Ministry of Education and Science of Ukraine Yaroslav Mudryi National Law University Department of Civil Justice and Advocacy

# WORK PROGRAMME OF THE DISCIPLINE "INTERNATIONAL CIVIL PROCEDURE AND COMMERCIAL ARBITRATION"

Level of higher education - second (master's) level Degree of higher education - master's degree Field of knowledge - 29 "International relations" Specialty - 293 "International Law" Discipline status - optional Year of admission - 2022

Kharkiv 2022

**Work programme of the discipline "International Civil Procedure and Commercial Arbitration"** for applicants of the second (master's) level of higher education in the field of knowledge 29 "International Relations", specialty 293 "International Law". Kharkiv: Yaroslav Mudryi National Law University, 2022. 30 p.

> Developer: Serhii Oleksandrovych Kravtsov, Candidate of Law, Associate Professor

Approved at the meeting of the Department of Civil Justice and Advocacy (protocol No. 9 of 08.06.2022)

*Head of the Department* -Husarov Kostiantyn Volodymyrovych, Doctor of Law, Professor, Professor

# Contents

1. Description of the discipline	.4
2. Expected learning outcomes	5
3. Content of the programme of the discipline	8
4. Scope and structure of the discipline1	. 1
4.1 For full-time higher education students1	1
4.2. For part-time higher education students1	2
5. Forms of pedagogical control and means of assessing learning outcomes1	.4
6. Criteria for assessing training outcomes1	6
7. Pedagogical control for full-time/ part-time students1	8
8. Educational, methodological and information support of the discipline1	9

# 1. Description of the discipline

The work programme of the discipline "International Civil Procedure and Commercial Arbitration" is developed in accordance with the educational and professional programme "International Law" of the second (master's) level of higher education in the field of knowledge 29 "International Relations", speciality 293 "International Law".

	Field of expertise,	Didactic structur	e of the discipline
Name of indicators	speciality, level of	full-time	part-time education
	education	education	Part and Continue
Number of ECTS credits - 4.0	Field of knowledge - 29 "International	optional	optional
	relations"	A year of	A year of
Number of modules - 2		preparation:	preparation:
	Specialty - 293	2022	2022
	"International Law"	semester	semester
Total hours - 120		1-3	1-3
Total hours - 120		Lectures	Lectures
	Level of education -	18 hours.	6 hours.
	second (master's)	Practical /	Practical /
	degree	seminar sessions	seminar classes
		20 hours.	4 hours.
Weekly hours for full-time students:		Independent work	Independent work
classrooms - 2-4,		82 hours.	110 hrs.
student's independent work		Types of	
- 6-8.		assesment:	Types of
- 0-0.		current	assesment:
		assessment;	current assessment;
		final assessment	final assessment of
		of knowledge	knowledge (credit)
		(credit)	

The purpose of the discipline is to form an integral system of professional knowledge, skills and other competencies of higher education students in the field of legal regulation of the procedure for consideration of foreign economic disputes in international commercial arbitration and the procedure for the administration of justice in civil cases with a foreign element.

# **Objectives:**

- receiving the theoretical knowledge of the procedure for consideration of foreign economic disputes by an international commercial arbitration;

- identification of current issues in the development of legal regulation of both international civil procedure and international commercial arbitration;

- familiarization with the judicial and arbitration practice of international bodies that consider foreign economic disputes and the peculiarities of the recognition and enforcement of foreign court judgements and international commercial arbitration awards;

- development of skills and abilities to apply unified sources on the procedure for dispute resolution in international commercial arbitration and conventional regulation of international civil procedure;

- deepening of theoretical knowledge and development of practical skills in functional diagnostics of foreign economic disputes in international commercial arbitration.

*Prerequisites:* "Tax law", "European Union law and its system", "Actual problems of scientific research methodology".

*Co-requisites: "*European Private International Law", "International Contract Law", "WTO Law".

*Post-requisites*: "International Intellectual Property Law", "EU Corporate Law and Governance", "Notary and Notarial Actions of Consular Offices".

# 2. Expected learning outcomes

As a result of learning of the discipline, a higher education student must demonstrate the following training outcomes:

LO 1.	Demonstrate knowledge of the specifics of the subject matter, special principles, sources of international civil procedure and international commercial arbitration, their
	system and structure.
LO 2.	To critically analyze judicial and arbitration practice in cases related to the resolution
	of civil cross-border disputes on the interpretation and application of international legal
	norms in the relevant field.
LO 3.	Carry out a logical, critical and systematic analysis of international legal acts relating
	to the procedure for consideration of disputes by national courts with the participation
	of a foreign element.
LO 4	To demonstrate knowledge of the basic categories of international civil procedure, its
	main institutions, to characterize the current situation and directions of further

	development of international legal regulation in the context of European integration
	processes.
LO 5	Demonstrate knowledge of the methodological aspects of the interaction between the
	science of international civil procedural law and the enforcement practice of national
	courts in the consideration of civil cases with a foreign element and the resolution of
	certain procedural issues.
LO 6	Characterize the peculiarities of conflict of laws regulation of certain procedural issues
	in civil cases with a foreign element.
LO 7	Possess the ability to make decisions and perform legal actions in the field of
	international commercial arbitration in strict accordance with the law.
LO 8	Possess the ability to apply legislation regulation and implement the rules governing
	international commercial arbitration in professional activities.
LO 9	Possess the ability to legally correctly qualify facts and circumstances in the field of
	international commercial arbitration.
LO 10	Possess the ability to respect the honor and dignity of a person, to observe and protect
	human and civil rights and freedoms.
LO 11	Carry out a critical analysis of the prevention of violations of the legislation in the field
	of international commercial arbitration, identify and eliminate the causes and
	conditions that contribute to their commission.
LO 12	Demonstrate knowledge of international legal norms in the field of regulation of
	various institutions of international commercial arbitration.

Teaching of the discipline ensures the formation of general and special competencies of the higher education student and the achievement of learning outcomes defined by the educational and professional program "International Law", namely:

# General competencies:

GC 1. Ability to think critically, analyze and synthesize.

GC 2. The ability to identify and solve problems arising in the professional sphere, to formulate and ask questions for their further solution.

GC 6. Ability to work effectively in an intercultural environment, including developing and managing international projects.

GC 7. Ability to conduct research at an appropriate level.

GC 9. The ability to solve problems of an innovative nature and to find alternative solutions in professional activities.

GC 10. The ability to work (collect, receive, systematize and synthesize) with various information and large volumes of information from various sources, analyze and critically and constructively evaluate it, taking into account the cross-cultural characteristics of the subjects of international relations.

GC 12. The ability to formulate a personal opinion and present it with evidence.

GC 15. The ability to understand the specifics of the subject area and professional activity, to make well-founded, balanced decisions and to be aware of their ethical consequences.

GC 16. The ability to communicate with representatives of other professional groups of different levels, from other fields of knowledge and activities, as well as the ability to work in an international professional environment.

### Special competencies:

SpC 1. The ability to critically analyze the problems and patterns of the functioning and development of international relations, to determine the trends in the development of world politics, to assess the impact of global political processes on national legal, political and economic systems.

SpC 3. The ability to independently provide legal representation of the interests of individuals, legal entities or the state when considering cases in national and international institutions and organize the provision of legal services.

SpC 4. The ability to comprehensively use highly specialized knowledge in specific areas of regulation of international public law, international private law, and European law to solve applied problems.

SpC 7. Ability to represent the interests of Ukraine or individuals and legal entities in international judicial institutions, arbitrations, national courts of foreign countries. SpC 11. The ability to ensure the implementation of international legal standards in certain areas of national legislation.

SpC 12. Ability to conduct research and/or introduce innovations in various fields and institutions of public international law, private international law, EU law.

SpC 14. The ability to apply an interdisciplinary approach in the assessment of international legal phenomena and international relations using legal tools.

SpC 16. Ability to work with international documentation (treaties, acts of international organizations and bodies, etc.), determine their legal nature, draft projects and accompanying documentation in Ukrainian and foreign languages.

SpC 21. The ability to communicate effectively in an international, multicultural

environment using knowledge in the fields of international law, European law and international relations.

# Program training outcomes:

PTO 1. To analyze multifaceted problems of international and national legal content and propose ways to solve them.

PTO 4. To understand the international legal situation, forecast its development, professionally and critically evaluate events and phenomena in the field of international relations and world politics, using legal tools.

PTO 5. To provide legal representation of the client in national courts, international commercial arbitrations, state authorities and local self-government bodies.

PTO 8. To prepare drafts of international treaties and acts of national legislation, to provide proposals for eliminating conflicts between the norms of international law, as well as for bringing the norms of national law into compliance with the norms of international law.

PTO 11. To demonstrate communication skills with representatives of other professional groups of different levels, other fields of knowledge and types of activities, as well as the ability to work in an international, intercultural environment; to organize and conduct negotiations.

PTO 17. To carry out research on international legal topics, using primary sources and methods of legal interpretation of complex problems arising from this research, justify the conclusions and present the results of the research.

PTO 19. To demonstrate knowledge of the evolution, current state and prospects for the development of legal regulation of various spheres of international cooperation, to be aware of the consequences of the convergence of legal systems in the conditions of globalization and regional integration.

### 3. Content of the program of the discipline

Module 1: General characteristics and features of international civil procedure

*Theoretical foundations of international civil procedure.* The concept and subject of international civil procedure, its place in the legal system. Features of international civil procedure. Sources of international civil procedure. National legal regulation of international civil procedure. International legal regulation of international civil procedure. The role of decisions of the European Court of Human Rights, the European Court of Justice in the formation of law enforcement practice. Lex fori (law of the forum country) in international civil procedure. Procedural conflict of laws rules.

*International civil procedural jurisdiction.* The concept of international civil procedural jurisdiction. Conflict of jurisdictions. Types of international civil procedural jurisdiction. Prorogation and derogation agreements. Obstacles to the establishment of international civil procedural jurisdiction of a foreign court. National and international legal regulation of the establishment of international civil procedure jurisdiction.

*Participants in international civil procedure.* Procedural and legal status of foreign persons. Civil procedural capacity of foreign persons. Procedural legal capacity of international organizations. Procedural features of consideration of cases involving foreign persons. Features of consideration of cases involving foreign persons. Procedural rights and obligations of foreign persons.

*Peculiarities of law enforcement in international civil procedure.* Determination of the law to be applied in international civil procedure. Application of foreign law on the basis of reciprocity. Determination of the content of foreign law. Consequences of failure to determine the content of foreign law. Public policy considerations in the application of foreign law. Obtaining evidence in a foreign jurisdiction. Interim measures in international civil procedure.

*Recognition and enforcement of a foreign court judgment.* General principles and peculiarities of recognition of a foreign court judgment. Peculiarities of consideration of an application for permission to enforce a foreign court judgment. Grounds for denial of a petition for permission to enforce a foreign court judgment.

Application for enforcement of a foreign court judgment. Recognition of a foreign court judgment that is not subject to enforcement.

Legal assistance in international civil procedure. The concept and types of legal aid in international civil procedure. Application to the Ukrainian court with a court order for the provision of legal assistance to a foreign court or other competent authority of a foreign state. International regulations on legal assistance. Execution of court orders of foreign courts in Ukraine. Execution of a court order of a foreign court to serve a subpoena or other documents. Execution of court orders by foreign diplomatic missions of Ukraine. Refusal to provide legal assistance.

Module 2. International commercial arbitration in the system of alternative dispute resolution

The concept and legal nature of international commercial arbitration. The role of international commercial arbitration in resolving disputes arising in the field of foreign commercial relations. General characteristics of international commercial arbitration. The theory of arbitration delocalization and its importance. Types of international arbitration courts. Permanent (institutional) and ad-hoc arbitration courts.

Legal regulation of international commercial arbitration. International legal regulation of international arbitration courts. Legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of different states.

Arbitration agreement. Determination of the competence of international commercial arbitration. Arbitration agreement as a type of arbitration contract. Arbitration agreement and its types. Arbitration clause and arbitration inscription. Autonomy of the arbitration agreement from the agreement to which it relates. "Pathological" arbitration agreements. Legal consequences of entering into arbitration agreements. Prorogation and derogation effects of arbitration agreements. Determination of the competence of the arbitral tribunal. Objections to the competence of the arbitral tribunal. The theory of "competence of competence" of the arbitral tribunal and its implementation in international treaties and legislation of different states. Establishment of the competence of an international arbitral tribunal in accordance with international treaties or national legislation. Appealing against arbitral awards on the issue of its own competence.

*Composition of the arbitral tribunal (arbitral court). Arbiters.* The concept of the general rules of international arbitration. Language of arbitration proceedings. Composition of the arbitral tribunal (arbitral court). The arbitrators. Number of arbiters. List of arbitrers and its significance. Requirements for arbitrators. Qualification of arbitrators. The procedure for the formation of the sole and collegial arbitral tribunal.

The award of the arbitral tribunal, its significance. The award of the arbitral tribunal, its significance. Appeal against an arbitral award to a state court. Annulment (invalidation) of an arbitral award by a state court. Procedure for consideration of a petition for setting aside an award of an international arbitral tribunal. Grounds for setting aside an award of an international arbitral tribunal. Enforcement of awards of national and foreign arbitration courts. The procedure for the enforcement of an enforcement document issued on the basis of an international commercial arbitration award.

*Recognition of foreign arbitral awards as a condition for enforcement.* The concept, meaning and legal consequences of the recognition of foreign arbitral awards (irrefutability, exclusivity, immutability, enforceability). Recognition of foreign arbitral awards as a condition for enforcement. Grounds for refusal to recognize and enforce a foreign arbitral award. Legal consequences of refusal to recognize and enforce a foreign arbitral award. Procedure for enforcement of an enforcement document issued on the basis of a court order on recognition and enforcement of a foreign arbitral award. Procedure for consideration of applications for recognition and enforcement of foreign arbitral award. Procedure for consideration of applications for recognition and enforcement of foreign arbitral awards by courts of general jurisdiction. The problem of recognizing foreign arbitral awards that do not require enforcement.

# 4. Scope and structure of the discipline

				urs of study		
p/n		event Topics of the	Total Including.			
	(according to the schedule)	to the		Lectures	Workshops, seminars, colloquia, etc.	Independent work
		Module 1: General characteristics and features of international civil procedure.				
		<b>Topic 1:</b> Theoretical foundations of international civil procedure	12	2	2	8
		<b>Topic 2</b> . International civil procedural jurisdiction	12	2	2	8
		<b>Topic 3.</b> Participants in international civil procedure	10		2	8
		<b>Topic 4.</b> Peculiarities of law enforcement in international civil procedure	12	2	2	8
		<b>Topic 5.</b> Recognition and enforcement of a foreign court judgment.	12	2	2	8
		<b>Topic 6.</b> Legal assistance in international civil procedure.	12	2	2	8
		TogetherModule 2.Internationalcommercialarbitration in thesystem ofalternativedisputeresolution.	70	10	12	48

# 4.1 For full-time higher education students

<b>Topic 1:</b> Concept and legal nature of international commercial arbitration	14	2	2	8
Topic2.Legalregulationofinternationalcommercialarbitration.	16	2		8
<b>Topic 3:</b> Arbitration agreement. Determination of the competence of international commercial arbitration.	16	2	2	8
<b>Topic 4.</b> Composition of the arbitral tribunal. Arbiters.	14		2	2
<b>Topic 5.</b> Award of an arbitral tribunal (award), its significance. Recognition of foreign arbitral awards as a condition for its enforcement.	14	2	2	8
Together	50	8	8	34
Total hours / ECTS credits	120/4,0	18	20	82

# 4.2. For part-time higher education students

No.	Date of the			Ho	urs of study	
p/n	event	Topics of the	Total		Including.	
	(according to the schedule)	training course		Lectures	Workshops, seminars, colloquia, etc.	Independent work
		Module 1:				
		General				
		characteristics				
		and features of				
		international civil				
		procedure.				

	10		-	-
Topic 1:	10	2	2	6
Theoretical				
foundations of				
international civil				
procedure				
Topic 2.	10	-	-	10
International civil				
procedural				
jurisdiction				
Topic 3.	10	-	-	10
Participants in	10			10
international civil				
procedure				
*	10			10
<b>Topic 4.</b>	10	-	-	10
Peculiarities of				
law enforcement				
in international				
civil procedure				
Topic 5.	10	-	-	10
Recognition and				
enforcement of a				
foreign court				
judgment.				
Topic 6. Legal	10	-	_	10
assistance in				
international civil				
procedure.				
Together	60	2	2	56
Module 2.				
International				
commercial				
arbitration in the				
system of				
alternative				
dispute				
resolution.	14		2	12
Topic 1: Concept	14	2	2	12
and legal nature of				
international				
commercial				
arbitration				
<b>Topic 2.</b> Legal	16	-	-	12
regulation of				
international				
commercial				
arbitration.				
Topic 3:	10	-	-	10
Arbitration				
agreement.				
Determination of				
the competence of				
international				
memanonal				

commercial arbitration. <b>Topic 4.</b> Composition of the arbitral tribunal. Arbitres.	10	-	-	10
<b>Topic 5.</b> Award of the arbitral tribunal (award), its significance. Recognition of foreign arbitral awards as a condition for enforcement.	12	2	-	10
Together	60	4	2	54
Total hours / ECTS credits	120/4,0	6	4	110

# 5. Forms of pedagogical control and means of assessing learning outcomes

Evaluation of the results of mastering the discipline "International Civil Procedure and Commercial Arbitration" involves current and final assessment and is based on a cumulative point-rating system.

Current knowledge assessment includes:

- control of the quality of students' mastering the program material of the discipline in practical classes using the following means: oral, written or express survey, solving practical problems or tasks, participation in the development of a case, defense of an essay or abstract at the initiative of the student. The current control is aimed at checking the level of training of the applicant in the study of the current material. During the practical training, the applicant can receive a grade on a four-point scale (0, 3, 4, 5);

- quality control of students' mastery of the program material of the discipline, which is carried out at the end of the modules in the form of colloquia, quizzes, testing, etc.

Throughout the semester, students complete assignments for independent work (preparation of a presentation, essay, report, etc.). The maximum number of points for independent work is 20 points.

The form of *final assessment of* knowledge of higher education students in the discipline is a test. The minimum number of points to receive a test is 60.

Distribution of points between forms of organization of the educational process and types of control measures:

	Current assessment							
Mo	odule 1	M	odule #2	Independent work students				
n/a	Test/quiz	n/a	Test/quiz/					
	/colloqui		colloquiu					
	um		m					
max	max	max	max	max 20	max 100			
20	15	30	15					

# 6. Criteria for evaluating learning outcomes

Type of assessment	Number of points	Criteria (for each point)
Current assessment in a practical lesson	Max 5	Excellent mastery of the subject material, with some minor flaws.
	4	Good mastery of the material on the topic, but there are some mistakes
	3	Minimal level of learning, a significant number of mistakes.
	Min 0	Unsatisfactory level of learning.
Testing / control work / colloquium	Max 15	The results of processing the material are high, with a small number of minor errors.
	7	Satisfactory level of mastery of the material, a significant number of errors.
	Min 0	Unsatisfactory level of learning.
Assessment of students' independent work	Max 20	Deep knowledge of the issues related to the research topic. Fluency in the material, ability to

	15	think independently and creatively, find, summarize, analyze material, and draw independent theoretical and practical conclusions. The main issues are covered superficially, and the conclusions are not independent.
	Min 0	The main provisions of the topic are covered superficially, with a large number of errors, no conclusions, and the student has a poor command of the material.
Credit	Max 100	Excellent knowledge of the subject matter.
	Min 60	Sufficient mastery of the material in the discipline.

# 7. Pedagogical assessment for full-time/part-time students

#### Assessme Definition. Assessment. Assessment. on the national on a 100-point nt. scale scale used in NSW on the ECTS for credit scale Excellent - excellent performance, with Α only a few errors 90 - 100 Very good - above average with a few B errors 80 - 89 С Good - generally correct work with a enrolled number of minor errors 75 - 79 D Satisfactory - not bad, but with а significant number of shortcomings 70 - 74 Е performance Sufficient meets the minimum criteria 60 - 69 Unsatisfactory - you need to work on it FX before retaking it 35 - 59 not enrolled Unsatisfactory - serious further work is F required, a repeat course is mandatory 0 - 34

# Scale of final pedagogical assessment

# 8. Educational, methodological and information support of the discipline Normative and legal acts

1. Arbitration Rules of the United Nations Economic Commission for Europe. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/995\_337;

2. Rules of Arbitration of the International Court of Arbitration at the International Chamber of Commerce. URL: http://www.nkau.gov.ua/NSAU/pravonsau.nsf/9f8cead0b3bf2b88c3256a910055a8 5c/c53b2bb37fbaee60c2256cf7002386a3!OpenDocument;

3. UNCITRAL Arbitration Rules. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/995\_059.

4. Vienna Convention on the Law of Treaties. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995\_118#Text.

5. Commercial Code of Ukraine. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/436-15;

6. Commercial Procedure Code of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/1798-12;

 Declaration of State Sovereignty of Ukraine". Official website of the Verkhovna Rada of Ukraine URL: https://zakon.rada.gov.ua/laws/show/55-12#Text.

8. Treaty between Ukraine and the Republic of Estonia on Legal Assistance and Legal Relations in Civil and Criminal Matters of 15.02.1995. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/233\_659.

9. Treaty between Ukraine and the People's Republic of China on Legal Assistance in Civil and Criminal Matters of 31.10.1992. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/156\_014

10. Treaty between Ukraine and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 23.05.1995. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/428\_627. 11. Treaty between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 07.07.1993. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/440\_002.

 Treaty between Ukraine and Mongolia on Legal Assistance in Civil and Criminal Matters of 27.06.1995. Official website of the Verkhovna Rada of Ukraine.
 URL: http://zakon4.rada.gov.ua/laws/show/496\_001.

13. Treaty between Ukraine and the Republic of Georgia on Legal Assistance and Legal Relations in Civil and Criminal Matters of 09.01.1995. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/268\_542

14. Treaty between Ukraine and the Republic of Cuba on Legal Relations and Legal Assistance in Civil and Criminal Matters of 27.03.2003. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/192\_021

15. Treaty between Ukraine and the Republic of Moldova on Legal Assistance and Legal Relations in Civil and Criminal Matters of 13.12.1993 Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/498\_604.

16. Treaty between Ukraine and the Republic of Poland on Legal Assistance and Legal Relations in Civil and Criminal Matters of 24.05.1993. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/616\_174.

17. Treaty between Ukraine and the Republic of Uzbekistan on Legal Assistance and Legal Relations in Civil and Family Matters of 19.02.1998. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/860\_013.

18. Treaty between Ukraine and Romania on Legal Assistance and Legal Relations in Civil Matters of 30.01.2002. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon3.rada.gov.ua/laws/show/642\_029.

19. Treaty between Ukraine and the Czech Republic on Legal Assistance and Legal Relations in Civil Matters of 28.05.2001. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon3.rada.gov.ua/laws/show/203\_018

20. Treaty between Ukraine and the Islamic Republic of Iran on Legal Relations and Legal Assistance in Civil and Criminal Matters of 11.05.2004 Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/364\_026

21. Treaty between Ukraine and the Democratic People's Republic of Korea on Legal Assistance in Civil and Criminal Matters of 13.10.2003. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/408\_012.

22. Treaty between Ukraine and the Republic of Bulgaria on Legal Assistance in Civil Matters of 21.05.2004. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/100\_056.

23. Treaty between Ukraine and the Republic of Macedonia on Legal Assistance in Civil Matters of 10.04.2000. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon3.rada.gov.ua/laws/show/807\_010.

24. Treaty between Ukraine and the Socialist Republic of Vietnam on Legal Assistance and Legal Relations in Civil and Criminal Matters of 06.04.2000. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/704\_050.

25. Treaty between Ukraine and the Republic of Hungary on Legal Assistance in Civil Matters of 02.08.2001. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/348\_026.

26. European Convention on the Introduction of a Uniform Law on Arbitration Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/994\_679?nreg=994\_679&find=1&text=%E0%F0%E1%E8%F2%F0%E0%E6%ED+%F2%F0%E8%E1%F3%ED%E0%EB&x =8&y =5#w22.

27. European Convention on International Commercial Arbitration 1961. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995\_069#Text.

28. European Convention on Information on Foreign Legislation. Council of Europe; Convention, International document of 07.06.1968. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995\_112.

29. Law of Ukraine "On Foreign Economic Activity". Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon1.rada.gov.ua/laws/show/959-12.

30. Law of Ukraine "On Private International Law". Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/2709-15;

31. The Law of Ukraine "On International Commercial Arbitration". Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/4002-12;

32. Law of Ukraine "On International Treaties of Ukraine". Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/1906-15.

33. Law of Ukraine "On Arbitration Courts". Official website of the Verkhovna Rada of Ukraine. URL: http://zakon3.rada.gov.ua/laws/show/1701-15;

34. Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters 1994. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/997\_009#Text

35. Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/995\_070.

36. Convention on the Recognition and Enforcement of Foreign Judgments. URL: https://kac.com.ua/ua/media/konventsiya-pro-viznannya-ta-vikonannya-inozemnih-sudovih-rishen.

37. Convention on the Settlement by Arbitration of Civil Disputes Arising out of Relations on Economic, Scientific and Technical Cooperation, 1972. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/998\_570#Text.

38. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. The Hague Conference on MLP; Convention, International Document of 15.11.1965. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995\_890.

39. Convention for the Protection of Human Rights and Fundamental Freedoms. Council of Europe; Convention, International Document of 04.11.1950. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995\_004

40. Convention on the Taking of Evidence Abroad in Civil or Commercial Matters. Convention, International document of 18.03.1970. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995\_922.

41. Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters; Convention, International Document of 22.01.1993. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/997\_009.

42. The Constitution of Ukraine. Bulletin of the Verkhovna Rada of Ukraine. 1996. No. 30. Article 141. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80.

43. New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/995\_070#Text.

44. Regulation on the Procedure for Conclusion, Implementation and Denunciation of International Treaties of Ukraine of an Interagency Nature, approved by the Resolution of the Cabinet of Ministers of Ukraine of June 17, 1994.

N 422. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/422-94-%D0%BF#Text.

45. UNIDROIT Principles of International Commercial Contracts 2010. Official website of the Verkhovna Rada of Ukraine. URL: http://www.unidroit.org/english/principles/contracts/principles2010/translations/bl ackletter2010-ukranian.pdf.

46. On the execution of judgments and application of the European Court of Human Rights practice. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/3477-15#Text.

47. Rules of the London Court of International Arbitration. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/995\_447.

48. Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry. Official website of the Verkhovna Rada of Ukraine. URL: http://arb.ucci.org.ua/icac/ru/rules.html.

49. UNCITRAL Model Law on International Commercial Arbitration. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon2.rada.gov.ua/laws/show/995\_879.

50. Agreement between Ukraine and the Hellenic Republic on Legal Assistance in Civil Matters of 02.07.2002. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/300\_013.

51. Agreement between Ukraine and the Republic of Cyprus on Legal Assistance in Civil Matters of 06.09.2004. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon4.rada.gov.ua/laws/show/196\_008.

52. Agreement between Ukraine and the Republic of Turkey on Legal Assistance and Cooperation in Civil Matters of 23.11.2000. Official website of the Verkhovna Rada of Ukraine. URL: http://zakon1.rada.gov.ua/laws/show/792\_600.

53. Agreement on the Procedure for the Settlement of Disputes Related to the Conduct of Economic Activity 1992. Official website of the Verkhovna Rada of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/997\_076#Text.

54.Arbitration Rules of the Arbitration Institute of The StockholmChamberofCommerce.URL:http://sccinstitute.com/media/40120/arbitrationrules\_eng\_webbversion.pdf.

55. Arbitration rules of the United Nations Economic Commission for Europe. URL: http://www.jstor.org/stable/756880?seq=1#page\_scan\_tab\_contents.

56. Convention on the Recognition and Enforcement of Foreign Arbitral URL:

http://www.uncitral.org/uncitral/en/uncitral\_texts/arbitration/NYConvention.html.

57. European Convention on International Commercial Arbitration. URL: https://treaties.un.org/doc/Treaties/1964/01/19640107%200201%20AM/Ch\_XXII\_02p.pdf.

58. European Convention providing a Uniform Law on Arbitration. URL: http://www.conventions.coe.int/treaty/en/Treaties/Html/056.htm.

59.From Transnational Principles to European Rules of Civil Procedure.URL:http://www.europeanlawinstitute.eu/projects/current-projects-contd/article/from-transnational-principles-to-european-rules-

ofcivilprocedure/?tx\_ttnews%5B

backPid%5D=137874&cHash=30981e5bc9618fbff47b45f915463 642.

60. ICC Rules of Arbitration. URL: http://www.iccwbo.org/products-and-services/arbitration-and-adr/arbitration/icc- rules-of-arbitration/.

61.LCIAArbitrationRules.URL:http://www.lcia.org/Dispute\_Resolution\_Services/LCIA\_Arbitration\_Rules.aspx.

62. Transnational civil procedure - formulation of regional rules URL: http://www.unidroit.org/about-unidroit/work-programme? id=1625.

63. UNCITRAL Arbitration Rules. URL: http://www.uncitral.org/pdf/english/texts/arbitration/arb-rules-revised/arb-rules-revised-2010-e.pdf.

64. UNCITRAL Model Law on International Commercial Arbitration. URL:http://www.uncitral.org/pdf/english/texts/arbitration/ml-arb/07-86998\_ Ebook.pdf.

### Literature

# Basic literature

1. Alternative dispute resolution: textbook / edited by Y. D. Prytyka. Kyiv: Dakor Publishing House, 2021. 436 p.

2. Recognition and enforcement of foreign court decisions in Ukraine. Civil proceedings of Ukraine: basic principles and institutions: monograph / edited by V. Komarov. Kharkiv: Pravo, 2016. P. 823-847.

3. Recognition and enforcement of foreign court decisions and international commercial arbitrations : compendium / ed. by V. Komarov. Kharkiv: Pravo, 2020. 668 c.

Komarov V.V. International commercial arbitration. Kharkiv: Osnova, 1995.
 301 c.

5. Komarov V.V., Pogoretsky V.N. International Commercial Arbitration. Kharkiv: Pravo, 2009. 164 p.

6. Kravtsov S. O. International commercial arbitration and national courts: a monograph. Kharkiv: Pravo, 2014. 232 p.

7. Theoretical and practical aspects of interaction between the European Convention on Human Rights and Fundamental Freedoms and international commercial arbitration. Journal *of Civilization*. 2021. № 44. P. 51-59.

8. Kravtsov S.O. International Commercial Arbitration and National Courts: Monograph. Kharkiv: "Pravo, 2014. 232 p.

9. Kravtsov S.O. Challenging the Decisions of the International Commercial Arbitration as a Form of Judicial Control by National Courts. *Bulletin of Taras Shevchenko National University of Kyiv. Legal Sciences*. 2019. № 3 (110). P. 8-15.

10. Kravtsov S. Ensuring the right of access to court during the proceedings of international commercial arbitration. *University Scientific Notes*. 2021. № 6(84).
P. 84-101.

Course of Civil Procedure: Textbook / ed. by V. Komarov. Kharkiv: Pravo,
 2011. 1352 p.

Private international law: a textbook / ed. by E. M. Bilousov, I. V. Yakoviuk.
 Kharkiv: Pravo, 2020. 408 p.

13. Civil Procedure of Ukraine: Basic Principles and Institutions: Monograph / ed. by V.V. Komarov. Kharkiv: Pravo, 2016. 848 p.

14. Recognition and Enforcement of Foreign Court Judgments in Civil Cases in the Context of the Practice of the European Court of Human Rights. *Problems of Legality*. 2017. Issue 138. P. 29-42.

15. Kravtsov S., Surzhenko O., Golubeva N. The validity, effectiveness, and enforceability of an arbitration agreement: Issues and solutions. *Access to Justice in Eastern Europe*. 2021. Vol. 4, Iss. 4. P. 116-130

16. Shepitko M., Kravtsov S. Award Of International Commercial Arbitration Court And Its Protection By Criminal Law Measures. *Criminalist first edition*. 2019.
№ 19. P. 74-85.

17. Drozdov O., Rozhnov O., Mamnitskyi V. Mediation and Court in Ukraine: Perspectives on Interaction and Mutual Understanding. *Access to Justice in Eastern Europe*. 2021. № 3(11). P.181-190.

18. Towards timely justice in civil matters amid the covid-19 pandemic. *Access to Justice in Eastern Europe*. 2020. № 2/3(7).

19. Prytyka Yu., Komarov V., Kravtsov S. Reforming the Legislation on the International Commercial Arbitration of Ukraine: Realities or Myths. Access to Justice in Eastern Europe. 2021. № 3(11). P. 117-128.

# Additional literature

1. Izarova I.O. Legal assistance in cross-border civil proceedings in the European Union. Academy of Advocacy of Ukraine. Bulletin of the Academy of Advocacy of Ukraine. 2015.  $N_{2}$  1(32). P. 53-60.

2. Izarova I.O. Theoretical foundations of the civil process of the European Union: monograph; Ministry of Education and Science of Ukraine. Kyiv : Dakor, 2015. 335 p.

3. Comparative Civil Procedure: a study guide / T. V. Zavarza, S. M. Berveno, L. V. Novikova, K. M. Totska. Kharkiv : V. N. Karazin Kharkiv National University, 2018. 156 p.

4. Vasiliev S. V. Comparative civil procedure: a textbook. Kyiv: Legal Unity: Alerta, 2015. 352 p.

5. Hanik-Pospolitak R. European principles of establishment and operation of institutions of alternative dispute resolution. *Legal Journal*. 2015. № 7/8. P. 73-76.

6. Cherniak Y., Bilous O. Principles of International Civil Procedure (with commentary). *Yurydychnyi zhurnal*. 2015. № 7/8. P. 12-32.

7. Cherniak Y. V. Unification of the norms of international civil procedure for the consideration of family disputes: Monograph. Kyiv: Alerta, 2018. 388 p.

8. Private international law: textbook / ed. by V. P. Zhushman, I. A. Shumilo. Yaroslav the Wise National Law University. Kharkiv: Pravo, 2015. 320 p.

9. Drakokhrist T. V. Features of legal regulation of Ukrainian legislation in the field of protection of the rights of foreigners and stateless persons. *Legal scientific electronic journal*. 2017. № 1. P. 190-193.

10. Constitutional and Legal Status and Legal Regime of Foreigners and Stateless Persons in Ukraine: Correlation of Concepts. *Actual problems of national jurisprudence*. 2015. № 6. Р. 59-66.

11. Pasailiuk I. V. Peculiarities of participation of foreigners and stateless persons as parties in the civil process of Ukraine. *Entrepreneurship, economy and law.* 2017. № 8. P. 45- 50.

12. Kosovskyi L.M. Proceedings in civil cases with a foreign element: a monograph. Kharkiv. Pravo, 2017. 300 p.

13. Foreigners and Stateless Persons as Third Parties in Civil Procedure of Ukraine. *Journal of Kyiv University of Law.* 2017. № 2. P. 145-150.

14. Mykhailiv M. International Treaties of Ukraine on Legal Assistance in Civil Matters as a Source of Legal Regulation of Inheritance by Will in Private International Law. *Entrepreneurship, economy and law.* 2018. No. 10. P. 229-233. 15. Zakhvataev V. N. Comments on the world practice of international commercial arbitration. Kyiv: Alerta, 2015. Book 1. 906 p.

16. Kirilchuk V. V. Legal nature of international commercial arbitration. URL:

https://3222.ua/article/pravova\_priroda\_mjnarodnogo\_komertsynogo\_arbtraju.htm.

17. The emergence and development of alternative ways of resolving interstate disputes. *State building and local self-government: a collection of scientific works*. Kharkiv: Pravo, 2016. Issue 32. P. 290-299.

18. International Commercial Arbitration as a Self-Regulatory Institution. *Foreign trade: economy, finance, law. Series. Legal sciences.* 2021. № 1. P. 4-13.

19. Improvement of Ukrainian legislation in the field of international arbitration: new initiatives. The *Legal Bulletin of Ukraine*. 2021. No. 16/17 (April 23-May 13. - P. 8-9.

20. Nahnybida V. Guarantees of protection of rights in arbitration in the practice of the European Court of Human Rights. *Law of Ukraine*. 2021. № 10. P. 169-176.

21. Voloshchuk O. T., Getmantsev O. M. Ad hoc arbitration: concept and specific features. *Yurydychna Ukraina*. 2019 № 1-2. P. 60-68.

22. Recognition and enforcement of foreign arbitral awards in Ukraine. *The rule of law.* 2018. № 31. P.124 -133.

23. Minchenko D. A. Conditions for the enforcement of foreign court decisions in England under common law. *Bulletin of the ONU named after I.I. Mechnikov. Jurisprudence.* 2017. T. 22. Issue 1 (30). P. 95-105.

24. Teplyuk S. M. Public policy clause as a ground for refusal to recognize and enforce a foreign arbitral award: approaches of internationally standardized documents. Bulletin of *Economic Proceedings*. 2016. No 5/6. P. 118-123.

25. Malinovska I., Yarkina N., Filiuk O. "Public Order" as Grounds for Refusal in the Recognition and Enforcement of a Decision in International Commercial Arbitration: Ukrainian Realities and International Experience. *Access to Justice in Eastern Europe*. 2022. Vol. 5. Iss. 1 (13). P. 154-164.

### Internet resources:

Council of Europe website - http://www.coe.kiev.ua

EU Project "Support to Justice Sector Reforms" http://www.justicereformukraine.eu/uk/

Official web portal of the Verkhovna Rada of Ukraine - http://rada.gov.ua/

Official web portal of the President of Ukraine - http://www.president.gov.ua

Official web portal of the Cabinet of Ministers of Ukraine - <u>http://www.kmu.gov.ua</u>

The official web portal of the Supreme Court is https://supreme.court.gov.ua/supreme/gromadyanam/perelik\_sprav/

Official web portal of the Constitutional Court of Ukraine - https://ccu.gov.ua/

Official web portal of the Ministry of Justice of Ukraine https://minjust.gov.ua/

Arbitration Institute of the Stockholm Chamber of Commerce (www.sccinstitute.com)

Website of the International Court of Arbitration of the International Chamber of Commerce (www.iccarbitration.org);

Website of the London Court of International Arbitration (www.lcia.org);

Website of the Center for Arbitration and Mediation of the Swiss Chambers of Commerce

(www.swissarbitration.org);

International Handbook on Commercial Arbitration (www.kluwerarbitration.com);

Website of the International Bar Association IBA (www.ibanet.org);

### SEEMC

Standardized electronic educational and methodological complex of the Department of Civil Justice and Advocacy. URL: <u>https://library.nlu.edu.ua/senmk/item/154- tsyvilnyi-protses.html</u>