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**Supporting Ukraine in execution of judgments of the European Court of Human Rights**

# Report
# on a mission to Ukraine for bilateral consultations with Ukrainian authorities concerning the improvement of enforcement proceedings

(for the execution of judgments of the European Court of Human Rights Yuriy Nikolayevich Ivanov v. Ukraine and Burmych and others v. Ukraine)

**August 2018**

**Abbreviations**

CEPEJ - Council of Europe European Commission for the Efficiency of Justice

ECtHR - the European Court of Human Rights

Convention – European Convention on Human Rights

ICT – Information and communication technologies

SOC – State owned companies

UAH - Ukrainian hryvnia

# Framework of the report

The Council of Europe requested Mr Mathieu Chardon, judicial officer (France), Secretary General of the International Union of Judicial Officers, and Mr John Richards (UK), international health, education and social services consultant (hereinafter – the Experts), to participate in bilateral consultations with Ukrainian authorities aimed at identifying major flaws of the legislation and practices on enforcement of national judgments with a special focus on judgments delivered against the State - their non-enforcement led to the pilot judgment of the European Court of Human Rights (hereinafter – the ECtHR) *Yuriy Nikolayevich Ivanov v. Ukraine* (2009) and later to the delivery by the Grand Chamber of the ECtHR of the judgment *Burmych and others v. Ukraine* (2017). Following the consultations, the Experts were to prepare a report with recommendations on how the relevant legislation and practices could be improved so as to ensure full and timely execution by Ukraine of the said judgments of the ECtHR.

The consultations in question were organised by the Council of Europe project "*Supporting Ukraine in execution of judgments of the European Court of Human Rights*" which is being funded by the Human Rights Trust Fund and implemented by the Justice and Legal Co-operation Department of the Council of Europe. The aim of the Project is to support Ukraine in the improvement of its national system of execution of judgments of the ECtHR that involve violations of Article 6 of the European Convention on Human Rights, where the root cause is an issue within the judiciary.

The consultations took place in Kiev from 26 to 28 March 2018. During their visit, the Experts met representatives of the following Ukrainian institutions:

- the Ministry of Justice of Ukraine;
- the Ministry of Finance of Ukraine;
- the Ministry of Social Policy of Ukraine;
- Subcommittee of the Parliament of Ukraine on the execution of judgments of the European Court of Human Rights;
- the Supreme Court;
- the Government Agent before the ECtHR;
- the State Treasury Service of Ukraine;
- Pension Fund of Ukraine.

Mr Mathieu Chardon also took part in a round table on the topic "*Execution of the judgments of the European Court of Human Rights in the cases of Yuriy Nikolayevich Ivanov v. Ukraine and Burmych and others v. Ukraine: required measures of a general measure*", which was co-organised by the Project, the Ministry of Justice of Ukraine and the Parliament of Ukraine on 27 March 2018.

The Experts wish to thank all the representatives of these institutions for their welcome, their availability, and the fruitfulness of the exchanges they had with them. In case of any discrepancy contained in this report, they stand ready to be corrected.

This report is in two parts. In the light of the discussions that took place during the mission, the first part of the report aims to identify the obstacles to the execution of judgments of the ECtHR in Ukraine. The second part presents the relevant Council Europe Standards and offers recommendations on elimination of these obstacles.

# 1. Reasons leading to non-enforcement of judgments of national courts in Ukraine

## 1.1. Introduction

For more than two decades Ukraine has been generating a very large number of domestic court decisions delivered in favour of citizens or companies wherein the state, state authorities or state companies were obliged to pay certain sums of money or ensure specific performance. The exact number of decisions concerned is not identified but could amount to several hundred thousand.

The lack of enforcement of these decisions by the Ukrainian authorities led many Ukrainian nationals to appeal to the ECtHR, in particular on the basis of non-compliance by Ukraine with Articles 6 (right to a fair trial) and 13 (right to an effective remedy) of the European Convention on Human Rights (Convention), as well as Article 1 (protection of property) of the Protocol to the Convention.

Due to the high number of applications received, the ECtHR delivered a pilot judgment in 2009 (*Yuriy Nikolayevich Ivanov v. Ukraine*, no. 40450/04, of 15 October 2009), obliging Ukraine to solve the problem of non-enforcement. Since no progress was achieved, the ECtHR delivered a judgment *Burmych and Others v. Ukraine*, no. 46852/13 et al., of 12 October 2017, wherein it obliged Ukraine to execute the *Ivanov* judgment and to find a long-lasting solution to the issue of non-enforcement.

The execution of the *Ivanov* and *Burmych* judgments implies individual and general measures. Individual measures entail restructuring of the debt accumulated so far, and its repayment. General measures include identification of flaws of the legislation and practice which lead to non-enforcement, and development of relevant solutions. For the purposes of this report, the general measures only are analysed.

During the meeting with the Experts, the Agent before the ECtHR conveniently offered the main categories of cases giving rise to numerous applications to the ECtHR:

- Social cases. These appear to be difficult to calculate. Although they are the most numerous category, they do not hold a big sum of debt as payment due for each case is rather small;
- Cases against state companies. These cases concern legal entities, thus they amount to the biggest sum of debt. Out of the estimated UAH 4,5 billion[1] (around EUR 150 million) of debt pending before the State Treasury, maybe UAH 800 000 (around EUR 25 000) are social cases, the rest concerns state-owned companies (due to moratoriums, bankruptcy proceedings etc.);
- Small and not expensive categories of cases, such as seizure of evidence by police and failure to give it back, provision of accommodation to military personnel, etc.

In an attempt to solve the problems linked to non-enforcement, the Ukrainian authorities have put in place a number of initiatives, including provision of a special budget programme no. 4040 (see more details below), establishment of a high-level Interdepartmental Working Group under the Cabinet of Ministers of Ukraine and establishment of the Parliamentary subcommittee on the execution of judgments of the ECtHR.

Unfortunately, despite the delivery of the pilot judgment, the measures taken by the Ukrainian authorities and the support of the Council of Europe, the problem persists and Ukraine does not seem to find a solution that will resolve the situation in the timescale given. On the one hand, the number of non-

[1] In this report the notion "billion" is used in its modern meaning, namely as one thousand million: 1 000 000 000.

enforced court decisions is maintained and, on the other hand, applications are still massively lodged with the ECtHR for the same reasons.

In general, the stakeholders interviewed during the mission argued that the origin, complexity and systemic nature of the problem, the amount of the sums due, the unidentified number of court decisions concerned necessitate a thorough analysis of all the existing obstacles in order to prepare and implement a comprehensive action plan that would make it possible to remove these obstacles.

During the discussions, the Experts identified three types of reasons which lead to non-enforcement:

- Legal reasons;
- Financial reasons;
- Institutional reasons;

## 1.2. Legal reasons

### 1.2.1. Flaws of the legislation on social welfare

There appears to be a contradiction between different pieces of legislation of social policy. Thus, the amounts of social entitlements to "children of war", victims of Chornobyl catastrophe, different categories of pensioners etc., as provided for by the specialised laws, are different from the amounts provided by laws on a state budget for a given year. During the discussions with the Ministry of Social Policy of Ukraine, the Experts came to the view that there was a potential disconnect between those authorities responsible for developing and implementing social policy, and those involved in a legislative process.

It was reported by several stakeholders that one of the origins of this legislative problem goes back to previous elections where, for electoral reasons, citizens were promised many social protections and benefits, regardless of the heavy financial commitments that these promises require. The Parliament has been widely criticised for its populist policy, the consequence of which is the vote of many unfunded laws. The legislative process should take into account budgetary restrictions. Some of the officials met in Kyiv suggested that maybe budgetary legislation and Rules of Procedure of the Parliament could be analysed to see if the role of the financial forecast of the Ministry of Finance of Ukraine in the legislative process could be strengthened.

The Ministry of Social Policy of Ukraine was of an opinion that a reform of social policy in Ukraine (a shift from a general to a targeted/individual social assistance) would enable, first of all, calculation of the exact number of persons subject to social benefits and, based on this number, financial planning and allocation of the necessary funds in a state budget. The Experts agree that strategic financial planning must go hand in hand with robust social policy.

### 1.2.2. Moratoriums

The moratorium is a legal provision prohibiting forced execution of a court decision against the State or a state owned company (SOC). Moratoriums have the effect of maintaining the economic activity of protected enterprises.

According to the information obtained from Ukrainian authorities, there are eight moratoriums in Ukraine at present. One of them, for example, concerns immunity from execution against SOC – the privatisation process of public companies led the Parliament in 2001 to adopt a moratorium preventing any forced execution as long as the state owns more than 25% of shares in a company. This immunity from

execution concerns any real estate owned by a SOC, or production instruments, and doesn't concern monetary funds.

There is a moratorium of 2005 aimed at ensuring the sustainable functioning of enterprises of the fuel and energy sector – this moratorium prohibits forced execution against enterprises licensed in mining, extraction/production and transportation of natural gas, electric energy, oil etc.

Other moratoriums prohibit forced sale of property of enterprises located on the territory of the Chornobyl buffer zone, or the territory of the anti-terrorist operation in the East of Ukraine.

Although it is agreed that moratoriums are important for ensuring economic security of a country, however they cause many difficulties in enforcement proceedings. One of the difficulties concern usually big amounts of debts due by enterprises covered by moratoriums (sometimes one case may amount to 1 billion UAH, which is around EUR 31 million). However, if a state imposes moratoriums, there has to be an alternative system in place guaranteeing effective enforcement of a court decision against a state-owned debtor.

It was suggested that an effective audit approach be used to determine whether the SOC concerned could continue to function normally if the moratorium protecting it was removed. Some of the officials met in Kyiv felt that the suppression of moratoriums would lead to the bankruptcy of many SOC and could generate a "constitutional chaos" without solving the problem of execution. At the same time, representatives of some Ukrainian authorities informed the Experts that sometimes moratoriums have the effect of covering the problems of bad management of certain companies.

## 1.3. Financial reasons

It has been pointed out by Ukrainian counterparts that the primary reason for non-enforcement is the absence of necessary funds in the state budget.

On 1 January 2013, the law of Ukraine "On State Guarantees Concerning the execution of Judicial Decisions" was adopted by the Parliament. The law has been established to allow enforcement of court decisions against the state authorities or enterprises in cases where the enforcement under the regular procedure is impossible. Subsequently, a budgetary programme 4040 was introduced for the implementation of the law On the Guarantees.

According to law On the Guarantees, when a judgment is not enforced after a period of three months, it is sent either to the Bailiffs Service or to the State Treasury Service of Ukraine, allowing enforcement from the 4040 budgetary programme. It was argued that this programme, which should have solved the problem, was not satisfactory since it could not prevent the *Burmych* case.

The Experts were informed that at the moment there are up to 200 000 cases pending enforcement from the 4040 programme, amounting to approximately UAH 4,5 billion (around EUR 150 million). At the same time, the state budget for 2018 allocates UAH 500 million (around EUR 16 million) for the 4040 programme. The funding provided for the 4040 programme in previous years was couple times smaller. Thus, with the current budget, it would take 9 years to pay the amounts due to date under the programme 4040. It was suggested to include in the 2019 budget for the 4040 program an additional amount so as to resolve the issue sooner.

As regards social entitlements, annual laws on the state budget decrease the amounts of social payments to the sum which the government can actually pay. The amounts of social benefits are provided for in the relevant social laws (on "children of war", victims of Chornobyl, etc.). Although the amount of judgments in social cases has decreased in 2014 and 2015 (according to the information from the Ministry of Social Policy of Ukraine), it appears that currently the Government might generate

similar problems, mainly as a result of the anti-terrorist operation. This implies pensions and land plots due to the military.

Also, the Experts were informed that with the launching of the anti-terrorist operation in Ukraine, the pension to its participants was increased without any obligation to pay higher pensions to other military personnel, including those in retirement. To fix this inconsistency, later amendments to the legislation indicated that the amount paid must be the same for all beneficiaries. The Supreme Court has delivered a judgment supporting these legislative amendments, which means that the budgetary expenditures have to be increased.

When speaking about financial obstacles to enforcement, Ukrainian authorities mentioned that the Government developed the system of bonds which could be issued to legal entities who have unenforced judgments in their favour, especially if the amount of the debt due by the state is significant. The Government plans to issue bonds in 2018 with repayment of the sums of bonds within 7 years, with interest (representatives of the Ministry of Finance mentioned that legal entities manifest an interest in receiving bonds under this mechanism – these bonds could be later sold to banks, used for taxes purposes etc.).

## 1.4. Institutional reasons

### 1.4.1. Specific performance and compensation

One of recurring problems which renders the enforcement difficult is linked to court decisions ordering a specific performance or in-kind enforcement. When the specific performance ordered by the court has failed, compensatory measures are expected. This is the case, for example, when an apartment allocated to a person in a court decision has not been provided. Ukrainian authorities also mentioned the case of a luxury vehicle seized by the police, which disappeared and could not be handed over to its owner. Many cases concern reinstatement of an applicant in his/her position at a state enterprise which ceased to exist etc.

Another potential problem was reported previously: participants of the anti-terrorist operation are entitled to receive land plots from local councils, which will generate litigation. Representatives of the Ministry of Justice added that in the in-kind cases against the state, bailiffs are not allowed by the legislation to request the court to change the manner or method of enforcement. Only parties to the proceedings have such a right, although they might not always be interested in monetary enforcement. In many cases, however, even if one of the parties requests a court to change the method of enforcement, courts deny such requests and, consequently, decisions remain pending. Amendments to the national legislation and changes in court practice might significantly add to the efficiency of enforcement proceedings.

### 1.4.2. Issues concerning the inventory of unenforced court decisions

Despite the figures that have been put forward concerning certain types of disputes, it seems impossible to identify precisely both the number of unenforced decisions delivered against the State, and the amount of money owed in the context of enforcement.

It has been reported that the largest number of decisions concern social security cases, which includes many categories. The Experts were informed that between 2011 and 2013, 5 million judgments were rendered in this category but there is no detailed statistics on these judgments.

When it comes to enforcement of court decisions as part of the execution of ECtHR judgments, by the time the ECtHR delivers its judgments, the relevant case-file materials might have been destroyed at the national level and there are practical difficulties in establishing whether or not the decision has been enforced.

Two main reasons may explain the difficulty in inventory of unenforced decisions:

- There is a wide variety of types of litigation involving different debtors, different budgetary programmes etc. making any identification difficult;
- Enforcement of court decisions is not automated and most of the documents are paper-based. There are two registers which have to be mentioned here: the Unified State Register of Court Decisions (which is a compilation of decisions delivered by courts in Ukraine, it is managed by the State Judicial Administration of Ukraine and it does not track the enforcement proceedings), and the Unified State Register of Enforcement Proceedings (it is managed by the Ministry of Justice of Ukraine, and for a bailiff to insert a record, an applicant has to submit a writ of enforcement to the Bailiff Service). These two registers are not linked to each other. A couple of officials met suggested to somehow link these two registers so as to automate the enforcement.

### 1.4.3. Corruption

The problem of corruption was addressed by several stakeholders. Examples have been cited, involving courts, police services or public enforcement agents. Corruption is a scourge that discredits the public service of justice, which discourages investors and must be fought.

### 1.4.4. Coordination between different branched of power

The *Burmych* judgment confirms the problems identified a long time ago, it draws attention to the dysfunction of the Ukrainian judicial system, which requires particular attention from the authorities of all branches of power at all levels. Failure to do so calls into question the credibility of the state.

Many officials met by Experts emphasized the need for a better relationship between the executive, legislative and judicial branches, including greater cooperation between the Parliament and the Ministry of Finance in the legislative process. In this respect, the participants welcomed the establishment within the Parliament of the Subcommittee on the execution of judges of the ECtHR, which is seen as a step forward in improving an effective Parliamentary control over the execution of ECtHR judgments in Ukraine. At the same time, a number of speakers expressed their feelings about the political will they would like to perceive from the Ukrainian Government, especially the Parliament, with regard to voting for the necessary budgets and implementing discreet legislative policy to solve an issue of non-enforcement.

Many counterparts met paid special attention to the work of a high-level Interdepartmental Working Group established in June 2017 under the Cabinet of Ministers of Ukraine and chaired by the First Vice-Prime Minister – the Minister of Economic Development and Trade of Ukraine. This working group is tasked with the establishment of mechanisms for the repayment of state debt accumulated so far, and development of long-lasting solutions to root causes of non-enforcement.

### 1.4.5. Public and private enforcement agents (bailiffs)

Until recently, enforcement of all court decisions in Ukraine was entrusted to state bailiffs. In 2016 a reform of the enforcement proceedings led to the creation of a body of private enforcement agents. Today, the creditor who wishes to obtain the compulsory enforcement of a judgment can choose

between a state or a private enforcement agent. However, with regard to forced execution against the State, several problems have been raised.

#### 1.4.5.1. State bailiffs

First and foremost, it should be mentioned that under the Ukrainian legislation in force it is state - and not private – bailiffs who are entrusted with enforcement of court decisions against the state. Private bailiffs are entrusted only with enforcement of decisions against private persons/entities.

According to information provided to the Experts, each state bailiff has around 150 enforcement files per month, which represents a considerable workload. The average salary of a judicial officer is equivalent to EUR 100 per month, plus bonuses depending on successful enforcement which cannot exceed 10% of the amount of debt. Despite the bonuses, the salary remains very low for a job known for being difficult. The Experts believe that an increase in salaries of state bailiffs might be required, since they are not motivated from an economic point of view. The Experts were also told that, as regards the cases falling under the programme 4040, enforcement agents find no interest in their treatment because they foresee difficulties in enforcement. It was announced that only 2 to 3% of the sums due were recovered by state enforcement agents.

#### 1.4.5.2. Private bailiffs

The number of state bailiffs is very different from the number of private bailiffs in Ukraine - approximately 5 000 against 117 respectively. The Experts pointed out during the meetings that in other countries where there is a mixed system of enforcement, the system only works when the number of private enforcement agents is equal to that of state enforcement agents (e.g. Bulgaria, Georgia). In a response Ukrainian authorities reported that, despite their reduced numbers, private bailiffs significantly increased percentage of successfully enforced cases. The Experts were also informed that the 2016 reform expected a total number of at least 2,000 to 3,000 private enforcement agents, that the profession had been created in the hope of resolving enforcement problems against the State, but that only public enforcements agents are presently entitled to deal with such cases.

It seems appropriate that private enforcement agents have the same powers as their public counterparts. However, as long as the State enjoys immunity from execution, such new powers would have no impact at the moment.

### 1.4.6. Development of information and communication technologies

Ukrainian officials met view the development of ICTs as a fundamental element for strengthening the effectiveness of enforcement in general, and against the State in particular, especially because it would enable automation of enforcement.

# 2. Council of Europe standards and recommendations proposed

## 2.1. General requirements relating to Ukraine's membership of the Council of Europe

The Council of Europe institutions admit that the situation in Ukraine with regard to non-enforcement of court decisions is unprecedented. This problem was identified in the *Ivanov* judgment and confirmed in the *Burmych* judgment of the ECtHR. 12 000 cases brought before the ECtHR have been returned to the Ukrainian authorities. The Committee of Ministers of the Council of Europe has been entrusted with the task of verifying the execution of these decisions. In the absence of tangible results after two years, the ECtHR has indicated that it might revisit the matter to see if there are circumstances which would justify restoring cases in its list of cases.

For its part, the Committee of Ministers of the Council of Europe has formally requested the Ukrainian authorities to solve this problem. It considers that this non-execution represents a danger for the rule of law and poses a problem of credibility for the State. The non-execution of court decisions against the state cannot simply be perceived as a technical problem. Trust in the Ukrainian justice system can only be restored by allowing this problem to be solved.

Like the other 46 member states of the Council of Europe, Ukraine has to comply with the requirements of the Convention. Regarding the problem of execution of court decisions against the State, Articles 6 and 13 are particularly concerned, as well as Article 1 of the Protocol to the Convention. The *Ivanov* and *Burmych* judgments are based on these three articles.

Ukraine is now engaged in a reform of its judicial system that includes the enforcement of court decisions. All stakeholders are aware that the lack of enforcement of court decisions is damaging to the entire system and have shown interest in international practices.

## 2.2. Council of Europe standards and recommendations on enforcement proceedings

On 9 September 2003, the Committee of Ministers of the Council of Europe adopted two recommendations on enforcement:

- Recommendation Rec(2003)16 of the Committee of Ministers to member states on the execution of administrative and judicial decisions in the field of administrative law
- Recommendation Rec(2003)17 of the Committee of Ministers to member states on enforcement

The Council of Europe European Commission for the Efficiency of Justice (CEPEJ) adopted on 17 December 2009 the Guidelines for a better implementation of the existing Council of Europe's Recommendation on Enforcement. Later, at its 26th plenary session on 10 and 11 December 2015, CEPEJ also adopted a Good Practice Guide on Enforcement of Judicial Decisions.

This corpus is non-binding but sets standards in the execution of court decisions in civil, commercial and administrative matters.

According to paragraph 6 of the CEPEJ Guidelines on Enforcement, "*for the rule of law to be maintained and for court users to have confidence in the court system, there needs to be effective but fair enforcement processes. However, enforcement may only be achieved where the defendant has the means or ability to satisfy the judgment.*"

According to paragraph 33 of the CEPEJ Guidelines on Enforcement, "*enforcement agents, as defined by a country's law, should be responsible for the conduct of enforcement within their competences as defined by national law. Member states should consider giving enforcement agents sole competence for:*

- *enforcement of judicial decisions and other enforceable titles or documents, and*
- *implementation of all the enforcement procedures provided for by the law of the state in which they operate.*"

According to Paragraph 35 of the CEPEJ Guidelines on enforcement, "*enforcement agents should be obliged to perform their role whenever they are legally required to do so except in cases of impediment or where they are related by blood or marriage to a party. Enforcement agents should be precluded from being assigned disputed rights or actions in cases with which they are dealing.*"

Paragraphs 40 to 43 of the Guidelines provide as follows:

- enforcement agents should have "*speedy and preferably direct access to information on the defendant's assets*", "*by Internet through a secured access, if possible*",
- "*member states are encouraged to establish a unique multi-source restricted access database about debtor' attachable assets*",
- "*all state bodies, which administer databases with information required for efficient enforcement, should have a duty to provide the information to the enforcement agent, within an agreed time-limit if such information is compatible with data protection legislation*".

One of the recommendations advanced by the national authorities concerned direct and quick access of bailiffs to different registers. The Experts were informed that each administrative entity uses a registry that is not compatible with any other. Information is not centralised. Thus, enforcement agents face the problem of debtor identification, property identification etc. It was pointed out by Ukrainian authorities that there is no register of population in Ukraine, the last census of the population was conducted in 2000 or 2001 and that the Ukrainian Government does not know exactly how many people live in Ukraine. As it was pointed out before, there are no registers which would enable bailiffs to effectively track and seize property, monetary funds, detect and freeze bank accounts and so on. The enforcement agents are therefore confronted with these issues that reduce their effectiveness. In a number of the Council of Europe member states, for example in Latvia, the seizure of bank accounts is completely automatic. In Ukraine, it is easy for a debtor not to communicate all of his bank details.

One of the authors of this report (Mr Mathieu Chardon) analysed – and later presented in Kyiv during the round table of 27 March 2018 – practices of 23 Council of Europe member states as regards enforcement against the state. This analysis shows the existence of two systems. In the first system, the State enjoys full immunity from enforcement. In this case, a mechanism allows applicants with a court decision against the state to obtain payment by applying to a competent authority. If such an attempt fails, it is possible to obtain the enforcement of the claim from the budget of the State or other competent authority. In the second system, the State enjoys no immunity from enforcement or its immunity is partial. It has been noted that when enforcement files are entrusted to the enforcement agents against the State, the enforcement is obtained without the need for a forced action. This is because, in practice, the State always voluntarily complies with enforcement upon a request from the enforcement agent.

## 2.3. Experts' recommendations

As a result of all the discussions, the Experts believe that, because of the complexity and multiplicity of the problems that gave rise to the present situation, no solution can be found immediately and a detailed analysis of each of the questions raised in the first part of this report appear as the prerequisite for the implementation of any action plan.

However, following the consultations, some initial steps can be recommended to Ukrainian authorities to address root causes of non-enforcement:

1. Impact study of the situation (expert analysis of non-enforced decisions, execution files, sums due, in-depth analysis of the nature and origin of debts); this impact study will help covering the current lack of information on these topics and help future researchers to find appropriate solutions;
2. Suppression of moratoriums with the introduction of a proper system to guarantee enforcement against state owned companies; although they were implemented to safeguard state owned companies, the moratoriums are no solution to the rights of litigants to enforcement;
3. Increase in the budget of the programme 4040 as lack of funds prevents this programme to operate successfully (the 4040 budget for 2018 is UAH 4.5 billion (around EUR 150 million) when the 200 000 cases pending enforcement from the 4040 programme amounts to approx. UAH 4.5 billion);
4. Repayment of debt due by the state to legal entities through bonds mechanism, with the relevant interests and a possibility of the bonds' turnover on the market; the idea of a system of bonds developed by the Ukrainian authorities would be valuable together with other measures;
5. Creation of functional and interlinked registers: of the population, of bank accounts, of social entitlements (representatives of the Ministry of Social Affairs underlined the value of targeted (individual) social assistance and a register of those subject to it, allowing to gather the precise data and to calculate the sums due in advance). In this regard, the link between the Unified State Register of Court Decisions and the Unified State Register of Enforcement Proceedings is of outmost importance;
6. Coordination between all branches of power at the highest level, in order to prepare and implement effective and comprehensive remedies for the issues raised;
7. Exchange experience and best practices with other countries to broaden the scope of possibilities to address the issues at stakes (including countries with the high level of automation of enforcement proceedings);
8. Provide more support for the execution of court decisions and reform of enforcement procedures; this support should come from the Government where the problem of non-enforcement should be discussed at the highest political level;
9. Analysing the possibility of legislative amendments so as to allow private bailiffs to deal with enforcement of cases against the state, and strengthen the competences of private bailiffs through education, effective access to registers etc. (in countries having introduced a private system of enforcement agents, enforcement of court decisions usually shows major improvements).