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ABOUT CONTRADICTION OF PROPOSED ELIMINATION OF COMMERCIAL COURTS WITH EUROPEAN STANDARDS

The need to reform the national judicial system today is caused by unbelief of society and foreign investors in the ability of Ukrainian justice to fully perform their function.

Prevalence of the system specialized justice in economic affairs in the world is driven by the need for the economy development and special attention of the states to stimulation of the prompt and professional resolution of certain categories of disputes. In fact, we are talking about economic justice, which may be based on a special competence in economic disputes in general or relate to one or more categories of economic affairs.

Thus, the experience of specialized commercial (economic) courts of Europe shows that their existence does not contradict the "European standards".

European approaches to legislative reform require applying the principle of proportionality, according to which the reasonable balance between the objectives of state influence and means to achieve them are required. Simplification of the judiciary shall not be a goal of the reform in itself, because it may lead to adverse events, when all the shortcomings of cases in the general court system will be "transferred" to review by the system of economic affairs. This will certainly worsen the economic situation, and destroy hopes for growth of economic activity in the country by increasing the terms of consideration of economic affairs, reduce the predictability of decisions of judges in commercial disputes, make impossible the unified approaches to the interpretation of specific economic legislation compared to the civil one.