

RJRCs Newsletter

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PRAVO-JUSTICE



Dear friends,

Please see the newsletter about the activities of the Regional Justice Reform Councils (RJRCs).

RJRCs have been established with the support of the EU Project Pravo-Justice and bring together representatives of various legal professions in Chernivtsi, Dnipro, Kharkiv, Lviv, Odesa regions and in Donbas. RJRCs are permanent organisations that promote bottom-up reforms by bringing region-specific challenges and potential solutions thereof to the level of the central government.

INDIVIDUAL INSOLVENCY



On 22 March 2021, the representatives of RJRCs, the Verkhovna Rada and the Ministry of Justice of Ukraine took part in the discussion "Individual insolvency: Current Problems of Application and Possible Solutions". [Read more.](#)

It has been more than a year since new Bankruptcy Code entered into force. However, the demand for individual bankruptcy has not yet reached its expected potential.

"The reasons thereof include a relatively high cost to institute proceedings and low awareness as to advantages of individual bankruptcy. Thus, RJRCs initiated comprehensive exchange of views and practices among legal practitioners in order to identify and remedy these gaps," said Iryna Butyrskaya,

Chernivtsi RJRC Coordinator, PhD, Lex Advance Law Firm Managing Partner.

"It is of high importance to improve the regulatory framework for individual bankruptcy before 21 April 2021, when the moratorium protecting foreign currency borrowers is to expire. Individual bankruptcy has already been available for more than a year, but so far, we have noticed little interest on the part of debtors. Our common task is to seek to improve the law so that everyone in a difficult financial situation can enjoy the right to make a fresh financial start," said Roman Chumak, Kharkiv RJRC Coordinator, Ares Law Firm Managing Partner.

"We must offer a simple and clear procedure for foreign currency borrowers so that they can restore solvency or go bankrupt. Verkhovna Rada is now considering a number of draft laws aimed at providing assistance to the people in a difficult financial situation," said Taras Tarasenko, MP, Chairman of the Working Group on Improving Bankruptcy Law.

CIVIL LAW RE-CODIFICATION



Dedicated RJRCs Working Group started discussing civil law re-codification. At the meeting held on 17 March 2021, institutional arrangements in terms of specialised commercial courts in EU MS and Ukraine were discussed with the participation of experts from the Netherlands. [Read more.](#)

Remco Van Rhee, Professor at University of Maastricht, noted that "specialisation of judges in commercial law is a general feature of adjudication in similar cases in Europe."

"Trials in civil and commercial cases must be equal in terms of both quality and speed," said Bert Maan, former judge from the Netherlands.

MEDIATION IN ADMINISTRATIVE DISPUTES



On 11-12 March 2021, the Interregional Group of RJRCs met in Lviv to discuss mediation in administrative disputes. Administrative courts' judges from 7 regions expressed their opinions on how mediation is currently being applied, and on its potential for the future. [Read more](#).

"Administrative mediation is a new institution for Ukraine, but it is already used in European Union jurisdictions. We need to use the pragmatic incentive of the parties to settle, to help the state transform adversarial attitude to individuals and business into a more collaborative one. Through mediation the state can not only learn how to settle quicker and better, but also how to make its decisions better in the future," emphasised Dovydas Vitkauskas, Project Team Leader.

"Using mediation in administrative disputes will help unload the courts from minor cases, prevent lengthy trials and show that the state is ready to find ways to solve problems more efficiently. It will be the state's step forward in its relationship with citizens as users of a service provided by the government", said Alina Serhieieva, EU Project Pravo-Justice expert.

PROPOSALS FOR IMPROVING LEGISLATION

Proposals of Interregional Working Group of RJRCs to the Draft Strategy for the Sustainable Development of the Judiciary for 2021-2025

In January 2021, the Interregional Working Group of Regional Justice Reform Councils analysed the Draft Strategy for the Sustainable Development of the Judiciary for 2021-2025.

The working group included practicing lawyers, in particular judges, advocates and academia, from six regions of Ukraine. The comments and proposals drafted as a result of this exercise were submitted to the Legal Reform Commission under the Presidential Office of Ukraine.

We offer a detailed description of the comments [here](#).

Proposals of Donbas Regional Justice Reform Council to the draft law "On the State Policy of the Transition Period"

In January 2021, Donbas Regional Justice Reform Council submitted proposals to the draft law "On the State Policy of the Transition Period" drafted by the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine. We offer a detailed description of these and other proposals [here](#).

RJRS EVENTS IN APRIL

In April-May, RJRCs will hold discussions on such topics as:

1. Scope of state registration: current challenges and further development - 27 April
2. Access to court for vulnerable users - date TBC
3. Simplification of proceedings in minor disputes - date TBC

For more information, please follow the project's [Facebook page](#).

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For additional information, please contact info@pravojustice.eu