

Draft

(version of 05.12.2000)

Law of Ukraine

**On Amendment of the Arbitration
Procedural Code of Ukraine**

No.4233

December 22, 1999

The Supreme Rada (Parliament) hereby decrees:

I. to introduce the following amendments to the Arbitral Procedural Code of Ukraine (Bulletin of the Supreme Rada, 1992, No.6, Art. 56; 1997, No. 25, Art171; 1999, Nos. 42-43, Art. 378):

1. Art. 10 shall have the following wording:

“Article 10. Arbitral disposal of disputes arising from commercial agreements

The disputes that arise from commercial agreements may be taken for disposal to the Arbitral court”

2. Art. 5., Part 1 shall have the following wording:

“Enterprises and organizations listed in Art. 1 of the present Code are entitled to have pre-Arbitral settlement of commercial disputes”;

Part 1 shall be attached by the following part:

“Disputes arising from contracts dealing with transportation and communication services may be brought to the Arbitral court for disposal provided that the parties of the dispute first tried to settle the dispute using due procedures of pre-Arbitral settlement.”

Thus, numbering of Parts 2,3 and 4 should correspondingly be shifted to Parts 3,4 and 5.

3. Title and Part 1 of Art. 11 shall have the following wording:

“Article 11. Pre-Arbitral settlement of disputes arising from introduction of changes and voidness of contracts dealing with transportation and communication services

Enterprises and organizations that consider necessary to introduce changes or to void the contract dealing with communication or transportation services shall send proposals to the other party of contract as stipulated in the contract.”

4. Part 4 of Art. 22: the words “settlements of disputes” shall be followed by the words “for instances envisaged in Art. 5 of the present Code.”

5. In the first sentence of Part 2, Art. 24 the words “procedures of pre-Arbitral settlement of disputes” shall be followed by “for instances envisaged in Art. 5 of the present Code.”
6. Part 1, Art 26: the words “on conditions of pre-Arbitral settlement of disputes” shall be followed by “for instances envisaged in Art. 5 of the present Code.”
7. Part 3, Art. 27 shall be excluded.
8. Clause 6, Part 2, Art. 54 the words “settlements of disputes” shall be followed by “for instances envisaged in Art. 5 of the present Code.”
9. Clause 1, Part 1, Art. 57 the words “commercial dispute” shall be followed by “for instances envisaged in Art. 5 of the present Code” and the words “protocol of differences and documents that certify the date of its obtaining” shall be excluded.
10. Part 1, Art. 63:

In Clause 7 the words “according to due procedures” shall be changed for “for instances envisaged in Art. 5 of the present Code.”

Clause 8 shall be excluded.

11. In Clause 2, Part 1, Art. 65 the words “settlement of the dispute” shall be followed by “for instances envisaged in Art. 5 of the present Code.”
12. Clause 3, Part 1, Art. 80 shall have the following wording:

“petitioner have not used procedures of pre-Arbitral settlement envisaged in Art. 5 of the present Code and thus lost the opportunity to settle the dispute in this manner.”

13. Clause 3, Part 1, Art. 81 shall have the following wording:

“3) petitioner have not used procedures of pre-Arbitral settlement envisaged in Art. 5 of the present Code and the opportunity to settle the dispute in this manner is not lost.”

14. Part 1, Art. 104 shall have the following wording:

“The parties of the hearing are notified on time and place of the hearing of the ruling in a written form. If parties of the dispute, prosecutor or deputy prosecutor fail to appear, it shall not be considered as a ground to cancel the hearing”

II. The present law comes into effect upon publication.