

**Ministry of Education and Science of Ukraine  
Yaroslav Mudryi National Law University  
Department of Civil Justice and Advocacy**

**PROGRAMME  
of academic discipline  
"International Civil Procedure and Commercial Arbitration"**

**Level of higher education** - second (master's) level

**Degree of higher education** – master’s degree

**Field of knowledge** - 29 "International Relations"

**Speciality** - 293 "International Law"

**Discipline status** - optional

Approved at the meeting Academic council  
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**Rector**

**Anatolii Getman**

Kharkiv 2022

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## 1. Introduction

### 1.1. *Purpose and objectives of the discipline.*

**The purpose of the discipline is to** form an integral system of professional knowledge, skills and other competencies of higher education students in the field of legal regulation of the procedure for consideration of foreign economic disputes in international commercial arbitration and the procedure for the administration of justice in civil cases with a foreign element.

#### **Objectives:**

- receiving the theoretical knowledge of the procedure for consideration of foreign economic disputes by an international commercial arbitration;
- identification of current issues in the development of legal regulation of both international civil procedure and international commercial arbitration;
- familiarization with the judicial and arbitration practice of international bodies that consider foreign economic disputes and the peculiarities of the recognition and enforcement of foreign court judgements and international commercial arbitration awards;
- development of skills and abilities to apply unified sources on the procedure for dispute resolution in international commercial arbitration and conventional regulation of international civil procedure;
- deepening of theoretical knowledge and development of practical skills in functional diagnostics of foreign economic disputes in international commercial arbitration.

1.2. *The status of the discipline in the structure of the educational and professional program:* optional.

1.3. *Prerequisites:* "Tax law", "European Union law and its system", "Actual problems of scientific research methodology".

1.4. *Co-requisites:* "European Private International Law", "International Contract Law", "WTO Law".

1.5. *Post-requisites*: "International Intellectual Property Law", "EU Corporate Law and Governance", "Notary and Notarial Actions of Consular Offices".

1.6 *List of subject competencies of a higher education applicant*:

SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure.

SC 2. Knowledge of general theoretical concepts and concepts of international civil procedure, its basic principles, their correlation with European and world standards of civil procedure.

SC 3. Knowledge of the stages of formation, periodization of development, concepts and approaches to defining the concept of international civil procedure and its place in the system of traditional and alternative methods of resolving cross-border disputes.

SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure.

SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration.

SC 6. Ability to correctly interpret the role of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights in the law enforcement activities of national courts in civil cases with a foreign element.

SC 7. Ability to explain the peculiarities of the legal status of participants of international civil procedure and the ability to exercise their rights and obligations.

SC 8. Knowledge and understanding of the peculiarities of conflict of laws regulation in cross-border civil cases by national courts.

SC 9. Ability to assess the degree of effectiveness of national legal regulation of the recognition and enforcement of foreign court decisions and international commercial arbitration.

SC 10. Ability to identify contradictions and shortcomings of modern doctrinal approaches and law enforcement practice to the definition of "judicial immunity".

SC 11. Ability to analyze documents of international organizations, international conferences, international judicial institutions and characterize their impact on the regulation of various areas of international civil procedure.

SC 12. Ability to provide qualified advice and prepare legal opinions on certain issues of the theory and practice of international civil procedure and international commercial arbitration.

SC 13. Knowledge of the place and role of international commercial arbitration in resolving disputes arising in the field of foreign economic relations.

SC 14. Understanding of the procedure of state courts to assist international commercial arbitration in obtaining evidence.

SC 15. Ability to analyze the legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of different countries.

SC 16. Ability to analyze an arbitration agreement as a type of arbitration agreement.

SC 17. Ability to understand the legal consequences of concluding arbitration agreements.

SC 18. Ability to determine the procedure for the enforcement of an enforcement document issued on the basis of an international commercial arbitration award.

SC 19. Knowledge of the procedural procedure for the enforcement of decisions of national and foreign arbitration courts.

SC 20. Ability to determine the grounds for refusal to recognize and enforce a foreign arbitral award.

SC 21. Ability to distinguish between a "foreign" and "domestic" award in international commercial arbitration.

SC 22. Ability to determine the grounds for refusal of a national court to recognize and enforce foreign arbitral awards.

SC 23. Knowledge of procedural issues of recognition and enforcement of international commercial arbitration awards.

SC 24. Ability to determine the procedure for consideration by courts of general jurisdiction of applications for recognition and enforcement of foreign arbitral awards.

SC 25. Ability to independently prepare draft motions for the recognition and enforcement of international commercial arbitration awards.

*Explication of general and special competencies is defined in the map of subject competencies (Appendix 1)*

*1.6. The list of learning outcomes of a higher education student:*

LO - 1.1. Demonstrate knowledge of key concepts, principles, theories and doctrines of international civil procedure.

LO - 1.2. Demonstrate knowledge of the specifics of the subject matter, special principles, sources of international civil procedure and international commercial arbitration, their system and structure.

LO -1.3. To critically analyze judicial and arbitration practice in cases related to the resolution of civil cross-border disputes on the interpretation and application of international legal norms in the relevant field.

LO -1.4. Search for, independently study and analyze domestic and foreign international legal literature in the context of researching current issues of the theory and practice of international civil procedure and international commercial arbitration.

LO - 1.5. Carry out a logical, critical and systematic analysis of international legal acts relating to the procedure and procedure for consideration of disputes by national courts with the participation of a foreign element.

LO 1.6. Determine the limits of legal personality of various participants in international civil procedure.

LO 1.7. To demonstrate knowledge of the basic categorical apparatus of international civil procedure, its main institutions, to characterize the current state and directions of further development of international legal regulation in the context of European integration processes.

LO 1.8. Demonstrate knowledge of the methodological aspects of the interaction between the science of international civil procedural law and the law enforcement practice of national courts in the consideration of civil cases with a foreign element and the resolution of certain procedural issues.

LO 1.9. Characterize the peculiarities of conflict-of-laws regulation of certain procedural issues in civil cases with a foreign element.

LO - 1.10. Demonstrate knowledge of the specifics of the use and application of "judicial immunity" by participants in international civil proceedings as a component of the public order of each country.

LO 2.1. To carry out professional activities on the basis of developed legal awareness, legal thinking and legal culture.

LO - 2.2. Ensure compliance of legal entities with the legislation in the field of international commercial arbitration.

LO 2.3. Possess the ability to make decisions and perform legal actions in the field of international commercial arbitration in strict accordance with the law.

LO 2.4. Possess the ability to apply regulations, implement the rules governing international commercial arbitration in professional activities.

LO 2.5. Possess the ability to legally correctly qualify facts and circumstances in the field of international commercial arbitration.

LO 2.6. Possess the ability to respect the honor and dignity of a person, to observe and protect human and civil rights and freedoms.

LO 2.7. Carry out a critical analysis of the prevention of violations of the legislation in the field of international commercial arbitration, identify and eliminate the causes and conditions that contribute to their commission.

LO 2.9. Demonstrate knowledge of international legal norms in the field of regulation of various institutions of international commercial arbitration.

LO 2.10. Provide professional advice on the nature and methods of international legal protection of the rights and interests of the parties to a foreign commercial dispute.

*Explication of the results of mastering the discipline and learning outcomes in the specialty and specialization is determined in the map of learning outcomes formulated in terms of competencies (Appendix 2)*

### 1.7. Modules of the programme of the discipline.

**Module 1:** General characteristics and features of international civil procedure.

**Module 2.** International commercial arbitration in the system of alternative dispute resolution.

The programme of an academic discipline is a set of modules, their specific sequence, which contributes to the acquisition of certain competencies necessary to achieve specific learning outcomes. Each module has a certain logical completeness in relation to the required outcomes of the educational and professional program as a whole. Topics are not defined within the module.

The modular principle of building the program of the discipline provides flexibility of the content of the discipline, which is reflected in the possibility of its differentiation and integration. The continuity of the meaningful and logical transition between the modules of the program of the discipline, as well as the increase of new knowledge are made possible by the application of the principle of "didactic spiral".

The number of academic units (didactic volume) of the content of the discipline should correspond to the structure of the discipline and the actual study time of students.

The didactic scope of an academic discipline is determined by the developer in an expert manner with a focus on the subject area of the discipline, as well as on competencies and learning outcomes.

Quantitative and qualitative indicators of the implementation of the program of the discipline within the didactic structure are determined in the taxonomy of the discipline.

*The explication of the modules of the competency-based program of the discipline is defined in the matrix of links between the modules of the discipline, learning outcomes and subject competencies (Appendix 3).*

## 2. Description of the discipline (academic modules)

Course.	Level of education, field of knowledge, speciality, specialization	Didactic structure and the number of hours
Number of ECTS credits: 4,0		<b>Module 1</b>

Number of modules* : 2 Total hours: 120  Weekly hours: 4	Field of knowledge - 29 "International relations"  Speciality - 293 "International Law"  Level of education - second (master's) degree	Lectures: 8 Practical classes: 8 Independent work: 40 <b>Module 2</b> Lectures: 10 Practical classes: 12 Independent work: 42  <b>Types of control:</b> current assessment; final assessment of knowledge (credit)
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### 3. Content of the programme of the discipline

Module 1: General characteristics and features of international civil procedure  
*Theoretical foundations of international civil procedure.* The concept and subject of international civil procedure, its place in the legal system. Features of international civil procedure. Sources of international civil procedure. National legal regulation of international civil procedure. International legal regulation of international civil procedure. The role of decisions of the European Court of Human Rights, the European Court of Justice in the formation of law enforcement practice. Lex fori (law of the forum country) in international civil procedure. Procedural conflict of laws rules.

*International civil procedural jurisdiction.* The concept of international civil procedural jurisdiction. Conflict of jurisdictions. Types of international civil procedural jurisdiction. Prorogation and derogation agreements. Obstacles to the establishment of international civil procedural jurisdiction of a foreign court. National and international legal regulation of the establishment of international civil procedure jurisdiction.

*Participants in international civil procedure.* Procedural and legal status of foreign persons. Civil procedural capacity of foreign persons. Procedural legal

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\* recommended: no more than 2-3 modules for a discipline that is studied in one semester; no more than 4-6 modules for a discipline that is studied in two semesters.

capacity of international organizations. Procedural features of consideration of cases involving foreign persons. Features of consideration of cases involving foreign persons. Procedural rights and obligations of foreign persons.

*Peculiarities of law enforcement in international civil procedure.* Determination of the law to be applied in international civil procedure. Application of foreign law on the basis of reciprocity. Determination of the content of foreign law. Consequences of failure to determine the content of foreign law. Public policy considerations in the application of foreign law. Obtaining evidence in a foreign jurisdiction. Interim measures in international civil procedure.

*Recognition and enforcement of a foreign court judgment.* General principles and peculiarities of recognition of a foreign court judgment. Peculiarities of consideration of an application for permission to enforce a foreign court judgment. Grounds for denial of a petition for permission to enforce a foreign court judgment. Application for enforcement of a foreign court judgment. Recognition of a foreign court judgment that is not subject to enforcement.

*Legal assistance in international civil procedure.* The concept and types of legal aid in international civil procedure. Application to the Ukrainian court with a court order for the provision of legal assistance to a foreign court or other competent authority of a foreign state. International regulations on legal assistance. Execution of court orders of foreign courts in Ukraine. Execution of a court order of a foreign court to serve a subpoena or other documents. Execution of court orders by foreign diplomatic missions of Ukraine. Refusal to provide legal assistance.

Module 2. International commercial arbitration in the system of alternative dispute resolution

*The concept and legal nature of international commercial arbitration.* The role of international commercial arbitration in resolving disputes arising in the field of foreign commercial relations. General characteristics of international commercial arbitration. The theory of arbitration delocalization and its importance. Types of

international arbitration courts. Permanent (institutional) and ad-hoc arbitration courts.

*Legal regulation of international commercial arbitration.* International legal regulation of international arbitration courts. Legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of different states.

*Arbitration agreement. Determination of the competence of international commercial arbitration.* Arbitration agreement as a type of arbitration contract. Arbitration agreement and its types. Arbitration clause and arbitration inscription. Autonomy of the arbitration agreement from the agreement to which it relates. "Pathological" arbitration agreements. Legal consequences of entering into arbitration agreements. Prorogation and derogation effects of arbitration agreements. Determination of the competence of the arbitral tribunal. Objections to the competence of the arbitral tribunal. The theory of "competence of competence" of the arbitral tribunal and its implementation in international treaties and legislation of different states. Establishment of the competence of an international arbitral tribunal in accordance with international treaties or national legislation. Appealing against arbitral awards on the issue of its own competence.

*Composition of the arbitral tribunal (arbitral court). Arbiters.* The concept of the general rules of international arbitration. Language of arbitration proceedings. Composition of the arbitral tribunal (arbitral court). The arbitrators. Number of arbitrators. List of arbitrators and its significance. Requirements for arbitrators. Qualification of arbitrators. The procedure for the formation of the sole and collegial arbitral tribunal.

*The award of the arbitral tribunal, its significance.* The award of the arbitral tribunal, its significance. Appeal against an arbitral award to a state court. Annulment (invalidation) of an arbitral award by a state court. Procedure for consideration of a petition for setting aside an award of an international arbitral tribunal. Grounds for setting aside an award of an international arbitral tribunal. Enforcement of awards of national and foreign arbitration courts. The procedure for

the enforcement of an enforcement document issued on the basis of an international commercial arbitration award.

*Recognition of foreign arbitral awards as a condition for enforcement.* The concept, meaning and legal consequences of the recognition of foreign arbitral awards (irrefutability, exclusivity, immutability, enforceability). Recognition of foreign arbitral awards as a condition for enforcement. Grounds for refusal to recognize and enforce a foreign arbitral award. Legal consequences of refusal to recognize and enforce a foreign arbitral award. Procedure for enforcement of an enforcement document issued on the basis of a court order on recognition and enforcement of a foreign arbitral award. Procedure for consideration of applications for recognition and enforcement of foreign arbitral awards by courts of general jurisdiction. The problem of recognizing foreign arbitral awards that do not require enforcement.

#### **4. Resource support of the discipline**

##### *4.1. Forms of organization of the educational process and types of learning:*

- forms of organization of the educational process: classes; independent work; practical training; assessment measures.

- Types of classes: lectures, practical classes, individual lessons, consultations.

##### *4.2. Independent work of higher education students*

Independent work is a type of extracurricular educational work aimed at studying the program material of the course. The content of the independent work is determined by the program of the discipline "International Civil Procedure and Commercial Arbitration", methodological materials, tasks and instructions of the teacher. During the independent work, the student must study lecture notes, materials presented in textbooks, textbooks on international energy law, sources of international and national law of Ukraine and foreign countries, international and national judicial practice in accordance with the topics of the discipline. It is also important to work with scientific and practical commentaries, monographs,

scientific articles, and other scientific and educational literature recommended by the teacher. Methodological materials should provide for the possibility of self-control on the part of the student.

Independent work of students on mastering the educational material can be carried out in the scientific library of the University, classrooms, computer classes (laboratories), as well as at home.

If necessary, this work is carried out in accordance with a pre-drawn up schedule, which guarantees the possibility of individual access to the necessary didactic tools.

Forms of independent work of students are:

- written homework;
- mastering theoretical material on the topics of practical classes;
- revision of lecture materials;
- work in information networks;
- studying additional literature;
- case study development;
- essays on specialized issues;
- creating a training course portfolio and presenting it;
- writing abstracts and reports and presenting them;
- preparation and publication of scientific articles and abstracts;
- participation in student research and practice conferences;
- compiling a bibliography on the relevant topic;
- generalization of court practice;
- commenting on sources of international law, as well as national law of Ukraine and foreign countries;
- other forms of work.

The applicant chooses the types of independent work according to his/her own interests and agrees with the teacher, who ensures the organization, control and evaluation of the quality of the relevant work.

The educational material that, according to the working curriculum, must be mastered by students in the course of independent work is included in the sum of the points of the current control together with the educational material that was studied during the training sessions.

#### *4.3. Educational technologies and teaching methods*

- educational technologies: problem-based learning, contextual learning, student-centered learning, audio-visual technologies, scientific discussions, interactive technologies, IT technologies, etc;

- Teaching methods: a combination of verbal, visual and practical methods, problem-based teaching, press conferences, business games, brainstorming, modeling of professional situations, case study, discussion method, round table, etc.

#### *4.4. Forms of pedagogical control and system of assessment of the quality of the formed competencies based on the results of mastering the discipline*

The forms of control of students' knowledge are current and final assessment.

The current assessment of students' knowledge includes:

- control of the quality of students' mastering the program material of the discipline in practical classes using the following means: oral, written or express survey, solving practical problems or tasks, participation in the development of a case, defense of an essay or abstract at the initiative of the student. The current assessment is aimed at checking the level of training of the applicant in the study of the current material. During the practical training, the applicant can receive a grade on a four-point scale (0, 3, 4, 5);

- quality control of students' mastery of the program material of the discipline, which is carried out at the end of the modules in the form of colloquia, quizzes, testing, etc.

Throughout the semester, students complete assignments for independent work (preparation of a presentation, essay, report, etc.). The maximum number of points for independent work is 20 points.

The form of final assessment of knowledge of higher education students in the discipline is a test. The minimum number of points to receive a test is 60.

Distribution of points between forms of organization of the educational process and types of control measures:

Current assessment					Final assessment of knowledge (credit)
Module 1		Module #2		Independent work	
n/a	Test/quiz /colloquium	n/a	Test/quiz/ colloquium		
max 20	max 15	max 30	max 15	max 20	max 100

*Criteria for evaluating learning outcomes:*

Type of assessment	Number of points	Criteria (for each point)
Current assessment in a practical lesson	Max 5	Excellent mastery of the subject material, with some minor flaws.
	4	Good mastery of the material on the topic, but there are some mistakes
	3	Minimal level of learning, a significant number of mistakes.
	Min 0	Unsatisfactory level of learning.
Testing / control work / colloquium	Max 15	The results of processing the material are high, with a small number of minor errors.
	7	Satisfactory level of mastery of the material, a significant number of errors.
	Min 0	Unsatisfactory level of learning.
Assessment of the independent work of a higher education student	Max 20	Deep knowledge of the issues related to the research topic. Fluency in the material, ability to think independently and creatively, find, summarize, analyze material, and draw independent theoretical and practical conclusions.

	15	The main issues are covered superficially, and the conclusions are not independent.
	Min 0	The main provisions of the topic are covered superficially, with a large number of errors, no conclusions, and the student has a poor command of the material.
Credit	Max 100	Excellent knowledge of the subject matter.
	Min 60	Sufficient mastery of the material in the discipline.

*4.5. Educational, methodological and information support  
of the academic discipline  
Normative and legal acts*

1. Arbitration Rules of the United Nations Economic Commission for Europe. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/995\\_337](http://zakon4.rada.gov.ua/laws/show/995_337);
2. Rules of Arbitration of the International Court of Arbitration at the International Chamber of Commerce. URL: <http://www.nkau.gov.ua/NSAU/pravonsau.nsf/9f8cead0b3bf2b88c3256a910055a85c/c53b2bb37fbaee60c2256cf7002386a3!OpenDocument>;
3. UNCITRAL Arbitration Rules. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/995\\_059](http://zakon4.rada.gov.ua/laws/show/995_059).
4. Vienna Convention on the Law of Treaties. Official website of the Verkhovna Rada of Ukraine. URL: [https://zakon.rada.gov.ua/laws/show/995\\_118#Text](https://zakon.rada.gov.ua/laws/show/995_118#Text).
5. Commercial Code of Ukraine. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/436-15>;

6. Commercial Procedure Code of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/1798-12>;
7. Declaration of State Sovereignty of Ukraine". Official website of the Verkhovna Rada of Ukraine URL: <https://zakon.rada.gov.ua/laws/show/55-12#Text>.
8. Treaty between Ukraine and the Republic of Estonia on Legal Assistance and Legal Relations in Civil and Criminal Matters of 15.02.1995. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/233\\_659](http://zakon4.rada.gov.ua/laws/show/233_659).
9. Treaty between Ukraine and the People's Republic of China on Legal Assistance in Civil and Criminal Matters of 31.10.1992. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/156\\_014](http://zakon4.rada.gov.ua/laws/show/156_014)
10. Treaty between Ukraine and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 23.05.1995. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon2.rada.gov.ua/laws/show/428\\_627](http://zakon2.rada.gov.ua/laws/show/428_627).
11. Treaty between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 07.07.1993. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon2.rada.gov.ua/laws/show/440\\_002](http://zakon2.rada.gov.ua/laws/show/440_002).
12. Treaty between Ukraine and Mongolia on Legal Assistance in Civil and Criminal Matters of 27.06.1995. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/496\\_001](http://zakon4.rada.gov.ua/laws/show/496_001).
13. Treaty between Ukraine and the Republic of Georgia on Legal Assistance and Legal Relations in Civil and Criminal Matters of 09.01.1995. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/268\\_542](http://zakon4.rada.gov.ua/laws/show/268_542)
14. Treaty between Ukraine and the Republic of Cuba on Legal Relations and Legal Assistance in Civil and Criminal Matters of 27.03.2003. Official website

of the Verkhovna Rada of Ukraine. URL:  
[http://zakon2.rada.gov.ua/laws/show/192\\_021](http://zakon2.rada.gov.ua/laws/show/192_021)

15. Treaty between Ukraine and the Republic of Moldova on Legal Assistance and Legal Relations in Civil and Criminal Matters of 13.12.1993 Official website of the Verkhovna Rada of Ukraine. URL:  
[http://zakon4.rada.gov.ua/laws/show/498\\_604](http://zakon4.rada.gov.ua/laws/show/498_604).

16. Treaty between Ukraine and the Republic of Poland on Legal Assistance and Legal Relations in Civil and Criminal Matters of 24.05.1993. Official website of the Verkhovna Rada of Ukraine. URL:  
[http://zakon4.rada.gov.ua/laws/show/616\\_174](http://zakon4.rada.gov.ua/laws/show/616_174).

17. Treaty between Ukraine and the Republic of Uzbekistan on Legal Assistance and Legal Relations in Civil and Family Matters of 19.02.1998. Official website of the Verkhovna Rada of Ukraine. URL:  
[http://zakon2.rada.gov.ua/laws/show/860\\_013](http://zakon2.rada.gov.ua/laws/show/860_013).

18. Treaty between Ukraine and Romania on Legal Assistance and Legal Relations in Civil Matters of 30.01.2002. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon3.rada.gov.ua/laws/show/642\\_029](http://zakon3.rada.gov.ua/laws/show/642_029).

19. Treaty between Ukraine and the Czech Republic on Legal Assistance and Legal Relations in Civil Matters of 28.05.2001. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon3.rada.gov.ua/laws/show/203\\_018](http://zakon3.rada.gov.ua/laws/show/203_018)

20. Treaty between Ukraine and the Islamic Republic of Iran on Legal Relations and Legal Assistance in Civil and Criminal Matters of 11.05.2004 Official website of the Verkhovna Rada of Ukraine. URL:  
[http://zakon4.rada.gov.ua/laws/show/364\\_026](http://zakon4.rada.gov.ua/laws/show/364_026)

21. Treaty between Ukraine and the Democratic People's Republic of Korea on Legal Assistance in Civil and Criminal Matters of 13.10.2003. Official website of the Verkhovna Rada of Ukraine. URL:  
[http://zakon2.rada.gov.ua/laws/show/408\\_012](http://zakon2.rada.gov.ua/laws/show/408_012).

22. Treaty between Ukraine and the Republic of Bulgaria on Legal Assistance in Civil Matters of 21.05.2004. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/100\\_056](http://zakon4.rada.gov.ua/laws/show/100_056).

23. Treaty between Ukraine and the Republic of Macedonia on Legal Assistance in Civil Matters of 10.04.2000. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon3.rada.gov.ua/laws/show/807\\_010](http://zakon3.rada.gov.ua/laws/show/807_010).

24. Treaty between Ukraine and the Socialist Republic of Vietnam on Legal Assistance and Legal Relations in Civil and Criminal Matters of 06.04.2000. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon2.rada.gov.ua/laws/show/704\\_050](http://zakon2.rada.gov.ua/laws/show/704_050).

25. Treaty between Ukraine and the Republic of Hungary on Legal Assistance in Civil Matters of 02.08.2001. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/348\\_026](http://zakon4.rada.gov.ua/laws/show/348_026).

26. European Convention on the Introduction of a Uniform Law on Arbitration Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: [http://zakon4.rada.gov.ua/laws/show/994\\_679?nreg=994\\_679&find=1&text=%E0%F0%E1%E8%F2%F0%E0%E6%ED+%F2%F0%E8%E1%F3%ED%E0%EB&x=8&y=5#w22](http://zakon4.rada.gov.ua/laws/show/994_679?nreg=994_679&find=1&text=%E0%F0%E1%E8%F2%F0%E0%E6%ED+%F2%F0%E8%E1%F3%ED%E0%EB&x=8&y=5#w22).

27. European Convention on International Commercial Arbitration 1961. Official website of the Verkhovna Rada of Ukraine. Official website of the Verkhovna Rada of Ukraine. URL: [https://zakon.rada.gov.ua/laws/show/995\\_069#Text](https://zakon.rada.gov.ua/laws/show/995_069#Text).

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Arbitration Institute of the Stockholm Chamber of Commerce (www.sccinstitute.com)

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## Map of subject competencies of the discipline

Code and name of competencies by speciality and/or specialization	Code and name of competencies in the discipline
<b>GC - general (universal) competencies. (select competencies according to the content of the discipline)</b>	<b>SC - subject competencies of the discipline</b>
GC 1. Ability to think critically, analyze and synthesize.	SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure. SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure.
GC 2. The ability to identify and solve problems arising in the professional sphere, to formulate and ask questions for their further solution.	SC 6. Ability to correctly interpret the role of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights in the law enforcement activities of national courts in civil cases with a foreign element. SC 10. Ability to identify contradictions and shortcomings of modern doctrinal approaches and law enforcement practice to the definition of "judicial immunity". SC 20. Ability to determine the grounds for refusal to recognize and enforce a foreign arbitral award.
GC 6. Ability to work effectively in an intercultural environment, including developing and managing international projects.	SC 2. Knowledge of general theoretical concepts and concepts of international civil procedure, its basic principles, their correlation with European and world standards of civil procedure. SC 11. Ability to analyze documents of international organizations, international conferences, international judicial institutions and characterize their impact on the regulation of various areas of international civil procedure. SC 25. Ability to independently prepare draft motions for the recognition and enforcement of international commercial arbitration awards.
GC 7. Ability to conduct research at an appropriate level.	SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure. SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration.

	<p>SC 6. Ability to correctly interpret the role of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights in the law enforcement activities of national courts in civil cases with a foreign element.</p> <p>SC 15. Ability to analyze the legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of different countries.</p>
<p>GC 9. The ability to solve problems of an innovative nature and to find alternative solutions in professional activities.</p>	<p>SC 8. Knowledge and understanding of the peculiarities of conflict of laws regulation in cross-border civil cases by national courts.</p> <p>SC 9. Ability to assess the degree of effectiveness of national legal regulation of the recognition and enforcement of foreign court decisions and international commercial arbitration.</p> <p>SC 15. Ability to analyze the legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of different countries.</p>
<p>GC 10. The ability to work (collect, receive, systematize and synthesize) with various information and large volumes of information from various sources, analyze and critically and constructively evaluate it, taking into account the cross-cultural characteristics of the subjects of international relations.</p>	<p>SC 2. Knowledge of general theoretical concepts and concepts of international civil procedure, its basic principles, their correlation with European and world standards of civil procedure.</p> <p>SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure</p> <p>SC 9. Ability to assess the degree of effectiveness of national legal regulation of the recognition and enforcement of foreign court decisions and international commercial arbitration.</p> <p>SC 11. Ability to analyze documents of international organizations, international conferences, international judicial institutions and characterize their impact on the regulation of various areas of international civil procedure.</p>
<p>GC 12. The ability to formulate a personal opinion and present it with evidence.</p>	<p>SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure.</p> <p>SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure.</p> <p>SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration.</p>

	<p>SC 7. Ability to explain the peculiarities of the legal status of participants of international civil procedure and the ability to exercise their rights and obligations.</p> <p>SC 18. Ability to determine the procedure for the enforcement of an enforcement document issued on the basis of an international commercial arbitration award.</p>
<p>GC 15. The ability to understand the specifics of the subject area and professional activity, to make well-founded, balanced decisions and to be aware of their ethical consequences.</p>	<p>SC 2. Knowledge of general theoretical concepts and concepts of international civil procedure, its basic principles, their correlation with European and world standards of civil procedure.</p> <p>SC 6. Ability to correctly interpret the role of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights in the law enforcement activities of national courts in civil cases with a foreign element.</p> <p>SC 7. Ability to explain the peculiarities of the legal status of participants of international civil procedure and the ability to exercise their rights and obligations.</p> <p>SC 12. Ability to provide qualified advice and prepare legal opinions on certain issues of the theory and practice of international civil procedure and international commercial arbitration.</p>
<p>GC 16. The ability to communicate with representatives of other professional groups of different levels, from other fields of knowledge and activities, as well as the ability to work in an international professional environment.</p>	<p>SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure.</p> <p>SC 7. Ability to explain the peculiarities of the legal status of participants of international civil procedure and the ability to exercise their rights and obligations.</p> <p>SC 12. Ability to provide qualified advice and prepare legal opinions on certain issues of the theory and practice of international civil procedure and international commercial arbitration.</p> <p>SC 20. Ability to determine the grounds for refusal to recognize and enforce a foreign arbitral award.</p>
<p><b>SpC - special competencies (select competencies according to the content of the discipline)</b></p>	
<p>SpC 1. The ability to critically analyze the problems and patterns of the functioning and development of international relations, to determine the trends in the development of world politics, to assess the impact of global</p>	<p>SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure.</p> <p>SC 5. Ability to analyze, interpret and correctly apply the categories of international civil</p>

<p>political processes on national legal, political and economic systems.</p>	<p>procedure and international commercial arbitration. SC 14. Understanding of the procedure of state courts to assist international commercial arbitration in obtaining evidence.</p>
<p>SpC 3. The ability to independently provide legal representation of the interests of individuals, legal entities or the state when considering cases in national and international institutions and organize the provision of legal services.</p>	<p>SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure. SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure. SC 9. Ability to assess the degree of effectiveness of national legal regulation of the recognition and enforcement of foreign court decisions and international commercial arbitration. SC 23. Knowledge of procedural issues of recognition and enforcement of international commercial arbitration awards. SC 24. Ability to determine the procedure for consideration by courts of general jurisdiction of applications for recognition and enforcement of foreign arbitral awards.</p>
<p>SpC 4. The ability to comprehensively use highly specialized knowledge in specific areas of regulation of international public law, international private law, and European law to solve applied problems.</p>	<p>SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure. SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration. SC 6. Ability to correctly interpret the role of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights in the law enforcement activities of national courts in civil cases with a foreign element. SC 10. Ability to identify contradictions and shortcomings of modern doctrinal approaches and law enforcement practice to the definition of "judicial immunity".</p>
<p>SpC 7. Ability to represent the interests of Ukraine or individuals and legal entities in international judicial institutions, arbitrations, national courts of foreign countries.</p>	<p>SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure. SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure. SC 7. Ability to explain the peculiarities of the legal status of participants of international civil</p>

	<p>procedure and the ability to exercise their rights and obligations.</p> <p>SC 12. Ability to provide qualified advice and prepare legal opinions on certain issues of the theory and practice of international civil procedure and international commercial arbitration.</p>
SpC 11. The ability to ensure the implementation of international legal standards in certain areas of national legislation.	<p>SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure.</p> <p>SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration.</p> <p>SC 10. Ability to identify contradictions and shortcomings of modern doctrinal approaches and law enforcement practice to the definition of "judicial immunity".</p> <p>SC 15. Ability to analyze the legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of different countries.</p>
SpC 12. Ability to conduct research and/or introduce innovations in various fields and institutions of public international law, private international law, EU law.	<p>SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure.</p> <p>SC 2. Knowledge of general theoretical concepts and concepts of international civil procedure, its basic principles, their correlation with European and world standards of civil procedure.</p> <p>SC 3. Knowledge of the stages of formation, periodization of development, concepts and approaches to defining the concept of international civil procedure and its place in the system of traditional and alternative methods of resolving cross-border disputes.</p> <p>SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure.</p> <p>SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration.</p> <p>SC 16. Ability to analyze an arbitration agreement as a type of arbitration agreement.</p> <p>SC 17. Ability to understand the legal consequences of concluding arbitration agreements.</p>
SpC 14. The ability to apply an interdisciplinary approach in the assessment	SC 2. Knowledge of general theoretical concepts and concepts of international civil

<p>of international legal phenomena and international relations using legal tools.</p>	<p>procedure, its basic principles, their correlation with European and world standards of civil procedure.</p> <p>SC 4. Ability to analyze legal phenomena, legal facts, national and international norms related to the subject matter of international civil procedure.</p> <p>SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration. PC SC 15. Ability to analyze the legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of different countries.</p>
<p>SpC 16. Ability to work with international documentation (treaties, acts of international organizations and bodies, etc.), determine their legal nature, draft projects and accompanying documentation in Ukrainian and foreign languages.</p>	<p>SC 2. Knowledge of general theoretical concepts and concepts of international civil procedure, its basic principles, their correlation with European and world standards of civil procedure.</p> <p>SC 6. Ability to correctly interpret the role of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights in the law enforcement activities of national courts in civil cases with a foreign element.</p> <p>SC 11. Ability to analyze documents of international organizations, international conferences, international judicial institutions and characterize their impact on the regulation of various areas of international civil procedure.</p> <p>SC 25. Ability to independently prepare draft motions for the recognition and enforcement of international commercial arbitration awards.</p>
<p>SpC 21. The ability to communicate effectively in an international, multicultural environment using knowledge in the fields of international law, European law and international relations.</p>	<p>SC1. Ability to reasonably formulate and express their own position on current issues of international civil procedure.</p> <p>SC 5. Ability to analyze, interpret and correctly apply the categories of international civil procedure and international commercial arbitration.</p> <p>SC 7. Ability to explain the peculiarities of the legal status of participants of international civil procedure and the ability to exercise their rights and obligations.</p> <p>SC 12. Ability to provide qualified advice and prepare legal opinions on certain issues of the theory and practice of international civil procedure and international commercial arbitration.</p>

	<p>SC 21. Ability to distinguish between a "foreign" and "domestic" award in international commercial arbitration.</p> <p>SC 22. Ability to determine the grounds for refusal of a national court to recognize and enforce foreign arbitral awards.</p>
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## Appendix 2

### Map of outcomes of a higher education student formulated in terms of competencies

Code and name of the RD by specialty and / or specialization	ND module	Code and name of the academic discipline
<b>PTO – program training outcomes in the speciality / specialization (select learning outcomes according to the content of the discipline)</b>		<b>Learning outcomes for the discipline</b>
PTO 1. To analyze multifaceted problems of international and national legal content and propose ways to solve them.	№ 1  № 2	<p>LO - 1.1. Demonstrate knowledge of key concepts, principles, theories and doctrines of international civil procedure.</p> <p>LO - 1.5. Carry out a logical, critical and systematic analysis of international legal acts relating to the procedure and procedure for consideration of disputes by national courts with the participation of a foreign element.</p> <p>LO 2.3. Possess the ability to make decisions and perform legal actions in the field of international commercial arbitration in strict accordance with the law.</p> <p>LO 2.7. Carry out a critical analysis of the prevention of violations of the legislation in the field of international commercial arbitration, identify and eliminate the causes and conditions that contribute to their commission.</p>
PTO 4. To understand the international legal situation, forecast its development, professionally and critically evaluate events and phenomena in the field of international relations and world politics, using legal tools.	№ 1	LO - 1.2. Demonstrate knowledge of the specifics of the subject matter, special principles, sources of international civil procedure and international commercial arbitration, their system and structure.

	№ 2	<p>LO 1.3. To critically analyze judicial and arbitration practice in cases related to the resolution of civil cross-border disputes on the interpretation and application of international legal norms in the relevant field.</p> <p>LO 2.4. Possess the ability to apply regulations, implement the rules governing international commercial arbitration in professional activities.</p> <p>LO 2.5. Possess the ability to legally correctly qualify facts and circumstances in the field of international commercial arbitration.</p>
<p>PTO 5. To provide legal representation of the client in national courts, international commercial arbitrations, state authorities and local self-government bodies.</p>	<p>№ 1</p> <p>№ 2</p>	<p>LO -1.3. To critically analyze judicial and arbitration practice in cases related to the resolution of civil cross-border disputes on the interpretation and application of international legal norms in the relevant field.</p> <p>LO - 1.5. Carry out a logical, critical and systematic analysis of international legal acts relating to the procedure and procedure for consideration of disputes by national courts with the participation of a foreign element.</p> <p>LO 2.3. Possess the ability to make decisions and perform legal actions in the field of international commercial arbitration in strict accordance with the law.</p> <p>LO 2.4. Possess the ability to apply regulations, implement the rules governing international commercial arbitration in professional activities.</p> <p>LO 2.5. Possess the ability to legally correctly qualify facts and circumstances in the field of international commercial arbitration.</p>
<p>PTO 8. To prepare drafts of international treaties and acts of national legislation, to provide proposals for eliminating conflicts between the norms of international law, as well as for bringing the norms of national law into compliance with the norms of international law.</p>	№ 1	<p>LO -1.3. To critically analyze judicial and arbitration practice in cases related to the resolution of civil cross-border disputes on the interpretation and application of international legal norms in the relevant field.</p> <p>LO - 1.5. Carry out a logical, critical and systematic analysis of international legal acts relating to the procedure and procedure for consideration of disputes by national courts with the participation of a foreign element.</p>

	№ 2	<p>LO - 1.10. Demonstrate knowledge of the specifics of the use and application of "judicial immunity" by participants in international civil proceedings as a component of the public order of each country.</p> <p>LO 2.7. Carry out a critical analysis of the prevention of violations of the legislation in the field of international commercial arbitration, identify and eliminate the causes and conditions that contribute to their commission.</p> <p>LO 2.9. Demonstrate knowledge of international legal norms in the field of regulation of various institutions of international commercial arbitration.</p>
<p>PTO 11. To demonstrate communication skills with representatives of other professional groups of different levels, other fields of knowledge and types of activities, as well as the ability to work in an international, intercultural environment; to organize and conduct negotiations.</p>	<p>№ 1</p> <p>№ 2</p>	<p>LO - 1.2. Demonstrate knowledge of the specifics of the subject matter, special principles, sources of international civil procedure and international commercial arbitration, their system and structure.</p> <p>LO - 1.10. Demonstrate knowledge of the specifics of the use and application of "judicial immunity" by participants in international civil proceedings as a component of the public order of each country.</p> <p>LO 2.1. To carry out professional activities on the basis of developed legal awareness, legal thinking and legal culture.</p> <p>LO 2.7. Carry out a critical analysis of the prevention of violations of the legislation in the field of international commercial arbitration, identify and eliminate the causes and conditions that contribute to their commission.</p>
<p>PTO 17. To carry out research on international legal topics, using primary sources and methods of legal interpretation of complex problems arising from this research, justify the conclusions and present the results of the research.</p>	№ 1	<p>LO - 1.2. Demonstrate knowledge of the specifics of the subject matter, special principles, sources of international civil procedure and international commercial arbitration, their system and structure.</p> <p>LO -1.3. To critically analyze judicial and arbitration practice in cases related to the resolution of civil cross-border disputes on the interpretation and application of international legal norms in the relevant field.</p> <p>LO - 1.5. Carry out a logical, critical and systematic analysis of international</p>

	№ 2	<p>legal acts relating to the procedure and procedure for consideration of disputes by national courts with the participation of a foreign element.</p> <p>LO 1.6. Determine the limits of legal personality of various participants in international civil procedure.</p> <p>LO 1.7. To demonstrate knowledge of the basic categorical apparatus of international civil procedure, its main institutions, to characterize the current state and directions of further development of international legal regulation in the context of European integration processes.</p> <p>LO 1.8. Demonstrate knowledge of the methodological aspects of the interaction between the science of international civil procedural law and the law enforcement practice of national courts in the consideration of civil cases with a foreign element and the resolution of certain procedural issues.</p> <p>LO 2.9. Demonstrate knowledge of international legal norms in the field of regulation of various institutions of international commercial arbitration.</p>
<p>PTO 19. To demonstrate knowledge of the evolution, current state and prospects for the development of legal regulation of various spheres of international cooperation, to be aware of the consequences of the convergence of legal systems in the conditions of globalization and regional integration.</p>	№ 1	<p>LO - 1.1. Demonstrate knowledge of key concepts, principles, theories and doctrines of international civil procedure.</p> <p>LO - 1.2. Demonstrate knowledge of the specifics of the subject matter, special principles, sources of international civil procedure and international commercial arbitration, their system and structure.</p> <p>LO 1.6. Determine the limits of legal personality of various participants in international civil procedure.</p> <p>LO 1.8. Demonstrate knowledge of the methodological aspects of the interaction between the science of international civil procedural law and the law enforcement practice of national courts in the consideration of civil cases with a foreign element and the resolution of certain procedural issues.</p>

	№ 2	<p>LO 2.1. To carry out professional activities on the basis of developed legal awareness, legal thinking and legal culture.</p> <p>LO 2.7. Carry out a critical analysis of the prevention of violations of the legislation in the field of international commercial arbitration, identify and eliminate the causes and conditions that contribute to their commission.</p>
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