

According to the decision on the Plenum of the Supreme Court of Ukraine, the new Supreme Court will start working from December 15, 2017. We remind that together with the start of work of the new Supreme Court new procedural codes in the field of civil, economic and administrative proceedings start to operate.

Among essential amendments of the procedural legislation abolishment of Higher Specialized courts of Ukraine and determination of the Supreme Court as a single court of cassation in Ukraine can be named. From now the Supreme Court can consider cases in the composition of the panel, chamber, associated chamber or the Grand Chamber.

The Supreme Court will not consider insignificant cases, except for those where the case has a significant public interest or fundamental importance for establishment of the single law enforcement practice, as well as certain cases not considered under the rules of general proceedings.

A Higher Court of Intellectual Property will be established to hear intellectual property cases as a court of first instance, and the Appellate Chamber of the Higher Court of Intellectual Property will be the court of appeal.

An important innovation is also the introduction of the so-called electronic court. Now the courts are going to exchange documents with other courts and participants of the proceedings in electronic form. After submission of documents to the court in paper form, the court apparatus must convert these documents into electronic form no later than three days from the date of their receipt and keep them in electronic form. The decisions and request for summons will be sent to the official e-mail of the participants in the proceedings. When filing a claim by means of electronic communications, the amount of court fee will be reduced by 20%. The start of the work of the electronic court will relieve the courts from the blockage of documents and will allow to faster find and process them. Also, in electronic form, documents will be more secured from external damage and accidental loss.

Changes to the procedural codes have once again consolidated the previously introduced "monopoly" of the attorneys-at-law. At the same time, such monopoly will be introduced gradually. Thus, only attorneys-at-law will represent interests in courts of appeals from January 1, 2018, and in courts of first instance from January 1, 2019. Since the beginning of this year, the interests of the parties in the court of cassation may be represented exclusively by attorneys-at-law.

Among other changes and innovations introduced by the new procedural legislation, the following can be distinguished:

- Change of the order of filing and expanding the list of evidence that now can be information contained in the electronic (digital) form (electronic documents, information from websites (pages), text, multimedia and voice messages, metadata, databases and other data in electronic form).
- The establishment of a mediation institution, main purpose of which is to settle a dispute that has arisen by conducting a discussion with the parties (jointly or separately) by a judge. At the same time, the trial only begins when the mediation failed to resolve the conflict between the parties.

- The establishment in the procedural legislation of a non-exclusive list of acts that the court may consider as abuse of procedural rights. Such acts include manipulation of jurisdiction, manipulation of automatic distribution of cases between judges, failure to provide evidence at the request of a court, avoidance of participation in the examination, filing appeals against decisions that are not challenged, failure to inform individuals who are to be third parties, or other unjustified protraction of the case. The consequence of abuse of procedural rights may be the imposition of a fine, the return of the claim without returning of the court fees, the imposition of court fees on the person who committed such abuse of rights.
- Introduction in administrative proceedings of procedure for consideration of typical cases that are under consideration by administrative courts. This procedure involves consideration by the Supreme Court, as a court of first instance, of a typical case, where consideration of which results in a model decision, which may be revised according to the rules of appeal in the Grand Chamber of the Supreme Court, is adopted. At the same time, during the consideration of the typical case by the Supreme Court, other courts will suspend the proceedings in similar cases, and after the adoption of the model decision, the courts should take into account the conclusions of the Supreme Court set forth in it.

The law enters into force on the day the Supreme Court starts its work and introduces a range of changes and innovations to the procedural legislation, part of which are absolutely innovative both for Ukraine and for other post-Soviet countries. Such changes and innovations should have a positive impact on the judicial system of Ukraine and improve the efficiency of justice, as they are intended to relieve courts and simplify the procedures for reviewing cases, to make the judicial system more modern and oriented towards professional representation of interests in court.

This Legal Alert is intended as a general overview of latest changes in legislation of Ukraine and does not constitute a legal advice.

For further information please contact Antika Law Firm:

12, Khreschatyk Str., 2nd floor,

Kyiv, 01001, Ukraine

tel./fax: +38 044 390 09 20/21

office@antikalaw.com.ua

www.antikalaw.com.ua