

VIII Judicial forum "TRIAS POLITICA: COURT IN THE SYSTEM OF STATE POWER"

October 03-04

PROGRAM

October 03, 2019	
Dallas Ballroom, Hilton Kyiv Hotel	
12:30 - 13:00	Registration. Welcoming coffee
13:00 - 13:15	<p>Forum opening. Welcoming address</p> <p>Denys Bugay, President of the Ukrainian Bar Association, Partner at VB PARTNERS Anna Ogrenchuk, Member of Legal Reform Commission under the President of Ukraine, Head of the UBA Procedural Law Committee, Managing Partner of LCF Law Group Andrii Ovsienko, Chairman of the High Council of Justice Valeria Kolomiets, Deputy Minister of Justice of Ukraine Mykola Onishchuk, President of the National School of Judges of Ukraine, Chairman of the Working Group on the Development of Legislation on the Organization of the Judiciary and the Administration of Justice of the Legal Reform Commission Olena Lytvynenko, Deputy Head of the Council of Europe Office in Ukraine</p>
13:15 -14:15	<p style="text-align: center;">KEYNOTE SPEECH. Judiciary as a part of Public Administration in a democracy</p> <p>Moderator Olena Kibenko, Judge of the Grand Chamber of the Supreme Court</p> <p>Key Speaker Terry Anderson, Professor of Public Administration, Troy University, USA</p> <p>In Focus</p> <ul style="list-style-type: none"> • Interaction of government branches during political and economic turmoil • Consideration of judicial practice in legislative and executive activity • International experience of building meaningful interaction of government branches when developing democracy
14:15 - 15:45	<p style="text-align: center;">Session 1. Triad of Power: collaborating effectively</p> <p>Moderators Michael Shchur (Roman Vintoniv), TV journalist, actor, scriptwriter, musician Illia Chernohorenko, Senior Project Officer of the Council of Europe Project "Support to the Implementation of the Judicial Reform in Ukraine"</p> <p>Participants Dovydas Vitkauskas, Head of the EU Project "Pravo-Justice" Ivan Krulko, First Deputy Chair of the Budget Committee of the Verkhovna Rada of Ukraine Oleg Makarov, Member of Parliament of Ukraine, Secretary of the Legal Policy Committee of the Verkhovna Rada of Ukraine Ivan Lischyna, Deputy Minister of Justice of Ukraine - Ombudsman of the European Court of Human Rights Bogdan Bondarenko, Expert on the Constitutional Direction of the Center for Political and Legal Reforms</p> <p>In Focus</p> <ul style="list-style-type: none"> • Common goals and synergies: ways of efficient cooperation between the legislature, executive bodies and judiciary • Interaction of government branches in the course of rule-making: <ul style="list-style-type: none"> - Allowing for judicial risks when drafting regulations - Financial and economic justification for the development and adoption of regulations - Making prompt amendments to legal framework in case of identifying faults with the regulation when applied • Court and Executive Power: <ul style="list-style-type: none"> - Execution of national courts and the ECHR judgments (cases of Burmich and Ivanov) - Binding nature of legal positions of the Supreme Court and liability of a public body for failure to apply them

15:45 - 16:15	Coffee Break
16:15 - 17:45	<p style="text-align: center;">Session 2. Overcoming a "bad judge" stereotype: changing front pages</p> <p>Moderators Sonia Koshkina, Ukrainian journalist, co-owner and editor-in-chief of the Internet outlet Livyi Bereh ("Left Bank") Artem Stoyanov, Member of the Legal Reform Commission under the President of Ukraine, Vice President of the UBA, Senior Partner of LCF Law Group</p> <p>Participants Illia Chernohorenko, Senior Project Officer of the Council of Europe Project "Support to the Implementation of the Judicial Reform in Ukraine" Tetiana Hrebeniuk (Suiarko), Speaker Judge of the Commercial Court of Kharkiv Oblast, member of the Council of Judges of Ukraine, member of the working group of the Justice Communication Committee Olena Fonova, Speaker Judge of the Commercial Court of Luhansk Oblast, Representative of the High Council of Justice Mariia Shvenko, Head of the Administrative Division of the Supreme Court Oleksandr Martynenko, General Director of Interfax-Ukraine Information Agency Peter Dickinson, Publisher and Editor-in-chief of Business Ukraine magazine Maryna Yasynska, Chief Editor of the legal portal YURLIGA Taras Shevchenko, Director of the Center for Democracy and Rule of Law</p> <p>In Focus</p> <ul style="list-style-type: none"> • Surveys conducted by Razumkov Center, commissioned by the Council of Europe's Office in Ukraine «Attitude of Ukrainian Citizens to Judicial System» • Reasons for a "bad judge" stereotype shaping: who benefits? • Communication of the judiciary and society: "whose mouth" does the court speak with? • Overcoming information vacuum: improving communication on the part of court • Judges commenting on court judgments and court cases: the need for change of established practices • Communication of court in breaking crisis, responding to mass media spreading information that undermines the judiciary authority • Fourth Estate: Media impact on public opinion • Experience of international and Ukrainian media: editorial policy, verification of information, responsibility • Officials' responsibility for publicly displaying incorrect information
17:45 - 18:00	Closing remarks

October 04, 2019	
Dallas Ballroom, Hilton Kyiv Hotel	
08:30 - 09:00	Registration. Welcoming coffee
09:00 - 09:15	<p>Welcoming remarks</p> <p>Denys Bugay, President of the Ukrainian Bar Association, Partner at VB PARTNERS Andrii Kavakin, Projects Coordinator, Justice and Legal Co-operation Department, Council of Europe, Strasbourg Anna Ogrenchuk, Member of the Legal Reform Commission under the President of Ukraine, Head of the UBA Procedural Law Committee, Managing Partner of LCF Law Group</p>
09:15 - 11:15	<p style="text-align: center;">Session 1. Judicial system reform: findings and prospects</p> <p>Moderator Anna Ogrenchuk, Member of the Legal Reform Commission under the President of Ukraine, Head of the UBA Procedural Law Committee, Managing Partner at LCF Law Group</p> <p>Participants Lorena Bachmaier Winter, Professor of Law, Complutense University of Madrid (Spain) International Expert of the Council of Europe Artashes Melikian, Secretary of the Advisory Council of European Judges Valentyna Danishevskya, Head of Supreme Court Bohdan Lvov, Deputy Head of the Supreme Court, President of the Commercial Court of Cassation Kateryna Shyroka, Judge of the Supreme Anticorruption Court of Ukraine Andrii Ovsienko, Chairman of the High Council of Justice Serhii Koziakov, Chairman of the High Qualification Commission of Judges of Ukraine - Chairman of the Chamber on Selection and Public Service of Judges</p> <p>In Focus</p> <ul style="list-style-type: none"> • Judicial reform in Ukraine in 2014-2018 in the context of Council of Europe standards • Judicial reform: changing development vector or continuation of previous strategy; appropriateness of further institutional changes in the context of the CoE standards, need for real actions and functional follow-up • Supreme Court: preliminary results of two years of activities and further challenges • HQCJ and HCJ renewal: principles of new members election and their performance • Filling judge vacancies – HQCJ and HCJ first-priority goals • High Anti-Corruption Court: topical issues of the first month of work • Cancellation of the exclusive right of lawyers to represent clients in court: possible scenarios
11:15 - 11:45	Coffee break
11:45 - 13:15	<p style="text-align: center;">Session 2. Impact of court judgments on economic policy of the state: recent high-profile cases</p> <p>Moderators Natalia Blazhivska, Judge of the Administrative Court of Cassation within the Supreme Court Andrii Savchuk, Partner at MORIS, Head of the Disputes Resolution Practice</p> <p>Participants Larysa Rohach, Judge of the Grand Chamber of Supreme Court Vsevolod Knyazev, Secretary of the Grand Chamber of Supreme Court Oleh Pervomaiskyi, Judge of the Constitutional Court of Ukraine Svitlana Rekrut, Managing Director of the Individual Deposit Guarantee Fund Olena Volianska, Partner of LCF Law Group Vitalii Odzhykovskiy, Counsel at Sayenko Kharenko</p> <p>In Focus</p> <ul style="list-style-type: none"> • Decisions of the Grand Chamber: what has changed in the regulation of the banking sector • Impact of cancellation of tariff decisions on the functioning of gas transmission system • Recognizing legal the agricultural land barter: the first steps towards opening up the land market • Impact of the decisions of the Constitutional Court of Ukraine on the economy of

	<p>the state</p> <ul style="list-style-type: none"> • Litigation with the Deposit Guarantee Fund: Possible implications for the banking system • State-played games: succession of Ukrzaliznytsia PJSC • Court practice in transfer pricing
13:15 - 14:30	Lunch
14:30 - 15:50	CONCURRENT SESSIONS
Dallas Ballroom 1, Hilton Kyiv Hotel	
14:30 - 15:50	<p style="text-align: center;">Session 3.1. Implementation of Procedural Legislation in Ukraine</p> <p>Moderators Inna Liniova, Operations Director of the EU Project "Pravo-Justice" Oleksandr Shkelebei, Managing Partner at ESQUIRES</p> <p>Participants Remco van Rhee, International Expert of the EU Project "Pravo-Justice" Bert Maan, International Expert of the EU Project "Pravo-Justice" Yegor Razogreev, Acting Director General of the Directorate for Legal Policy in the sphere of judiciary, administration of justice and related legal institutions Vasyl Krat, Judge of the Civil Court of Cassation within the Supreme Court Andrii Potapenko, Judge of Rzhyschiv Town Court of Kyiv Oblast Roksolana Kostur, Member of the UBA Board, Partner at Matviyiv & Partners</p> <p>In Focus</p> <ul style="list-style-type: none"> • Analysis of the implementation of the Civil and Commercial Procedural Codes based on an expert survey of the EU Project "Pravo-Justice" • Recommendations on the results of the monitoring in terms of practice • Presentation of the monitoring report of the Ministry of Justice of Ukraine regarding the implementation of procedural legislation • Application of cassation filters in Supreme Court practice • Application by the court of an effective way to protect the infringed law: current case law overview
Dallas Ballroom 2, Hilton Kyiv Hotel	
14:30 - 15:50	<p style="text-align: center;">Session 3.2. Topical issues of litigation involving banks and businesses</p> <p>Moderators Ihor Tkach, Judge of the Court of Cassation of the Supreme Court Serhii Boyarchukov, Managing Partner at Alekseev, Boyarchukov and Partners</p> <p>Participants Dmytro Luspenyk, Registrar of the Plenum of the Supreme Court, Registrar of the First Trial Chamber of the Civil Court of Cassation within the Supreme Court Volodymyr Studenets, Judge of the Court of Cassation within the Supreme Court Victoria Dzharty, Judge of the Kyiv Commercial Court Arsen Miliutin, Director of the Restructuring and Debt Department of Oschadbank JSC, Representative of the Independent Association of Banks of Ukraine Andrii Dzhura, Deputy Director of the Department - Head of Legal Department of Problem Assets Department of JSC PUMB Andrii Fortunenko, Senior Associate of Dispute Resolution Practice at AVELLUM</p> <p>In Focus</p> <ul style="list-style-type: none"> • Determining the interest accrual period. Possibility to establish in the contract another agreement of the parties regarding the term of interest accrual • Changing the maturity of a loan due to a claim for early repayment of debt. Determining the point of interest accrual • Accrual and charging interest for improper use of credit • Peculiarities of the application of the provisions of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Recovery of Lending" • Termination of credit obligations after the out-of-court settlement is completed • Bank's legal personality after cancelling the decision to withdraw the bank
15:50 - 16:20	Coffee break

Dallas Ballroom, Hilton Kyiv Hotel

16:20- 17:00	<p align="center">Hard Talk. Main Anti-corruption Policy Vectors</p> <p>Moderator Denys Bugay, President of the Ukrainian Bar Association, Partner at VB PARTNERS</p> <p>Participants Markian Galabala, Judge of the High Anticorruption Court of Ukraine Artem Sytnyk, Director of the National Anti-Corruption Bureau of Ukraine Maksym Grishchuk, First Deputy Head of the Specialized Anti-Corruption Prosecutor's Office Vitaliy Shabunin, Head of the "Center for Combating Corruption" NGO</p> <p>In Focus</p> <ul style="list-style-type: none">• Anti-corruption policy of the state• Ruling of investigative jurisdiction• Investigation of corruption and offences arising from corruption• Legal proceedings on corruption and related crimes
17:00- 18:30	<p align="center">Session 4. Impact of the ECHR and the Constitutional Court of Ukraine on the national legal system of Ukraine</p> <p>Moderators Volodymyr Kravchuk, Judge of the Administrative Court of Cassation within the Supreme Court Vladimir Vashchenko, Partner at VB PARTNERS</p> <p>Participants Dr. Friedrich Weiss, Professor Emeritus of the University of Vienna Viktor Gorodovenko, Judge of the Constitutional Court of Ukraine Dmytro Tretyakov, Head of the Division of the Filtration Section of the Secretariat of the European Court of Human Rights, Non-Judicial Rapporteur on Ukraine Oleksandr Minin, Senior Partner at KM Partners Markiyani Kliuchkovskiyi, Partner at Asters Ludmyla Kozyatnyk, Partner at Amber Law Firm</p> <p>In Focus</p> <ul style="list-style-type: none">• The EU's new approach to investment protection• Investment arbitration as a true investment organization: case study• ECHR Advisory Opinions: new opportunities in protecting rights and fundamental freedoms• Guaranteeing the Constitution as a mission of the Constitutional Court of Ukraine: new challenges and threats• The Constitutional Court of Ukraine: experience in dealing with constitutional complaints• Commonality of grounds of appeal to the Constitutional Court, the ECHR or investment arbitration• Declaring a single option preventive measure unconstitutional
18:30 - 18:40	Final remarks. Forum Closing
18:40 - 20:00	Evening Reception