

Yaroslav Mudryi National Law University

Department of Civil Procedure

S Y L L A B U S

academic discipline

«European standards of civil procedure /

Європейські стандарти цивільного процесу»

Level of higher education – second (master's) level

Degree of higher education - master

Field of knowledge - 08 "Law"

Specialty - 081 "Law"

The status of the academic discipline - at the student's choice

The recruitment year – 2021

Kharkiv - 2021

Syllabus of the academic discipline "European standards of civil procedure" for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law". Kharkiv: Yaroslav Mudryi National Law University, 2021. 12 p.

Author:

Tsuvina Tetyana Andriivna,
doctor of legal sciences, associate professor

Approved at a meeting of the Department of Civil Procedure
(protocol no 11 from June 2, 2021)
updated (protocol no 11 from June 8, 2022)

The head of the department: Husarov Kostyantyn Volodymyrovych,
doctor of legal sciences, professor

Information about the lecturer

The name of the academic discipline	European standards of civil procedure
Status of the academic discipline	At the student's choice
Teacher	Tetyana Andriivna Tsuvina, associate professor of the Department of Civil Procedure, Doctor of Law, associate professor
Contact phone number	(057) 704-92-70
E-mail	t.a.tsuvina@nlu.edu.ua
Consultations	in accordance with the developed schedule of individual consultations
Online consultations	Meeting ID: 270 266 2536 Passcode : 845688

Abstract of the academic discipline

The essence of European standards of civil procedure, their nature and content is revealed. The content and significance of generally recognized principles and norms of international law as principles of civil procedure are analyzed. The institutional and procedural elements of the right to a fair trial in civil cases are outlined.

The purpose and tasks of the educational discipline

The purpose of the educational discipline is formation of a system of scientific knowledge about European standards of fair trial, developed on the basis of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter - ECHR) and the practice of the European Court of Human Rights (hereinafter - ECHR), which should be applied during the administration of justice in civil cases at the national level.

Task:

– formation of a system of theoretical knowledge about the impact of the fundamentalization of human rights on the formation of European standards of civil justice;

– determination of actual problems of implementation and implementation of European standards of civil justice, as well as their impact on the procedure for the

administration of justice in civil cases;

- analysis of the essence of the right to a fair trial as the primary basis of European standards of civil justice;

- providing a structural and functional description of the right to a fair trial and its components;

- development of skills and abilities to apply civil procedural legislation, taking into account European standards of civil procedure.

Educational discipline in the structure of the educational and professional program. Interdisciplinary connections

Prerequisites: "Civil process", "Procedural acts-documents in civil cases".

Details: "Universal and regional systems of human rights protection / Universal and regional human rights protection systems", "Introduction that European legal values / Introduction to European legal values".

Expected learning outcomes of a student of higher education

As a result of mastering the academic discipline, the student of higher education must demonstrate the following learning results:

LR-1. Demonstrate knowledge and understanding of the mechanism of harmonization and unification of national legal systems and the development of a unified supranational approach to understanding the essence and components of the right to a fair trial.

LO-2. Interpret the main directions of legal globalization and internationalization in the field of human rights protection and determine the main directions of changes in civil procedural legislation based on existing European civil procedure standards.

LO-3. To analyze the impact of the fundamentalization of human rights on the formation of European standards of civil procedure.

LO-4. Demonstrate knowledge and understanding of the mechanisms of implementation of European standards of civil justice in the national legal system.

LO-5. Analyze the legal nature of the right to a fair trial.

LO -6. Search for information that reflects the specifics of the relevant civil process standard.

LO -7. Determine the criteria on the basis of which the presence of an effective means of legal protection at the level of the relevant legal system is recognized.

LO -8. To analyze the methodological aspects of interaction between the science of civil procedural law, the ECHR and the practice of the ECHR.

LO -9. To reveal the content of the principle of the rule of law through the prism of European standards of civil justice.

LO -10. Determine compliance with the principle of proportionality when introducing restrictions on the right to access to justice at the national level.

LO -11. Interpret the content of individual institutional elements of the right to a fair trial.

LO-12. Demonstrate the ability to communicate freely in a foreign language and use the legal terminology inherent in it both orally and in writing.

**Types of educational activities and independent work
for students of full-time higher education**

No	Classroom classes (contact)		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	The concept of European standards of civil procedure and their essential characteristics.	The concept of European standards of civil procedure and their essential characteristics.	8
2	The right to a fair trial as a fundamental basis of European standards of civil procedure (part 1).	The right to a fair trial as a fundamental basis of European standards of civil procedure (part 2).	8
3	The right to a fair trial as a fundamental basis of European standards of civil procedure (part 2).	The right to a fair trial as a fundamental basis of European standards of civil procedure (part 2).	8
4	Generally recognized norms and principles of international law as principles of civil proceedings in the	Generally recognized norms and principles of international law as principles of civil proceedings in the practice of	8

	practice of the European Court of Human Rights.	the European Court of Human Rights.	
5	The right to access to court and the conditions for its implementation.	The right to access to court and the conditions for its implementation.	8
6	An independent and impartial court.	An independent and impartial court.	8
7	"Court established by law" as an element of the right to a fair trial	"Court established by law" as an element of the right to a fair trial	8
8	Proper (fair) judicial procedure and its components.	Proper (fair) judicial procedure and its components.	8
9	Public hearing of civil cases.	Public hearing of civil cases.	8
10	Reasonable term of court proceedings and execution of court decisions.	Reasonable term of court proceedings and execution of court decisions.	8

**Types of educational activities and independent work
for students of higher education in the correspondence form of education**

No	Topics of lectures	Topics of practical classes	Individual work (in hours)
1	The concept of European standards of civil procedure and their essential characteristics.	The concept of European standards of civil procedure and their essential characteristics.	110
2	The right to a fair trial as a fundamental basis of European standards of civil procedure	The right to a fair trial as a fundamental basis of European standards of civil procedure	
3	Institutional and procedural elements of the right to a fair trial.	-	

Independent work of students

Independent work of students is carried out in the following forms:

- preparation of an individual final written work;
- development of new scientific and educational literature, legislative acts of foreign countries;
- work on cases;
- performance of practical tasks, self-testing;
- writing essays and abstracts;

- preparation of reports abstracts for scientific and practical conferences;
- participation in competitions of student scientific works;
- preparation for practical classes, colloquiums and testing.

Tasks and methodical recommendations for independent work are given in Methodical materials for the educational discipline "European standards of civil procedure / European standards of civil procedure" for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law.

Educational, methodical and information support academic discipline

Normative and legal acts

Constitution of Ukraine dated June 28, 1996 No. 254k/96-vr. URL: <https://zakon.rada.gov.ua/laws/show/254k/96- in r#Text>

Convention on the Protection of Human Rights and Fundamental Freedoms dated November 4, 1950 URL: https://zakon.rada.gov.ua/laws/show/995_004#Text

Civil Procedure Code of Ukraine dated March 18, 2004 r. no 1618-IV. URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

Basic literature

1. Tsvina T.A. The unity of judicial practice as an element of legal certainty: the approach of the European Court of Human Rights. *Problems of legality* . 2019. Issue 146. P. 63–74.
2. Tsvina T. A. The right of access to the court: the approach of the ECtHR. *Entrepreneurship, economy and law*. 2020. No. 4. P. 60–69.
3. Tsvina T. A. The principle of the rule of law in the practice of the European Court of Human Rights. *Journal of the Kyiv University of Law* . 2019. No. 4. P. 373–378.
4. Tsvina T.A. The principle of proportionality in civil proceedings. *Law of Ukraine* . 2018. No. 10. P. 50–63.

5. Tsuvina T. A. "Court established by law" as an element of the right to a fair trial in civil proceedings. *Journal of the Kyiv University of Law* . 2019. No. 2. P. 137–141.

6. Komarov V., Tsuvina T. (2021). International standard of access to justice and subject of civil procedural law. *Journal of the National Academy of Legal Sciences of Ukraine* . Vol . 28. No. 3. P. 197 - 208 .

7. Komarov V., Tsuvina T. The Impact of the ECHR and the Case Law of the ECtHR on Civil Procedure in Ukraine. *Access to Justice in Eastern Europe* . 2021. No. 1(9). P. 79–101.

8. Sakara N. The Applicability of the Right to a Fair Trial in Civil Proceedings: the Experience in Ukraine. *Access to Justice in Eastern Europe*. 2021. No. 1(9). P. 199–222.

9. Tsuvina T. Access to justice in terms of the rule of law: origins of understanding. *Recht der Osteuropäischen Staaten* . 2020. No. 1. P. 84–88.

10. Tsuvina T. Execution of court decisions in Ukraine: reforming the system in terms of the right to a fair trial. *Problems of legality* . 2018. Issue 142. P. 55–76.

11. Tsuvina T. A. Principle of legal certainty in civil procedure. *lie down life* _ 2019. No. 9/2 (333). P. 162–166.

Additional literature

1. Tsuvina T. A. The concept of case management : foreign experience and prospects for implementation in Ukraine. *Legal scientific electronic journal* . 2020. No 1. S. 75-78 . _

2. Tsuvyna T. A. The principle of proportionality and legitimacy of restrictions on the right to access to courts of higher instances in civil proceedings. *Visegrad Journal he Human Rights* . 2019. No. 5. P. 172–176.

3. Tsuvyna T. A. The problem of excessive formalism and the right to court access in civil proceedings in the context of the rule of law principle. *lie down Viata* . 2020. No. 2/2 (338). P. 90–94.

4. Tsuvina T. A. Independence and impartiality of the court as components of the rule of law in civil proceedings. *Theory and practice of jurisprudence* . 2019. Issue 16 (2). URL : <http://tlaw.nlu.edu.ua/article/view/186025>

5. Tsuvina T. A. Online courts and online dispute resolution in the context of the international standard of access to justice: international experience. *Problems of legality* . 2020. Issue 149. P. 62–79.

6. Tsuvina T. A. Repeated participation of the judge in the consideration of the case between the parties: some remarks on the functional impartiality of the court in the context of the principle of the rule of law. *Comparative and analytical law* . 2020. No. 1. P. 218 – 222.

7. Tsuvina T. A. Implementation of the principle of res judicata in civil proceedings: the experience of foreign countries. *Journal of the Kyiv University of Law* . 2020. No. 1. P. 220–225.

8. Tsuvina T. A. Formal and substantive concepts of the rule of law in modern discourse. *Entrepreneurship, economy and law* . 2020. No 11. P. 197 – 203.

Internet resources

The website of the Council of Europe is <http://www.coe.kiev.ua>

EU project "Supporting reforms in the sphere of justice" - <http://www.justicereformukraine.eu/uk/>

The official web portal of the Verkhovna Rada of Ukraine - <http://rada.gov.ua/>

The official web portal of the President of Ukraine is <http://www.president.gov.ua>

The official web portal of the Cabinet of Ministers of Ukraine is <http://www.kmu.gov.ua>

The official web portal of the Supreme Court - https://supreme.court.gov.ua/supreme/gromadyanam/perelik_sprav/

The official web portal of the Constitutional Court of Ukraine – <https://ccu.gov.ua/>

The official web portal of the Ministry of Justice of Ukraine - <https://minjust.gov.ua/>

SENMK

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

Requirements of the teacher

Those seeking higher education *must*: regularly attend lectures and practical classes; systematically and actively work on them; convincingly present arguments when solving tasks; qualitatively perform written tasks, control and independent work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

Applicants of higher education *are recommended* to: participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, prepare theses of scientific reports, etc.

A mandatory requirement is that students of higher education comply with the norms of the "Code of Academic Ethics of the Yaroslav Mydryi National Law University" (https://nlu.edu.ua/wpcontent/uploads/2020/02/kodeks_academichnoyi_etyky.pdf).

During classroom classes, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

Control measures

Evaluation of the results of mastering the educational discipline " European standards of civil procedure / European standards of civil procedure " provides for current and final control and is carried out on the basis of a cumulative point-rating system.

Current knowledge control includes:

- quality control of the students' assimilation of the program material of the educational discipline in practical classes using the following tools: oral/written

survey, express survey, solving practical tasks, participation in the development of a case, preparation of a presentation, essay, essay, etc. The current control is aimed at checking the level of the student's preparation in studying the material. In the course of the practical session, the student can receive an assessment on a four-point scale (0, 3, 4, 5);

- quality control of the students' assimilation of the program material of the educational discipline, which is conducted at the end of the modules in the form of colloquiums.

The mandatory form of independent work of students is the preparation of an individual final written work. The maximum number of points based on the results of the defense of an individual final written work is 20 points.

The form of *final control of the* knowledge of higher education students in an academic discipline is a differentiated assessment. The minimum number of points to receive a differentiated credit is 60.

Scale of final pedagogical control:

Rating according to the ECTS scale	Definition	Rating on a national scale for for medicine	Rating on a 100-point scale used at NYU
AND	Excellent - Excellent execution, with only a small number of errors	counted	90 - 100
IN	Very good - above average with a few errors		80-89
WITH	Good - generally correct work with a number of minor errors		75-79
D	Satisfactory - not bad, but with a significant number of shortcomings		70-74
IS	Sufficient – performance meets minimum criteria		60-69
FX	Unsatisfactory - work needs to be done before rewriting	not counted	35-59
F	Unsatisfactory - serious further work is required, a mandatory repeat course		0 - 34