



BALTIC JOURNAL OF LAW & POLITICS

A Journal of Vytautas Magnus University

VOLUME 12, NUMBER 2 (2019)

ISSN 2029-0454



Cit.: *Baltic Journal of Law & Politics* 12:2 (2019): 115–133
DOI: 10.2478/bjlp-2019-0014

STRENGTHENING JUDICIAL COOPERATION IN CIVIL MATTERS BETWEEN THE EU AND NEIGHBORING COUNTRIES: THE EXAMPLE OF UKRAINE AND THE BALTIC STATES

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Received: October 21, 2019; reviews: 2; accepted: January 7, 2020.

ABSTRACT

Judicial cooperation between EU Member-States and Ukraine is still at a basic level. The EU-Ukraine Association Agreement does not prove an appropriate approach, and their relations are regulated mostly with the bilateral agreements. The Baltic states and Ukraine, which are the focus of this research, are deeply engaged by their close geographical location, common historical issues and friendly relations, and seek further development of their relations. This should be accompanied by mutual judiciary trust and therefore by the corresponding evolution of bilateral relations proper to this trust. The following types of judicial cooperation in civil matters were chosen as objects of this research: recognition of Baltic States' courts' judgments in Ukraine, as well as service of documents and taking of evidence in Ukraine. The conclusions consist of several proposals related to deeper judicial cooperation between Member-States and

third countries, illustrated by the example of the Baltic States and Ukraine, in light of the right to fair trial and mutual trust in the judiciary.

KEYWORDS

Judiciary, judicial cooperation, civil procedure, recognition and enforcement of judgments, court

NOTE

The author gratefully acknowledges the support of Polina Siedova and Dr. Yulia Baklazhenko in the preparation of this article.

INTRODUCTION

Mutual trust and effective judicial cooperation between neighboring countries are the best grounds for growing the economy and facilitating productive interactions. Participants involved in various relations outside the country of their nationality¹ should feel well-protected and have equal access to justice with their partners. This is one of the most basic issues for productive cooperation between parties from different states² and is in line with the Universal Declaration of Human Rights³ and European Convention of Human Rights⁴ regarding the right to a fair trial.

In the EU, which created and supports one of the biggest internal markets in the world,⁵ the ambitious project called the European judicial area⁶ continues to develop a genuine European area of justice.⁷ Since 1999 new instruments of judicial cooperation have acted on the basis of the Amsterdam Treaty, such as conflicts of law and international jurisdiction, recognition and enforcement of judgments, service of documents, and taking of evidence.⁸

According to H. Hartnell, the term "EUstitia" "aims to capture both pragmatic and aspirational aspects of this new European governance project."⁹ It creates a "new political field" for Europeanization, which not only empowers EU institutions, but also imposes on them a duty to realize the European judicial area as a "new step in the integration process."¹⁰

However, when it comes to relations with third states, the EU is not so active in a creating common judicial area. M. Weller notes the importance of judicial cooperation in the Free Trade Area (hereinafter – FTA) agreement between the EU and third countries, and he concludes with the suggestions of adopting stronger

¹ The meaning "nationality" is used here in the context of 1997, as well as in draft of ELI-Unidroit European Rules of Civil Procedure (*European Convention on Nationality*, Council of Europe (November 1997) // <https://rm.coe.int/168007f2c8>).

² See F.A. Hayek, *Law, Legislation and Liberty. A new statement of the liberal principles of justice and political economy* (Routledge, 1998), 244.

³ See *The Universal Declaration of Human Rights*, United Nations (December 1948), art. 10, 11 // <https://www.un.org/en/universal-declaration-human-rights/>.

⁴ *European Convention on Human Rights*, Council of Europe (June 2010), art. 6 // https://www.echr.coe.int/Documents/Convention_ENG.pdf.

⁵ See Eurostat (2019) // <https://ec.europa.eu/eurostat>.

⁶ *The Action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice*, Eur-Lex, par. 15-16 (1999) // <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31999Y0123%2801%29>.

⁷ European Parliament, "Tampere European Council 15 and 16 October 1999 Presidency Conclusions," part B (1999) // http://www.europarl.europa.eu/summits/tam_en.htm#c.

⁸ About the area of civil justice cooperation in the EU, please, see Xandra E. Kramer, "Judicial Cooperation in Civil Matters"; in: Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, and Stefaan Van den Bogaert, eds., *The Law of the European Union* (Alphen aan den Rijn: Kluwer Law International, 2018) // <https://ssrn.com/abstract=3206272>; and Eva Storscrubb, *Civil Procedure and EU Law A Policy Area Uncovered* (Oxford: Oxford University Press, 2008).

⁹ Helen E. Hartnell, "EUstitia: Institutionalizing Justice in the European Union," *NW J. Int'l. Law & Bus.* 65 (2002): 67.

¹⁰ Helen E. Hartnell, "Judicial Cooperation in Civil Matters' (EUstitia): The Politics of Civil Justice under the EU's Area of Freedom, Security and Justice (AFSJ)"; in: European Union Studies Association (EUSA), *Fourteenth Biennial Conference Proceedings (5-7 March 2015)* // <http://aei.pitt.edu/79031/>.

bilateral solutions with the EU.¹¹ However, a move-on-stages process of facilitating bilateral agreement between EU Member-States and third countries within Deep and Comprehensive Free Trade Area (hereinafter – DCFTA)¹², of which Ukraine is an example, is more effective and productive, and requires fewer sources.

Ukraine is the 25th EU trading partner, accounting for slightly less than 1% of total extra-EU trade in goods in 2017.¹³ Despite this, we should admit that EU-Ukraine Association Agreement consists of very general provisions related to legal cooperation set forth under Title III “Justice, Freedom and Security”, article 24:

1. The Parties agree to further develop judicial cooperation in civil and criminal matters, making full use of the relevant international and bilateral instruments and based on the principles of legal certainty and the right to a fair trial.
2. The Parties agree to facilitate further EU-Ukraine judicial cooperation in civil matters on the basis of the applicable multilateral legal instruments, especially the Conventions of the Hague Conference on Private International Law in the field of international Legal Cooperation and Litigation as well as the Protection of Children.¹⁴

Regarding this, the judicial cooperation between Ukraine and Member-States is grounded upon on the following: the European Convention, ratified by all the EU Member-States and Ukraine,¹⁵ Hague conventions, ratified by states,¹⁶ and multi and bilateral agreements between Ukraine and EU Member-States.¹⁷

In particular, judicial cooperation between Ukraine and the Baltic countries is based on the bilateral agreements¹⁸ of the early 1990s - these are the Agreement between Ukraine and the Republic of Estonia on Legal Assistance and Legal Relationship in Civil and Criminal Matters, signed on 15 February 1995 (hereinafter – Estonia-Ukraine Agreement);¹⁹ the Agreement between Ukraine and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal

¹¹ See Matthias Weller, “Judicial Cooperation of the EU in Civil Matters in Its Relations with non-EU States – A Blind Spot?”; in: Alan Uzelac and Cornelis Hendrik (Rhemco) van Rhee, eds., *The Transformation of Civil Justice* (Springer 2018).

¹² European Commission, “Deep and Comprehensive Free Trade Area between Ukraine and the EU” (January 2020) // <http://ec.europa.eu/trade/policy/countries-and-regions/countries/ukraine/>.

¹³ See European Commission, “EU-Ukraine trade relations” (June 2018) // <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/EDN-20180709-1>.

¹⁴ *Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part* (2014) // <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0529%2801%29>.

¹⁵ Council of Europe, “Simplified Chart of signatures and ratifications” (January 2020) // <https://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/chartSignature/3>.

¹⁶ HCCH, “HCCH Members,” (January 2020) // <https://www.hcch.net/en/states/hcch-members>; and, for inst., HCCH, “Member: Ukraine” (January 2020) // <https://www.hcch.net/en/states/hcch-members/details1/?sid=134>.

¹⁷ For more information on bilateral international agreements of Ukraine (in Ukrainian) see: Ministry of Justice of Ukraine, “Dvostoronnii mizhnarodni dohovory Ukrainy” (Bilateral international agreements of Ukraine) (January 2020) // <https://minjust.gov.ua/m/4906>.

¹⁸ Within this paper we use the term “Agreements” in the meaning all of the below mentioned.

¹⁹ *Agreement between Ukraine and the Republic of Estonia on Legal Assistance and Legal Relationship in Civil and Criminal Matters*, Ratified by the Law N 450/95-BP of 22 November 1995 [in Ukrainian] // https://zakon3.rada.gov.ua/laws/show/233_659.

Matters, signed on 25 May 1995 (hereinafter – Latvia-Ukraine Agreement);²⁰ and, the Agreement between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, signed on 7 July 1993 (hereinafter – Lithuania-Ukraine Agreement).²¹

Since the DCFTA came into force, the trade and economic cooperation between Ukraine and Baltic states has risen.²² In addition, the Baltic countries account for 10 to 20% of European immigrants, which come primarily from non-EU countries, first of which are Ukraine, Belarus and Russia.²³

This article analyzes the on-going judicial cooperation in civil matters between Ukraine and the Baltic States, on the basis of case law, including decisions available in the single state register of judicial judgments in Ukraine. In fact, the numbers of Ukrainian courts' decision related to the recognition of the Baltic states' court decisions or to the execution of legal assistance requests is not more than 15. These cases are the object of this study.

The main part of the article addresses the issues of peculiarities within the bilateral agreements, such as 1) service of documents and taking of evidence, 2) recognition of judgments, as well as 3) the provisional and protective measures absence and its consequences. Concluding remarks include proposals for further Ukraine-Baltic states judicial cooperation.

1. SERVICE OF DOCUMENTS AND TAKING OF EVIDENCE

Ukraine and the Baltic States are members of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters 1965²⁴ and the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters 1970.²⁵ According to the rules of article 500 of the Civil

²⁰ *Agreement between Ukraine and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters*, Ratified by the Law N 452/95-BP of 22 November 1995 [in Ukrainian] // https://zakon.rada.gov.ua/laws/show/428_627.

²¹ *Agreement between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters*, Ratified by the Decree of the VR BP N 3737-XII of 17 December 1993 [in Ukrainian] // https://zakon3.rada.gov.ua/laws/show/440_002.

²² See, for inst., MENAFN, "Trade turnover between Ukraine and Lithuania increases by 45% in 2017" (January 2020) // https://menafn.com/qn_news_story_s.aspx?storyid=1096208115&title=Trade-turnover-between-Ukraine-and-Lithuania-increases-by-45-in-2017 Poroshenko; Embassy of Ukraine in the Republic of Latvia, "Ukraine – Latvia trade and economic cooperation" (2019) // <https://latvia.mfa.gov.ua/en/ukraine-lv/trade>; UKRINFORM, "Trade turnover between Ukraine and Estonia increased by almost a third over past year" (January 2020) // <https://www.ukrinform.net/rubric-economy/2465574-trade-turnover-between-ukraine-and-estonia-increased-by-almost-a-third-over-past-year-poroshenko.html>. All these news are proved in data of Ukrstat, available only in Ukrainian, see State Statistic Service of Ukraine, "Infography" (2020) // <http://www.ukrstat.gov.ua>.

²³ Aurelien Poissonnier, "The Baltics: Three Countries, One Economy?" *Economic Brief* 024 (April 2017) // https://ec.europa.eu/info/sites/info/files/eb024_en.pdf.

²⁴ *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (15 November 1965) // <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17>.

²⁵ *Convention on the Taking of Evidence Abroad in Civil or Commercial Matters* (18 March 1970) // <https://www.hcch.net/en/instruments/conventions/full-text/?cid=82>.

Procedural Code of Ukraine (hereinafter – CPC),²⁶ the foreign courts orders shall be executed within the rules of international agreement. Therefore, for service of document and taking of evidence within the Ukrainian-Baltic cases we usually use the rules given in appropriate bilateral agreements between two states.

In general these agreements consist of similar rules, but sometimes they vary. As a legal assistance in these agreements various procedural acts are considered; for instance, in civil and criminal matters according to the Estonia-Ukraine Agreement, and in family matters according to the Latvia-Ukraine Agreement and Lithuania-Ukraine Agreement, in particular, examining of witnesses, taking of evidence, recognition and enforcement of judgments, and service of documents ground on the application of the Contracting State (articles 3-4).

The order for execution of the legal assistance request is the same according to the articles 8 and 18 of the Agreements, in particular, refusing of execution may lead to a violation of Ukraine's sovereignty or create a threat to its national security or it might contradict the main principles of the law. Despite this, mostly, courts refuse to satisfy legal assistance requests due to more practical grounds, such as the language of the request. An important case concerns the notice to an Estonian citizen, party of a trial.²⁷ The first notification of that party was not executed due to absence of translation according to the party`s request – namely, to the Estonian language,²⁸ with which the Ukrainian court agreed and ordered the other party to translate the application and all the attachments into Estonian language due to absence of other possibilities to proceed it. There are no additional provisions in the Agreement, nor in the CPC.

Situations similar to the abovementioned example occur in the case law of Ukraine and it leads to a number of trials related to resolving only one question: namely, providing notification in the appropriate manner, excluded in Agreements provisions. At the same time, we must admit, that the procedure of court order execution according to the Agreement is hopelessly outdated. This concerns, first of all, the transmitting agency or judicial body, which is the centre of courts' communication, and still cannot help even with the translation of the request.

The worst thing in legal assistance is not old-fashion rules, but the time-frames²⁹ – sometimes notice concerning commencement of the proceedings may be

²⁶ *Civil Procedural Code of Ukraine*, Zakonodavstvo Ukrainy (January 2020) [in Ukrainian] // <https://zakon.rada.gov.ua/laws/show/1618-15>.

²⁷ *Case No 752/12653/15-c*, Decision of the Appeal court of Kyiv (21 November 2017) [in Ukrainian] // <http://reyestr.court.gov.ua/Review/70626410>.

²⁸ According to the Article 5 of the Estonia-Ukraine Agreement the request should be accompanied by the translation in the Contracting Party language or Russian language.

²⁹ Tetiana F. Korotenko, "Problems of establishing the forms of court orders on legal assistance"; in: Natalia M. Parkhomenko and Mykhailo M. Shumylo, eds., *Notions and Categories of Law Science: materials of V International science and practical conference (Kyiv, 18 Nov. 2014)* (Kyiv: Nika-Tsentr, 2014).

served in months, regardless the fact that the whole procedure of case consideration should take no more than a few months.³⁰ In addition, in the event when there is no possibility to execute a foreign court order, the court of Ukraine, in accordance with the procedure established by the international agreement or diplomatic channels, shall return such an application to a foreign court without execution, indicate the reasons and submit the relevant documents confirming this. Unfortunately, the essential flaw of the procedure for executing court orders by the courts of Ukraine is the lack of time-frames for their execution, in particular, the return of the court order without execution.

Today the judiciary should use electronic and digital communication technology more, which can help to save money and time and avoid involving other bodies in judicial activities due to the specific procedure and rules. For instance, we should support direct interaction between courts of different states through the Internet, which can be done on the portals of judiciary and E-justice³¹ and provide an effective solution to the request transmission and courts' communication.

2. RECOGNITION AND ENFORCEMENT

Ukraine is not a participant of the 1968 Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters,³² nor does it participate in the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.³³ Therefore, recognition and enforcement of foreign courts' decision in Ukraine is done in accordance with the Law "On Private International Law",³⁴ the CPC, and bilateral agreements, which take priority. The following grounds are provided by these acts: an international

³⁰ According to the CPC the fast track for small claims provides around 2 months, the general procedure – around three months.

³¹ About the principles concerning direct judicial communications see HCCH, "Direct Judicial Communication" (2013) // <https://assets.hcch.net/docs/62d073ca-eda0-494e-af66-2ddd368b7379.pdf>; Vesna Rijavec, Tomaž Keresteš, and Tjaša Ivanc, eds., *Dimensions of Evidence in European Civil Procedure* (The Netherlands: Kluwer Law International BV, 2016), 45, 144, 380; Paul Beaumont, Burkhard Hess, Lara Walker, and Stefanie Spancken, eds., *The Recovery of Maintenance in the EU and Worldwide* (Hart Publishing, 2014): 404; Burkhard Hess, Maria Bergstrom, and Eva Storscrubb, eds., *EUCivil Justice: Current Issues and Future Outlook: Swedish Studies in European Law, Volume 7* (Bloomsbury, 2016), 384. Most important is the direct cooperation between courts while interim measures are issued (see Peter Nygh, "Provisional and Protective Measures in International Litigation The Helsinki Principles," *Rabels Zeitschrift für ausländisches und internationales Privatrecht / The Rabel Journal of Comparative and International Private Law* 62 (1) (1998): 121).

³² *Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters*, Eur-lex (1968) // [https://eur-lex.europa.eu/legal-content/SL/TXT/?uri=CELEX:41968A0927\(01\)](https://eur-lex.europa.eu/legal-content/SL/TXT/?uri=CELEX:41968A0927(01)).

³³ *Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*, Eur-lex (2007) // <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22007A1221%2803%29>.

³⁴ *Law of Ukraine "On Private International Law"*, No 2709-IV, 23 June 2005 // <http://zakon2.rada.gov.ua/laws/show/2709-15/print>.

agreement, the consent of binding to which is provided by the Verkhovna Rada of Ukraine, and the principle of reciprocity in accordance with Article 462 of the CPC.

The priority of the bilateral agreement means that parties as well as the court should act according to its rules, even if there are other approaches in the national legislation. Unfortunately, in the case law of Ukraine there have been several controversial cases for instance, the case of recognition of the Lithuanian court decision about protective measures. The Supreme Court has supported the decisions of lower-instances courts and has concluded that provisions of the bilateral agreement have priority over rules of national Ukrainian legislation. Taking into account that in the Ukraine-Lithuania Agreement there is no procedure of direct application to the court of the state in which enforcement is claimed (in this case, in Ukraine) , the procedure of commencement of the application concerning the foreign court decision was broken.³⁵ The court based its decision on the provisions of par. 5 of the Decision of the Supreme Court of Ukraine, and stated that in this case a claim is not allowed for judicial consideration according to the rules of the CPC, Article 468.

To be fair, the clause in Article 43 of Ukraine-Lithuania Agreement stipulates that the court competent for submission of an application about foreign court decision recognition is the court which issued the decision, and should thus transfer it to the court to recognize it. Despite this, the list of grounds for refusing the application of recognition of foreign courts' decision does not include a ground such as the broken order of application recognition. Therefore, in one decision there are two approaches to the priority of the agreements.³⁶

All of the Agreements consist essentially of similar grounds for refusal of recognition of court decision application:

If the party in respect to which the decision of the foreign court was issued was deprived of the opportunity to participate in the trial due to the fact that the consideration of the case was not properly and promptly notified to it;
if in a dispute between the same parties on the territory of the Contracting Party, where the decision should be recognized and enforced, the decision was made and came into force or if the court of this Contracting Party open the proceedings in this case;
if the exclusive jurisdiction of the Contracting Party was violated;
if the paper, proved the contracting jurisdiction, is absent (in the Latvia-Ukraine Agreement).³⁷

³⁵ *Case No 752/13371/17*, Judgment of the Supreme Court of Ukraine (22 February 2018) [in Ukrainian] // <http://reyestr.court.gov.ua/Review/72641420>.

³⁶ There is another decision in this case of the Appeal court of Kyiv, made on the same grounds on 13 September 2017 [in Ukrainian] (see *Case No 752/13371/17*, Decision of the Appeal court of Kyiv (2017) // <http://reyestr.court.gov.ua/Review/68899706>).

³⁷ *Agreement between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters*, *supra* note 21.

According to the rules provided in Part 2 of Article 468 of the CPC, if international agreements, the consent to be bound of which is provided by the Verkhovna Rada of Ukraine, do not provide for such cases, then the following additional grounds for refusing of recognition should be noted, such as:

If the term to subject the decision of a foreign court to enforced execution on the territory of Ukraine, the consent to binding of which was stipulated by the Verkhovna Rada of Ukraine and this Code, has been missed;
if the subject matter of the dispute under the laws of Ukraine is not subject to judicial consideration;
if the execution of the decision would threaten the interests of Ukraine;
if previously the recognition and authorization of a foreign state's court decision was given in Ukraine in a dispute between the same parties, on the same subject matter and on the same grounds as the decision to which the request is made;
in other cases, established by the laws of Ukraine.

There are a few gaps which lead to practical misunderstanding and violation of the right to a fair trial of the parties, involved in the recognition of foreign decision procedure. We should decide if the grounds of the Agreements are the only possible basis for recognition refusal according to the priority of the bilateral agreement implementation; or, should the court take in account the provisions of the national legislation and use it, when it is appropriate?

In addition, the Ukraine-Poland agreement consists of the provisions, according to which the Article 51 claimant may submit the application directly to the court in the state where enforcement is claimed, or through the court, which issued the decision.³⁸ This this is one of the correct ways to avoid such formal prerequisites for foreign courts' decisions on recognition refusal.

Priority of the bilateral agreement before the Hague convention was an object of court consideration in cases concerning claims against the state enforcement officer, which was reviewed by courts of all instances in Ukraine.³⁹ The ground for recognition of the foreign court's decision, in the claimant's point of view, was the lack of representative's power, taking in account the requirements of the Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents.⁴⁰ Ukrainian courts insisted that Ukraine-Latvia Agreement has priority due to its earlier signing and does not contain of any additional procedure of recognition of notary documents in Contracting Parties.

³⁸ *Agreement between Ukraine and the Republic of Poland on legal assistance and legal relations in civil and criminal cases*, Ratified by the Resolution of Verkhovna Rada N 3941-XII of 04 February 1994 [in Ukrainian] // http://zakon5.rada.gov.ua/laws/show/616_174.

³⁹ *Case No 200/15951/15-c*, Judgment of the Supreme Court of Ukraine (9 August 2018) [in Ukrainian] // <http://reyestr.court.gov.ua/Review/75945769>.

⁴⁰ *Convention Abolishing the Requirement of Legalization for Foreign Public Documents* (5 October 1961) // <https://www.hcch.net/en/instruments/conventions/full-text/?cid=41>.

Order and methods of foreign courts' decisions enforcement were the objects of judicial consideration as well, in particular in the case against enforcement of foreign court's decision in Ukraine⁴¹ due to absence of the method, mentioned in the decision, in the Law of Ukraine "On Enforcement".⁴² In the original decision of the court of first instance the duty to pay the amount for received goods was made, and, according to abovementioned law, the duty of recovering debts from the debtor is provided.

One of the important practical issues related to foreign courts' decisions' recognition in Ukraine is the moment when the debtor's duty starts. For instance, in a case of the recognition of the decision of the Latvian court in Ukraine concerning the duty to pay support for child,⁴³ the additional claim was added to the request for the abovementioned decision recognition, specifically, to recover debt from the date of this decision issued in 2015. Therefore, from 2015 when the first decision was made in Latvia, till 2018, when the request for this decision recognition was submitted in Ukraine, three years passed without enforcement. In this case, the Ukrainian court refused to satisfy this particular claim regarding the recognition of the Latvian court's decision to enforce in Ukraine.

In another case, in 2012, the Ukrainian court, taking into account that the decision was not enforced in Latvia, satisfied the request about its recognition in Ukraine and put a duty on the debtor to pay support for a child from the moment mentioned in the first decision, in particular, since 16 November 2009.⁴⁴ Therefore, the debt which appeared as a result of long-lasting judicial consideration was put on the debtor's shoulders.

The abovementioned practice is the consequence of the lack of necessary provisions of the bilateral agreements. Here we may use the rules of the CPC, according to which the decision of the foreign courts, which contains the duty to periodical payments, may be applied for enforcement during all the time of debt recovery of the past three years.

There is also an issue about the currency in which the amount mentioned in the decision of a foreign court should be paid: in some cases according to the National Bank of Ukraine rates, via the recognition procedure of Ukrainian courts to exchange

⁴¹ *Case No 200/15951/15-c, supra* note 39.

⁴² *Law of Ukraine "On Enforcement"* (2016) [in Ukrainian] // <https://zakon.rada.gov.ua/go/1404-19>.

⁴³ *Case No 753/17608/18*, Decision of the Darnitsky district court of Kyiv (31 October 2018) (in Ukrainian) // <http://reyestr.court.gov.ua/Review/77567955>.

⁴⁴ *Case No 2609/21137/12*, Decision of the Solomiansky district court of Kyiv (6 December 2012) [in Ukrainian] // <http://reyestr.court.gov.ua/Review/27950376>.

currency of the Baltic states into Ukrainian hryvna;⁴⁵ and sometimes not according to those rates,⁴⁶ due to the lack of necessary provisions in agreements.

The most notable element in these examples is the time-frames: the first judgment of the Latvian court was issued on 15 January 2015 and the full judgment of the Ukrainian court concerning its recognition and enforcement was made on 1 November 2018; therefore, the whole period of trial related to child maintenance lasted nearly four years and this period excludes the judgment's enforcement.

The EU policy, in creating the European judicial area based on the exequatur's abolition, which was mostly successful, helps to save money and time.⁴⁷ This should be stage-on process, and, it should be started immediately from the most significant cases, with required efficiency in time-frames, and in matters such as relate to parental rights and duties. For instance, in accordance with the Ukraine-Poland Agreement, immediate enforcement of decisions in matters relating to parental rights is allowed without additional procedure of recognition.⁴⁸

Another important idea is the transfer of burden of application from the creditor to the debtor, the party against whom the enforcement is sought.⁴⁹ It helps to know precisely if the notice was violated during the proceedings and the judgment was given in default of appearance, or if there is another decision in the same case. In addition, we can avoid an endless trial without enforcement when the creditor, who has suffered from a rights violation as proved by a court decision, applies for recognition and enforcement of this decision in the state of the debtor.

3. PROVISIONAL AND PROTECTIVE MEASURES

A fair trial is not only successful in consideration of the case and decision-making, during which the debtor's funds could disappear with the aim to avoid the

⁴⁵ See *ibid.*; *Case No 757/27563/13-c*, Decision of Pechersky district court of Kyiv (26 March 2014) [in Ukrainian] // <http://reyestr.court.gov.ua/Review/37932005>.

⁴⁶ *Case No 753/17608/18*, *supra* note 43.

⁴⁷ See Committee on Legal Affairs, "Report on the implementation and review of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (2009/2140(INI))" // <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2010-0219+0+DOC+XML+V0//EN>, which states the following: "... whereas exequatur is seldom refused: only 1 to 5% of applications are appealed and those appeals are rarely successful; whereas, nonetheless, the time and expense of getting a foreign judgment recognised are hard to justify in the single market and this may be particularly vexatious where a claimant wishes to seek enforcement against a judgment debtor's assets in several jurisdiction ...".

⁴⁸ *Agreement between Ukraine and the Republic of Poland on legal assistance and legal relations in civil and criminal cases*, *supra* note 38, Article 48: "Recognition of decisions in non-property cases: 1. Judgments given by the courts of one Contracting Party in civil non-property actions that have become valid, and in matters relating to parental rights, decisions that have not become legally effective but are subject to immediate enforcement shall be recognized on the territory of the other Contracting Party without action on recognition if the courts of the other Contracting Party have not previously made a lawful decision in the same case, or if they were not exclusively competent, on the basis of this Agreement, and on the basis of valid legislation of that Contracting Party in case of the absence of such a settlement in the Contract."

⁴⁹ Committee on Legal Affairs, *supra* note 47.

enforcement of a negative judgment. In this case, within the EU there are a few effective instruments, in particular, the European Preservation Order Procedure,⁵⁰ which helps creditors to prevent it in cross-border,⁵¹ as well as a new provision of the Regulation 1215/2012.⁵² These instruments help within the EU and within third states' trials.

Historically, section 9 article 24 of the 1968 Brussels Convention contains a clause that helped to save future decisions:

Application may be made to the courts of a Contracting State for such provisional, including protective, measures as may be available under the law of that State, even if, under this Convention, the courts of another Contracting State have jurisdiction as to the substance of the matter.⁵³

It is difficult to describe what an empty trial is without decision enforcement, especially if it happened due to the lack of appropriate provisional and protective measures. Nevertheless, according to the bilateral agreements, recognition and enforcement are allowed only for decisions which came into force; interim measures are not. In addition, the interim measures proceed mostly *ex parte*, which leads to refusal of recognizing them abroad.

The provisional and protective measures are the ones which vary most in the definitions and legal situations, the only ascertainable convergence is their function – which is to secure the subsequent enforcement of judgments on the substance of a case, organize factual situations or the parties' rights *pro tem*, and safeguard all interests affected pending settlement of the dispute.⁵⁴ This was the strongest grounds for the creation of the Helsinki principles,⁵⁵ and a starting point for the strengthening of further judicial cooperation.

An excellent example of a problem of interim measures recognition happened in the case of "Lucrosus", Latvia, and "Investment coach company", Ukraine. In the

⁵⁰ Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, Official Journal of the European Union (2014 L 189/59) // <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0655&from=EN>.

⁵¹ For more information about these instruments see: Philipp Anzenberger and Tjaša Ivanc, "Provisional Account Preservation Measures in European Civil Procedure Law: A comparison between Brussels Ia and the Regulation on the European Account Preservation Order from an Austrian and a Slovenian perspective," *Austrian Law Journal* 2 (2017).

⁵² Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L (2012 no 351) // <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R1215>.

⁵³ *Brussels Convention*, *supra* note 32.

⁵⁴ See Commission of the European Communities, "Commission Communication to the Council and the European Parliament "Towards greater efficiency in obtaining and enforcing judgments in the European Union" Proposal for a Council Act establishing the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters in the Member States of the European Union" (Brussels, 1997) // <http://aei.pitt.edu/6250/1/6250.pdf>; Lawrence Collins, "Provisional and protective measures in international litigation," *Collected Courses of the Hague Academy of International Law, The Hague Academy of International Law* Vol. 234 (1992) // http://dx.doi.org/10.1163/1875-8096_ppIrdc_ej.9780792322603.009_238.

⁵⁵ Peter Nygh, *supra* note 31: 115-122.

request for a Kaunas court decision, made on 19 January 2017, concerning interim measures recognition in Ukraine, it was mentioned that it should be immediately enforced; at the same time, in this decision the lack of notification of the debtor was mentioned due to the written procedure of issuance and character of the provisional measures, chosen for claims protecting. Nevertheless, the recognition of this decision should proceed in Ukraine, where the enforcement is sought.⁵⁶ This application was satisfied by the decision of the court of first instance on 14 July 2017, despite the absence of proving the debtor's notification and coming into force of the decision. But then it was cancelled by the decision of the Appeal court of Kyiv due to the broken rules while submitting the request for recognition, noted in Latvia-Ukraine Agreement. This case was reviewed by all the court instances in Ukraine, and, finally, the Supreme Court supported the idea of broken rules as a ground for recognition decision,⁵⁷ regardless of the meaning of this decision, which should be discovered as an interim measure during trial. Similar requests happened in divorce cases, for instance, for protection of funds transferring from an account opened in a foreign bank,⁵⁸ as well as loans.⁵⁹

The abovementioned issues on the recognition of interim measures definitely lead to the abuse the rights and attempts to avoid the court's decision, if the judicial cooperation between states is not strengthened.

CONCLUSIONS: IS THERE A COMMON AREA OF JUSTICE OUTSIDE THE BILATERAL AGREEMENTS AND CONVENTIONS?

The generalization of the case law as provided in this study shows us that mostly the Ukrainian courts satisfy the requests for the recognition of Baltic States' courts' decisions and execute their orders for legal assistance, consisting of service of documents and taking of evidence application. Concerning the recognition of the Baltic states' courts' decisions, the problem of priority of bilateral agreements should be used when it does not violate the rights of the parties. For instance, if the agreement does not contain grounds for refusal, the court should not use additional ones provided in national legislation.

Second, it is noteworthy that not only strengthening, but modernizing the judicial cooperation between the Baltic States and Ukraine is required. The interaction between courts does not require third accompanying parties, such as transmitting

⁵⁶ *Case No 752/13371/17*, Decision of Holosiivsky district court of Kyiv (14 July 2017) [in Ukrainian] // <http://reyestr.court.gov.ua/Review/68019520>.

⁵⁷ *Case No 752/13371/17*, *supra* note 35.

⁵⁸ See *Case 756/13997/15-c*, Decision of the Appeal court of Kyiv (12 June 2018) // <http://reyestr.court.gov.ua/Review/74630648>. This case is related to divorce and common property dividing, and was reviewed by all the court instances in Ukraine during period of 2015 till 2018.

⁵⁹ *Case No 757/27563/13-c*, *supra* note 45.

and other agencies, which frequently break the time-frames of the trial, making them unfair and unjust. Modernizing interaction between courts helps greatly in achieving greater efficiency in civil justice.

The absence of exequatur is one of the final stages of the common judicial area. To achieve it we should start from the automatic recognition of the decisions which seek swift consideration due to merit, such as related to parental rights and obligations. Therefore, requirements of additional recognition in Contracting Parties may lead to the impossibility of decision enforcement.

The burden of application about refusal of foreign court decision recognition submission should be put on the debtor against whom the enforcement is sought. This helps to solve the problem of language. In addition, the duty to translate the documents should be put on the party who seeks the rights' protection and applies to the court. Thus, burden is not on the creditor, rather on the debtor who violates the rights.

We should also revise the provisions regarding the provisional and protective measures, which would help to avoid making decisions impossible to enforce.

BIBLIOGRAPHY

1. Anzenberger, Philipp, and Tjaša Ivanc. "Provisional Account Preservation Measures in European Civil Procedure Law: A comparison between Brussels Ia and the Regulation on the European Account Preservation Order from an Austrian and a Slovenian perspective." *Austrian Law Journal* 2 (2017): 57-70.
2. Beaumont, Paul, Burhard Hess, Lara Walker, and Stefanie Spancken, eds. *The Recovery of Maintenance in the EU and Worldwide*. Hart Publishing, 2014.
3. Collins, Lawrence. "Provisional and protective measures in international litigation." *Collected Courses of the Hague Academy of International Law, The Hague Academy of International Law* Vol. 234 (1992) // http://dx.doi.org/10.1163/1875-8096_ppIrdc_ej.9780792322603.009_238.
4. Commission of the European Communities. "Commission Communication to the Council and the European Parliament "Towards greater efficiency in obtaining and enforcing judgments in the European Union" Proposal for a Council Act establishing the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters in the Member States of the European Union" (Brussels, 1997) // <http://aei.pitt.edu/6250/1/6250.pdf>.
5. Committee on Legal Affairs. "Report on the implementation and review of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and

- enforcement of judgments in civil and commercial matters (2009/2140(INI))”
//
[http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-
//EP//TEXT+REPORT+A7-2010-0219+0+DOC+XML+V0//EN](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2010-0219+0+DOC+XML+V0//EN).
6. Council of Europe. “Simplified Chart of signatures and ratifications” (January 2020) //
[https://www.coe.int/en/web/conventions/search-on-treaties/-
/conventions/chartSignature/3](https://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/chartSignature/3).
 7. Embassy of Ukraine in the Republic of Latvia. “Ukraine – Latvia trade and economic cooperation” (2019) //
<https://latvia.mfa.gov.ua/en/ukraine-lv/trade>.
 8. European Commission. “Deep and Comprehensive Free Trade Area between Ukraine and the EU” (January 2020) //
<http://ec.europa.eu/trade/policy/countries-and-regions/countries/ukraine/>.
 9. European Commission. “EU-Ukraine trade relations” (June 2018) //
[https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/EDN-
20180709-1](https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/EDN-20180709-1).
 10. European Parliament. “Tampere European Council 15 and 16 October 1999 Presidency Conclusions.” Part B (1999) //
http://www.europarl.europa.eu/summits/tam_en.htm.
 11. Hartnell, Helen E. “EUstitia: Institutionalizing Justice in the European Union.” *NW J. Int`l. Law & Bus.* 65 (2002): 65-138.
 12. Hartnell, Helen E. “Judicial Cooperation in Civil Matters’ (EUstitia): The Politics of Civil Justice under the EU’s Area of Freedom, Security and Justice (AFSJ)” : 52-53. In: European Union Studies Association (EUSA). *Fourteenth Biennial Conference Proceedings (5-7 March 2015)* //
<http://aei.pitt.edu/79031/>.
 13. Hayek F.A. *Law, Legislation and Liberty. A new statement of the liberal principles of justice and political economy*. Routledge, 1998.
 14. HCCH. “Direct Judicial Communication” (2013) //
<https://assets.hcch.net/docs/62d073ca-eda0-494e-af66-2ddd368b7379.pdf>.
 15. HCCH. “Member: Ukraine” (January 2020) //
<https://www.hcch.net/en/states/hcch-members/details1/?sid=134>.
 16. Hess, Burkhard, Maria Bergstrom, and Eva Storscrubb, eds. *EU Civil Justice: Current Issues and Future Outlook: Swedish Studies in European Law. Vol. 7*. Bloomsbury, 2016.
 17. International Bank for Reconstruction and Development / The World bank. *Doing Business 2019*. 16th edition. 2019 //

- https://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf.
18. Kasekamp Andres. *History of the Baltic States*. 2nd edition. Palgrave, 2018.
 19. Korotenko, Tetiana F. "Problems of establishing the forms of court orders on legal assistance": 260–263. In: Natalia M. Parkhomenko and Mykhailo M. Shumylo, eds. *Notions and Categories of Law Science: materials of V International science and practical conference (Kyiv, 18 Nov. 2014)*. Kyiv: Nika-Tsentr, 2014.
 20. Kramer, Xandra E. "Judicial Cooperation in Civil Matters": 721-740. In: P Pieter Jan Kuijper, Fabian Amttenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, and Stefaan Van den Bogaert, eds. *The Law of the European Union*. Alphen aan den Rijn: Kluwer Law International, 2018 // <https://ssrn.com/abstract=3206272>
 21. MENAFN. "Trade turnover between Ukraine and Lithuania increases by 45% in 2017" (January 2020) // https://menafn.com/qn_news_story_s.aspx?storyid=1096208115&title=Trade-turnover-between-Ukraine-and-Lithuania-increases-by-45-in-2017Poroshenko.
 22. Ministry of Justice of Ukraine. "Dvostoronni mizhnarodni dohovory Ukrainy" (Bilateral international agreements of Ukraine) (January 2020) // <https://minjust.gov.ua/m/4906>.
 23. Nygh, Peter. "Provisional and Protective Measures in International Litigation The Helsinki Principles." *Rabels Zeitschrift für ausländisches und internationales Privatrecht / The Rabel Journal of Comparative and International Private Law* 62 (1) (1998): 115-122.
 24. O'Connor, Kevin. *The History of the Baltic States*. Greenwood Press, 2003.
 25. Plakans, Andrejs A. *Concise History of the Baltic States*. Cambridge University Press, 2011.
 26. Poissonnier, Aurelien. "The Baltics: Three Countries, One Economy?" *Economic Brief* 024 (April 2017) // https://ec.europa.eu/info/sites/info/files/eb024_en.pdf.
 27. Rijavec, Vesna, Tomaž Keresteš, and Tjaša Ivanc, eds. *Dimensions of Evidence in European Civil Procedure*. The Netherlands: Kluwer Law International BV, 2016.
 28. Smith, David J., Artis Pabrikc, Aldis Purs, and Thomas Lane. *The Baltic States: Estonia, Latvia and Lithuania*. Routledge, 2002 [2nd ed. 2013].
 29. Storscrubb, Eva. *Civil Procedure and EU Law A Policy Area Uncovered*. Oxford: Oxford University Press, 2008.

30. UKRINFORM. "Trade turnover between Ukraine and Estonia increased by almost a third over past year" (January 2020) // <https://www.ukrinform.net/rubric-economy/2465574-trade-turnover-between-ukraine-and-estonia-increased-by-almost-a-third-over-past-year-poroshenko.html>.
31. Weller, Matthias. "Judicial Cooperation of the EU in Civil Matters in Its Relations with non-EU States – A Blind Spot?": 63-68. In: Alan Uzelac and Cornelis Hendrik (Rhemco) van Rhee, eds. *The Transformation of Civil Justice*. Springer, 2018.

LEGAL REFERENCES

1. *Agreement between Ukraine and the Republic of Estonia on Legal Assistance and Legal Relationship in Civil and Criminal Matters*. Ratified by the Law N 450/95-BP of 22 November 1995 [in Ukrainian] // https://zakon3.rada.gov.ua/laws/show/233_659.
2. *Agreement between Ukraine and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters*. Ratified by the Law N 452/95-BP of 22 November 1995 [in Ukrainian] // https://zakon.rada.gov.ua/laws/show/428_627.
3. *Agreement between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters*. Ratified by the Decree of the VR BP N 3737-XII of 17 December 1993 [in Ukrainian] // https://zakon3.rada.gov.ua/laws/show/440_002.
4. *Agreement between Ukraine and the Republic of Poland on legal assistance and legal relations in civil and criminal cases*. Ratified by the Resolution of Verkhovna Rada N 3941-XII of 04 February 1994 [in Ukrainian] // http://zakon5.rada.gov.ua/laws/show/616_174.
5. *Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part*. Consolidated version 08/07/2019 // <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0529%2801%29>.
6. *Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters*. Eur-lex, 1968 // [https://eur-lex.europa.eu/legal-content/SL/TXT/?uri=CELEX:41968A0927\(01\)](https://eur-lex.europa.eu/legal-content/SL/TXT/?uri=CELEX:41968A0927(01)).
7. *Case 756/13997/15-c*. Decision of the Appeal court of Kyiv, 12 June 2018 //

- <http://reyestr.court.gov.ua/Review/74630648>.
8. *Case No 200/15951/15-c*. Judgment of the Supreme Court of Ukraine, 9 August 2018 [In Ukrainian] // <http://reyestr.court.gov.ua/Review/75945769>.
 9. *Case No 2609/21137/12*. Decision of the Solomiansky district court of Kyiv, 6 December 2012 [In Ukrainian] // <http://reyestr.court.gov.ua/Review/27950376>.
 10. *Case No 752/12653/15-c*. Decision of the Appeal court of Kyiv, 21 November 2017 [In Ukrainian] // <http://reyestr.court.gov.ua/Review/70626410>.
 11. *Case No 752/13371/17*. Decision of Holoivsky district court of Kyiv, 14 July 2017 [In Ukrainian] // <http://reyestr.court.gov.ua/Review/68019520>.
 12. *Case No 752/13371/17*. Decision of the Appeal court of Kyiv, 2017 // <http://reyestr.court.gov.ua/Review/68899706>.
 13. *Case No 752/13371/17*. Judgment of the Supreme Court of Ukraine, 22 February 2018 [In Ukrainian] // <http://reyestr.court.gov.ua/Review/72641420>.
 14. *Case No 753/17608/18*. Decision of the Darnitsky district court of Kyiv, 31 October 2018 [In Ukrainian] // <http://reyestr.court.gov.ua/Review/77567955>.
 15. *Case No 757/27563/13-c*. Decision of Pechersky district court of Kyiv, 26 March 2014 [In Ukrainian] // <http://reyestr.court.gov.ua/Review/37932005>.
 16. *Civil Procedural Code of Ukraine*. Zakonodavstvo Ukrainy, January 2020 [in Ukrainian] // <https://zakon.rada.gov.ua/laws/show/1618-15>.
 17. *Convention Abolishing the Requirement of Legalization for Foreign Public Documents*. 5 October 1961 //
 18. *Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*. Eur-lex, 2007 // <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22007A1221%2803%29>.
 19. *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*. 15 November 1965 // <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17>.
 20. *Convention on the Taking of Evidence Abroad in Civil or Commercial Matters*. 18 March 1970 //

- <https://www.hcch.net/en/instruments/conventions/full-text/?cid=82>.
21. *European Convention on Human Rights*. Council of Europe, June 2010 // https://www.echr.coe.int/Documents/Convention_ENG.pdf.
 22. *European Convention on Nationality*. Council of Europe, November 1997 // <https://rm.coe.int/168007f2c8>.
<https://www.hcch.net/en/instruments/conventions/full-text/?cid=41>.
 23. *Law of Ukraine "On Enforcement"*. 2016 [in Ukrainian] // <https://zakon.rada.gov.ua/go/1404-19>.
 24. *Law of Ukraine "On Private International Law"*. No 2709-IV, 23 June 2005 // <http://zakon2.rada.gov.ua/laws/show/2709-15/print>.
 25. *Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*. OJ L, 2012, no. 351 // <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R1215>.
 26. *Regulation (EU) No. 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters*. Official Journal of the European Union, 2014, L. 189/59 // <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0655&from=EN>.
 27. *The Action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice*. Eur-Lex, 1999 // <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31999Y0123%2801%29>.
 28. *The Universal Declaration of Human Rights*. United Nations, December 1948 // <https://www.un.org/en/universal-declaration-human-rights/>.