



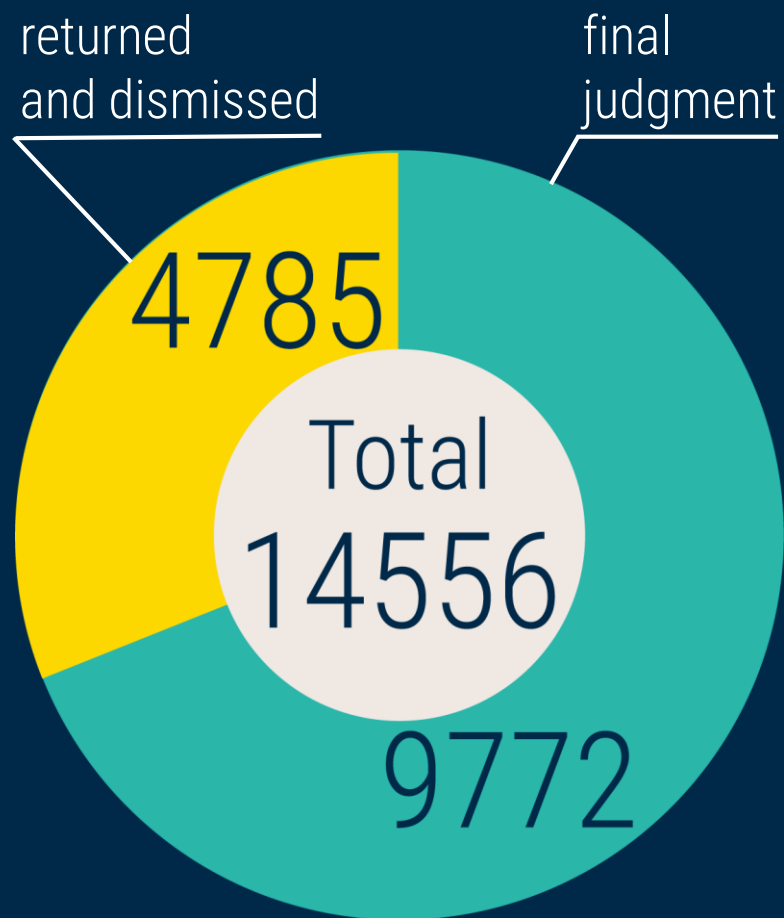
Supreme
Court

New approaches in investors' rights protection cases: Commercial Cassation Court within the Supreme Court practice

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Supreme Court Justice,
Secretary of the Chamber on Corporate Disputes, Corporate Rights and
Securities of the Commercial Cassation Court within the Supreme Court

In total in 2018 the Cassation Commercial Court considered 14 556 cassation appeals



20
days

The average
term



650
appeals
per year

The average
level of caseload
for one Justice

The new legislation focused on creating attractive investment climate

- The Law Of Ukraine "On Amending Certain Legislative Acts Of Ukraine Regarding Improvement of Corporate Governance in Joint Stock Companies"
- The Law Of Ukraine "On Amending Certain Legislative Acts Of Ukraine Regarding Simplification of Doing Business and Attracting Investment by Securities Issuers"
- The Law Of Ukraine "On Amending Certain Legislative Acts Of Ukraine Regarding Corporate Agreements"
- The Law Of Ukraine "On Limited and Additional Liability Companies"
- Draft Code of Bankruptcy Procedures of Ukraine



The Commercial Cassation Court has launched

Expert discussions on new regulation under the Law Of Ukraine "On Limited and Additional Liability Companies"

Expert discussion on squeeze-out and sell-out procedures of shares

Expert discussion with scientists on actual issues of corporate legislation



While approving the judgment the panel of justices had taken into account research-based recommendations from scientists, which were made by members of the Scientific Advisory Board by Supreme Court under the presiding justice request.

Case № 908/602/16



Application of the arbitration clause provided by the agreement between the parties does not contradict to the Constitution and the right to apply to the state commercial court.

Case № 913/783/17



Current legislation does not provide for a possibility for a company's supervisory board to make a decision not to hold the annual general meeting of shareholders.

The way to protect the shareholders rights is to oblige the company to call for the annual general meeting of shareholders.

Case № 926/2301/17



Lack of information about a shareholder in the Shareholders Registry (provide that there was no his fault) should not be a ground to refuse to pay him dividends.

Case № 922/677/18



Thank You for your attention!