PANORAMIC

COMPLEX COMMERCIAL LITIGATION

Ukraine



LEXOLOGY

Complex Commercial Litigation

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BACKGROUND

Frequency of use

How common is commercial litigation as a method of resolving high-value, complex disputes? What are the common alternatives to commercial litigation for resolving such disputes?

Commercial litigation remains the primary mechanism for resolving high-value and complex disputes in Ukraine. It is widely used by both domestic and international parties, particularly in matters involving Ukrainian assets, the need for interim measures (such as freezing of assets) or where enforceability within Ukraine is a critical consideration.

International arbitration serves as the principal alternative, though its overall use is relatively limited in volume. For example, the International Commercial Arbitration Court (ICAC) at the Ukrainian Chamber of Commerce and Industry – the most frequently used arbitral forum in Ukraine – hears approximately 300 to 600 cases per year. In 2025, the ICAC registered 304 new cases, more than three-quarters of which arose from contracts concluded during the war. In contrast, the Commercial Court of Kyiv, one of the 25 first-instance courts within Ukraine's commercial court system, received over 16,000 claims in 2025.

Law stated - 23 жовтень 2026

Litigation market

Please describe the culture and 'market' for litigation. Do international parties regularly participate in disputes in the court system in your jurisdiction, or do the disputes typically tend to be regional?

Ukraine has a well-developed litigation culture. The market is active and competitive, with numerous domestic and international law firms offering robust dispute resolution services. Litigation is a well-established and widely relied-upon tool for resolving business disputes – particularly those involving contractual obligations, corporate governance, banking and insolvency matters.

The court system is generally accessible and relatively efficient. Procedural rules prescribe a standard time frame of 60 to 90 days for resolving cases at each instance, which contributes to timely adjudication. Importantly, interim measures – such as asset freezes – are both available and enforceable, offering parties meaningful protection during proceedings.

Law stated - 23 жовтень 2026

Legal framework

What is the legal framework governing commercial litigation? Is your jurisdiction subject to civil code or common law? What practical implications does this have?

Ukraine follows a civil law system, with commercial litigation governed primarily by the Commercial Procedure Code. Although the doctrine of binding precedent does not apply as

in common law systems, lower courts are expected to consider the Supreme Court's legal conclusions or justify any departure from them.

The civil law framework places strong emphasis on procedural formalism. Parties must present a well-structured, legally substantiated case from the outset. Legal submissions must include all supporting documents, as there is no mechanism for broad discovery from the opposing party.

Law stated - 23 жовтень 2026

BRINGING A CLAIM - INITIAL CONSIDERATIONS

Key issues to consider

What key issues should a party consider before bringing a claim?

Jurisdiction and competence come first. Ukrainian commercial courts typically handle disputes between legal entities and entrepreneurs. In cross-border cases, it is essential to confirm whether Ukrainian courts have jurisdiction and whether any contractual clauses (eg, arbitration clause) limit access to them.

Limitation periods are also key. The general term is three years, but it may vary depending on the nature of the claim. Missing the deadline can result in the claim being dismissed.

Evidence rules reflect Ukraine's civil law tradition. There is no discovery process as in common law systems – each party must collect and present its own evidence with their first statement on the merits. Ensuring timely access to documents and witnesses is critical.

Interim measures such as asset freezes or injunctions are available and enforceable. These can be vital for safeguarding a party's interests, especially in high-value or urgent matters.

Timing and costs should also be factored in. While courts are relatively efficient, complex cases can take 12 to 24 months and more. Court fees are tied to the claim amount.

Enforceability is another important issue. Judgments are enforceable within Ukraine through state or private bailiffs. For enforcement abroad, one must check whether the target jurisdiction recognises Ukrainian court decisions.

Language is a practical consideration: proceedings are conducted in Ukrainian, and all foreign-language documents must be officially legalised and translated.

Lastly, Ukrainian court proceedings are generally public and judgments are published online.

Law stated - 23 жовтень 2026

Pre-action conduct requirements

Are there requirements for pre-action conduct and what are the consequences of non-compliance?

Parties are not required to take any mandatory pre-trial steps before filing a claim, unless such steps are expressly required by law. If pre-trial procedures are mandatory and the claimant fails to comply, the court will return the statement of claim along with all supporting

documents. The claimant may refile the claim once the required pre-trial steps have been properly completed.

Law stated - 23 жовтень 2026

Establishing jurisdiction

How is jurisdiction established?

Jurisdiction is determined by a combination of subject-matter competence, court instance and territorial rules.

Subject-matter jurisdiction depends on the nature of the dispute and the parties involved. Commercial courts have exclusive jurisdiction over disputes between legal entities or individual entrepreneurs arising from business activities. They also hear cases expressly assigned to them by law– such as corporate disputes and insolvency matters–regardless of the parties involved

All commercial disputes are generally resolved by first instance commercial courts. An exception applies to cases involving the challenge or enforcement of arbitral awards, which are considered by appellate commercial courts acting as courts of first instance. In turn, appellate commercial courts review decisions of the first instance courts, while the Supreme Court reviews decisions of the appellate courts on cassation grounds.

Territorial jurisdiction is typically determined by the registered address of the defendant. When there are multiple defendants located in different regions, the claimant may choose to file the case in any of the relevant jurisdictions. There are also rules on exclusive jurisdiction. For example, disputes concerning real estate must be brought before the court where the property is located. Corporate disputes are handled by the court at the place of registration of the legal entity involved, and insolvency proceedings must be filed in the court where the debtor is registered.

If the defendant does not have a registered presence in Ukraine, the case may be filed with the court located where the defendant's assets are found or where the contract was performed.

Law stated - 23 жовтень 2026

Applicability of foreign laws

In what circumstances will the courts apply foreign laws to determine issues being litigated before them?

Ukrainian commercial courts apply foreign law when required by conflict-of-law rules, primarily under the Law of Ukraine "On Private International Law". This occurs in disputes involving a foreign element, such as cross-border contracts, foreign parties, or assets. Foreign law will be applied if the contract includes a valid choice-of-law clause, provided it does not conflict with Ukrainian public policy or mandatory legal provisions.

The court establishes the content of foreign law based on reports prepared by legal experts and submitted by the parties.

Law stated - 23 жовтень 2026

Freezing assets

When is it appropriate for a claimant to consider obtaining an order freezing a defendant's assets? What are the preconditions and other considerations?

A claimant should consider seeking an order to freeze a defendant's assets (interim measures) if failure to do so could significantly hinder enforcement of a future judgment or the effective protection of the claimant's rights. The court must be presented with evidence that the defendant is dissipating assets, transferring property to related parties or otherwise acting in bad faith– or that there is a material risk of such actions.

The application must be well substantiated and may be filed either before or during litigation. Assets that may be frozen include bank accounts, real estate, movable property, shares or other valuables. The freeze must be proportionate to the claim's value, and courts typically prefer targeted attachment of specific assets over broad, unfocused requests.

The claimant must identify the defendant's assets and explain how the measure would secure enforcement. The court may also require a counter-guarantee, such as a deposit or bank guarantee, to cover potential harm if the order is later found to be unjustified.

Interim measures are issued by separate court ruling and may be appealed. Once granted, they are enforceable immediately through the State Enforcement Service or private bailiffs. Non-compliance may lead to penalties or, in some cases, criminal liability.

Law stated - 23 жовтень 2026

Other interim relief

What other forms of interim relief can be sought?

In addition to asset freezes, Ukrainian courts may grant other interim measures, including: prohibiting the defendant from taking certain actions; prohibiting third parties from dealing with the subject of the dispute, making payments to the defendant or fulfilling obligations toward them; suspending enforcement based on uncontested claims; suspending the sale of disputed property; halting customs clearance of goods containing intellectual property; and arresting seagoing vessels to secure maritime claims.

The list is non-exhaustive, and the court may impose other measures as needed to preserve the status quo or protect the claimant's rights.

Law stated - 23 жовтень 2026

Alternative dispute resolution

Does the court require or expect parties to engage in ADR at the pre-action stage or later in the case? What are the consequences of failing to engage in ADR at these stages?

Ukrainian commercial courts do not require or formally expect parties to engage in alternative dispute resolution (ADR) before or during litigation. While judges often encourage

settlement and may ask whether the parties are open to resolving the dispute, participation in ADR remains entirely voluntary. If a settlement is reached, the court may approve it by issuing a ruling with the force of a judgment. However, the court cannot compel parties to use ADR or penalise them for refusing to do so.

Before the commencement of the hearing on the merits, the court may, with the parties' consent, conduct a dispute settlement procedure. In practice, however, parties rarely use this option. This procedure is not allowed in insolvency proceedings, in preventive restructuring proceedings or where a third party has joined the case with independent claims to the subject matter of the dispute.

Law stated - 23 жовтень 2026

Claims against natural persons versus corporations

Are there different considerations for claims against natural persons as opposed to corporations?

Ukrainian commercial courts have jurisdiction over business-related disputes involving legal entities or individual entrepreneurs. If a claim is brought against a natural person, the case must be heard by a court of general jurisdiction under the Civil Procedure Code, which is broadly like the Commercial Procedure Code. However, proceedings in general jurisdiction courts are typically longer than those in commercial courts.

A case involving a natural person may be heard by a commercial court only if the court has exclusive subject-matter jurisdiction– such as in corporate disputes or insolvency proceedings.

Law stated - 23 жовтень 2026

Class actions

Are any of the considerations different for class actions, multiparty or group litigations?

Class actions, as understood in common law jurisdictions, do not exist in Ukrainian commercial litigation. However, multiple claimants or respondents may join a single action if their claims or obligations are based on the same legal relationship or arise from the same factual circumstances.

When claims are joined, each party retains its status as an independent litigant, along with its rights and obligations in the case. There is no mechanism for a lead plaintiff or consolidated representation of the group as a single entity.

Law stated - 23 жовтень 2026

Third-party funding

What restrictions are there on third parties funding the costs of the litigation or agreeing to pay adverse costs?

Ukrainian law does not expressly prohibit third-party funding of litigation costs, but neither does it provide a specific regulatory framework for such arrangements. As a result, third-party litigation funding is not widely used or institutionalised in Ukraine, and its legal treatment remains largely untested in the courts.

Law stated - 23 жовтень 2026

Contingency fee arrangements

Can lawyers act on a contingency fee basis? What options are available? What issues should be considered before entering into an arrangement of this nature?

Contingency fee arrangements – defined in Ukrainian law as success fee are lawful and increasingly common in commercial litigation. They must be clearly specified in the engagement agreement, including the calculation method and payment terms. A success fee cannot be tied to a share in the client's property or proprietary interest and must not create a conflict of interest for the lawyer.

Law stated - 23 жовтень 2026

THE CLAIM

Launching claims

How are claims launched? How are the written pleadings structured, and how long do they tend to be? What documents need to be appended to the pleading?

A claim is initiated by filing a statement of claim with the appropriate commercial court, either in hard copy or electronically via the e-court system.

The statement must include: the court's name; full identification of the parties; the amount and calculation of the claim; a summary of the facts with supporting evidence; the legal basis of the claim; and the specific relief sought. It must also indicate any pretrial settlement efforts, interim measures taken, and include a list of supporting documents, a preliminary estimate of legal costs and a written declaration that the claim has not been filed elsewhere.

There is no page limit, but clarity and conciseness are essential. Supporting documents must be submitted with the claim, along with proof of court fee payment and evidence that the signatory is authorised to file the claim.

Law stated - 23 жовтень 2026

Serving claims on foreign parties

How are claims served on foreign parties?

The method of serving a foreign party depends on the country of residence and the existence of a relevant bilateral or multilateral agreement. Ukraine is a party to the 1965 Hague

Convention on the Service Abroad of Judicial and Extrajudicial Documents; if the foreign party is in a signatory state, service follows the Convention's procedures.

For countries not party to the Convention but covered by a bilateral treaty with Ukraine, service is carried out under the terms of that treaty. Where no agreement exists, Ukrainian courts may initiate service through the Ministry of Justice, which transmits documents via the Ministry of Foreign Affairs using diplomatic channels. Alternatively, the court may authorise the claimant to serve the documents independently. In such cases, the court requires proof that service was carried out in accordance with the foreign state's legal standards and international norms.

All documents must be translated into the official language of the recipient state or a language the defendant understands, with certified translation. Ukrainian courts cannot proceed to the merits until service is properly confirmed, unless the foreign defendant voluntarily joins the proceedings, rendering formal service unnecessary.

Law stated - 23 жовтень 2026

Key causes of action

What are the key causes of action that typically arise in commercial litigation?

Contractual disputes are the most frequent type of commercial litigation. They involve claims for breach of contract, non-performance, improper performance or delayed performance of obligations. Typical examples include failures to deliver goods or services, unpaid invoices, violation of payment terms and disputes over contractual penalties. Claims often arise under supply agreements, construction contracts, service contracts and loan agreements.

Corporate disputes also form a significant portion of commercial litigation. These include disputes between participants (founders, shareholders, members) of a legal entity or between the entity and its participant (including former participants) relating to its formation, operation, management or termination – excluding employment disputes – as well as disputes arising from transactions involving corporate rights (excluding shares).

Debt recovery claims are another major category. These include straightforward demands for repayment of outstanding sums under loans, leases or sale contracts, often accompanied by claims for interest, penalties or enforcement of collateral. Enforcement of promissory notes and other negotiable instruments also falls into this category.

Real estate and property-related disputes are commonly litigated, especially those involving the transfer of title, lease arrangements, construction rights and disputes over state or communal property.

Bankruptcy and insolvency proceedings, while technically separate from ordinary litigation, also generate a substantial volume of related commercial claims.

Other frequent causes of action include disputes over intellectual property rights, competition law violations, agency and distribution agreements, insurance coverage and damages resulting from regulatory or administrative actions.

Law stated - 23 жовтень 2026

Claim amendments

Under what circumstances can amendments to claims be made?

Before the conclusion of the preparatory hearing in a first-instance court, the claimant may submit a written request to amend the grounds or the subject matter of the claim, or to increase or decrease the amount sought. However, a party may not change both the grounds and the subject matter of the claim within the same proceeding.

Law stated - 23 жовтень 2026

Remedies

What remedies are available to a claimant in your jurisdiction?

Ukrainian law does not provide an exhaustive list of remedies, and courts may grant relief not expressly set out in legislation but agreed upon in the parties' contract. Common statutory remedies include recognition of rights, invalidation of legal transactions, cessation of rights violations, restoration of the status quo ante, specific performance, modification or termination of legal relationships, and compensation for actual damages or other financial losses.

Law stated - 23 жовтень 2026

Recoverable damages

What damages are recoverable? Are there any particular rules on damages that might make this jurisdiction more favourable than others?

In Ukrainian commercial litigation, recoverable damages include actual losses and lost profits. Actual losses refer to losses incurred by a person due to the destruction or damage of property, as well as expenses already made or to be made to restore their infringed right. Lost profits refer to the income that a person could have reasonably received under normal circumstances if their right had not been violated.

Ukrainian law does not recognise punitive damages or moral damages in commercial cases. Compensation is limited to financial harm, and the courts do not award damages for reputational loss, emotional distress or deterrence purposes.

The standard of proof for damages is based on the balance of probabilities. However, in practice, it is high for lost profit claims, and courts scrutinise such claims carefully. In this regard, Ukrainian jurisdiction offers no clear advantages when it comes to recovering damages.

Law stated - 23 жовтень 2026

RESPONDING TO THE CLAIM

Early steps available

What steps are open to a defendant in the early part of a case?

Once proceedings are commenced, the defendant's first step is to submit a written response to the claim (statement of defence) within the court-imposed deadline. This response must address the factual and legal grounds of the claim, present any objections, and include supporting evidence. Failure to submit a timely response does not bar the defendant from participating in the proceedings but may weaken their position and lead to the case being decided based on the claimant's submissions alone.

A counterclaim may be submitted if the defendant seeks relief arising from the same or a related legal relationship. This allows the court to resolve both claims within the same proceedings.

Law stated - 23 жовтень 2026

Defence structure

How are defences structured, and must they be served within any time limits? What documents need to be appended to the defence?

A defence is submitted as a written statement and must be filed within the time limit set by the court, which cannot be less than 15 days from the date the ruling on the commencement of proceedings is served on the defendant.

The statement of defence should include: the claimant's name and case number; full identification of the defendant; any claims the defendant admits in full or in part; the claimant's arguments and legal analysis the defendant agrees with; points of disagreement with the claimant's position, supported by relevant evidence; a list of attached documents; objections to the claimant's court fee calculation; and a preliminary estimate of the defendant's legal costs.

All factual assertions must be supported by evidence or an explanation as to why certain evidence cannot be provided.

Law stated - 23 жовтень 2026

Changing defence

Under what circumstances may a defendant change a defence at a later stage in the proceedings?

After the defendant submits a statement of defence, the claimant has the right to file a reply. The defendant may then respond with objections and revise their position considering the claimant's reply. The defendant may also adjust their position if the claimant files an application to change the grounds or subject matter of the claim, or to increase or decrease the amount of the claims.

Law stated - 23 жовтень 2026

Sharing liability

How can a defendant establish the passing on or sharing of liability?

Procedural law allows for the substitution of the defendant or the involvement of a co-defendant, but such actions may only be taken by the court upon the claimant's request. If the claimant brings a claim against the wrong defendant and does not request substitution, the court must dismiss the claim.

Law stated - 23 жовтень 2026

Avoiding trial

How can a defendant avoid trial?

Apart from the procedural aspects the court must verify upon receiving a statement of claim, Ukrainian law does not provide the defendant with any grounds to avoid court proceedings. However, the defendant is not deprived of the right to settle the dispute with the claimant out of court, even after the claim has been accepted for consideration.

Law stated - 23 жовтень 2026

Case of no defence

What happens in the case of a no-show or if no defence is offered?

If the defendant does not appear and fails to submit a defence, the court may proceed in their absence, provided they were properly notified. The court will examine the claim based on the claimant's submissions and evidence. However, default judgment as in common law systems does not apply; the court must still assess the merits.

Law stated - 23 жовтень 2026

Claiming security

Can a defendant claim security for costs? If so, what form of security can be provided?

If the claimant requests the court to apply interim measures, the defendant may request the court to require a counter-guarantee, such as a deposit or bank guarantee, to cover potential harm if the interim measures are later found to be unjustified.

The court may also require the party requesting a procedural action to deposit with the court an amount covering the potential costs associated with that action. The party that will be ordered to carry out the action must justify the amount of expenses to be deposited by the requesting party.

Law stated - 23 жовтень 2026

PROGRESSING THE CASE

Typical procedural steps

What is the typical sequence of procedural steps in commercial litigation in this country?

In complex commercial disputes, proceedings in the first-instance court typically include a preparatory phase followed by a hearing on the merits. During the preparatory stage, the court addresses all procedural matters related to the case. This phase begins with the opening of proceedings and lasts until the preparatory hearing is closed. It should not exceed 60 days. Afterward, the court proceeds to consider the case on the merits, which should be completed within 30 days. In practice, these time frames are often not observed in complex cases.

The court concludes the trial by issuing a judgment. The judgment may be reviewed on appeal and, subsequently, in cassation. The cassation court is a court of law and is not empowered to establish facts or evaluate evidence independently.

Law stated - 23 жовтень 2026

Bringing in additional parties

Can additional parties be brought into a case after commencement?

At the claimant's request, the court may involve a co-defendant or substitute the defendant if another person is liable under the claim. Third parties who have independent claims regarding the subject matter of the dispute may submit their claims independently. When opening proceedings, the court may also involve third parties without independent claims if the court's decision may affect their rights or interests. Such third parties may also be joined upon their own application or upon the request of other participants in the case. All these actions must be taken during the preparatory hearing or, in simplified proceedings (which generally do not apply to complex cases), before the first court hearing.

Law stated - 23 жовтень 2026

Consolidating proceedings

Can proceedings be consolidated or split?

Consolidation is possible when two or more cases are pending before the same court and are sufficiently connected by subject matter, legal relationship and parties. The court may consolidate them either on its own initiative or upon a party's motion. The primary purpose of consolidation is to ensure consistency in adjudication, avoid contradictory rulings, and save time and resources for the court and the parties.

Conversely, proceedings may be split if multiple claims or parties are joined in one case, but the court determines that separate adjudication is necessary to ensure efficiency, avoid procedural complications, or safeguard the rights of the parties. This often occurs when claims are factually or legally distinct, when different sets of evidence apply, or when joinder would cause undue delay. A motion to split the proceedings may be filed by any party or the court may act on its own motion.

The court's decision to consolidate or split proceedings is discretionary and must be reasoned. It considers the connection between the cases, the procedural complexity and whether separate or joint adjudication would better serve the administration of justice.

Law stated - 23 жовтень 2026

Case allocation

How are cases allocated? Are cases allocated to a specific judge? If so, at what stage?

The distribution of cases among judges in Ukrainian commercial courts is conducted through the court's automated case management system. This system assigns each case to a judge authorised to handle that specific category of disputes. Distribution occurs upon receipt of the statement of claim, and the assigned judge is responsible for deciding whether to initiate proceedings.

Law stated - 23 жовтень 2026

Court decision making

How does a court decide if the claims or allegations are proven? What are the elements required to find in favour, and what is the burden of proof?

In Ukrainian commercial litigation, the court decides whether claims or allegations are proven by evaluating the evidence submitted by the parties against the applicable legal standards. The process is adversarial and relies on the parties to present their arguments and evidence – there is no judicial investigation of the facts beyond what is submitted in the proceedings.

The burden of proof lies with the party asserting a claim, fact or defence. The claimant must prove the grounds of the claim, including the existence of legal relationships (such as contracts), breach of obligation, and damages or other consequences. The defendant, in turn, must prove any facts that support objections, counterclaims, or defences. If a party relies on exemptions, set-offs or limitations (such as statute of limitations), it must present corresponding evidence.

To find in favour of a party, the court must be satisfied that the material facts asserted have been established by admissible, relevant and sufficient evidence. The required standard is "balance of probabilities", meaning the court must be convinced that it is more likely than not that the facts occurred as alleged. This includes assessing the authenticity, consistency and logical connection of the documents, testimony and expert reports submitted.

Ukrainian courts may not base their decision on presumptions not grounded in law, and they are required to provide detailed reasoning in the judgment, explaining how the facts and evidence support the legal conclusion.

The court may disregard evidence not submitted within the procedural deadlines unless the party proves valid reasons for the delay. Similarly, falsified or irrelevant documents may be excluded. The court has discretion to order additional clarifications or request information from third parties, but it generally does not collect evidence on its own initiative.

Law stated - 23 жовтень 2026

Court decision making

How does a court decide what judgments, remedies and orders it will issue?

A Ukrainian commercial court issues judgments strictly within the limits of the parties' claims, the evidence presented, and the applicable law. Under the principle of dispositiveness, the court cannot award more than what is requested or go beyond the issues raised by the parties.

In rendering a decision, the court determines whether the facts underlying the claims and objections are proven, assesses the relevance and credibility of the evidence, identifies the applicable legal norms, and decides whether to grant or dismiss the claim. It also rules on the allocation of court costs and whether interim measures should be lifted.

The judgment must be reasoned and include factual findings, legal analysis, and a clear resolution of the claims. Remedies commonly include monetary awards – such as damages, debts, penalties or interest – but may also involve specific performance, annulment of contracts, restitution or recognition of rights, where requested and legally permissible.

Remedies are granted based on legal entitlement, proportionality and enforceability. The court will not issue relief that contradicts the law or cannot be executed. In complex cases involving multiple claims or parties, the court may issue a combined decision with separate findings and remedies.

Interim or ancillary measures (eg, injunctions or asset freezes) are granted only upon request and only if urgency and legal grounds are shown. These measures are typically issued before or during the proceedings and do not resolve the merits of the case.

Court costs, including fees and legal expenses, are usually allocated in proportion to each party's success.

Law stated - 23 жовтень 2026

Evidence

How is witness, documentary and expert evidence dealt with?

In Ukrainian commercial litigation, evidence is governed by the principles of relevance, admissibility, reliability, and credibility. The court examines three main types of evidence: written (documentary), physical, and electronic evidence; expert opinions; witness testimony.

Documentary evidence must be submitted in original or in a properly certified copy. If a copy is submitted, the party must indicate who holds the original. Foreign official documents requiring diplomatic or consular legalisation are admissible if legalised according to established procedures, unless an applicable international treaty provides otherwise.

Expert reports are used when technical, financial or other specialised knowledge is needed. Experts may be appointed by the court or parties can submit expert opinions obtained independently.

Witness evidence is admissible but rarely central in commercial cases, which usually rely on written documents. Testimony based on hearsay or without a known source is inadmissible. Parties or their representatives may testify as witnesses with their consent. Parties submit written witness statements to the court. The court may summon a witness for questioning if the statement contradicts other evidence or raises doubts about its reliability.

At the early stage of proceedings, a party may submit up to 10 written questions to the opposing party regarding relevant facts. The recipient must provide separate, substantive answers to each question.

Law stated - 23 жовтень 2026

Evidence
How does the court deal with large volumes of commercial or technical evidence?

Ukraine is implementing the Unified Judicial Information and Telecommunication System, which allows parties to exchange documents and communicate with the court through a secure online account. The system also provides digital access to case materials. While parties can still file documents in paper form through the court registry, the court is responsible for scanning and uploading those documents into the system. This reflects Ukraine's broader move toward a fully electronic litigation process aimed at improving efficiency and accessibility.

Law stated - 23 жовтень 2026

Evidence
Can a witness in your jurisdiction be compelled to give evidence in or to a foreign court? And can a court in your jurisdiction compel a foreign witness to give evidence?

A Ukrainian court may assist a foreign court in compelling a witness located in Ukraine to give evidence, but only through formal international legal cooperation procedures. Likewise, a Ukrainian court cannot directly compel a foreign witness to testify, but it may request the assistance of foreign judicial authorities under applicable treaties.

When a foreign court seeks testimony from a witness in Ukraine, it must submit a formal judicial request for legal assistance. This is typically done under a bilateral treaty on mutual legal assistance or a multilateral instrument such as the Hague Evidence Convention (1970), to which Ukraine is a party.

Law stated - 23 жовтень 2026

Evidence
How is witness and documentary evidence tested up to and during trial? Is cross-examination permitted?

Parties must submit documentary evidence within the time frame set by the court. If a party believes a document is questionable or forged, it may file a motion to exclude it before the end of the preparatory hearing. During the merits hearing, the court examines all evidence directly, and parties may comment on each item.

Witness testimony must be submitted in a written statement. If the statement contradicts other evidence or raises doubts about its content or reliability, the court may summon the witness for questioning, either on its own initiative or at a party's request. The party who requested the witness questions them first, followed by the other party and the court.

Law stated - 23 жовтень 2026

Evidence

What options are there to gather evidence from third parties?

A party to the case may submit an attorney's request to a third party for specific evidence in the third party's possession. The third party is obligated to provide the requested evidence. If the third party fails to do so, or if the party to the case demonstrates that it is unable to obtain the evidence independently, the court may, by ruling, compel the third party to submit the evidence directly to the court.

Law stated - 23 жовтень 2026

Time frame

How long do the proceedings typically last, and in what circumstances can they be expedited?

Commercial litigation in Ukraine typically lasts six to 12 months at first instance, depending on case complexity, evidence volume, party conduct and court workload. Simple debt or contract disputes may be resolved within months, while complex corporate or multi-party cases can exceed a year, especially if expert opinions or procedural motions are involved.

Appeals usually take two to four months, and cassation before the Supreme Court may add another four to six months, or longer in high-profile cases. The full life cycle through all instances often ranges from one to two years.

Simplified proceedings are available for low-value (under €30,000 in 2025) or straightforward cases. These are resolved mainly on written submissions, could be without hearings, and are intended to conclude within 60 days of case commencement.

Law stated - 23 жовтень 2026

Gaining an advantage

What other steps can a party take during proceedings to achieve tactical advantage in a case?

Ukrainian commercial procedure allows parties to seek tactical advantage through interim measures, control of procedural dynamics, strategic use of evidence and expert requests, procedural objections and timing of settlement initiatives. These tools, when used effectively and in good faith, can materially influence the litigation's outcome or its cost-benefit trajectory.

Law stated - 23 жовтень 2026

Impact of third-party funding

If third parties are able to fund the costs of the litigation and pay adverse costs, what impact can this have on the case?

Third-party funding is not regulated in Ukraine and has no practical application.

Law stated - 23 жовтень 2026

Impact of technology

What impact is technology having on complex commercial litigation in your jurisdiction?

The most visible advancement has been the expansion of the Unified Judicial Information and Telecommunication System (Electronic Court), which allows parties to file claims, motions, and evidence digitally, receive court rulings, track case progress and communicate with the court electronically. Another advantage of using Ukraine's e-court system is a 20% reduction in the court fee when a party files a claim, appeal or cassation complaint electronically.

Technology is modernising Ukrainian commercial litigation by enabling digital filings, remote participation, efficient evidence handling and enhanced data analysis. While the adoption is still uneven and full digital transformation is ongoing, the direction is clear: technology is becoming a core part of how complex disputes are litigated, managed and resolved in Ukraine.

Law stated - 23 жовтень 2026

Parallel proceedings

How are parallel proceedings dealt with? What steps can a party take to gain a tactical advantage in these circumstances, and may a party bring private prosecutions?

The court must stay proceedings if it is objectively impossible to resolve the case before a final judgment is issued in a related matter pending before a constitutional, administrative, civil, commercial or criminal court. However, a stay is not permitted if the available evidence allows the court to establish and assess the relevant facts.

While parties may attempt to use parallel proceedings to delay adjudication, Ukrainian courts are increasingly alert to such tactics and aim to prevent abuse of process. Judges encourage

parties to consolidate all counterclaims and related demands within the existing case to avoid fragmentation and delay.

Private prosecutions, as understood in common law jurisdictions, are not permitted under Ukrainian law.

Law stated - 23 жовтень 2026

TRIAL

Trial conduct

How is the trial conducted for common types of commercial litigation? How long does the trial typically last?

In Ukrainian commercial litigation, the trial – referred to as the hearing on the merits – is conducted in a structured and largely formal manner, with a strong emphasis on written submissions and documentary evidence. The format is governed by the Commercial Procedure Code and applies uniformly across most types of commercial disputes.

The trial typically begins after the preparatory stage is completed and the court has established that the case is ready for substantive examination. The court opens the hearing by verifying the presence of parties, confirming the scope of the dispute, and addressing any outstanding procedural matters. If the parties or their representatives are absent without justification, the court may proceed in their absence, provided they were properly notified.

The claimant is first invited to present their case orally, summarising the grounds of the claim, referring to key evidence and outlining the legal arguments. This is followed by the defendant's position, which may include challenges to the facts, alternative interpretations of the evidence, legal objections, and counterclaims if applicable. Although the procedure is primarily based on written pleadings and documentary evidence submitted in advance, the court allows oral argument and clarification.

Witnesses may be examined, but this is rare in commercial cases and typically occurs only if the court has admitted witness evidence as relevant and necessary. The same applies to experts, who may be called to answer questions on their written reports. The judge directs the hearing, asks questions, manages the flow of arguments and controls the duration.

The court examines all admissible evidence during the hearing, including documents, expert reports and, where applicable, witness testimony. Once both parties have presented their cases and the court examined all the evidence, the court closes the hearing. It may either deliver the judgment immediately or, if only a short-form decision is issued (without reasoning), announce a date – typically within five days for the release of the full, reasoned judgment.

The duration of the trial itself is usually short, often limited to a single session lasting between one and three hours for standard commercial cases. More complex or high-stakes matters may require multiple sessions, particularly if the case involves extensive evidence, multiple parties or procedural complications. Even in such cases, the merits phase rarely extends beyond several hearing dates over a few months, given the court's obligation to ensure procedural economy and the absence of broad discovery or oral evidence rules.

Law stated - 23 жовтень 2026

Use of juries

Are jury trials the norm, and can they be denied?

Jury trials are not used in Ukrainian commercial litigation.

Law stated - 23 жовтень 2026

Confidentiality

How is confidentiality treated? Can all evidence be publicly accessed? How can sensitive commercial information be protected? Is public access granted to the courts?

In Ukraine, court proceedings are generally held in open sessions, allowing public attendance. However, a court may, either on its own initiative or at a party's request, conduct a closed hearing to protect confidential, classified, or otherwise sensitive information, or in other circumstances provided by law. While case materials, including evidence, are accessible only to the parties involved, all court decisions must be published in the official judicial decisions register.

Law stated - 23 жовтень 2026

Media and public interest

How is media interest dealt with? Is the media ever ordered not to report on certain information? Are trials public? How do the public and media access trials?

Court proceedings in Ukraine are generally open to the public. Anyone may attend a hearing and, if it does not interfere with the process, take photographs or record video. Live broadcasting is permitted only with the court's approval. While the court may close a hearing to protect sensitive information, it cannot prevent the media from reporting on the case or its progress.

Law stated - 23 жовтень 2026

Proving claims

How are monetary claims valued and proved?

The claimant is required to state the exact amount of the claim in the statement of claim, along with a detailed calculation of how that figure is derived. This includes the principal amount, interest (if contractually or statutorily provided), penalties, inflation adjustments and any other financial components. The claim must also indicate the relevant dates, payment obligations and any partial payments already made.

To prove the monetary claim, the claimant must submit documentary evidence that supports both the existence of the obligation and the amount of damages or debt. This typically

includes contracts, invoices, payment orders, bank statements, delivery notes, financial statements or correspondence acknowledging the debt. If the claim includes penalties or interest, the claimant must show the contractual or legal basis for these amounts and, where necessary, provide calculations supported by spreadsheets or expert opinions.

In more complex cases, especially those involving lost profits or indirect damages, the claimant may need to submit expert reports or financial analyses demonstrating the anticipated earnings, causal link, and the reasonable foreseeability of the loss. Ukrainian courts scrutinise such claims carefully and require a high degree of evidentiary precision.

The burden of proof lies with the claimant, who must establish the amount and basis of the claim on the balance of probabilities. If the court finds the evidence incomplete or unconvincing, it may reduce the awarded amount or deny the claim altogether.

Law stated - 23 жовтень 2026

POST-TRIAL

Costs

How does the court deal with costs? What is the typical structure and length of judgments in complex commercial cases, and are they publicly accessible?

Court costs in Ukraine consist of the court fee and case-related expenses. These may include attorneys' fees, costs of engaging witnesses, experts, translators and specialists, as well as expenses for obtaining and examining evidence, and other procedural costs necessary for preparing or resolving the case. Each party must submit a preliminary (estimated) calculation of the court costs it has incurred and expects to incur in connection with the proceedings, together with its first submission on the merits of the case.

The allocation of costs follows the principle that the losing party bears the costs of the proceedings. If each party succeeds in part, the court apportions costs proportionally. The court assesses the necessity and reasonableness of the claimed expenses – especially attorney's fees – and may reduce the amount awarded if it finds them excessive or unjustified.

A court judgment in Ukraine consists of four parts: the introductory, descriptive, reasoning (motivational) and operative sections. Procedural law sets out detailed requirements for the content of each section of the judgment.

The length of a judgment varies depending on the case's complexity. Standard commercial judgments may run 10 to 15 pages, while judgments in high-value, multi-party or technically complex cases may exceed 30 pages. The judgment must be reasoned, self-contained, and demonstrate how the court evaluated the evidence and applied the law.

All final judgments are published in the Unified State Register of Court Decisions, a publicly accessible online database maintained by the State Judicial Administration. These judgments are anonymised to remove personal data of individuals but generally include the full legal reasoning and procedural history. Sensitive commercial information may be redacted if the court has granted confidentiality. Access to the database is free and does not

require registration, allowing parties, legal professionals and the public to monitor and study commercial case law.

Law stated - 23 жовтень 2026

Appeals

When can judgments be appealed? How many stages of appeal are there and how long do appeals tend to last?

A court judgment may be appealed after it is delivered. Ukrainian law provides for appellate review of court decisions, followed by cassation review after the appellate stage. No leave from the court is required to file an appeal or a cassation complaint.

Appeals usually take two to four months, and cassation before the Supreme Court may add another four to six months, or longer in high-profile cases.

Law stated - 23 жовтень 2026

Enforceability

How enforceable internationally are judgments from the courts in your jurisdiction?

Judgments of Ukrainian commercial courts may be enforced internationally, either under applicable bilateral or multilateral treaties or through the domestic recognition procedures of the enforcing state. The success of enforcement depends on factors such as jurisdictional compatibility, procedural fairness and consistency with the public policy of the foreign jurisdiction. In countries that are parties to enforcement treaties with Ukraine, the process is typically more straightforward.

Law stated - 23 жовтень 2026

Enforceability

How do the courts in your jurisdiction support the process of enforcing foreign judgments?

Ukrainian courts support the enforcement of foreign judgments through a structured process governed by the Civil Procedure Code of Ukraine, subject to the existence of an applicable international treaty or the principle of reciprocity.

To enforce a foreign judgment in Ukraine, the interested party must file a motion for recognition and enforcement with a local general court of appeal at the place of the debtor's residence or location of their assets. The motion must be accompanied by a certified copy of the foreign judgment, proof that the judgment has entered into force (unless this is stated in the judgment itself), evidence that the debtor – if absent – was duly notified of the proceedings, and a certified Ukrainian translation of the judgment and supporting documents.

A motion for granting permission to enforce a foreign court judgment is denied in cases provided for by international treaties. If there is no applicable treaty, a Ukrainian court may deny enforcement of a foreign judgment on the following grounds: it has not entered into force in the issuing state; the respondent was not properly or timely notified and thus could not participate; the matter falls under Ukraine's exclusive jurisdiction; a final Ukrainian judgment already exists or proceedings were pending earlier in Ukraine; the enforcement time limit has expired; the dispute is not subject to judicial review under Ukrainian law; enforcement would threaten Ukraine's interests; an identical foreign judgment has already been enforced in Ukraine; or in other cases provided by law.

Law stated - 23 жовтень 2026

OTHER CONSIDERATIONS

Interesting features
Are there any particularly interesting features or tactical advantages of litigating in this country not addressed in any of the previous questions?

One key feature is the availability of interim measures, including asset freeze. Courts may grant interim measures before a claim is filed, provided the claim follows within 10 days. This allows parties to secure assets, prevent hostile actions or gain early leverage – especially in urgent disputes involving asset dissipation or corporate control.

Unlike common law systems, Ukraine does not permit broad discovery. Disclosure is limited to documents submitted by the parties or obtained via narrowly tailored court orders. This protects sensitive commercial information and benefits parties who already possess the necessary evidence.

Judges maintain tight procedural control, particularly during the preparatory phase. They shape the factual and legal scope of the case, determine admissibility of evidence and manage motions.

Litigation costs are fully recoverable if justified and documented, including, to a lesser extent, attorneys' fees. This raises the financial stakes for the losing party and deters speculative litigation.

Finally, parties may choose between state and private enforcement officers. Private bailiffs tend to act faster and more commercially, particularly in asset-heavy or urgent enforcement scenarios.

Law stated - 23 жовтень 2026

Jurisdictional disadvantages
Are there any particular disadvantages of litigating in your jurisdiction, whether procedural or pragmatic?

Court quality and efficiency can vary, particularly outside major cities, leading to delays or inconsistent rulings in complex cases. The absence of broad discovery may disadvantage parties lacking direct access to key evidence.

Interim measures are available but can be difficult to enforce when involving complex assets or third-party registries. State enforcement officers may act slowly, though private bailiffs offer a more efficient alternative.

Judicial independence is generally upheld, but concerns may arise in politically sensitive cases or where state entities are involved. Even after judgment, enforcement may be delayed by procedural tactics or asset concealment.

Overall, litigation in Ukraine can be effective, but parties should be prepared for procedural rigidity, uneven court performance and enforcement challenges.

Law stated - 23 жовтень 2026

Special considerations

Are there special considerations to be taken into account when defending a claim in your jurisdiction, that have not been addressed in the previous questions?

First, Ukrainian courts place strong emphasis on procedural discipline and early case framing. Both parties must present their factual positions, legal arguments, and supporting evidence at the preparatory stage. Delays or omissions – such as failure to raise objections, respond to allegations, or submit key documents – may result in the court disregarding those points later in the proceedings. Procedural flexibility is limited, and opportunities to amend submissions are narrow.

Second, the burden of proof lies with the party asserting a fact, regardless of whether they are the claimant or the defendant. This means that a defendant filing a counterclaim must meet the same evidentiary standards as the claimant, and both parties must be prepared to defend the credibility, admissibility, and sufficiency of their evidence throughout.

Third, procedural tools such as motions to dismiss, applications for interim measures, or third-party involvement can be used tactically by either party. Early use of these tools can shift the dynamics of the case, limit exposure or force settlement discussions. However, these motions must be carefully timed and well grounded in law to avoid procedural setbacks.

Fourth, reputational and public exposure risks should not be underestimated. As most hearings are public and judgments are published, both parties must consider the potential impact of the proceedings on their business relationships, regulatory standing or public perception – particularly in high-value or sensitive matters.

Finally, judicial workload and efficiency vary across regions. While courts in Kyiv and other major cities tend to be more experienced in complex disputes, proceedings in smaller jurisdictions may be slower or less predictable. Parties should factor this into their venue strategy and consider whether transferring the case or consolidating claims is appropriate.

Law stated - 23 жовтень 2026

UPDATE AND TRENDS

Key developments of the past year

What were the key cases, decisions, judgments and policy and legislative developments of the past year?

The past year has moved Ukrainian commercial litigation from crisis management towards a more stable framework for the long term.

Arbitration reform was the most significant legislative change. Law No. 4856-IX entered into force in May 2026. It allows a dispute to qualify as "international" because of the seat of arbitration, the place of performance or a foreign connection, so many disputes between Ukrainian parties can now be arbitrated. It also expands the capabilities of the ICAC at the Ukrainian Chamber of Commerce and Industry to resolve certain investor-state disputes. Separately, a new law on digitalising enforcement procedures gives enforcement officers automated access to debtors' accounts, which addresses the long-standing weakness of enforcement in Ukraine. Limitation periods, suspended during martial law, started running again in September 2025, which led to a wave of new claims.

The Supreme Court has continued to support arbitration while treating Ukraine's sanctions policy as part of public policy when awards involve Russia-linked parties. Several cases now pending before the Grand Chamber will shape practice in 2027, including on blocking payment under bank guarantees.

Claims against Russia remain a defining feature of the field. Ukrainian courts consistently refuse to grant Russia immunity, but courts in Switzerland and the United States have refused to recognise the resulting judgments. With the Register of Damage now fully open and ratifications of the Claims Commission Convention increasing, the focus is clearly shifting to cross-border and international mechanisms for redress.

Law stated - 23 жовтень 2026