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DEUTSCHE STIFTUNG FÜR  
INTERNATIONALE RECHTLICHE  
ZUSAMMENARBEIT E.V.



# AGENDA

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VIII INTERNATIONAL CONFERENCE

"ADMINISTRATIVE JUSTICE IN UKRAINE: THEORETICAL AND PRACTICAL ISSUES. THE 20TH ANNIVERSARY OF THE ADOPTION OF THE CODE OF ADMINISTRATIVE PROCEDURE OF UKRAINE: EXPERIENCE AND PROSPECTS OF ADMINISTRATIVE JUSTICE IN ENSURING THE PROTECTION OF RIGHTS AND FREEDOMS IN A DEMOCRATIC SOCIETY"

3-4 July 2025  
Kyiv, Ukraine

## Concept

6 July 2025 marks the 20th anniversary of the adoption by the Verkhovna Rada of Ukraine of the Code of Administrative Procedure of Ukraine, which defined the powers of administrative courts to consider cases of administrative jurisdiction, the procedure for applying to administrative courts and the procedure for conducting administrative proceedings, and became one of the first legal acts reflecting the constitutional principle of the rule of law.

Article 125 of the Constitution of Ukraine provides that administrative courts shall act to protect the rights, freedoms and interests of individuals in the field of public law relations.

Administrative justice is a fundamental requirement of a democratic society, where public administration is carried out in accordance with the rule of law, based on justice, legality, legal certainty, and equality before the law.

The introduction of judicial control over decisions, actions or omissions of public authorities, their officials and employees using a number of important procedural mechanisms has made it possible to ensure proper judicial protection of the rights, freedoms and interests of individuals from violations by public authorities. The result of the judicial activity of administrative courts is tangible, as they considered more than 20 million cases and materials between 1 September 2005 and 1 January 2025.

The introduction of administrative procedures into the national legal system has not been easy. Over the last twenty years, an enormous amount of procedural and non-procedural work has had to be done: initiating legislative proposals to overcome regulatory conflicts and legal gaps, testing new procedural institutions and mechanisms, providing legal justification for the delimitation of jurisdiction of court cases, etc.

Overall, since the introduction of administrative justice in Ukraine, more than 140 amendments and additions have been made to the Code of Administrative Procedure of Ukraine, and almost a dozen decisions have been received from constitutional jurisdictions that have been addressed to the court on the compliance (constitutionality) of the Code with the Constitution of Ukraine, some of which have been declared unconstitutional.

In order to effectively perform its functions, administrative justice must evolve in line with the needs of a democratic society and the outcomes of its digital transformation. This includes introducing technological innovations in the justice sector, systematically analyzing the effectiveness of procedural mechanisms and institutions, and initiating, when necessary, amendments to procedural legislation to ensure the fulfilment of the tasks assigned by the legislator, particularly in the context of martial law. It must also ensure the unity and consistency of case law, contribute to European integration, and address the systemic issue of non-enforcement or prolonged enforcement of administrative court decisions.

The Conference will discuss these and other theoretical and practical issues relating to administrative proceedings.

## Objectives of the event

Discussion and exchange of experience on the following issues:

- theoretical and practical aspects of application of the Code of Administrative Procedure of Ukraine through the prism of 20 years of functioning of administrative proceedings in Ukraine;
- identification of procedural challenges of administrative proceedings, in particular in the context of the martial law regime, and finding ways to overcome them;
- law enforcement and implementation of procedural mechanisms to ensure the sustainability and unity of case law;
- implementation of international legal standards and development of recommendations based on the practices of democratic states to improve administrative justice in Ukraine.

DAY 1  
3 July 2025

9:00 – 9:30 Participants registration, welcome coffee

Opening of the Conference

Moderator:

**Mykhailo Smokovych**, President of the Administrative Cassation Court within the Supreme Court, LL.D.

9:30 – 10:20 **Stanislav Kravchenko**, President of the Supreme Court, PhD in Law  
**Ruslan Stefanchuk**, Chairman of the Verkhovna Rada of Ukraine, LL.D.  
**Maciej Janczak**, Head of the Council of Europe Office in Ukraine  
**Kate Fearon**, Director of the OSCE Conflict Prevention Centre  
**Virgilijus Valančius**, senior international expert, Support to EU Integration Process in the Justice Sector Component Lead, EU Project Pravo-Justice, LL.D.  
**Angela Schmeink**, projects leader in Ukraine and Vietnam, German Foundation for International Legal Cooperation

Session 1

The 20th Anniversary of the Adoption of the Code of Administrative Procedure of Ukraine:  
Innovations, Specifics, Achievements, Challenges and Prospects

10:20 – 11:20 Moderators:  
**Andrii Rybachuk**, judge of the Supreme Court in the Administrative Cassation Court, Secretary of the Judicial Chamber on cases on Protection of Social Rights, PhD in Law  
**Volodymyr Kravchuk**, judge of the Supreme Court in the Administrative Cassation Court, LL.D.

*Speakers:*

*Time limit – up to 15 minutes*

**The Role of Administrative Courts in Strengthening the Rule of Law: 20 Years of German-Ukrainian Judicial Dialogue**

**Lars Bocker**, President of the Constitutional Court and President of the Higher Administrative Court of Rhineland-Palatinate, Federal Republic of Germany, Dr. iur. (Germany)

**The National Theory and Practice of Administrative Law at the Turn of the Century**

**Volodymyr Bevzenko**, judge of the Supreme Court in the Administrative Cassation Court, LL.D.

**The Transformation of Administrative Courts: The Role of Emerging IT**

**Wojciech Sawczyn**, professor at the Department of Administrative and Administrative Court Procedure, Faculty of Law and Administration, Adam Mickiewicz University in Poznań, member of the Jurisprudence Bureau of the Supreme Administrative Court, Dr. Hab.

**On Ukraine's Fundamental Constitutional Duty and the Role of Administrative Justice in Its Fulfilment**

**Petro Stetsiuk**, scientific consultant on legal issues of the Razumkov Centre, retired judge of the Constitutional Court of Ukraine, LL.D.

11:20 – 11:40 Discussion and debate

11:40 – 12:00 Group photo and coffee break

## Session 2

### Legal Principles in Administrative Proceedings: Architecture of Effective Application

12:00 – 13:00	<p><b><u>Moderators:</u></b></p> <p><b>Andrii Rybachuk</b>, judge of the Supreme Court in the Administrative Cassation Court, Secretary of the Judicial Chamber on cases on Protection of Social Rights, PhD in Law</p> <p><b>Volodymyr Kravchuk</b>, judge of the Supreme Court in the Administrative Cassation Court, LL.D.</p> <hr/> <p><i>Speakers:</i></p> <p><i>Time limit – up to 15 minutes</i></p> <hr/> <p><b>The Rule of Law in Practice: Experience of the Supreme Administrative Court of Lithuania</b>  <b>Skirgailė Žalimienė</b>, President of the Supreme Administrative Court of Lithuania, Dr. iur.</p> <p><b>The Principle of Formality in Administrative Justice</b>  <b>Andreas Korbmacher</b>, President of the Federal Administrative Court of Germany, Dr. iur. (Germany)</p> <p><b>Regulatory Function of the Principles of Administrative Procedure Law</b>  <b>Yurii Kliuchkovskyi</b>, associate professor of the Department of General Theoretical Jurisprudence and Public Law, the National University of Kyiv-Mohyla Academy, member of the Scientific Advisory Board at the Supreme Court, LL.D.</p> <p><b>Council of Europe Standards in the Context of Limiting Social Benefits, Including in Times of War</b>  <b>Monika Smusz-Kulesza</b>, judge of the Regional Court in Łódź, International Consultant to the Council of Europe, Dr. iur. (Poland)</p>
13:00 – 13:15	Discussion and debate
13:15 – 14:00	Lunch break
14:00 – 14.45	<p><b>The Beginning of the Judicial Activity of Administrative Courts in Ukraine: First-Hand Accounts of What Is Important.</b><i>Memories of the Start of Administrative Justice in Ukraine.</i></p> <p><b><u>Moderator:</u></b></p> <p><b>Mykhailo Smokovych</b>, President of the Administrative Cassation Court within the Supreme Court, LL.D.</p> <hr/> <p><b><u>Speakers</u></b></p> <hr/> <p><b>Serhii Holovatyi</b>, retired judge of the Constitutional Court of Ukraine, corresponding member of the National Academy of Legal Sciences of Ukraine, LL.D.</p> <p><b>Stefan Hülshörster</b>, Director of the German Foundation for International Legal Cooperation, Dr. iur.</p> <p><b>Oleksandr Paseniuk</b>, President of the All-Ukrainian Association of Administrative Judges, retired judge of the Constitutional Court of Ukraine, President of the High Administrative Court of Ukraine (2004-2011), Professor of the Department of Administrative Law and Procedure of the Taras Shevchenko National University of Kyiv, PhD in Law</p>

### Session 3

## Procedural Aspects of Administrative Proceedings: Empirical Developments and Jurisdictional Perspectives

14:45 – 16:00

**Moderators:**

**Zhanna Melnyk-Tomenko**, judge of the Supreme Court in the Administrative Cassation Court, Secretary of the Judicial Chamber on Cases on Election Process and Referendum, as well as the Protection of Political Rights of Citizens, PhD in Law

**Andrii Zhuk**, judge of the Supreme Court in the Administrative Cassation Court, PhD in Law

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*Speakers:*

*Time limit – up to 15 minutes*

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**Requirements for E-Procedure in the Recent Case Law of the Supreme Court of Estonia**

**Ivo Pilving**, Chairman of the Administrative Law Chamber of the Supreme Court of Estonia, Dr. iur.

**The System of Leave to Appeal and Effectiveness of Procedure in the Supreme Administrative Court**

**Kari Kuusiniemi**, President of the Supreme Administrative Court of Finland, Dr. iur.

**Draft Law No. 11170-d (on Amendments to the Code of Administrative Procedure of Ukraine to Improve the Handling of Cases of Minor Complexity Related to Pension and Other Social Payments, as well as Typical Administrative Cases) – a Step Toward Easing the Burden on Administrative Courts**

**Denys Maslov**, Member of Parliament of Ukraine, Chairman of the Verkhovna Rada Committee on Legal Policy

**Requirements for a Statement of Claim as a Condition for Access to Court in Administrative Proceedings – Excessive Formalism?**

**Rostyslav Moskal**, judge of the Lviv Circuit Administrative Court

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16:00 – 16:15

Discussion and debate

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16:15 – 16:45

Evening coffee

DAY 2  
4 July 2025

9:30 – 10:00 Welcome coffee

10:00 – 10:45

Moderator:

**Myroslava Bilak**, judge of the Supreme Court in the Administrative Cassation Court, LL.D.

**Featured Lecture**

**Administrative Justice in Ukraine: Trends and Development Prospects in the Context of European Integration**

**Mykhailo Smokovych**, President of the Administrative Cassation Court within the Supreme Court, LL.D.

**Session 4**

**Administrative Proceedings under the Martial Law Regime:  
Realities of the Forced Experience and Lessons Learned**

10:45 – 11:45

Moderators:

**Raisa Khanova**, judge of the Supreme Court in the Administrative Cassation Court, Secretary of the Judicial Chamber on Cases on Taxes, Fees and Other Obligatory Payments, PhD in Law

**Nataliia Blazhivska**, judge of the Supreme Court in the Administrative Cassation Court, LL.D.

*Speakers:*

*Time limit – up to 15 minutes*

**National Security Arguments in Emergency Situations: Ensuring the Rule of Law**

**Jānis Pleps**, judge of the Department of Administrative Cases, the Supreme Court of Latvia, Dr. iur.

**Cases Involving the Banning of Political Parties: Challenges and Consideration Peculiarities**

**Oleh Zaverukha**, judge of the Eighth Administrative Court of Appeal, LL.D.

**Protection of Human Rights by Administrative Courts under Martial Law in the Case-Law of the European Court of Human Rights**

**Anna Adamska-Gallant**, judge of the European Court of Human Rights, Dr. iur.

**Fair Trial in Cases Involving State Secrets**

**Jeremy McBride**, Member of the Advisory Expert Group of the Council of Europe Directorate General for Human Rights supporting the Office of the Prosecutor General of Ukraine, International Consultant to the Council of Europe

**New Categories of Cases Concerning Restrictions and Preferences in the Protection of State Interests**

**Mykola Kucheriavenko**, First Deputy Minister of Justice of Ukraine, Academician of the National Academy of Legal Sciences of Ukraine, LL.D.

11:45 – 12:00

Discussion and debate

12:00 – 12:20

Coffee break

## Session 5

### Mechanisms for Ensuring the Unity of Case Law in Administrative Proceedings

12:20 – 13:20

**Moderators:**

**Raisa Khanova**, judge of the Supreme Court in the Administrative Cassation Court, Secretary of the Judicial Chamber on Cases on Taxes, Fees and Other Obligatory Payments, PhD in Law

**Nataliia Blazhivska**, judge of the Supreme Court in the Administrative Cassation Court, LL.D.

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*Speakers:*

*Time limit – up to 15 minutes*

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**The Role of the Grand Chamber of the Court of Highest Instance – Judgments as Precedents, Methodology, or Scientific Papers?**

**Karel Šimka**, President of the Supreme Administrative Court of the Czech Republic, Dr. iur.

**The Requirement for Unity of National Case Law: The Perspective of the European Court of Human Rights**

**Mykola Gnatovskyy**, judge of the European Court of Human Rights, PhD in Law

**Unity of Case Law: In Search of Solutions**

**Virgilijus Valančius**, senior international expert, Support to EU Integration Process in the Justice Sector Component Lead, EU Project Pravo-Justice, LL.D.

**The Concept of the Beneficial Owner of Income: from Norm-Setting to Judicial Doctrine**

**Oleksandr Lukashev**, member of the Verkhovna Rada of Ukraine, member of the Committee of the Verkhovna Rada of Ukraine on Finance, Taxation and Customs Policy

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13:20 – 13:40

Discussion and debate

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13:40 – 14:00

Concluding remarks. Closing of the Conference

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14:00 – 14:30

Coffee

The Conference is organised by the Supreme Court and supported by the Council of Europe Projects "Strengthening the Social Dimension in Ukraine", "Support to Ukraine in Implementation of the Council of Europe Standards on the Judiciary", "Further Strengthening Judicial and Non-Judicial Remedies for the Human Rights Protection of the War-Affected People in Ukraine" which are implemented within the Council of Europe Action Plan for Ukraine "Resilience, Recovery, Reconstruction" for 2023-2026 in cooperation with the OSCE Support Programme for Ukraine within the Project "Assisting the Supreme Court and Higher Courts in Implementing Judicial Reform and Ensuring Access to Justice in Times of War", the EU Project "Pravo-Justice", and the German Foundation for International Legal Cooperation.

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