



RULES OF ORGANISATION OF EFFECTIVE JUDICIAL PROCEEDINGS OF THE NORTHERN COMMERCIAL COURT OF APPEAL



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PREAMBLE

The Rules aim to facilitate the proper planning and organisation of the hearing of cases, the efficient use of resources, the efficiency of proceedings and the transparency of justice.

The necessary conditions for effective judicial proceedings are the good faith exercise of procedural rights by the parties to the case (preventing abuse of these rights), the good faith fulfilment of statutory obligations, and adherence to ethical standards by all parties to the judicial proceedings.

In an aim to increase the efficiency of commercial proceedings, to ensure that cases are considered within a reasonable terms and to introduce a common approach to dispute resolution in the spirit of respect for the rule of law and prevention of abuse of rights, the court considers it necessary to define common rules for the exercise of rights and obligations of the parties to commercial proceedings to the extent that they are not directly regulated by law.

Section I. GENERAL PROVISIONS

These Rules have been developed based on various legal sources, including the Constitution of Ukraine (Articles 1, 3, 55, 131-1, 131-2), the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 6), the Law of Ukraine “On the Judiciary and the Status of Judges” (Article 2), and Recommendation CM/Rec (2010) No. 12 of the Committee of Ministers of the Council of Europe of 17 November 2010 on judges and are based on the rule of law and comply with the economic procedure legislation of Ukraine, where all procedural aspects are regulated by the Economic Procedure Code of Ukraine, the Bankruptcy Code of Ukraine, according to which the court decides on the cases by introducing general provisions for resolving procedural issues, which are formalised in rulings and usually made with the use of judicial discretion.

Court proceedings are usually conducted orally and in public, unless otherwise specified, according to the Commercial Procedure Code of Ukraine.

Any person has the right to attend an open court hearing.

Individuals present in the courtroom during a court hearing are allowed to create written records of the proceedings and capture photographs, videos, and audio recordings using portable equipment without requiring a separate court order. However, it is important to note that this is subject to the provisions of the applicable law, which stipulates that an individual may only be filmed or photographed with their consent. During the recording of the proceedings, it is important that the individuals responsible for the recording do not disrupt the actions of the trial participants or the court.

The courtroom has a limited capacity and can only accommodate a number of visitors equal to the seats provided. In the event that more people wish to attend the court session, the presiding judge may arrange for additional seating.

In order to ensure the safety of all those attending and to protect the premises and property of the Court, visitors are obliged to carry identification documents and to present them at the request of the Court security officers, bailiffs or employees performing their duties.

If a substantiated request is submitted in advance and it is

technically feasible, the court may consider live streaming the court session on the internet.

It is important to note, however, that the official record of the court hearing will only be the technical recording made by the court in accordance with the procedure provided for by the CPC of Ukraine.

Admission to the courtroom will be granted to media representatives and individuals based on seat availability and the placement of non-portable photo and video equipment.

The allocation of space for large-sized photo and video equipment in the courtroom is determined by the presiding judge.

In cases where there are insufficient seats, priority is given to media representatives who have applied to the court's press service to attend the hearing. However, preference is given to national media representatives when deciding on placement.

It is imperative that photographic and video equipment is set up in such a way that it does not capture any documents or images of the participants in the hearing, nor does it produce loud noises, bright flashes or other disturbances of the hearing.

During a hearing, it is forbidden for participants to enter, leave, move around or speak in the courtroom from the time it opens until it is declared closed. Additionally, it is requested that all mobile phones be switched off or set to silent mode.

Participants in the proceedings may give explanations, make statements, express opinions, or objections only at the suggestion or with the permission of the presiding judge.

Individuals who are not directly involved in the case, such as members of the media or the general public, are not permitted to provide explanations on the case, ask questions, or express personal opinions. It is expected that these individuals limit themselves to only perceiving the information provided during the court session.

In cases where there are violations of the orders of the presiding judge or the order in the courtroom, or instances of contempt of court, the court may have to impose coercive measures in the form of a warning or removal from the courtroom. It is important to note that a person may be subject to administrative responsibility.

Section II. GENERAL PRINCIPLES OF COMMERCIAL LITIGATION

2.1. ISSUES OF RECUSAL/SELF-RECUSAL

The situations listed below, on their own, do not meet the criteria for being considered as 'other circumstances that cast doubt on the impartiality or objectivity of a judge' as defined in Article 35(1)(5) of the Commercial Procedural Code of Ukraine:

- application by the court of measures of procedural coercion in accordance with the procedure established by law;
- religion, nationality, ethnic or social origin, sex, age, education, length of service, membership of public, sports or charitable organisations, property status and sexual orientation, gender identity, previous court decisions in other cases, dissenting opinions in other cases or publicly expressed opinions on a particular legal issue;
- whether the judge has in the past dealt with a case involving the same parties and/or another dispute arising out of related, connected or other legal relationships, unless the decision has been overturned;
- the fact that the judge has entered into a deposit/loan agreement, account opening and maintenance agreements, etc., with a financial institution that is a party to the dispute before the judge, unless the terms of the agreements differ significantly from the standard terms and conditions of such agreements offered by the bank;
- the fact that the representative of a party/third party is a former classmate, neighbour, former colleague, etc. of the judge, unless there are facts indicating a close relationship between the judge and this person and the judge declares that it is impossible to consider the case objectively;
- the fact that a person involved in the case has filed a complaint against the judge's actions, unless the judge himself declares that it is impossible to consider the case objectively;
- the existence of a registered statement by the judge on the commission of a crime - until the judge is officially informed of the suspicion of committing a crime;

- the participation in the case of a lawyer/representative of a law firm in which the judge has previously practised as a lawyer; a lawyer/representative with whom the judge has previously carried out teaching or research activities; a lawyer/representative who has previously held the position of a judge in the same administrative district in which the court considering the case is located, if more than one year has elapsed since the time of the joint work/activity and there are no other facts indicating a close relationship between the judge and this person;

- the presence of a party/third party or their representatives in the judge's list of friends on social media;

- the fact that one of the parties' motions was granted if the other party objected to the granting of such a motion, as well as the fact that the motion was denied if the other party insisted on it.

When determining the validity of a recusal, the judge/court may be guided by the principle that "the more time has elapsed since the event giving rise to the presumption of partiality, the less weight will be given to the arguments against the candidacy of a particular judge".

2.2. APPLICATIONS TO THE COURT, SCHEDULING OF HEARINGS AND NOTIFICATIONS IN THE CASE

Procedural applications to the court must comply:

- the requirements of the procedural legislation and drawn up in accordance with the requirements of DSTU – 4163: 2020 regarding the typeface – Times New Roman, font 14; interval 1– 1,5; indentation margins: left 30, right 10, top and bottom 20;

- documents should be printed in black ink of a saturated shade on a white background, sheets should be numbered if there are more, than one;

- the text should be written in business language in compliance with ethical standards of business communication;

- the document title should accurately reflect the procedural action;

- the upper right corner of the appeal must include the full names of all parties involved in the case, along with their current legal

and physical addresses, email addresses, telephone and fax numbers, and available messenger applications. It must also indicate the person on whose behalf the appeal is being lodged.

Documents submitted to the court in electronic form must be signed by the Qualified Electronic Signature (QES).

In exceptional cases, urgent motions may be sent to the court via email with a subject line that includes the case number, date, and time of consideration. The petition must include an obligation to provide confirmation of the petition with proper identification of the applicant within one day.

If a representative or individual involved in the case files a motion with the court to hold a videoconference hearing, they must attach copies of documents that identify the person (such as a passport) and confirm their right to representation.

If a representative applies to court through an attorney who is entrusted with representing the client's interests, the attorney must attach a notice of the days and times for which they have already scheduled court hearings within the period specified by law for consideration of the case or appeal. At subsequent court hearings, the attorney must also inform the judge-rapporteur of the attorney's intention to attend other court hearings. The court should consider the busyness of the attorneys, if possible, and schedule the hearing on a date agreed upon by all parties to the proceedings within the procedural terms for the hearing.

If the court has fixed the date and time of the hearing without the consent of the parties, they have the right to request a change of the date of the hearing upon receipt of the court summons, stating the reasons. Such requests are considered a matter of priority and, if justified, may result in a change of the case/appeal date.

To ensure the publicity of the trial, the adversarial proceedings and the discretionary nature of commercial proceedings, the court must be guided by the principle of due diligence. In determining the further progress of the case, the court should, in particular, check:

- whether there is adequate evidence to prove that the parties were informed of the date, time and place of the hearing and whether they can be considered to have waived their right to appear in court;
- whether the party will be provided with the opportunity for a new adversarial hearing as soon as the party learns of the judgement

rendered in its absence.

In deciding on a party's request for an adjournment of the hearing on the grounds of the absence of an attorney and the need for qualified legal assistance during the hearing, the court takes into account such circumstances as the importance of the result of the dispute for the party, the complexity of the relevant law, the possibility of qualified self-representation, the good faith of the applicant's conduct and the absence of signs of abuse of procedural rights (e.g. the number of requests for adjournment, frivolous adjournments, etc., the existence of other circumstances which, in comparison with the circumstances of the case, do not constitute an abuse of procedural rights).

The court invites or notifies the parties and their representatives of the court hearing by sending a relevant ruling and posting it in the Unified State Register of Court Decisions.

Attorneys, notaries, public and private bailiffs, insolvency receivers, court experts, public authorities and other state bodies, local self-government bodies, and other legal entities register their electronic accounts in the Unified Judicial Information and Telecommunication System or its separate subsystem (module), which ensures the exchange of documents on a mandatory basis.

Other persons register their electronic offices in the Unified Judicial Information and Telecommunication System or its separate subsystem (module) that ensures the exchange of documents on a non-mandatory basis.

If registration of an electronic cabinet in the Unified Judicial Information and Telecommunication System or its separate subsystem (module) that ensures document exchange contradicts religious beliefs of a person who is obliged to register it in accordance with the Commercial Procedure Code of Ukraine, the procedural consequences of such a person applying to court without registering an electronic cabinet in the form of leaving his/her document without movement, returning it or leaving it without consideration provided that the person applies such circumstances simultaneously with the submission of the relevant document by submitting a separate substantiated written statement.

A person who has registered an electronic cabinet in the Unified Judicial Information and Telecommunication System or its separate subsystem (module) will receive court documents exclusively in

electronic form. The court will send the documents to the person's electronic cabinet, but they still have the right to request a paper copy of the court decision separately.

Registration in the Unified Judicial Information and Telecommunication System or its separate subsystem (module) that provides for the exchange of documents does not preclude the right to submit documents to the court in paper form.

Furthermore, parties to a case may be notified of a court hearing by telephone, telegram, fax or e-mail, provided that the message or call is recorded.

If technically feasible, the court may use mobile communication means to notify the party of the appointment of the case for consideration, including the date, time, and place of the court hearing or relevant procedural action. The message or call must be recorded, and the court should send text messages to the party indicating the web address of the relevant decision in the Unified State Register of Court Decisions. This procedure must follow the Regulation on the Unified Judicial Information and Telecommunication System and provisions defining the operation of its individual subsystems (modules).

If a court order is sent via e-mail, telegram, fax, telefax or messenger application, the recipient must promptly confirm receipt to the court. The confirmation will be recorded, printed and attached to the case file.

In addition, sending a court summons and notice by electronic means notified by the party to the case, which have the status "Delivered", will be considered as proper notification.

The court can direct a party to send a court summons and notice to other parties by post, with the original proof of service provided to the court no later than the day of the relevant court hearing, provided that the party consents.

Parties who were not present at the hearing have the right to inquire about the case's progress within a reasonable period.

When deciding on a court hearing, the court may determine which party must perform a particular procedural action and the deadline for performing this action, if necessary.

The court should take organizational measures to notify the parties in a timely manner if the trial cannot be held at the scheduled time.

The court must implement organizational measures to ensure that the participants in the proceedings become familiar with the case file on the day of filing the relevant motion. If this is not possible, the time for familiarization should be agreed upon with the representative of the party that filed the relevant motion.

2.3. ADJOURNMENT OF THE CASE

It cannot be recognised as a valid reason in itself and does not entail an unconditional postponement of the case or an adjournment of the case::

- participation of a party to the case in the consideration of another case conducted in the same or another court, including a higher court, which was appointed or scheduled after the hearing in this case;
- health condition not confirmed by relevant medical certificates (sick leave), unless the provided medical document directly indicates contraindications against participation in the court hearing and/or when medical intervention is scheduled for the time of the court hearing; as well as filing a motion to adjourn the hearing for health reasons without justification regarding the inability to attend the court hearing due to illness and the impossibility of holding the hearing in the absence of the participant and/or his/her representative;
- urgent or serious family or other circumstances, unless the petition is accompanied by appropriate confirmation or documents from which it is clear that these family or other circumstances are urgent, or from which the serious nature of the situation that cannot be resolved at another time follows;
- annual leave or business trip of the representative/party if the order for vacation (business trip) was given after the date of the court hearing (after the date of notification of the party (its representative) of the date of the court hearing);
- replacement of the representative at the initiative of the party within a short period of time before the date of the scheduled hearing and/or failure to transfer to the new representative all the materials necessary for the representation;

- the need to get acquainted with the case file, if the party had an objective opportunity before the hearing (before the date of the hearing), but did not use it without valid reasons;
- inability of one of the representatives of a party to the case to participate in the court hearing if there are several representatives/attorneys;
- submission of new evidence to the court by a party (participant in the case) beyond the terms specified by the procedural law, on the eve or on the day of the court hearing, without proper justification of valid reasons;
- submission of new applications (motions) to the court on procedural issues or statements on the merits of the case with copies to the other party on the eve of the court hearing, i.e. within the time limit that deprived the other party of the opportunity to receive and review these applications in advance and provide their explanations/objections/reasoning on them. In this case, the court has the right to leave the motion without consideration or return the application/motion as filed with a clear abuse of procedural rights
- inability to provide new evidence that the party did not claim in the court hearing and did not file a motion to request (secure).

The party insisting on the adjournment of the case under the circumstances referred to in this section proves the exclusivity and insurmountability of the specified circumstances for it and provides evidence of taking all reasonable measures to prevent the adjournment of the court hearing.

In addition, the court hearing may be adjourned for a reasonable term if there is a joint motion of the parties to the case to settle the dispute in an out-of-court manner.

2.4. EVIDENCE AND PROOF

The burden of proof and submission of evidence lies with the parties.

The court may request evidence if a party is objectively unable to provide it or if the court has doubts about the good faith exercise of

procedural rights or fulfilment of obligations regarding evidence by the parties to the case.

The court has the right to use data from state registers to which the court has access or which are made available to the court, in particular from the Unified State Register of Court Decisions, the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations, the State Register of Real Estate Rights, the State Register of Encumbrances on Movable Property, the Automated System of Enforcement Proceedings, etc.

If the study of the facts to be proved in the case requires special knowledge, each party to the case has the right to independently order and submit to the court an expert opinion.

Refutation of an expert opinion submitted to the court is carried out by the parties to the case who object to the content of such an opinion, in particular, by ordering and submitting to the court a review of the expert opinion and/or another expert opinion on the same issue(s) that were the subject of the disputed expert study.

A party's request for the court to appoint an expert examination and suspend the proceedings shall be granted if each of the parties to the case has provided an expert opinion and the expert opinions provided contradict each other, provided that the final expert opinion is essential for the proper resolution of the dispute.

If a party to the case asks questions to the other party in the first statement on the merits of the case submitted to the court, the other party is obliged to provide an exhaustive answer separately to each question on the merits, except if there are grounds for refusing to answer the questions.

If the party to which the questions are posed fails to fulfil its obligation to provide an exhaustive answer to each question separately on the merits and in the absence of a justified refusal, the court provides an assessment of this circumstance in the court decision on the merits of the case.

If an individual believes that the court of first instance unreasonably rejected their evidence, they have the right to submit a motion to attach the evidence with the appeal or response. If the motion was not filed with the appeal or was filed after the deadline for responding to the appeal has passed, it and the evidence will be returned to the applicant without consideration. At the same time, a copy of the relevant motion and its attachments are kept in the case

file.

If a person did not participate in the trial in the court of first instance for valid reasons (was not duly notified of the court hearing, was not involved in the case in which a decision was made regarding his/her rights and obligations, etc.), he/she is obliged to file a request to attach evidence with the appeal. Failure to file the motion with the appeal will result in the evidence being returned to the applicant without being attached to the case file. A copy of the relevant petition and attachments will remain in the case file.

If a party has been unable to submit evidence with their appeal or response, they should state this and provide evidence of the impossibility.

2.5. RENEWAL AND EXTENSION OF PROCEDURAL TERMS

When considering the renewal or extension of procedural deadlines, the court takes into account the following factors:

- a party's awareness of the existence of a case in court and the adoption of a court decision;
- the presence of the party appealing against the judgement at the court hearing in which the judgement is announced;
- good faith (no signs of abuse of procedural rights) of the party/representative in the proceedings.

A Refusal by a party to receive the full text of a court decision, if the party's representative was present when the decision was announced (knew the time of consideration of his case and/or the decision), is not a valid reason for extending the missed deadline for appealing against such a decision.

Saction III. COURT PROCEEDINGS

Court proceedings are held in accordance with a pre-established schedule of cases. The list of cases scheduled for consideration is

available on the court's website.

The participants in the case who are involved in the consideration of cases directly in the courtroom must arrive at the court hearing in advance of the appointed time to check the attendance of the participants and identify them by the court clerk, taking into account the rules of admission to the courtroom.

The same rule applies to participants in the case who participate in a court hearing via videoconference from the premises of another court.

The parties to the case who participate in the court hearing via videoconference using their own technical means and bear the risks of technical impossibility of participation, interruption of communication, etc. must check in advance the serviceability of their technical means, the availability of communication, register in time on the relevant platform for participation in the videoconference and contact the court secretary.

A motion to hold a court hearing via videoconference shall be filed with the court no later than 5 days before the court hearing, together with copies (originals) of documents confirming the right to representation, the powers of the representative and allowing identification of his/her identity.

A motion to hear a case by videoconference from the premises of another court shall be granted if it is technically possible, in particular, booking a courtroom with appropriate equipment and ensuring the participation of a responsible employee of the other court in verifying the attendance of the participants in the videoconference, establishing their identity and powers.

A motion to attach documents to the case file with duly certified attachments of parties to the case who participating in court hearings via videoconference must be submitted to the court and other parties to the case no later than 5 days before the day of the court hearing.

It is allowed to send scanned copies in electronic form of certified documents using a QES. An electronic copy of a written evidence is not considered an electronic evidence.

If the court needs to further examine the originals of these documents, the court may oblige the party to provide them directly to the court at the court hearing, changing the format of the court hearing from videoconference to in-person.

Videoconference participants who participate in a court hearing

using their own technical means outside the courtroom are obliged to use a room or place where extraneous sounds, noises, movements are excluded, sufficiently lit, without any light effects, and where they observe business dress and business etiquette.

For the purpose of efficient use of resources and compliance with the schedule of court hearings, the regulations for the court hearing are established.

The presiding judge, in compliance with the set and sequence of actions established by the procedural law, proposes to the parties to the case the procedure and sequence of consideration of the case, terms and order of priority for speeches on the merits of the dispute and/or on procedural issues.

The parties to the case can speak concisely and to the point about the proposed regulation and make their own proposals.

The regulations of the court session are approved by the court.

The presiding judge, within the limits of his or her authority, manages the course of the court session, monitors compliance with its rules, eliminating from the court proceedings everything that is not essential for the resolution of the case. In order to ensure a full, comprehensive and objective clarification of the circumstances of the case and to respect the rights of the parties to the proceedings, the presiding judge may change the regulations of the court proceedings, and in the presence of certain compelling circumstances, the court may decide to return to the previous stage of the court proceedings to perform certain procedural actions that can be implemented at a certain stage of the proceedings.

The parties have the right to submit written statements in court debates and to file a motion during the hearing to include these statements in the case file.

3.1. CONSIDERATION OF DISPUTES ARISING FROM CORPORATE LEGAL RELATIONS

The parties to corporate disputes are:

- participants (founders, shareholders, members) of a legal entity, including those who have withdrawn, whose rights have been

violated in connection with the acquisition, exercise and termination of their corporate rights and interests;

- a legal entity in which participants (founders, shareholders, members) exercise their corporate rights.

It is not required to involve other members (shareholders) of the company in corporate disputes if the outcome of the dispute depends only on the fact that the court has established the existence and extent of the violated corporate right of the plaintiff (plaintiffs) - member (members) of the legal entity.

The involvement of a state registrar in corporate disputes is not required if the lawsuit requirement for cancellation of a registration action to amend information about a legal entity is filed as a derivative of a dispute arising from such relations.

The court may involve other members (shareholders) of the company and third parties in the case if the resolution of the corporate dispute will affect the rights and obligations of such persons and this will be essential for the correct resolution of the case.

To a statement of claim arising from corporate legal relations, the plaintiff must attach duly certified copies of:

- decisions of the general meetings of legal entities that are being challenged;
- the charter of the legal entity in the version in force at the time of the performing of contested decisions;
- evidence to confirm that the person has ownership of shares in the authorised capital of the legal entity whose decisions are being appealed;
- other evidence necessary for a full and comprehensive consideration of the dispute.

If the plaintiff is unable to provide the relevant evidence on its own, it must file a motion to request the court to require such evidence along with the claim in accordance with the procedure established by Articles 80 and 81 of the Code of Civil Procedure of Ukraine.

If there are circumstances of unfair fulfilment in the of procedural rights and fulfilment of obligations to submit evidence by the parties to the case, the court has the right to demand the evidence pursuant to Article 74(4) of the Code of Civil Procedure of Ukraine:

- materials of the registration file of a legal entity;
- decisions of the general meeting that are the subject of appeal in the relevant dispute;

- other information about the legal entity that is necessary for a full and comprehensive consideration of the dispute.

The parties when filing a petition for interim relief in a dispute arising out of corporate relations, and the court when considering the relevant petition, should take into account special peculiarities of application of measures of claim in such legal relations. These peculiarities include:

- the list of measures that cannot be used to secure a claim in disputes arising from corporate relations (Article 137(5) of the Commercial Code of Ukraine);

- a method of securing a claim established only for the specified category of disputes in accordance with Article 137(9) of the Commercial Procedural Code of Ukraine;

- measures to secure a claim, which should not violate the rights of other shareholders (participants) of the economic partnership in accordance with part 10 of Article 137 of the Commercial Code of Ukraine.

These provisions should be taken into account to ensure the balance of interests of all parties to the process and to maintain the effectiveness of the legal mechanism for resolving corporate disputes.

In case of satisfaction in a corporate dispute a derivative of lawsuit requirement for cancellation of registration actions on making changes to the information about a legal entity, the court decision in accordance with the requirements of Part 8 of Article 242 of the Commercial Procedural Code of Ukraine shall be sent to the relevant state registration authorities for immediate execution.

3.2. CONSIDERATION OF DISPUTES ARISING FROM BANKRUPTCY PROCEEDINGS

When considering bankruptcy (insolvency) cases, it is necessary to separate the parties to the bankruptcy (insolvency) case and the participants in the bankruptcy (insolvency) case.

Parties to a bankruptcy (insolvency) case - pre-bankruptcy creditors (chairman of the creditors' committee), secured creditors, debtor (bankrupt).

Participants in the bankruptcy (insolvency) case - the parties, the insolvency officer, the state bankruptcy authority, other participants in the bankruptcy case, the rights or obligations of which are in dispute, as well as in cases provided for by this Code, the State Property Fund of Ukraine, the National Bank of Ukraine, the National Securities and Stock Market Commission, a representative of the local self-government body, a representative of the debtor's employees, an authorised person of the founders (participants, shareholders) of the debtor.

Disputes in which the debtor is a party are considered by the commercial court in charge of the bankruptcy (insolvency) case.

Within the framework of this case, the commercial court resolves all property disputes in which the debtor is a party; disputes with claims against the debtor and its property; disputes on invalidation of auction results; disputes on invalidation of any transactions concluded by the debtor; disputes on the return (reclamation) of the debtor's property or reimbursement of its value, respectively; disputes on compensation for damage and/or losses caused to the debtor; disputes on the recovery of wages; disputes on the reinstatement of the debtor's officials and employees; disputes on other claims against the debtor.

The economic court has the right, at the petition of the parties or participants to the case or on its own initiative, to take measures to secure creditors' claims.

The commercial court, at the request of the asset manager, creditors or on its own initiative, may prohibit the debtor from entering into transactions without the asset manager's consent, and may oblige the debtor to transfer securities, property, and other valuables for safekeeping to third parties, to perform or refrain from performing certain actions or take other measures to preserve the debtor's property and secure creditors' claims (including by depriving the debtor of the right to dispose of its property or securities without the consent of the asset manager or the bankruptcy court; seizure of specific movable or immovable property of the debtor), which is decided by a court order.

In the property disposal procedure, at the request of the property manager, parties or other participants in the bankruptcy case, which contains confirmed information about the obstruction by the debtor's director or management body of the exercise of the asset manager's powers, failure to take measures to ensure the safety of the debtor's

property, as well as actions that violate the rights and legitimate interests of the debtor or creditors, the economic court has the right to terminate the powers of the director or management body of the debtor and entrust the performance of his or her duties to the asset manager.

Saction IV. OPERATION OF THE COURT IN EMERGENCY SITUATIONS (MARTIAL LAW, MINING, QUARANTINE, ETC.)

For the purposes of these Rules, an emergency situation means the situation on the territory of a region or court characterised by a violation of normal conditions of functioning of enterprises, institutions, organisations, vital activity of the population, participants in court proceedings due to an accident, man-made disaster, use of destructive means or other dangerous event that has led (may lead) to a threat to life or health of the population, impossibility of conducting court proceedings.

During the quarantine, the court continues to conduct court proceedings in the manner prescribed by the procedural law. However, the participants in the court proceedings are obliged to comply with quarantine measures, such as the use of protective masks, distance keeping, self-isolation in case of signs of illness, etc.

Under martial law, the court continues to carry out judicial proceedings in accordance with the procedure established by the procedural law.

However, in the event of an air raid alert, a threat of missile attacks, a bomb threat to the court building, etc., the work of the court is suspended. Participants in court hearings must leave the courtroom and go to a shelter.

After the elimination of above circumstances (air raid warning

cancelled, completion of notification of bomb threat checks), the court resumes its work. The trial may be continued from the stage at which it was suspended, or a break is announced at this stage and the next date of the trial is set.



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