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On Private International Law

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Law of Ukraine on June 23, 2005 № **2709-IV**

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Official translation

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LAW OF UKRAINE

On Private International Law

(The Official Bulletin of the Verkhovna Rada (BVR), 2005, No. 32, Article 422)

{As amended by the Law

[No. 1618-IV of 18.03.2004](#), BVR, 2004, No. 40-41, 42, Article 492

the Laws

[No. 1837-VI of 21.01.2010](#), BVR, 2010, No. 12, Article 120

[No. 3390-VI of 19.05.2011](#), BVR, 2011, No. 47, Article 531

[No. 4212-VI of 22.12.2011](#), BVR, 2012, No. 32-33, Article 413

[No. 245-VII of 16.05.2013](#), BVR, 2014, No. 12, Article 178

[No. 817-VIII of 24.11.2015](#), BVR, 2016, No. 10, Article 97

[No. 1724-VIII of 03.11.2016](#), BVR, 2016, No. 52, Article 860

[No. 2508-VIII of 12.07.2018](#), BVR, 2018, No. 38, Article 281

This Law establishes the procedure for regulating private law relations that, through at least one of their elements, are related to one or more legal orders other than the Ukrainian legal order.

SECTION I. GENERAL PROVISIONS

Article 1. Definitions

1. For the purposes of this Law, terms used herein shall have the following meanings:

1) private law relations – a relationship based on the principles of legal equality, free expression of will, property independence, the subjects of which are individuals and legal entities;

2) foreign element – a feature that characterises private law relations regulated by this Law and takes one or more of the following forms:

at least one participant in legal relations is a citizen of Ukraine residing outside of Ukraine, a foreigner, a stateless person or a foreign legal entity;

{Paragraph 2, clause 2, part 1 of Article 1 as amended by Law [No. 1837-VI of 21.01.2010}](#)

object of legal relationship is located on the territory of a foreign state;

legal fact that creates, modifies or discontinues a legal relationship, has or is taking place on the territory of a foreign state;

{Paragraph 4, clause 2, part 1 of Article 1 as amended by Law [No. 1837-VI of 21.01.2010}](#)

3) conflict-of-law rule – a rule that determines the law of which state is subject to application to legal relationship with a foreign element;

{Paragraph 3, part 1 of Article 1 as amended by Law [No. 1837-VI of 21.01.2010}](#)

4) choice of law – the right of participants in legal relations to determine the law of which state is applicable to legal relationship with a foreign element;

5) autonomy of will – a principle according to which participants in legal relations with a foreign element can choose the law to be applied to the relevant legal relationship;

6) legal qualification – a determination of the law to be applied to legal relationship with a foreign element;

7) renvoi of remittal – a reverse reference of the conflict-of-law rule of the law of a foreign state to the legal order of the state the conflict-of-law rule of which has referred to this foreign legal order;

8) renvoi of transmission – reference of a conflict-of-law rule of the law of a foreign state determined in accordance with this Law to the law of a third state;

9) evasion of law – application to legal relationship with a foreign element of the law other than the law provided for by the relevant legislation;

10) recognition of a foreign judgment – extension of the legal force of a foreign judgment to the territory of Ukraine in accordance with the procedure established by law;

11) international treaty of Ukraine – a valid international treaty of Ukraine ratified by the Verkhovna Rada of Ukraine.

Article 2. Scope of the Law

1. This Law applies to the following matters arising in the sphere of private law relations with a foreign element:

- 1) determination of the applicable law;
- 2) procedural legal and dispositive capacity of foreigners, stateless persons and foreign legal entities;
- 3) jurisdiction of the courts of Ukraine in cases involving a foreign element;
- 4) execution of court orders;
- 5) recognition and enforcement of foreign judgements in Ukraine.

Article 3. International treaties of Ukraine

1. If an international treaty to which Ukraine is a party lays down rules other than those established by this Law, the rules laid down in this international treaty shall apply.

Article 4. Determination of the law applicable to private law relations with a foreign element

1. The law applicable to private law relations with a foreign element is determined in accordance with the conflict-of-law rules and other conflict-of-law provisions of this Law, other laws and international treaties of Ukraine.

{Part 1 of Article 4 as amended by Law [No. 1837-VI of 21.01.2010](#)}

2. If, according to part one of this Article, it is impossible to determine the applicable law, the law that has a closer relationship with private law relations shall be applied.

3. The law determined under part one of this Article, as an exception, does not apply if, in all circumstances, the legal relations has an insignificant connection with the determined law and has a closer connection with another law. This provision does not apply if the parties (party) have chosen the law in accordance with part one of this Article.

4. The rules of this Law regulating the determination of the law applicable by a court apply to other bodies that have the authority to decide on the applicable law.

5. The law applicable to private law relations by virtue of conflict-of-law rules is not determined if an international treaty of Ukraine provides for the application of substantive legal norms to the relevant relations.

Article 5. Autonomy of will

1. In cases stipulated by law, participants (participant) in legal relations may independently make a choice of the law applicable to the content of legal relationship.

2. The choice of law under part one of this Article must be clearly expressed or directly arise out of the actions of the parties to transaction, the terms of transaction or the circumstances of the case which are taken as a whole unless otherwise provided for by law.

3. The choice of law may be made in respect of transaction in general or its separate part.

4. The choice of law in respect of certain parts of transaction must be clearly expressed.

5. The choice of law or change of the previously chosen law may be made by participants in legal relations at any time, in particular, when making a transaction, at various stages of its execution, and so on. The choice of law or change of the previously chosen law which are made after the transaction have retroactive effect and are effective from the date of the transaction is made, but may not:

- 1) be a ground for declaring the transaction null and void due to non-compliance with its form;

2) limit or violate the rights acquired by third parties before making a choice of law or changing the previously chosen law.

6. The choice of law is not made if there is no foreign element in the legal relationship.

Article 6. Scope of application of the law of a foreign state

1. Application of the law of a foreign state covers all its norms regulating the relevant legal relations.

2. Application of a rule of law of a foreign state may not be limited only on the grounds that this rule belongs to public law.

Article 7. Legal qualification

1. In determining the applicable law, a court or other body is guided by the interpretation of norms and concepts in accordance with the law of Ukraine, unless otherwise provided for by law.

2. If the norms and concepts that require legal qualification are unknown to the law of Ukraine or are known under a different name or with a different meaning and cannot be determined by means of interpretation by the law of Ukraine, their legal qualification also takes into account the law of a foreign state.

Article 8. Establishing the content of the law of a foreign state

1. In application of the law of a foreign state, a court or other body establishes the content of its norms in accordance with their official interpretation, practice of application and doctrine in the relevant foreign state.

2. To establish the content of norms of the law of a foreign state, a court or other body may apply in accordance with the procedure established by law to the Ministry of Justice of Ukraine or other competent bodies and institutions in Ukraine or abroad, or involve experts.

3. Parties to a case have the right to submit documents confirming the content of norms of the law of a foreign state, to which they refer in substantiating their claims or objections, or otherwise assist a court or other body in establishing the content of these norms.

4. If the content of norms of the law of a foreign state is not established within a reasonable time, despite the measures taken under this Article, the law of Ukraine shall apply.

Article 9. Renvoi of remittal and renvoi of transmission

1. Any reference to the law of a foreign state should be construed as a reference to the norms of substantive law regulating the relevant legal relations excluding the application of its conflict-of-law rules, unless otherwise established by law.

2. In cases on personal and family status of an individual, renvoi to the law of Ukraine is accepted.

Article 10. Consequences of evasion of law

1. A transaction and other actions of participants in private law relations aimed at subordinating these relations to the law other than that determined by this Law bypassing its provisions are null and void. In this case, the law applicable in accordance with the provisions of this Law shall apply.

Article 11. Reciprocity

1. A court or other body shall apply the law of a foreign state regardless of whether the law of Ukraine applies to similar legal relations in the relevant foreign state, except in cases where the application of the law of a foreign state on a reciprocal basis is provided for by the law of Ukraine or an international treaty of Ukraine.

2. If the application of the law of a foreign state depends on reciprocity, it shall be deemed to exist as long as there is no evidence on the contrary.

Article 12. Ordre public

1. A rule of law of a foreign state shall be not applied in cases where its application leads to consequences that are clearly contrary to the foundations of legal order (ordre public) of Ukraine. In such cases, the law that has the closest relationship with legal relations shall be applied, and if such a law cannot be determined or applied, the law of Ukraine shall be applied.

{Part 1 of Article 12 as amended by Law [No. 1837-VI of 21.01.2010](#)}

2. Refusal to apply the law of a foreign state may not be based solely on the difference between the legal, political or economic system of the relevant foreign state and the legal, political or economic system of Ukraine.

Article 13. Recognition of documents issued by foreign authorities

1. Documents issued by authorised agencies of foreign states in the prescribed form shall be recognised as valid in Ukraine if legalised unless otherwise provided for by law or an international treaty of Ukraine.

Article 14. Application of imperative norms

1. The rules of this Law do not restrict the application of imperative norms of the Ukrainian law regulating relevant relations, regardless of the applicable law.

2. A court regardless of the law applicable under this Law may apply imperative norms of the law of another state that have close relationship with the relevant legal relations, except as established by part one of this Article. In this case, a court must take into account the purpose and nature of such norms, as well as the consequences of their application or non-application.

Article 15. Application of the law of a state with multiple legal systems

1. If the law of a state with multiple territorial or other legal systems is applicable, the appropriate legal system shall be determined in accordance with the law of that state. In the absence of relevant legal norms, the norms of the legal system that has a closer relationship with legal relations shall be applied.

SECTION II. CONFLICT-OF-LAW RULES ON THE LEGAL STATUS OF INDIVIDUALS AND LEGAL ENTITIES

Article 16. Lex personalis

1. Lex personalis is the law of the state of which an individual is a citizen.

2. If an individual is a citizen of two or more states, his or her lex personalis shall be the law of the state with which an individual has the closest relationship, in particular, has a place of residence or the centre of main interest.

3. Lex personalis of a stateless person shall be the law of the state in which this person has a place of permanent residence, and in its absence – a place of temporary residence.

4. Lex personalis of a refugee shall be the law of a state in which he or she has a place of temporary residence.

5. When determining lex personalis under parts two and three of this Article, it is considered that if an incapacitated person has changed his or her place of residence without the consent of his or her legal representative, such a change does not entail a change in lex personalis of such a person.

Article 17. Civil legal capacity of an individual

1. Emergence and termination of civil legal capacity of an individual is determined by his or her *lex personalis*.
2. Foreigners and stateless persons have civil legal capacity in Ukraine on an equal basis with citizens of Ukraine, except in cases stipulated by law or international treaties of Ukraine.

Article 18. Civil capacity of an individual

1. Civil capacity of an individual is determined by his or her *lex personalis*. Civil capacity of an individual in relation to transactions and obligations arising as a consequence of causing harm may also be determined by the law of the state of the place of committing transactions or the occurrence of obligations in connection with causing harm, unless otherwise provided for by law.
2. Grounds and legal consequences of declaring an individual incapacitated or limiting the civil legal capacity of an individual are regulated by *lex personalis* of that person.

Article 19. Right of an individual to conduct entrepreneurial activity

1. Right of an individual to conduct entrepreneurial activity is determined by the law of the state in which an individual is registered as an entrepreneur. In the absence of requirements for mandatory registration in the state, the law of the state of the main place of business activity shall apply.

Article 20. Recognition of an individual as missing or declaring him or her dead

1. Grounds and legal consequences of recognising an individual as missing or declaring him or her dead are regulated by the last of the known *lex personalis* of this person.

Article 21. Name of an individual

1. Rights of an individual to a name, its use and protection are determined by his or her *lex personalis*, unless otherwise established by law.

Article 22. Personal non-property rights

1. Personal non-property rights shall be regulated by the law of the state in which the action or other circumstance that became the basis for the claim for protection of such rights took place, unless otherwise provided for by law.

Article 23. Registration of Civil Status Acts of Ukrainian citizens outside Ukraine

1. Civil Status Acts of Ukrainian citizens residing outside Ukraine may be registered at a consular office or diplomatic mission of Ukraine. In this case, the law of Ukraine shall apply.

Article 24. Guardianship and custody

1. Establishment and cancellation of guardianship and custody over juveniles, minors, incapacitated persons, persons whose civil legal capacity is limited, are regulated by *lex personalis* of a ward.
2. Obligation of a guardian (custodian) to accept guardianship (custody) is determined by *lex personalis* of a person appointed as a guardian (custodial).
3. Relations between a guardian (custodial) and a person placed under guardianship (custody) are determined by the law of the state a body of which has appointed a guardian (custodial). If a person who is placed under guardianship (custody) resides in Ukraine, the law of Ukraine shall apply if it is more favorable for this person.
4. Guardianship (custody) established over citizens of Ukraine residing outside Ukraine is recognised as valid in Ukraine if there are no legal objections to the establishment of guardianship (custody) or to

its recognition by the relevant consular office or diplomatic mission of Ukraine.

5. With regard to a person who is not a citizen of Ukraine and stays in Ukraine, or his or her property located on the territory of Ukraine, if necessary to the benefit of guardianship or custody, measures may be taken to protect the rights and protection of property in accordance with the law of Ukraine. The diplomatic mission or consular post of the state of which the person concerned is a citizen shall be notified thereof without delay.

Article 25. Lex societatis

1. Lex societatis shall be the law of a state of legal entity location.
2. For the purposes of this Law, the location of a legal entity is the state in which the legal entity is registered or otherwise established under the law of this state.
3. In the absence of such conditions or if they cannot be established, the law of the state in which the executive body of a legal person is located shall apply.

Article 26. Civil legal capacity and legal capacity of a legal entity

1. Civil legal capacity and legal capacity of a legal entity shall be determined by lex societatis.

Article 27. Personal law of a foreign organisation that is not a legal entity under the law of a foreign state

1. Personal law of a foreign organisation that is not a legal entity in accordance with the law of the state in which such an organisation is established shall be the law of this state. If such an organisation operates on the territory of Ukraine, the legislation of Ukraine regulating the activities of legal entities applies to its activities, unless otherwise follows from the requirements of legislation or the essence of legal relations.

Article 28. Limitation of powers of a body or representative of a legal entity

1. A legal entity may not invoke limitation of powers of its body or representative to enter into transaction that is unknown to the law of the state in which the other party is located or resides, except in cases where the other party knew or in all circumstances could not have been unaware of such limitations.

Article 29. National treatment of activity of foreign legal entities in Ukraine

1. Business and other activities of foreign legal entities in Ukraine are regulated by the legislation of Ukraine on legal entities of Ukraine, unless otherwise established by law.

Article 30. Involvement of the state and legal entities of public law in private law relations with a foreign element

1. Rules of this Law shall apply on general grounds to private law relations with a foreign element with the involvement of the state and legal entities of public law, unless otherwise provided for by law.

SECTION III. CONFLICT-OF-LAW RULES ON TRANSACTIONS, POWER OF ATTORNEY, STATUTE OF LIMITATIONS

Article 31. Form of transaction

1. Unless otherwise provided for by law, the form of transaction must meet the requirements of the law applicable to the content of a transaction, but it is sufficient to comply with the requirements of lex loci actus, and if the parties to a transaction are located in different states – the law of the place of residence or location of the party that made the offer, unless otherwise established by the contract.

{Part 1 of Article 31 as amended by Law [No. 1724-VIII of 03.11.2016](#)}

2. The form of a transaction on immovable property is determined in accordance with the law of the state in which this property is located, and on immovable property the title to which is registered on the territory of Ukraine – the law of Ukraine.

3. A foreign economic contract, if at least one party is a citizen of Ukraine or a legal entity of Ukraine, shall be concluded in the form prescribed by law, regardless of the place of its conclusion, unless otherwise provided for by an international treaty of Ukraine.

{Part 3 of Article 31 as amended by Law [No. 1724-VIII of 03.11.2016](#)}

Article 32. Content of transaction

1. Content of a transaction may be regulated by the law chosen by the parties, unless otherwise provided for by law.

2. In the absence of choice of law, the law that has the closest relationship with the transaction shall apply to the content of a transaction.

3. Unless otherwise provided for or follows from the terms, substance of a transaction or the totality of the circumstances of a case, a transaction is more closely related to the law of the state in which the party that has to effect performance crucial for the content of a transaction has its place of residence or location.

Article 33. Scope of the law applicable to transaction

1. Validity of a transaction, its interpretation and legal consequences of invalidity of a transaction are determined by the law applicable to the content of a transaction.

Article 34. Law applicable to power of attorney

1. The procedure for issuing, validity, termination and legal consequences of termination of a power of attorney are determined by the law of the state in which the power of attorney was issued.

Article 35. Statute of limitations

1. Statute of limitations is determined by the law applicable to determination of rights and obligations of participants in the relevant relations.

2. Claims to which a statute of limitations does not apply are determined by the law of Ukraine, if at least one of the participants in the relevant relations is a citizen of Ukraine or a legal entity of Ukraine.

SECTION IV. CONFLICT-OF-LAW RULES ON INTELLECTUAL PROPERTY RIGHTS

Article 36. Intellectual property rights

1. Transactions the subject of which is intellectual property rights are regulated by the law determined in accordance with the relevant rules of this Law.

Article 37. Protection of intellectual property rights

1. Legal relations in the area of protection of intellectual property rights shall be regulated by the law of a state in which the protection of these rights is needed.

SECTION V. CONFLICT-OF-LAW RULES OF RIGHTS IN REM

Article 38. General provisions on the law applicable to right of ownership and other rights in rem

1. Right of ownership and other rights in rem to immovable and movable property are determined by the law of the state in which this property is located, unless otherwise provided for by law.

2. Belonging of property to immovable or movable things as well as other classification of property are determined by the law of the state in which this property is located.

Article 39. Emergence and termination of right of ownership and other rights in rem

1. Emergence and termination of right of ownership and other rights in rem is determined by the law of the state in which the relevant property was located at the time when the action or other circumstance that became the basis for the emergence or termination of right of ownership and other rights in rem took place, unless otherwise provided for by law or an international treaty of Ukraine.

2. The law applicable to the emergence and termination of right of ownership and other rights in rem that are the subject of a transaction is determined in accordance with part one of this Article, unless otherwise agreed by the parties. The choice of law by the parties to a transaction does not affect the rights of third parties.

3. The emergence of right of ownership by acquisitive prescription is determined by the law of the state in which the property was located at the moment of expiry of acquisitive prescription period.

Article 40. Right of ownership and other rights in rem ?information about which is subject to entry in state register

1. Right of ownership and other rights in rem ?information about which is subject to entry in state register are determined by the law of the state in which this property is registered.

Article 41. Right of ownership and other rights in rem ?to movable property in transit

1. Right of ownership and other rights in rem to movable property in transit under a transaction are determined by the law of the state from which this property was sent, unless otherwise established by agreement of the parties.

Article 42. Protection of right of ownership and other rights in rem

1. Right of ownership and other rights in rem are protected at the option of the claimant under the law of the state in which the property is located or under the law of the forum.

2. Right of ownership and other rights in rem to immovable property are protected under the law of the state in which this property is located.

3. Right of ownership and other rights in rem subject to state registration in Ukraine are protected in accordance with the law of Ukraine.

SECTION VI CONFLICT-OF-LAW RULES ON CONTRACTUAL OBLIGATIONS

{Title of Section VI as amended by Law [No.1837-VI of 21.01.2010](#)}

Article 43. Choice of law by agreement of the parties to contract

1. Parties to a contract may, under [Articles 5](#) and [10](#) of this Law, choose the law applicable to a contract, except in cases where the choice of law is expressly prohibited by the laws of Ukraine.

Article 44. Law applicable to a contract in the absence of agreement between parties on the choice of law

1. In the absence of agreement between the parties to a contract on the choice of the law applicable to this contract, the law shall apply in accordance with parts [two](#) and [three](#) of Article 32 of this Law, and a party that has to effect performance crucial for the content of a contract is:

1) a seller – under a sale and purchase contract;

2) a donor – under a donation (gift) agreement;

- 3) a recipient of rent – under a rent agreement;
- 4) an alienator – under a life care contract;
- 5) a landlord – under lease (rental) agreements;
- 6) a lender – under a loan agreement;
- 7) a contractor – under a contracting agreement;
- 8) a contractor – under a service agreement;
- 9) a carrier – under a contract of carriage;
- 10) a freight forwarder – under a freight forwarding agreement;
- 11) a storer – under a storage agreement;
- 12) an insurer – under an insurance contract;
- 13) an attorney – under an agency agreement;
- 14) a commissioner – under a commission agreement;
- 15) a manager – under a property management agreement;
- 16) a lender – under a loan agreement;
- 17) a creditor – under a credit contract;
- 18) a bank – under a bank deposit agreement, under a bank account agreement;
- 19) a factor – under a factoring agreement;
- 20) a licensor – under a licence agreement;
- 21) a franchisor – under a concession agreement;
- 22) a pledgor – under a pledge agreement;
- 22) a guarantor – under a contract of guarantee.

2. However, the law with which a contract is most closely related shall be:

- 1) in respect of a contract on immovable property – the law of the state in which this property is located, and if such property is subject to registration – the law of the state of registration;
- 2) in respect of agreements on joint activities or performance of works – the law of the state in which such activities are carried out or results provided for in the contract are created;
- 3) in respect of a contract concluded at an auction, tender or on an exchange – the law of the state in which the auction, tender or exchange is held.

Article 45. Law applicable to consumption contract

1. Consumption contracts include contracts for the purchase of goods and services by a person (consumer) not for business purposes.
2. The choice of law by the parties to consumption contracts may not limit the protection of the consumer's rights granted to him or her by imperative norms of the law of the state of his or her residence, temporary residence or location if:

- 1) the conclusion of a contract was preceded by an offer or advertising in this state and a consumer did everything necessary to conclude a contract in this state; or
 - 2) the order from the consumer was accepted in this state; or
 - 3) the consumer, on the initiative of the other party, traveled abroad to conclude a contract for the purchase of goods.
3. If there is no choice of law by the parties in respect of the consumption contract, including its form, the law of the state in which the consumer has a place of residence or location shall apply.
4. Provisions of parts two and three of this Article do not apply to contracts of carriage and provision of services, if the place of conclusion and execution of such contracts is a state other than the state of the consumer's place of residence or location.

Article 46. Law applicable to the memorandum of association of a legal entity with foreign ownership

1. The memorandum of association which is a constituent document of a legal entity with foreign ownership is regulated by the law of the state in which a legal entity will be incorporated.

Article 47. Scope of the law applicable to agreement

1. The law applicable to an agreement under the provisions of this section covers:

- 1) validity of agreement;
- 2) interpretation of agreement;
- 3) rights and obligations of parties;
- 4) performance of agreement;
- 5) consequences of non-performance or improper performance of agreement;
- 6) termination of agreement;
- 7) consequences of the invalidity of agreement;
- 8) assignment of right of demand and transfer of debt under agreement.

2. If it is impossible to apply the law specified in part one of this Article when determining the methods and procedure for the performance of a contract, as well as the measures to be taken in the event of non-performance or improper performance of the contract, the law of the state in which a contract is performed may be applied.

The law applicable to the form of a contract is determined in accordance with [Article 31](#) of this Law.

SECTION VII. CONFLICT-OF-LAW RULES ON NON-CONTRACTUAL OBLIGATIONS

{Title of Section VII as amended by Law [No.1837-VI of 21.01.2010](#)}

Article 48. Law applicable to non-contractual obligations

1. Obligations arising from the action of one party, taking into account the provisions of [Articles 49–51](#) of this Law, are regulated by the law of a state in which such action took place.

Article 49. Law applicable to obligations of compensation for damages

1. Rights and duties under obligations arising as a result of causing damage are determined by the law of a state in which the action or other fact that became the basis for the claim for damage took place.

2. Rights and duties under obligations arising from damage caused abroad, if the parties have a place of residence or location in the same state, are determined by the law of that state.
3. The law of a foreign state does not apply in Ukraine if the action or other fact that became the basis for the claim for damage is not illegal under the legislation of Ukraine.
4. Parties to an obligation arising from causing damage may choose the law of the forum at any time after its occurrence.

Article 50. Law applicable to compensation for damage caused as a result of defects in goods, works (services)

1. The following shall apply to the claim for damage at the choice of the affected person:

1) the law of a state in which the affected person's place of residence, location or principal place of business is located;

{Clause 1, part one of Article 50 as amended by Law [No. 3390-VI of 19.05.2011](#)}

2) the law of a state in which the place of residence or location of a manufacturer of goods or a performer of work (service) is located;

{Clause 2, part one of Article 50 as amended by Law [No. 3390-VI of 19.05.2011](#)}

3) the law of a state in which the affected person purchased the goods or in which the work was performed (service was provided) for him or her.

{Clause 3, part 1 of Article 50 as revised by Law [No. 3390-VI of 19.05.2011](#)}

Article 51. The law applicable to acquisition, preservation of property without sufficient legal grounds

1. Obligations arising as a result of acquisition or preservation of property without sufficient legal grounds shall be regulated by the law of the state in which such actions took place.

The parties to an obligation may agree at any time after its occurrence to apply the law of the forum to it.

SECTION VIII. CONFLICT-OF-LAW RULES ON LABOR RELATIONS

Article 52. Law applicable to labour relations

1. The law of a state in which the work is performed applies to labour relations, unless otherwise provided for by law or an international treaty of Ukraine.

Article 53. Labour relations of Ukrainian citizens working abroad

1. Labor relations of citizens of Ukraine working abroad are regulated by the law of Ukraine if:

1) citizens of Ukraine work in foreign diplomatic institutions of Ukraine;

2) citizens of Ukraine have concluded employment contracts with employers – individuals or legal entities of Ukraine to perform work abroad, including in their structural units if this is not contrary to the legislation of the state on the territory of which the work is performed;

3) this is provided for by law or an international treaty of Ukraine.

Article 54. Special features regulating labour relations of foreigners and stateless persons working in Ukraine

1. Labour relations of foreigners and stateless persons working in Ukraine are not regulated by the law of Ukraine if:

1) foreigners and stateless persons work as part of diplomatic missions of foreign states or missions of international organisations in Ukraine unless otherwise provided for by an international treaty of Ukraine;

2) foreigners and stateless persons have concluded employment contracts outside of Ukraine with foreign employers – individuals or legal entities to perform work in Ukraine, unless otherwise provided for by agreements or an international treaty of Ukraine.

SECTION IX CONFLICT-OF-LAW RULES OF FAMILY LAW

Article 55. Right to marriage

1. Right to marriage is determined by lex personalis of each of the persons who have submitted an application for marriage. If marriage is concluded in Ukraine, the requirements of the [Family Code of Ukraine](#) relating to the grounds for invalidity of marriage shall apply.

Article 56. Form and procedure for entering into marriage in Ukraine

1. A form and procedure for entering into marriage in Ukraine between a citizen of Ukraine and a foreigner or a stateless person, as well as between foreigners or stateless persons, are determined by the law of Ukraine.

Article 57. Entering into marriage in a consular office or diplomatic mission

1. Marriage between citizens of Ukraine, if at least one of them resides outside of Ukraine, may be concluded in a consular office or diplomatic mission of Ukraine in accordance with the law of Ukraine.

2. Conclusion of marriage between foreigners in a consular office or diplomatic mission of the respective states in Ukraine is regulated by the law of the accrediting state.

Article 58. Validity of marriage concluded outside of Ukraine

1. Marriage between citizens of Ukraine, marriage between a citizen of Ukraine and a foreigner, marriage between a citizen of Ukraine and a stateless person concluded outside of Ukraine in accordance with the law of a foreign state, is valid in Ukraine, provided that a citizen of Ukraine complies with the requirements of the [Family Code of Ukraine](#) relating to the grounds for invalidity of marriage.

2. Marriage between foreigners, marriage between a foreigner and a stateless person, marriage between stateless persons concluded in accordance with the law of a foreign state are valid in Ukraine.

Article 59. Marriage contract

1. Parties to a marriage contract may choose the law applicable to a marriage contract in accordance with part one of [Article 61 of this Law](#).

Article 60. Legal effects of marriage

1. Legal effects of marriage are determined by the common personal law of the spouses and in its absence – by the law of the state in which the spouses had their last place of residence, provided that at least one of the spouses still has a place of residence in this state, and in the absence of such - by the law with which both spouses have the closest relationship in another way.

2. Spouses who do not have a common personal law may choose a law that will apply to the legal effects of marriage if the spouses do not have a common place of residence or if lex personalis of either of them is distinct from the law of the state of their common place of residence.

3. The choice of law under part two of this Article is limited only by lex personalis of one of the spouses without applying part two of [Article 16 of this Law](#). The choice of law agreement is terminated if the personal law of the spouses becomes common.

Article 61. Property relations of spouses

1. To regulate the property effects of marriage, spouses may choose lex personalis of either spouse or the law of the state in which one of them has a habitual place of residence, or, in respect of immovable property, the law of the state in which this property is located.

2. The law chosen in accordance with part one of this Article shall cease to apply or be changed by agreement of the parties in the event of a change in lex personalis or habitual place of residence of the spouse to whose lex personalis or habitual place of residence the chosen right was linked. A new law shall apply to legal relations from the moment of marriage, unless otherwise established in writing by the spouses.

3. In the absence of a choice of law by the spouses, the property effects of marriage shall be determined by the law applicable to the legal effects of marriage.

Article 62. Form of choice of law for legal effects of marriage

1. The choice of law provided for in part two of [Article 60](#) and [Article 61 of this Law](#) must be made in writing or explicitly follow from the terms of a marriage contract. The agreement of the parties on the choice of law concluded in Ukraine must be notarised.

Article 63. Termination of marriage

1. Termination of marriage and legal effects of termination of marriage are determined by the law that is currently in force in respect of legal effects of marriage.

Article 64. Annulment of marriage

1. Annulment of a marriage concluded in Ukraine or abroad is determined by the law applicable under [Articles 55](#) and [57](#) of this Law.

Article 65. Establishment and contestation of paternity

1. Establishment and contestation of paternity is determined by lex personalis of a child at the time of his or her birth.

Article 66. Rights and obligations of parents and children

1. Rights and obligations of parents and children are determined by the child's lex personalis or the law that is closely related to the relevant relationship and if it is more favorable for the child.

Article 67. Obligations to maintain

1. Obligations to maintain arising from family relations, except in cases provided for in [Article 66](#) of this Law, are regulated by the law of the state in which the person entitled to maintenance has a place of residence.

2. If a person entitled to maintenance cannot obtain it in accordance with the law determined in part one of this Article, the law of their common personal law shall apply.

3. If a person entitled to maintenance cannot obtain it in accordance with the law determined in parts one and two of this Article, the law of the state in which the person who is obliged to maintain has a place of residence shall apply.

Article 68. Maintenance of relatives and other family members

1. A requirement to maintain relatives and other family members may not be satisfied if, in accordance with *lex domicilii* of the person who is obliged to maintain, such an obligation to maintain does not exist.

Article 69. Adoption

1. Adoption and its annulment are regulated by *lex personalis* of a child and *lex personalis* of adoptive parents. If adoptive parents are spouses with no common personal law, the law that determines the legal effects of marriage shall apply.

2. A person's ability to be an adoptive parent is determined in accordance with his/her *lex personalis*.

3. The legal effects of adoption or its annulment are determined by *lex personalis* of an adoptive parent.

4. Supervision and registration of children adopted in accordance with the provisions of this Article are carried out in accordance with *lex personalis* of a child.

Chapter X CONFLICT-OF LAW-RULES ON INHERITANCE

Article 70. Inheritance relations

1. Given the provisions of [Articles 71](#) and [72](#) of this Law, inheritance relations are regulated by the law of the state in which the testator had the last place of residence, if the testator did not choose in the will the law of the state of which he or she was a citizen. The testator's choice of law shall be null and void if his or her citizenship has changed after making a will.

Article 71. Inheritance of immovable property and property subject to state registration

1. Inheritance of immovable property is regulated by the law of the state on the territory of which this property is located, and property subject to state registration in Ukraine is regulated by the law of Ukraine.

Article 72. Ability of persons to make and revoke a will. Form of a will and act of its revocation

1. Ability of a person to make and revoke a will, as well as the form of a will and the act of its revocation, are determined by the law of the state in which the testator had his domicile at the time of making the act or at the time of death. A will or an act of its revocation may not be declared null and void due to non-compliance with the form, if the latter meets the requirements of the law of the place of making a will or *lex patriae*, or the law of the testator's habitual place of residence at the time of making the act or at the time of death, as well as the law of the state in which the immovable property is located.

Chapter XI PROCEEDINGS IN CASES INVOLVING FOREIGN PERSONS

Article 73. Participation of foreign persons in proceedings

1. Foreigners, stateless persons, foreign legal entities, foreign states and international organisations have the right to apply to courts of Ukraine to protect their rights, freedoms or interests.

2. International treaties of Ukraine and laws of Ukraine may establish the specifics of participation of diplomatic agents, personnel of international organisations and other persons in the proceedings.

Article 74. Procedural legal and dispositive capacity of foreign persons in Ukraine

1. Procedural legal and dispositive capacity of foreign persons in Ukraine are determined in accordance with the law of Ukraine.

2. At the request of a court hearing a case, a foreign legal entity must submit a document drawn up in accordance with [Article 13](#) of this Law which is a proof of the legal personality of a legal entity.

Chapter XII JURISDICTION AND ENFORCEMENT OF FOREIGN LETTERS OF REQUEST

Article 75. General rules of the jurisdiction of Ukrainian courts in cases with a foreign element

1. Jurisdiction of the courts of Ukraine in cases with a foreign element is determined at the time of opening proceedings on a case, despite the fact that in the course of proceedings the grounds for such jurisdiction have disappeared or changed, except for the cases provided for in [Article 76](#) of this Law.
2. A court refuses to open proceedings on a case if a court or other jurisdictional body of a foreign state has a case on a dispute between the same parties, on the same subject and on the same grounds.

Article 76. Grounds for determining the jurisdiction of Ukrainian courts

1. Courts may take over and hear any cases with a foreign element in the following cases:
 - 1) if the parties by their agreement provided for the jurisdiction of a case with a foreign element to the courts of Ukraine, except for the cases provided for in [Article 77](#) of this Law;
 - 2) if, on the territory of Ukraine, a defendant in a case has a place of residence or location, or movable or immovable property that can be recovered, or there is a branch or representative office of a defendant, if a foreign legal entity;
 - 3) in cases on compensation for damage if caused on the territory of Ukraine;
 - 4) if in a case on alimony payment or establishment of paternity, a plaintiff resides in Ukraine;
 - 5) if in a case on compensation for damage a plaintiff, if an individual, resides in Ukraine or a defendant, if a legal entity, is located in Ukraine;
 - 6) if in an inheritance case a testator was a citizen of Ukraine at the time of death or had his or her last place of residence in Ukraine;
 - 7) an action or event that was the basis for filing a claim took place on the territory of Ukraine;
 - 8) if in a case on declaring as missing or dead a person had the last known place of residence on the territory of Ukraine;
 - 9) if a special proceedings case concerns a personal status or legal capacity of a citizen of Ukraine;
 - 10) if a case against a citizen of Ukraine acting as a diplomatic agent abroad or having immunity from local jurisdiction on other grounds cannot be initiated abroad in accordance with an international treaty;
 - 11) if in a bankruptcy case a debtor has main interests or main business activities on the territory of Ukraine;
- {Part 1 of Article 76 has been supplemented by a new paragraph under Law [No. 4212-VI of 22.12.2011](#)}*
- 12) in other cases determined by the law of Ukraine and an international treaty of Ukraine.

Article 77. Exclusive jurisdiction

1. Jurisdiction of the courts of Ukraine is exclusive in the following cases with a foreign element:

{Paragraph 1, part 1 of Article 77 as amended by Law [No. 1837-VI of 21.01.2010](#)}

- 1) if the immovable property in respect of which a dispute has arisen is located on the territory of Ukraine, except for cases concerning the conclusion, modification, termination and execution of contracts concluded within the framework of public-private partnership, in particular concession

agreements, according to which immovable property is the object of such partnership, and the dispute does not concern the emergence, termination and registration of rights in rem to such an object;

{Clause 1, part 1 of Article 77 as revised by Laws [№ 817-VIII of 24.11.2015](#), [№ 155-IX of 03.10.2019](#)}

- 2) if in a case concerning legal relations between children and parents, both parties have a place of residence in Ukraine;
- 3) if in an inheritance case a testator was a citizen of Ukraine and had a place of residence in it;
- 4) if a dispute is related to the registration of intellectual property rights that require registration or issuance of a certificate (patent) in Ukraine;
- 5) if a dispute is related to the registration or liquidation of foreign legal entities or individual entrepreneurs on the territory of Ukraine;
- 6) if a dispute concerns the validity of entries in the state register, cadastre of Ukraine;
- 7) if in bankruptcy cases a debtor was established under the legislation of Ukraine;
- 8) if a case concerns the issue or cremation of securities issued in Ukraine;
- 9) cases concerning adoption that has been or is being carried out on the territory of Ukraine;
- 10) in other cases determined by the laws of Ukraine.

Article 78. Competence of other bodies of Ukraine

1. The competence of other bodies of Ukraine to consider cases involving a foreign element is determined by the laws of Ukraine, in the light of [Articles 75–77](#) of this Law.

Article 79. Judicial immunity

1. Filing a claim against a foreign state, involving a foreign state to participate in a case as a defendant or a third party, seizing property that belongs to a foreign state and is located on the territory of Ukraine, applying other means of securing a claim in respect of such property and recovering such property may be allowed only with the consent of the competent authorities of the relevant state, unless otherwise provided for by an international treaty of Ukraine or the law of Ukraine.
2. Diplomatic representatives of foreign states accredited in Ukraine and other persons specified in the relevant laws of Ukraine and international treaties of Ukraine are subject to the jurisdiction of the courts of Ukraine only within the limits determined by the principles and norms of international law or international treaties of Ukraine.

{Part 2 of Article 79 as amended by Law [No. 1837-VI of 21.01.2010](#)}

3. International organisations are subject to the jurisdiction of the courts of Ukraine within the limits determined by international treaties of Ukraine or laws of Ukraine.

{Part 3 of Article 79 as amended by Law [No. 1837-VI of 21.01.2010](#)}

4. Where, in violation of the rules of international law, Ukraine, its property or representatives in a foreign state are not provided with the same judicial immunity as according to parts one and two of this Article is provided to foreign states, their property and representatives in Ukraine, the Cabinet of Ministers of Ukraine may take appropriate measures permitted by international law against that state, its property, unless diplomatic measures are sufficient to resolve the consequences of the said violation of international law.

Article 80. Letters of request

1. If, when considering a case with a foreign element, a court needs to service documents or obtain evidence, conduct certain procedural actions abroad, a court may send a corresponding letter of request to the competent authority of a foreign state in accordance with the procedure established by the procedural law of Ukraine or an international treaty of Ukraine.

{Part 1 of Article 80 as amended by Law [No. 1837-VI of 21.01.2010](#)}

2. Letters of request of the courts of Ukraine to serve documents to citizens of Ukraine permanently residing abroad or to receive evidence from them on the territory of a foreign state may be executed by a consular official of Ukraine in accordance with international treaties of Ukraine or in another manner not contrary to the legislation of the host state.

Chapter XIII RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGEMENTS

Article 81. Judgements of foreign courts that can be recognised and enforced in Ukraine

1. In Ukraine, judgements of foreign courts in cases arising from civil, labour, family and economic legal relations, sentences of foreign courts in criminal proceedings in so far as it relates to compensation for damage and losses caused, as well as awards of foreign arbitrations and other bodies of foreign states, the competence of which includes consideration of civil and economic cases that have entered into legal force, except for the cases provided for in [part two of](#) this Article, may be recognised and enforced.

{Part one of Article 81 as amended under Laws [No. 245-VII of 16.05.2013](#), [No. 2508-VIII of 12.07.2018](#)}

2. In Ukraine, judgements of foreign courts in cases of debt collection from an enterprise of the military-industrial complex included in the list of state-owned objects of strategic importance for the economy and security of a state may not be recognised and executed in favour of a legal entity of the aggressor state and/or the occupier state or a legal entity with foreign investments or a foreign enterprise of the aggressor state and/or the occupier state.

{Article 81 has been supplemented with part two under Law No. [2508-VIII of 12.07.2018](#)}

Article 82. Procedure for recognition and enforcement of foreign judgements

1. Recognition and enforcement of judgements defined in [Article 81 of this Law](#) is carried out in accordance with the procedure established by the law of Ukraine.

Chapter XIV FINAL PROVISIONS

1. This Law shall become effective on 1 September 2005.

[Subclause 3](#), clause 2 of Section XIV “Final Provisions” enters into force from the date of entry into force of the [Civil Procedure Code of Ukraine](#).

2. Amendments shall be made to the following legislative acts of Ukraine:

{Subclause 1, clause 2 of Section XIV has been repealed under the Code [№ 1618-IV of 18.03.2004](#)}

2) in [Section VI](#) of the Family Code of Ukraine (the Official Bulletin of the Verkhovna Rada of Ukraine, 2002, No. 21–22, Article 135):

the title of [section](#) shall be amended to read as follows:

“Features of adoption with the participation of foreigners and stateless persons”;

[Articles 275–281](#), [288–292](#) shall be deleted;

3) in the [Civil Procedural Code of Ukraine](#) (the Official Bulletin of the Verkhovna Rada of Ukraine, 2004, Nos. 40—44, Article 492):

in [part one](#) of Article 2, the words “and this Code” shall be replaced with the words “this Code and the Law of Ukraine “On Private International Law”;

[Articles 9](#), [411](#), [412](#) shall be deleted;

4) [parts six—fifteen](#) of Article 6 of the Law of Ukraine “On Foreign Economic Activity” (the Official Bulletin of the USSR, 1991, No. 29, Article 377; the Official Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 5, Article 33; 1994, No. 20, Article 120; 1999, No. 51, Article 447) shall be deleted;

5) [Section VIII](#) of the Law of Ukraine “On Pledge” (the Official Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 47, Article 642; 2004, No. 11, Article 140) shall be deleted.

3. The Cabinet of Ministers of Ukraine shall,

submit proposals to the Verkhovna Rada of Ukraine on bringing legislative acts of Ukraine in line with this Law within three months from the date of entry into force of this Law;

bring its regulatory acts in line with this Law;

ensure that ministries and other central executive authorities bring their regulations in line with this Law.

President of Ukraine

V. YUSHCHENKO

City of Kyiv
23 June 2005
№ 2709-IV

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