

## LIST OF IMPLEMENTATION LAWS AND KEY PROVISIONS

### 1. Law “On the Judiciary” (instead of the Law “On the judiciary and the status of judges” and the Law “On the High Council of Justice” / as an option – a specific Law “On the High Council of Justice”)

	Idea	Content	Anticipated result
<b>1.1.</b>	<b><i>Three-tier court system</i></b>		
	<p>Court system:</p> <ul style="list-style-type: none"> <li>- local courts,</li> <li>- regional courts,</li> <li>- Supreme Court.</li> </ul>	<p><i>Local courts</i> shall remain; local economic courts shall be liquidated.</p> <p><i>Regional courts</i> shall act (as courts of appeal, in exceptional circumstances – as courts of first instance) at the level of present-day courts of appeal; administrative and economic courts of appeal shall be liquidated.</p> <p><i>Supreme Court</i> shall replace the present-day three higher specialized courts and the Supreme Court of Ukraine. The Supreme Court shall be a court of cassation, in exceptional circumstances, for particular categories of cases – a court of appeal.</p>	<p>Most local ordinary courts shall remain. All judges shall undergo re-attestation.</p> <p>New regional courts shall be replaced with the courts of appeal having new judges and the judges who passed the competition.</p> <p>New Supreme Court with new judges and the judges who passed the competition (up to 27 judges).</p> <p>New courts with a credit of trust.</p>
	<p>Specialized courts:</p> <ul style="list-style-type: none"> <li>- administrative courts;</li> <li>- commercial courts;</li> <li>- High court for grave crimes.</li> </ul>	<p><i>Administrative courts</i> (as courts of first instance) shall be set up through reorganization of district administrative courts.</p> <p><i>Commercial courts</i> (as courts of first instance) shall be set up through reorganization of local economic courts.</p> <p><i>High court for grave crimes</i> shall be set up to consider at the first instance the criminal cases related to: 1) corruption crimes of top officials (within investigative jurisdiction of the National</p>	<p>New administrative and commercial courts with new judges appointed further to the competition results with a high credit of trust.</p> <p>New court shall consider the cases on grand corruption, crimes against humanity, and other most serious crimes, with new judges and the possibility to engage international judges.</p>

		Anticorruption Bureau of Ukraine), 2) war crimes, crimes against humanity, terrorism crimes, genocide. International judges shall be involved to take part in the consideration of cases as the jury. Supreme Court shall act as a court of appeal for such cases.	
	Before the authorities of the President of Ukraine are exhausted, courts shall be set up, liquidated, and re-organized at the initiative of the President of Ukraine. after the consultations with the High Council of Justice.		A legally formalized list of all courts shall be available starting from January 1, 2018.
<b>1.2.</b>	<b><i>Ensuring judges' integrity. Public control of professional integrity</i></b>		
	Public council on professional integrity whose experts shall be selected by the representatives of NGOs.	Public council on professional integrity shall have right to issue its conclusions concerning unfair practices of judges which shall be considered by a qualification body in the course of judges' certification. Overruling of these conclusions shall be possible only by a unanimous vote.	The public will be able to block the career of dishonest judges on the basis of evidence.
	Declaration of family relations by Judges.	Judges shall declare jobs of their relatives in the judicial system, prosecutor's office, other key governmental agencies, public defender's office, etc.	It will be possible to detect a conflict of interest and dishonest judges.
	Judges to submit a statement of integrity.	A statement of integrity shall cover the information on whether a particular judge issued verdicts on the Maidan activists, follows the ethical guidelines and complies with fair practices, etc. Submission of false information shall be a ground for dismissal.	It will be possible to dismiss the judges who submitted false information about their practices.
	Judges shall prove that their property has been legally acquired.	Introduction of the procedure of initiating and verifying legality of judges' property, establishment of a specific procedure of dismissing judges should they fail to fulfil their obligation to prove the legality of their property.	Judges shall be obligated to prove the legality of their property. Should they fail to fulfil this obligation, they may be dismissed.
<b>1.3.</b>	<b><i>New people engaged in the implementation</i></b>		

	<i>of justice</i>		
	Experts without prior judicial experience can become judges at superior courts.	Prior judicial experience shall no longer be required to take a position at a superior court. Record of service as a researcher or an attorney can serve as an alternative to the judicial experience.	It will be possible to engage experts outside the judicial system to the superior courts.
	Salary of new judges who have successfully passed the certification shall increase.	Salary of the judges who would successfully pass legal certification will not be lower than that of the detectives of the National Anticorruption Bureau of Ukraine.	There will be an incentive to work in the new system of courts. Occupation of a judge will become more attractive for successful lawyers. Judges will care about their office; the interest in committing corruption crimes will diminish.
	Wider scope of jury engagement.	Depending on a case category, the jury can consist of: - representatives of the public; - representatives of chambers of commerce and industry and business ombudsman – to consider commercial cases; - international judges – to consider the cases for grave crimes. It is necessary to determine different requirements for such jury, the procedure of formation of the jury register, and the safeguards of their activity.	Greater trust of the public, investors, and international community to the results of consideration of high-profile cases.
<b>1.4.</b>	<b><i>New qualification and disciplinary body</i></b>	Instead of the Higher Qualification Commission of the Judges of Ukraine, to set up a qualification and disciplinary commission(s) or establish a specific disciplinary body to assume the powers of the Higher Qualification Commission of the Judges of Ukraine.	It will take less time to bring judges to disciplinary responsibility.  Public representatives will work in the disciplinary body alongside the judges.
	<b>Idea</b>	<b>Content</b>	<b>Anticipated result</b>
<b>2.1.</b>	<b><i>New cassation</i></b>		
	The Supreme Court as a single cassation instance will be authorized to review court rulings in high-profile cases.	Current exceptional grounds for review of court rulings by the Supreme Court shall become grounds for cassation and may be extended (for example, through review of court rulings on the issues of principle to the judicial practice development). Review of court rulings by the	It will take less time to settle the case, as there will be no dual cassation. Most cases will be settled in the courts of appeal (regional courts)

		Supreme Court to be re-named as cassational proceedings. For cassational proceedings to be instituted, cases will have to undergo the acceptance procedure.	
<b>2.2.</b>	<b><i>Streamlining judicial proceedings</i></b>		
	Electronic court order	To introduce consideration of incontestable orders on collection of monetary funds through the issuance of electronic court order.	<p>The number of private-law disputes in courts shall decrease.</p> <p>It will take less time to collect monetary funds from the debtors.</p>
	Electronic justice	To create legislative conditions to establish communication between the court and the parties with the use of electronic technologies.	<p>Easier communication with court.</p> <p>Less resources shall be used to support judicial proceedings (mailing expenses, time).</p>
	Principle of a single point of contact (“one window”)	Any court shall accept the petition on case consideration regardless of the rules of court jurisdiction and shall pass the petition to a court of relevant jurisdiction.	<p>Friendly to the users of court system services.</p> <p>The need to determine jurisdiction will not impede case consideration.</p>
	Abolition of the Code of Commercial Procedure	The specificity of considering particular categories of commercial cases shall be determined by the Code of Civil Procedure with the civil procedure being streamlined. There is no need in a specific Code. It is also necessary to regulate the possibility of appeal review of certain categories of commercial cases by the jury with the participation of the jury – representatives of chambers of commerce and industry and business ombudsman to ensure greater trust of business to the court.	<p>To reduce the number of regulations; to resolve the differences between judicial proceedings in private-law disputes.</p> <p>To reduce corruption in the course of settlement of commercial cases.</p>
	Criminal offences	To introduce the institute of criminal offences covering a number of crimes. It will streamline proceedings in such cases, as the Code of Criminal Procedure provides for simplified judicial proceedings in case of criminal offences.	<p>Burden on the courts in criminal cases shall be reduced.</p>

### **3. Amendments to the Law “On Prosecution” (as an option – a specific Law “On the dual system of regular penitentiary inspections”)**

	Idea	Content	Anticipated result
3.1.	<b><i>Competition to fill the position of the Prosecutor General</i></b>		
	The President of Ukraine can appoint to the position of the Prosecutor General only a person who has successfully passed the competition, by consent of the Verkhovna Rada of Ukraine.	A person can be nominated to the position of the Prosecutor General only on the basis of results of the competition organized by a specific competition panel. The President of Ukraine and the Verkhovna Rada of Ukraine shall each appoint equal number of members of the competition panel. A panel can be set up in a different way to ensure that people of impeccable moral qualities and reputation are selected as its members.	Prosecutor General will become a less politically dependent figure.
3.2.	<b><i>Prosecution powers aligned with the European standards</i></b>		
	Prosecution will not perform the functions of representation in court and control over the observance of laws, except for the function of control at the penitentiary establishments until the Law “On the dual system of regular penitentiary inspections” comes into force.	To change the title and the contents of the prosecution powers from “control over the observance of laws” to “organization and procedural management of pre-trial investigation.” Party of charge shall contact with the court only via the prosecutor. To divest the prosecution of its powers regarding representation of person’s interests in court and to considerably narrow its powers regarding representation of interests of the state. To divest the prosecution of its powers regarding control at the penitentiary establishments after the Law “On the dual system of regular penitentiary inspections” comes into force.	Prosecution will better fulfil its powers in the field of criminal justice.
	Idea	Content	Anticipated result
4.1.	<b><i>Competition-based entry to the legal profession upon completion of higher legal education</i></b>	Diploma on higher education in law shall be issued only on the basis of results of a unified state examination administered by an independent competition panel not affiliated with any higher educational establishment (on the model of external independent testing). It will provide internship opportunities with the right to perform certain functions of an attorney. Attorney status shall be provided upon the results of a qualifying examination.	The quality of legal education shall improve owing to the competition between the educational establishments.  Training shall become more practice-oriented.  The risk of corruption in the course of entry to the legal profession shall be minimized.

			A number of persons with a status of an attorney shall increase.
4.2.	<i>Status of an attorney as a condition of entry to other legal occupations (notary, prosecutor, judge)</i>	Results of a unified state examination to replace a selection test for the persons intending to work as notaries, prosecutors, or judges. After a special training the persons selected for entry to a specific occupation have to pass a qualification test. The status of an attorney shall be preserved for the period of public service in different forms.	The resources needed to organize different selection tests will decrease.
4.3.	<i>Bodies of attorneys' self-government will not be centralized and will be able to compete</i>	Attorneys will have a right to choose the association they would like to join. Representatives of the association will have a quota (correlated to the number of its members) in the congress of attorneys which will form a qualification and disciplinary bodies of the public defender's office.	Associations of attorneys will compete for new members. There will be no permanent centralized bodies of attorneys' self-government.
	<b>Idea</b>	<b>Content</b>	<b>Anticipated result</b>
5.1.	<i>Competition to fill the positions of judges of the Constitutional Court of Ukraine</i>	A person can be nominated to the position of a judge of the Constitutional Court of Ukraine only based on the results of the competition organized by a specially established competition panel. The panel shall be set up in such a way as to engage lawyers-constitutionalists of high moral qualities and authority, in particular from among the retired judges of the Constitutional Court of Ukraine.	The risk that politically dependent persons might be selected to the Constitutional Court to be minimized. Only competent experts shall be appointed as judges.
5.2.	<i>Clearly determined procedures of case consideration due to the change of authorities of the Constitutional Court of Ukraine</i>	The criteria for accepting and the procedure of considering a constitutional complaint shall be determined; the procedure of checking the constitutionality of the issues to be voted at the all-Ukrainian referendum shall be established; participation of the Constitutional Court of Ukraine in the procedure of impeachment of the President of Ukraine shall be formalized; the procedure of issuing opinions on the draft laws on amendments to the Constitution shall be determined; the procedure of interpreting the laws of Ukraine shall be excluded, etc. Period of case consideration shall be determined; automated distribution of cases shall be introduced. Procedures of implementing the resolutions of the Constitutional Court of Ukraine shall be regulated.	Proceedings in the Constitutional Court of Ukraine to be fully regulated by law, not by procedural rules.  The procedure of submission and consideration of a constitutional complain shall be established.