

# RJRCs Newsletter

## No.2, June 2021



PRAVO-JUSTICE



Dear friends,

Please see the newsletter about activities of 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, Odessa regions and in Donbass. RJRCs are permanent working groups to promote bottom-up reforms by bringing region-specific challenges and potential solutions to the central government's level.

### NEED OF UNIFIED ETHICAL RULES FOR LAWYERS



On May 25, a discussion "Ethical Rules of Lawyers" was held with the participation of RJRCs representatives. Judges, lawyers, prosecutors, private enforcement officers, bankruptcy trustees, notaries and academia had an opportunity to discuss ethical standards of each profession and suggest recommendations on their strengthening. [Read more](#).

The participants came to a conclusion that all legal professions should develop unified ethical standards.

"We believe that it is relevant for judges, lawyers and prosecutors to come together and draft unified ethical standards," said Victoriia Cheban, Chernivtsi RJRC member, judge of the Shevchenkivsky District Court of Chernivtsi, member of the Council of Judges of Ukraine.

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When answering a question on whether it is ethical to comment on court judgements, a member of Odesa RJRC and of the Council of Judges of Ukraine, a judge of the Southwest Court of Appeal Halyna Dibrova emphasised that "[in order] to comment on judgments, answer questions, give an assessment, one should be independent and impartial."

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According to Valerii Prytuliak, Odesa RJRC Coordinator and a member of the Ethics Committee of the Association of Private Enforcement Officers of Ukraine, the EU Project Pravo-Justice supported drafting a new Code of Ethics for private enforcement officers, a copy of which should be handed to each private enforcement officer.

"We can talk about professional ethics rules for hours on end. But until we give this document to an enforcement officer, we cannot demand that it be complied with," he said.

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Marta Mochulska, Lviv RJRC Coordinator, PhD in Law, Deputy Dean of the Faculty of Law of the Ivan Franko National University of Lviv, stressed the importance of laying the foundations of legal ethics during university studies: "Whether ethical rules are effective in legal practice depends on their understanding by legal professions. Therefore, it is vital to shape this understanding in a young lawyer, starting from student years."

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## SIMPLIFYING CIVIL AND COMMERCIAL PROCEEDINGS



On May 24, expert discussion "Improvement of Writ and Summary Court Proceedings under the Civil and Commercial Procedural Codes" took place. National and international experts of the EU Project Pravo-Justice, judges, representatives of the EBRD, the Ministry of Justice, the Parliament, RJRCs and other participants discussed how to make Ukrainian civil and commercial justice more efficient. [Read more.](#)

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"One of our key goals is to help make justice more efficient. Based on European practices, we have high hopes for the full-fledged usage of a payment order and a reasonable limitation of the workload of the courts of appeal. In addition, it is important to give judges more leverage to manage the process and transfer certain powers to court staff," emphasised Dovydas Vitkauskas, Team Leader of the EU Project Pravo-Justice.

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Oleksandr Banchuk, Deputy Minister of Justice of Ukraine, expressed hope that improving writ and summary proceedings would help reduce the length of trials: "The more typical minor cases are heard in summary and writ proceedings, the more time and resources judges will have to deal with complex cases."

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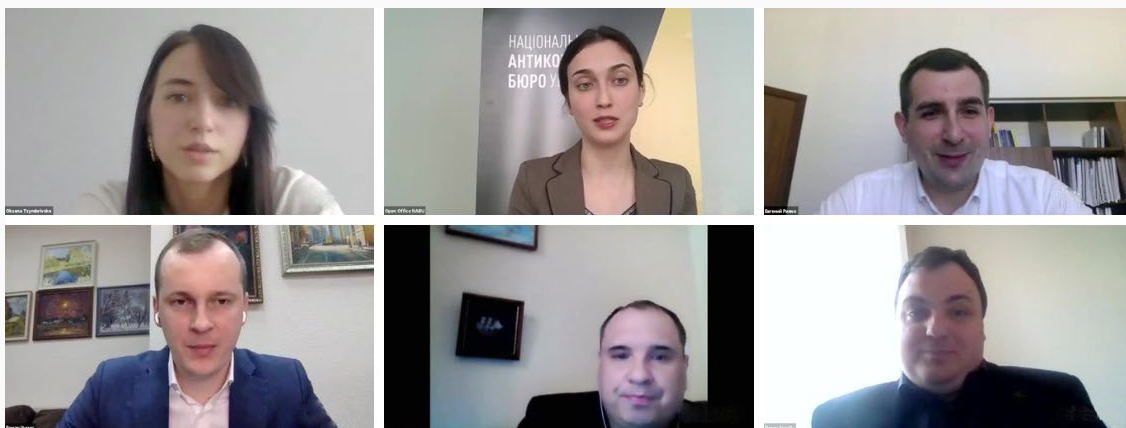
Bert Maan, international expert of the EU Project Pravo-Justice, stressed how important it is to fulfill minor financial obligations: "We do a lot of online shopping, we use cell phones, we pay for medical and other types of insurance, rent, etc. Such claims are relatively small, but together they make up quite significant amounts. Undoubtedly, these funds must be paid. Otherwise, companies will not be able to continue their operations. Therefore, for the sake of economic well-being of the country, there should be mechanisms that would enable implementing these procedures quickly and efficiently."

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Regarding appeals in minor cases, Roman Chumak, a lawyer and Kharkiv RJRC Coordinator, said: "It is necessary to make challenging judgments to courts of appeals more expensive. Then a debtor will not use appeal mechanism to play around with the system and not pay debts."

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## ANTI-CORRUPTION COMPLIANCE



On April 29, Kharkiv RJRC held discussion "Anti-corruption Compliance". The region's legal community had an opportunity to discuss with representatives of NABU and the NAPC Public Council the existing problems in preventing corruption in the activities of state-owned and municipal enterprises and local authorities, and came up with some joint solutions. [Read more.](#)

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"Fighting corruption is extremely important for Ukraine. Recently adopted anti-corruption legislation has significantly strengthened and changed the standards of doing business in Ukraine. Deviation from these legal and ethical requirements can therefore lead to some serious consequences, including criminal liability. That is why successful anti-corruption compliance is critical for the activities of both businesses and state-owned enterprises," said Oksana Tsymbryvska, Key National Expert of EU Project Pravo-Justice and RJRCs National Coordinator.

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Yevhen Riyako, a lawyer, managing partner of RIYAKO & PARTNERS and a representative of Kharkiv RJRC, stressed the need to establish disciplinary and financial responsibility of senior management of state-owned and municipal enterprises for non-compliance with the requirements or requests of the anti-corruption compliance officer and the responsibility of the commissioners themselves: "Only a person who accepts such conditions and is ready to do everything to ensure that whatever they do to detect corruption is not overshadowed in any way, should be anti-corruption compliance officer."

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## STATE REGISTRATION



On April 27, Lviv RJRC held an extended meeting "State Registration: Current Challenges and Further Developments." The legal community of the region, alongside representatives of the Ministry of Justice and its Anti-Raiding Office, together with Western Interregional Department of the Ministry of Justice and the State Enterprise NAIS, as well as EU Project Pravo-Justice experts, discussed security of registers and anti-raiding. [Read more.](#)

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Dovydas Vitkauskas, Team Leader of the Project, stressed: "The only sustainable path to resolving the property and business registration disputes is by having standardised, reliable and secure data exchanged automatically between various registers. The register data, rather than bureaucratic decisions, should have the ultimate role in forming legal presumptions on property and business ownership. And the mandate of resolving registration disputes should be promptly returned to courts".

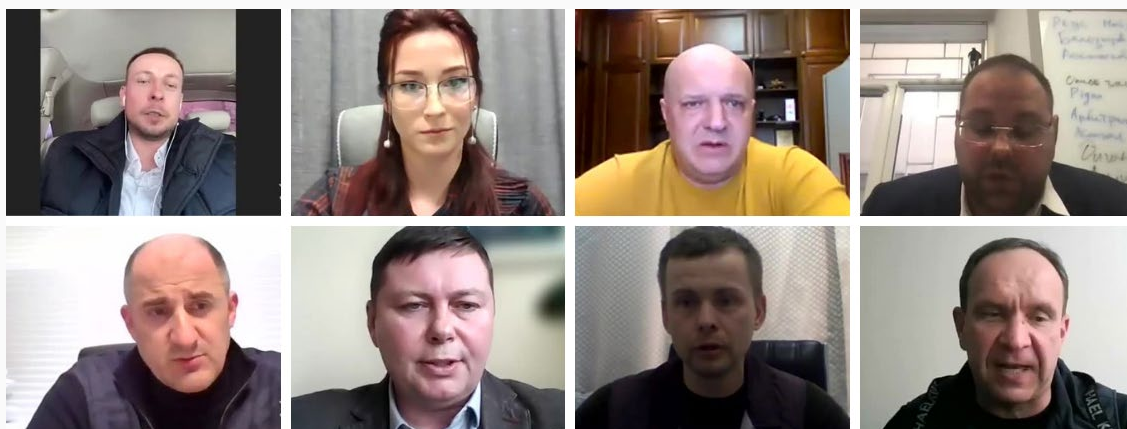


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A consensus was reached at the Lviv RJRC meeting on the challenges of the Ukrainian registration system. It was underlined by the Deputy Minister of Justice, Olha Onishchuk, that the protection against raider attacks on real property and business can only be achieved by joint action of policymakers, legal professionals, Ukrainian individuals and business community.

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## DISCIPLINARY RESPONSIBILITY OF PRIVATE ENFORCEMENT OFFICERS



On April 9, with the support of the EU Project Pravo-Justice and RJRCs representatives, an online discussion on the procedure for bringing private enforcement officers to disciplinary responsibility took place. [Read more.](#)

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Heorhii Parfonov, a member of Odessa RJRC and the chairman of the Council of Private Enforcement Officers of Odesa region, stressed how important it is to set forth in the legislation the right of private enforcement officers – whose activities were suspended – to finalise pending proceedings.

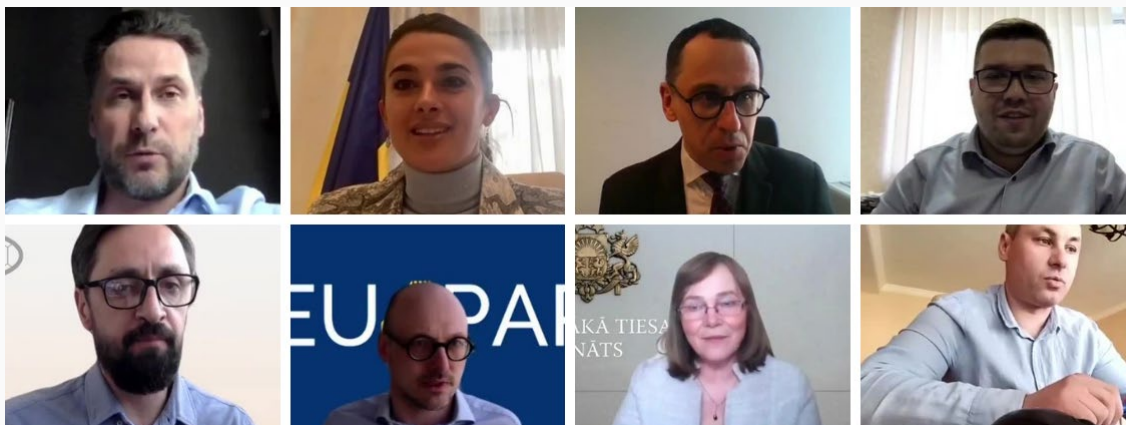
"When an enforcement officer cannot work while suspended, this negatively affects not only the enforcement officer but also the parties to the enforcement proceedings and other persons. For example, valid seizures of assets or blocking of bank accounts cannot be completed in favour of an honest debtor. In general, "suspension of activity" as a disciplinary reprimand should be replaced with a ban on opening new enforcement proceedings only."

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A member of Lviv RJRC and a member of the MoJ Disciplinary Commission Zorian Makovetskyi stated: "If a court recognises that actions of an enforcement officer were unlawful to a certain extent, this cannot automatically serve as a basis for disciplinary sanction – other important elements should be taken into account, including guilt, damage caused etc."

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## ADMINISTRATIVE PROCEDURE



On April 8, an expert discussion on the Draft Law 'On Administrative Procedure', was held. The Draft Law, which is pending the second reading at the Parliament, is expected to become a new chapter in the relations between public administration and individuals/businesses. International and Ukrainian experts, including RJRCsmembers, discussed the benefits of unified administrative procedure and how it is applied in EU countries. The event was initiated by EU Project Pravo-Justice, together with the EU4PAR Project. [Read more.](#)

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Adopting the Law 'On Administrative Procedure' is a part of a more comprehensive public administration reform which is crucial for implementing the EU–Ukraine Association Agreement. It will promote a higher quality of services provided by the state.

"A key advantage of this law is that it standardises the approach to hundreds of types of interactions between the individual and the state, in turn laying the basis for digitisation of public services. Being user-friendly is another benefit. Ukrainian authorities should feel more like the servants of the people and business", said Dovydas Vitkauskas, Team Leader of the EU Project Pravo-Justice.

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"We expect this law, once in force, to serve as a tool for administrative courts in helping to reduce the workload, speed up the proceedings and enhance the quality of decisions," said Oleksandr Banchuk, Deputy Minister of Justice.

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The Draft Law 'On Administrative Procedure' lays down new principles for decisions of an administrative authority.

"The law will finally determine the scope and extent of discretionary powers of authorities, scope of discretion, criteria of reasonableness and lawfulness in its application", said Andrii Ryshchenko, Dnipro RJRC Coordinator and a judge of the Dnipro District Administrative Court.

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## RJRCs IN UKRAINIAN MEDIA



[Reconciliation and resolution of a problem \(or dispute\) rather than a long trial: what mediation is and why it is useful for Ukrainians](#)



[Level playing field for everyone: what can the state do for the development of entrepreneurship](#)



[How to ensure access to court for residents of uncontrolled territories of Luhansk and Donetsk regions](#)



[What shall the currency borrowers do when the moratorium is lifted?](#)



[Bankruptcy of individuals: Certain problems of legal regulation of the procedure](#)



[Online trials and Alternative Dispute Resolution: What society will get after the 'new' judicial reform?](#)



[How will the law on transitional justice solve the problems of residents of the occupied territories?](#)

## RJRS EVENTS IN JUNE-JULY

In June-July, RJRCs will hold discussions on such topics as:

1. Simplification of proceedings in minor cases
2. Mediation in civil and commercial cases
3. New rules on bankruptcy of individuals and currency borrowers
4. Mediation in legal education under Master Law Standard 081
5. Gender issue in legal professions

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

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This newsletter was produced with the financial support of the European Union. Its contents are the sole responsibility of the Regional Justice Reform Councils and do not necessarily reflect the views of the European Union.

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