliance with eligibility criteria • <i>Public Integrity Council</i> is barred from the process "for the time of PCIE's activity" • HQCJ can overrule a PCIE's negative conclusion with 11 votes 	<p>Judges to both HACC and the Anti-Corruption Chamber of the Cassation Chamber of the Supreme Court are selected through single competition.</p> <p>The HCQJ decides on launching the selection procedure for judges and organizes the process pursuant to the Law "On Judiciary and Status of Judges".</p> <p>A <i>Competition Commission</i> is set up to observe testing results and also responsible for the second stage of qualification evaluation, which is examination of the dossier and interviews.</p> <p>In order to perform effectively, the Competition Commission enjoys the power to request additional information about candidate judges.</p> <p><i>Public Integrity Council</i> shall provide reports on non-compliance with professional ethics and integrity criterion to the Competition Commission. Public Integrity Council reports can be overruled by 12 of 20 votes of the Competition Commission.</p> <p>The Competition Commission, upon results of evaluation, produces a ranking of candidates and approves the list of successful candidates. The HQCJ makes recommendations to the HCJ on appointment of judges.</p>	<p>The HQCJ conducts selection of candidate judges for HACC according to regular procedure envisaged by the Law "On Judiciary and Status of Judges".</p> <p>The Public Integrity Council is granted a decisive role: in case of motivated negative conclusion regarding professional ethics and integrity of a candidate, he/she is not allowed to pass the qualification exam. Unlike the selection process followed for the Supreme Court judges, negative conclusion by the Public Integrity Council cannot be overruled by the qualified majority of HQCJ.</p>	<p>The same procedure as alternative DL 7440-1 (<i>Competition Commission</i>) except that a negative opinion of the Public Integrity Council can be overruled only by 8 of 9 votes of the Competition Commission members.</p> <p>Furthermore, all stages of the selection process are video- and audio recorded and broadcasted on the HQCJ official web site.</p>	<p>Same procedure as in alternative DL 7440-3.</p>
Involvement of international experts in the selection of judges	<p><u>VC:</u></p> <p>73. Therefore, the Venice Commission formulates the following main recommendations ...</p> <p>- Additional safeguards should be introduced to ensure that the decision-making body in the appointment procedure of judges is sufficiently independent of the executive and legislative powers. This could be achieved, for</p>	<p>Public Council of International Experts [<i>Article 9</i>]</p> <ul style="list-style-type: none"> • set up by HQCJ as its auxiliary body to "assist in preparation of decisions regarding appointment of HACC judges" for a period of 6 years • no more than 7 members proposed by international organisations which UA cooperates on anti-corruption in line with international agreements 	<p>Competition Commission</p> <ul style="list-style-type: none"> • All members of the HQCJ • + 4 representatives of foreign countries/international countries - donors, which provide technical assistance to Ukraine and during last 2 years conducted activities in the field of anti-corruption, protection of human rights, or support for institutional reforms. 	<p>No international involvement in selection of HACC judges envisaged.</p>	<p>Competition Commission [<i>Article 9</i>]</p> <ul style="list-style-type: none"> • 9 members to be appointed by the HQCJ for 4 years without a possibility for extension • Specific requirements for members of the Commission are: perfect business reputation, high professional and moral qualities and public esteem and experience in 	<p>Competition Commission [<i>Article 9</i>]</p> <ul style="list-style-type: none"> • No involvement of international experts but Ukrainian nationals only • 9 members to be appointed by the HQCJ for 4 years. Their performance is <i>pro bono</i>. • Decisions of the Competition Commission are taken by not less than 7 out of 9 votes • Requirements for members for the Competition Commission

<p>example, by giving a non-political agency such as the High Qualifications Commission of Judges (HQC) the right to nominate members to that body, in addition to the members proposed by international donors. Another option would be not to create an additional body such as the proposed Competition Commission but, as a temporary measure pending completion of the judicial evaluation, to include experts proposed by international donors as supernumerary members of the HQC to participate in the selection procedure for judges in the anti-corruption courts and to give them a crucial role in that procedure. The procedure for involving international organizations and donors in the selection procedure needs to be regulated more in detail so as to provide for a high degree of transparency and compliance with the Constitution.</p> <p><u>HQCJ:</u> The right to participate in the procedure should be provided to all donors, i.e. the states and public international organizations providing international technical aid (ITA) to Ukraine based on international agreements, as represented by their bodies or other institutions, as stipulated by such agreements.</p> <p>Hereby proposed to denominate the body as the "International Experts Council" (IEC), since the donors' representatives de jure are not public representatives.</p> <p>It is proposed not to establish qualifications requirements for donors in the law (with regard to duration of operations in Ukraine, field of providing international technical assistance, etc.), since there is a definition of donors in legislation and international treaties and the issues of their operations are addressed there.</p> <p>It is proposed not to establish qualifications requirements for the Council of International Experts (CIE) in the law. CIE members must be appointed by donors not based on the criteria established</p>	<ul style="list-style-type: none"> • impeccable reputation, high professional and moral features as well as public esteem • not less than 5 years of implementation abroad or in international organization modern international anti-corruption standards and best world practices in the sphere of prevention and tackling corruption. <p>Disqualifying criteria are the same as for HACC judges and those, who fall under provisions of the Law on Corruption Prevention.</p>	<p>International representatives shall have impeccable reputation, high professional and moral features as well as public esteem. Members of the Competition Commission are selected/appointed for 4 years and could be reselected/reappointed. Their performance is <i>pro bono</i>.</p> <p>Requirement for the donors are quite formalistic (petition, recommendation letters, copies of financial audit reports etc.).</p> <p>Decision on candidates' compliance with abovementioned requirements is taken by the High Council of Justice, which than approve candidate through secret voting by simple majority. Moreover, the Competition Commission decides on dismissal of its' members.</p> <p>The Commission takes decisions by open voting with simple majority of present members, while the Commission is legally qualified if majority of members is present. In practice it means, that 6 votes out of 20 members could be enough for taking decision.</p> <p>Competition Commission arranges selection and recommends to the Head of the State Judicial Administration candidate for the Head of HACC Apparatus.</p>			<p>the field of prevention or tackling corruption for not less than 5 years</p> <ul style="list-style-type: none"> • Decisions of the Competition Commission are taken by not less than 7 out of 9 votes. • Secretariat of the HQCJ ensures operability of the Competition Commission <p><i>[Part 4 of the Final and Transitional Provisions]</i></p> <ul style="list-style-type: none"> • During the first 6 years after the Law enters into force, at least 4 members of the Competition Commission shall be appointed exclusively upon recommendations of at least 3 states or international organizations, which provided assistance to Ukraine in AC sphere during the last 3 years • Foreign states/international organizations provide their candidates upon written request by Head of the HQCJ. The list is published on the HQCJ official website. • Among these candidates, the HCQJ selects at least 4 members to the Competition Commission. <p>Veto right for international experts is provided because 7 out of 9 votes of the Competition Commission are needed for decision-making.</p>	<p>are similar to judges (either professional experience in AC sphere – min. 5 years; or scientific work in law – min. 3 years; or attorney experience – min. 3; or legal experience after obtaining diploma in law – min. 3 years; or total experience of the abovementioned areas – min. 5 years) perfect business reputation, high professional and moral features and public esteem</p> <ul style="list-style-type: none"> • HQCJ verifies compliance with criteria for candidates • Successful candidate to the Competition Commission requires majority of votes of the HQCJ members <p>The Commission is dependent on the HQCJ as it decides on appointment and dismissal of the members. Moreover, Secretariat of the HQCJ shall support activity of the Commission.</p> <p><i>[Part 4 of the Final and Transitional Provisions]</i> Same requirements as in alternative DL 7440-3</p> <p>Veto right for national experts nominated by international community because 7 out of 9 votes of the Competition Commission are needed for decision-making.</p>
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	<p>for each of the donors, and this is their sovereign right, not the subject for legislative regulation.</p> <p>Instead, it is proposed to stipulate in the law that CIE members must be nationals of donor countries and cannot be citizens of Ukraine. This requirement is not a qualifications requirement and is aimed at ensuring the independence of the CIE and responsibility of CIE members before the subject of appointment.</p> <p>As long as the number of candidates in the High Anti-Corruption Court can be forecasted to be from 200 to about 1,000 persons. Based on this and on the criterion of efficiency of performance of the collective body it is proposed that CIE should consist of 7-11 members.</p> <p>It is proposed to grant CIE the authority to form and submit to the HQC the list of candidates which CIE recommends for participation in the competition, i.e. a short list of candidates with regard to whom a qualifications evaluation and subsequent competition will be carried out. The participation of candidates who do not have CIE recommendation and are not included to the short list in the competition is automatically terminated.</p> <p><u>CU:</u></p> <p>3.6. Thus, for the purpose of selecting HACC judges, the High Qualifications Commission of Judges (HQCJ) should set up a special panel responsible for the selection process. The special panel should include a majority of members nominated by international donors active in providing support for anti-corruption programs in Ukraine. All members of the special panel should have equal voting rights. Decisions of the special panel should be made by simple majority.</p>					
Additional security guarantees	<p><u>CU:</u></p> <p>5.2. HACC judges should also have access to additional security</p>	<p>[Article 10]</p> <ul style="list-style-type: none"> Physical protection 24/7, also for family members at request, 	<ul style="list-style-type: none"> Physical protection 24/7, also for family members at request, 	<p>[Article 10]</p> <p>Same as in DL 7440.</p>	<p>[Article 14]</p> <p>Same as in DL 7440.</p>	<p>[Article 14]</p> <p>Same as in DL 7440.</p>

	measures, including but not limited to special guarantees for physical protection of judges and members of their families.	<ul style="list-style-type: none"> to be provided by the Court Security Service alarm systems in the place of residence, office is equipped with modern security means 	<ul style="list-style-type: none"> to be provided by the Department of the State Guard of Ukraine alarm systems in the place of residence, office is equipped with modern security means mass media are not allowed to share the information about residence of HACC judges/family members Judges and family members are provided with secured means of communication State provides life and health insurance for judges and their family members 			
Financial guarantees	<p><u>VC:</u></p> <p>54. "...those judges should be entitled to higher salaries than generalist judges of first-instance courts..."</p> <p><u>CU:</u></p> <p>5.1. The level of remuneration for HACC judges should be commensurate with the increased demands of the position as they will consider high profile corruption cases and face the risk of undue influence related to such cases.</p>	<p><i>[Article 14]</i></p> <p>Separate budget lines prescribed for HACC and its Appellate Chamber.</p> <ul style="list-style-type: none"> Proper independent funding is a positive provision for institutional independence However, the DL does not explicitly provide for special remuneration levels of HACC judges, as suggested by the VC opinion 	<p>Higher salaries are envisaged for judges of HACC (75 minimum living wages) and Anti-Corruption Chamber of the Cassation Chamber of the Supreme Court (95 minimum living wages).</p> <p>Separate budget lines prescribed for HACC and its Appellate Chamber. HACC and Anti-Corruption Chamber of the Cassation Chamber of the Supreme Court are main disposers of costs provided by the State Budget for their activity.</p>	<p><i>[Article 14]</i></p> <p>Separate budget lines prescribed for HACC and its Appellate Chamber.</p>	<p><i>[Article 18]</i></p> <p>Separate budget line prescribed for both HACC and HACC Appellate Chamber in the State Budget.</p> <p>The DL provides for such safeguards for financial independence as:</p> <ul style="list-style-type: none"> Prohibition on cutting expenditures for HACC and HACC Appellate Chamber during current budget period Expenditures for HACC and HACC Appellate Chamber in the following year shall not be lower than in current budgetary period. 	<p><i>[Article 18]</i></p> <p>Separate budget line prescribed for HACC in the State Budget.</p> <p>The DL provides for such safeguards for financial independence as:</p> <ul style="list-style-type: none"> Prohibition on cutting expenditures for HACC during current budget period Expenditures for HACC in following year shall not be lower than in current budgetary period <p>No separate budget line envisaged for Appellate Chamber, which could hamper its independence.</p>
"Integrity monitoring" of HACC judges	<p><u>CU:</u></p> <p>3.3. In order to ensure public trust and confidence, the selection procedure should focus on assessing the professional competencies and integrity of candidates and ensuring that candidates have maintained high standards of ethical conduct in their professional, public and private lives.</p>	<p><i>[Article 11]</i></p> <p>Types of integrity monitoring of HACC Judges:</p> <ul style="list-style-type: none"> Asset declarations to be checked Lifestyle monitoring "other measures of financial and other control foreseen by law" Polygraph testing to be used for selection and disciplinary proceeding as information of "probabilistic nature" (a special Regulation to be approved by the High Council of Justice). 	<p>Not mentioned specifically. General rules stipulated by the Law on Judiciary and Status of Judges shall apply.</p>	<p><i>[Article 11]</i></p> <p>Same as in DL 7440.</p>	<p><i>[Article 15]</i></p> <p>Same as in DL 7440.</p>	<p><i>[Article 15]</i></p> <p>Same as in DL 7440.</p>
Launching of HACC	<p><u>CU:</u></p> <p>3.2. Specific timeframes for selecting HACC judges should be established by law to avoid abuse and delay.</p>	<p><i>[Part 3 of the Final and Transitional Provisions]</i></p> <p>- formation of HACC should be completed within 12 months after the Law enters into force;</p> <p>- HACC commences its activity as soon as two-third of HACC judges (including not less than half of HACC Appellate Chamber judges) are appointed.</p>	<p>Not specified in the DL. The draft only provides that HACC together with Anti-Corruption Chamber of the Cassation Criminal Court of the Supreme Court commence their activity the next day after a joint statement of their heads is published in the official "Holos Ukrainy" newspaper, but not later than 12 months since the law enters into force.</p>	<p>Same requirement as alternative DL 7440-1.</p>	<p><i>[Part 3 of the Final and Transitional Provisions]</i></p> <p>- formation of HACC should be completed within 6 months after the Law enters into force;</p> <p>- HACC commences its activity as soon as one-third of HACC judges (including not less than half of HACC Appellate Chamber judges) are appointed.</p>	<p>Same requirements as in alternative DL 7440-3.</p>