

## IX ANNUAL JUDICIAL FORUM: «VECTOR FOR DEVELOPMENT 2020»

26 November 2020

10:00-10:20	<p><b>Opening of the Forum</b></p> <p><b>Ms Hanne Juncher</b>, Head of Department, Justice and Legal Co-operation, Council of Europe (tbc)</p> <p><b>Mr Denys Buhai</b>, Head of the Ukrainian Bar Association, Partner of law firm VB PARTNERS, attorney at law</p> <p><b>Ms Anna Ohrenchuk</b>, Chief of the Committee of the Ukrainian Bar Association on procedural law, partner of LCF Law Group</p>
10:20-12:00	<p><b>Session 1. Judicial reform 2020: next steps</b></p> <p><b>Moderators:</b></p> <p><b>Ms Anna Ohrenchuk</b>, Chief of the Committee of the Ukrainian Bar Association on procedural law, Partner of LCF Law Group</p> <p><b>Ms Irina Kushnir</b>, Manager of the Project of the Council of Europe “Support to the implementation of the judicial reform in Ukraine”</p> <p><b>In focus:</b></p> <ul style="list-style-type: none"><li>• Consequences of the judgments no. 2-r/2020 and 4-r/2020 of the Constitutional Court of Ukraine and implementation of the Opinions of the Venice Commission, international experts as to the judicial reform in 2016 and 2019</li><li>• Next steps in reforming of the judicial sphere and public scrutiny as to the judiciary authority</li><li>• Responsibility of a judge for unlawful judicial decision: standards of the Council of Europe and Ukrainian aspect</li></ul> <p><b>Speakers:</b></p> <ul style="list-style-type: none"><li>• <b>Mr Gerhard Reissner</b>, Reporter of the Venice Commission, Expert of the Council of Europe</li><li>• <b>Mr Duro.Sessa</b>, ex-President of the CCJE, the member of the CCJE Bureau and the President of the Supreme Court of Croatia</li><li>• <b>Ms Valentyna Danyshevskya</b>, President of the Supreme Court</li><li>• <b>Mr Andrii Kostin</b>, member of Parliament of Ukraine, Head of the Committee on Legal Policy of the Verkhovna Rada of Ukraine</li><li>• <b>Mr Andrii Ovsienko</b>, Chair of the High Council of Justice</li><li>• <b>Mr Andrii Savchuk</b>, Partner of the law firm MORIS GROUP, attorney at law</li></ul>

12:00-12:30	<b>Coffee break</b>
12:30-14:15	<p><b>Session 2. Guarantees of the judicial independence as a European standard of democratic state</b></p> <p><b>Moderators:</b></p> <p><b>Ms Nataliia Bohatska</b>, Chairman of the South-Western Commercial Court of Appeal, Chairman of the Association of Judges of Commercial Courts of Ukraine</p> <p><b>Ms Oleksandra Matviichuk</b>, Chairman of the Board of the Center for Civil Liberties</p> <p><b>In focus:</b></p> <ul style="list-style-type: none"> <li>• Main challenges for the independence of judges in Ukraine: annual reports of the High Judicial Council on the state of independence of judges in Ukraine 2017, 2018, 2019</li> <li>• Judicial staff shortage and possible ways of its overcome</li> <li>• Dialog between judges and advocates in the context of the European standards</li> <li>• Mass media impact on the judicial independence and formation of the trust to the judiciary</li> <li>• Court safety guard: new functions and development</li> </ul> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• <b>Ms Diana Kovatcheva</b>, Assoc. Prof. Dr., Ombudsman of the Republic of Bulgaria , International Expert of the Council of Europe,</li> <li>• <b>Mr Denys Buhai</b>, Head of the Ukrainian Bar Association, Partner of law firm VB PARTNERS, attorney at law</li> <li>• <b>Mr Bohdan Lvov</b>, Deputy President of the Supreme Court, Head of the Commercial Court of Cassation within the Supreme Court</li> <li>• <b>Ms Svitlana Matviienko</b>, Head of the Board of the Laboratory of the legislative initiatives</li> <li>• <b>Mr Stanislav Maksymishyn</b>, First Deputy Head of the Judicial Protection Service, Colonel of the Judicial Protection Service</li> <li>• <b>Ms Vira Mykhailenko</b>, Speaker-judge of the High Anticorruption Court of Ukraine</li> </ul>
14:15-14:45	<b>Lunch</b>

<p>14:45-16:30</p>	<p><b>Session 3. Important case law of the Supreme Court</b></p> <p><b>Moderators:</b></p> <p><b>Mr Vsevolod Kniaziev</b>, Secretary of the Grand Chamber of the Supreme Court</p> <p><b>Mr Serhii Boiarchukov</b>, Chief partner of Law firm Alekseiv, Boyarchukov and partners</p> <p><b>In focus:</b></p> <ul style="list-style-type: none"> <li>• Principle “court know a law” and adversarial principle: how to strike a balance</li> <li>• Principle of res judicata and the right to appeal against the final decision by a non-party to the proceedings: standards of the Council of Europe and national case-law</li> <li>• Re-opening of proceedings upon decisions of the Constitutional Court of Ukraine on unconstitutionality of law applied in a case</li> <li>• Representation of the state interests before the court by prosecutors</li> <li>• Ineffective remedies for the protection of rights and interests</li> </ul> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• <b>Mr Dmytro Tretiakov</b>, Senior Lawyer, Ukrainian Section, European Court of Human Rights Registry</li> <li>• <b>Mr Dmytro Hudyma</b>, Judge of the Grand Chamber of the Supreme Court</li> <li>• <b>Mr Ivan Mishchenko</b>, Judge of the Cassation commercial court within the Supreme Court</li> <li>• <b>Ms Nataliia Blazhivska</b>, Judge of the Cassation administrative court within the Supreme Court</li> <li>• <b>Ms Nataliia Vasylenko</b>, Deputy Head of the Department for Representation of State Interests in Court of the Office of the Prosecutor General</li> <li>• <b>Mr Volodymyr Vashchenko</b>, Partner of law firm VB PARTNERS</li> </ul>
<p>16:30-16:45</p>	<p><b>Closing remarks</b></p> <p><b>Mr Denys Buhai</b>, Head of the Ukrainian Bar Association, Partner of law firm VB PARTNERS, attorney at law</p> <p><b>Ms Irina Kushnir</b>, Manager of the Project of the Council of Europe “Support to the implementation of the judicial reform in Ukraine”</p>

## 27 November 2020

10:00-10:15	<p><b>Opening of the second day of Forum</b></p> <p><b>Ms Lilit Daneghian-Bossler</b>, Coordinator of projects of the Council of Europe (tbc)</p> <p><b>Mr Denys Buhai</b>, Head of the Ukrainian Bar Association, partner of law firm VB PARTNERS, advocate</p>
10:15-12:00	<p><b>Session 1. Quality of legislation and legal certainty principle in the context of investment prospects of Ukraine</b></p> <p><b>Moderators:</b></p> <p><b>Ms Irina Kushnir</b>, Manager of the Project of the Council of Europe “Support to the implementation of the judicial reform in Ukraine”</p> <p><b>Ms Liudmyla Buimister</b>, member of Parliament of Ukraine</p> <p><b>In focus:</b></p> <ul style="list-style-type: none"><li>• Requirements to ensure quality of legislation</li><li>• Role of a court to remedy lack of legislation quality: case law, constitutional control, legal effect of recognition of a law as unconstitutional</li><li>• Uniformity and consistency of court case law</li></ul> <p><b>Speakers:</b></p> <ul style="list-style-type: none"><li>• <b>Ms Clare Brown</b>, Head of Section Department for the Execution of Judgments of the ECtHR, DGI - Directorate General of Human Rights and Rule of Law, Council of Europe</li><li>• <b>Mr Rasim Babanly</b>, Head of the Department of Analytical and Legal Work of the Supreme Court</li><li>• <b>Mr Ivan Bondarchuk</b>, Counsel of LCF Law Group</li><li>• <b>Mr Stanislav Tarasov</b>, Business Development Manager of Scatec Solar in Ukraine</li></ul>
12:00-12:30	<p><b>Coffee break</b></p>

12:30-14:15	<p><b>Session 2. Moratorium on debt recovery from the state economic sector: protection of the state interests or violation of the investors' rights?</b></p> <p><b>Moderator:</b></p> <p><b>Mr Oleh Horetskyi</b>, Managing Partner of Goretzky &amp; Partners Law Firm</p> <p><b>In focus:</b></p> <ul style="list-style-type: none"> <li>• Moratorium on enforcement measures regarding entities that are out of privatisation</li> <li>• Moratorium on debt recovery from SC "Ukrzaliznytsia" for the obligations of State Entity "Donetska zaliznytsia"</li> <li>• Moratorium on bankruptcy of the state coal entities</li> <li>• Moratorium on bankruptcy of the state organization</li> </ul> <p><b>Participants:</b></p> <ul style="list-style-type: none"> <li>• <b>Mr Pavlo Pushkar</b>, Head of Division of the Department for the execution of judgments of the European court of human rights of the Council of Europe</li> <li>• <b>Mr Taras Tarasenko</b>, member of Parliament of Ukraine</li> <li>• <b>Ms Valeriia Kolomiets</b>, Deputy Minister of justice of Ukraine</li> <li>• <b>Ms Olena Volianska</b>, Partner of LCF Law Group</li> </ul>
14:15-14:45	<p><b>Lunch</b></p>
14:45-15:05	<p><b>Special presentation: BITs as protecting foreign investment and consequences of their termination</b></p> <p><b>Speaker:</b></p> <p><b>Mr Kabir Duggal</b>, Senior International Arbitration Advisor Arnold&amp;Porter</p>
15:05-16:50	<p><b>Session 3. Alternative ways of court dispute resolution</b></p> <p><b>Moderator:</b></p> <p><b>Ms Inna Yemelianova</b>, Deputy Chairman of the ICAC at the CCI of Ukraine</p> <p><b>In focus:</b></p> <ul style="list-style-type: none"> <li>• Improving of foundation and functioning of the arbitrage courts</li> <li>• Introduction of mediation: new law of the Cabinet of Ministers of Ukraine</li> <li>• Prospects of introduction of lay judges</li> <li>• Restorative justice</li> </ul>

	<p><b>Participants:</b></p> <ul style="list-style-type: none"><li>• <b>Mr Oleksandr Banchuk</b>, Deputy Minister of justice</li><li>• <b>Ms Larysa Shvetsova</b>, Member of the High Council of Justice</li><li>• <b>Mr Taras Shepel</b>, Head of the Arbitration Chamber of Ukraine, member of board of the DEJURE Foundation</li><li>• <b>Ms Halyna Yeromenko</b>, Head and lecturer of the Ukrainian Mediation Center</li><li>• <b>Mr Roman Koval</b>, Chairman of the Board of the Institute of Peace and Understanding</li><li>• <b>Ms Yuna Potomkina</b>, Senior Lawyer of Asters, Head of Alternative Dispute Resolution, Expert of the Mediation Law Working Group</li><li>• <b>Ms Luiza Romanadze</b>, lawyer, mediator, president of the Ukrainian Academy of Mediation</li></ul>
16:50-17:05	<p><b>Closing speeches. Close of the Forum</b></p> <ul style="list-style-type: none"><li>• <b>Ms Irina Kushnir</b>, Manager of the Project of the Council of Europe “Support to the implementation of the judicial reform in Ukraine”</li></ul>