

HANDBOOK
UKRAINIAN NOTARIAT UNDER THE CONDITIONS OF THE
RUSSIAN INVASION. PRACTICAL GUIDANCE FOR
EUROPEAN NOTARIES.

INTRODUCTION

Russia's war against Ukraine has been affecting all aspects of life for over ten years, forcing everyone not only to survive but also to adapt to constant challenges, including in the legal field. As a regulator of social relations, the law in wartime requires constant and dynamic changes to ensure that everyone has the opportunity to exercise their legal entitlements. Notaries in Ukraine, standing alongside the people, under shelling, without electricity, with non-functioning registers, saving their archives, actively volunteering, and providing daily assistance at their workplaces to those who sometimes have nowhere else to turn, are among the first within the legal professionals to respond to new challenges, to identify the need for legal regulations or the necessity of its amendment, to assist in the development of new acts and, after their adoption, to apply them. To this end, the interaction between notaries and the legislative, executive, and judicial branches of powers has become continuous and round-the-clock. However, each stage of the war complicates the situation and requires the consolidation of efforts not only within the state, but also beyond its borders.

The full-scale invasion of Ukraine by the Russian Federation has created a humanitarian emergency. Millions of people were forced to flee the country for security reasons and seek protection abroad. The unprecedented scale and nature of this invasion required effective response mechanisms from the international community and the European Union. On March 04, 2022, the Council of the European Union unanimously voted to apply [Council Directive 2001/55/EC of 20 July 2001](#) on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the

consequences thereof ([Council Implementing Decision \(EU\) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.](#))

The introduction of temporary protection in accordance with this Directive provided a simplified procedure for obtaining legal residence permits for displaced persons from Ukraine in the European Union and access to basic rights (education, employment, medical care, social benefits, etc.) As a result, there is an urgent need to provide practical legal assistance to Ukrainian citizens, clarify legislative requirements to them, ensure the legal validity of issued documents, their legalization and, accordingly, deepen knowledge about the peculiarities of Ukrainian legislation, temporary legislative changes, requirements for the form and content of Ukrainian official documents, conditions for their validity, recognition, enforcement and the application of conflict of laws rules of international law.

In order to implement the above mentioned, the Ukrainian notaries of the Notary Chamber of Ukraine, at the request of the Council of the Notariats of the European Union (CNUE), within the framework of the European Notarial Network program supported by the European Commission, prepared the Handbook “UKRAINIAN NOTARIAT UNDER THE CONDITIONS OF THE RUSSIAN INVASION. PRACTICAL GUIDANCE FOR EUROPEAN NOTARIES” (hereinafter - the Handbook), which contains general regulations on the Ukrainian Notariat, some issues of notarial practice under martial law, rules of international recognition of official documents, as well as a general overview of powers of attorney, legal entities and real estate¹, basic provisions in the field of family and inheritance law.

¹ Effective as of the date of publication of the Handbook.

Additionally, information is provided on the existing registers used by notaries in Ukraine in their work. The Handbook contains key summarized information with links to online resources for more detailed information.

The Notary Chamber of Ukraine, which has been an observer member of CNUE since March 01, 2022, even in the conditions of war and daily shelling, continues to work on improving the professional standards of the notarial profession, expanding its functions and competences, and protecting and exercising the rights and interests of its fellow citizens in close cooperation with colleagues from the European Union.

Condemning the full-scale war in Ukraine, the CNUE General Assembly adopted a [Resolution](#) on Ukraine. The notaries of Europe expressed their strong support of the unprecedented European and international response to the Russian-Ukrainian war, including support for internal compliance with sanctions imposed by the European Union. Information on individuals, groups and organizations subject to EU sanctions is available [here](#). The European Commission also has a [document](#) on its website containing answers to common questions that notaries may have in connection with the application of sanctions. This information is constantly updated on the [CNUE website](#), and notaries are encouraged to refer to it regularly.

For the purposes of this Handbook, the terms are used with the following meanings:

1) **Notarial act** – legally regulated act, performed by a notary or another person authorized by law, aimed at authenticating rights, facts of legal significance, as well as carrying out other actions provided by law, with the purpose of conferring legal authenticity on them and ensuring the protection of civil rights and interests.

2) **Certification** – a procedure whereby a notary confirms the

authenticity of a signature, the conformity of a copy to the original document, or the accuracy of a translation from one language into another, without certifying the facts stated in the document.

3) **Authentication** – a procedure whereby a notary issues an authentic document, granting legal credibility to rights, facts, or legal acts, such as contracts, wills, powers of attorney, etc., assuming responsibility for the entire content of the document, thereby conferring upon it probative force and legal authenticity.

4) **Personal property** – property that belongs only to one person and not jointly owned with others. The owner independently possesses, uses, and disposes of the property.

5) **Joint property** – property that is owned simultaneously by two or more persons, each having rights and obligations with respect to that property.

6) **Joint property with undetermined shares** – property jointly owned by two or more persons without determination of the size of the shares. Each co-owner has equal rights to the entire property, and no owner may dispose of the property without the consent of the others.

7) **Joint property with determined shares** – property jointly owned by two or more persons, where each co-owner has a determined share in the right of ownership to property. Each owner may independently dispose of their share.

8) **Special notarial form** – a special type of security paper of strict accountability, containing a unique serial number and other official requisites, used by notaries for the execution of notarial acts.

9) **Attestation inscription** – an official endorsement placed on a document by a notary or another authorized official, which confirms the performance of a notarial or other legal act, containing mandatory particulars and is executed in accordance with established templates.

GENERAL PROVISIONS ON THE UKRAINIAN NOTARIAT

The Ukrainian Notariat is a system of bodies and officials entrusted with the duty to authenticate rights and facts of legal significance and perform other notarial acts provided for by the Law in order to give them legal certainty.

Notarial acts in Ukraine are performed by notaries who work in state notarial offices, state notarial archives (*state notaries*) or are engaged in private notarial activities (*private notaries*).

Notaries in Ukraine perform the following *notarial acts*:

- 1) authenticate legal transactions (contracts, wills, powers of attorney, requests for notarization of a legal act, etc.);
- 2) take measures to protect hereditary property;
- 3) issue certificates of inheritance;
- 4) issue certificates of ownership of a share in the joint property of spouses (former spouses) on the basis of a joint application or in the event of the death of one of the spouses;
- 5) issue certificates of acquisition of property at public bidding (auctions);
- 6) issue certificates of acquisition of property from public bidding (auctions) if public bidding (auctions) failed to take place;
- 7) take measures to establish guardianship over the property of an individual who has been declared missing or a person who has gone missing under specific circumstances;
- 8) issue duplicates of notarial documents kept in the notary's records;
- 9) impose and lift the prohibition on alienation of real estate (property rights to real estate), real estate under construction, future real estate, the rights to which are subject to state registration, shares in the ownership of such property, and also, in cases established by law, of movable property;
- 9-1) impose a prohibition on the alienation of monetary amounts that will be credited by the claimant to the escrow account;

- 10) certify the authenticity of copies (photocopies) of documents and extracts therefrom;
- 11) certify the authenticity of signatures on documents;
- 12) certify the accuracy of translation of documents from one language into another;
- 13) authenticate the fact that an individual or legal entity is the executor of a will;
- 14) authenticate the fact that a person is alive;
- 15) authenticate the fact of person's presence in a specified location;
- 16) authenticate the time of presentation of documents;
- 17) forward statements from persons and legal entities to other persons and legal entities;
- 18) accept deposits of money and securities;
- 19) issue a notarial writ of execution;
- 20) issue protests of bills of exchange;
- 21) issue maritime protests;
- 22) accept documents for storage.

Notaries may be entrusted with the performance of other notarial acts in accordance with the law.

Documents executed by state and private notaries have *the same legal force, are written in Ukrainian and sealed with the seal of a notary with the image of the State Coat of Arms of Ukraine*. The stamp of a public notary also contains the name of the state notary's office and the corresponding number of the state notary, and the stamp of a private notary contains the words "private notary", notary's surname, given name, patronymic, and the name of the notary's district.

In addition, notaries in Ukraine perform *other functions* that differ from notarial functions.

For example, according to the [Law of Ukraine "On State Registration of Real Rights to Real Estate and their Encumbrances"](#) (hereinafter - Law of 1952-IV), notaries are state registrars who carry out *state registration of real rights on real estate and*

encumbrances - official recognition and confirmation by the state of the facts of acquisition, change or termination of real rights to real estate, encumbrances of such rights by entering relevant information into the State Register of Real Rights to Real Estate.

Pursuant to the [Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations”](#) (hereinafter - Law No. 755-IV), notaries carry out ***state registration of legal entities, public formations that do not have legal entity status and individual entrepreneurs*** official recognition by the state of the creation or termination of a legal entity, a public formation that does not have the status of a legal entity, a separate unit of a legal entity formed in accordance with the legislation of a foreign state, certification of the existence of the relevant status of a public association, professional union, its organization or association, political party, employers' organization, associations of employers' organizations and their symbolic imagery, certification of the fact of acquiring or losing the status of an entrepreneur by an individual, changes in the information contained in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Formations about a legal entity and individual entrepreneur, as well as carrying out other registration actions provided for by this law.

Also, subject to basic mediator training, notaries may conduct ***mediation***, an out-of-court voluntary, confidential, structured procedure during which the parties, with the help of a mediator (mediators), try to prevent or resolve a conflict (dispute) through negotiations ([Law of Ukraine “On Mediation”](#)).

Notaries of Ukraine are also authorized to accept and issue documents for ***affixing apostilles*** on official documents drawn up by them, as well as on documents issued by justice authorities and courts ([Order of the Ministry of Justice of Ukraine No. 702/5 dated](#)

[February 27, 2020 “On Amendments to the Procedure for Affixing Apostilles on Official Documents Issued by Justice Authorities and Courts, as well as on Documents Issued by Notaries of Ukraine”](#), which entered into force on March 07, 2020). Please note that when exercising such powers, the notary uses a special seal, which is affixed to the apostille and is different from the notary's seal used when performing notarial acts.

In accordance with the [Law of Ukraine “On Prevention and Counteraction of Legalization \(Laundering\) of Criminal Proceeds, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction”](#), notaries of Ukraine are subjects of primary financial monitoring.

Notaries perform notarial acts within a **notarial district** – a certain territorial unit determined in accordance with the administrative and territorial structure of Ukraine. Notaries are not authorized to carry out notarial acts outside their notarial district, except for substituting other notaries in cases provided for by the [Law of Ukraine “On the Notariat”](#).

The state notarial office where the state notary works or the workplace (office) of a private notary must also be located within the notarial district.

State notarial offices are established and terminated by the Ministry of Justice of Ukraine. They are financed from the state budget.

Registration of private notarial activity, which is carried out at the workplace (office) of a private notary, shall be performed by the relevant territorial bodies of the Ministry of Justice of Ukraine on the basis of an application submitted by a person holding a certificate of the right to engage in notarial activity, and an act certifying that the workplace (office) of the private notary complies with the requirements established by the [Law of Ukraine “On the Notariat”](#).

State notarial archives have been established in regional centers, as well as in the cities of Kyiv, Simferopol, and Sevastopol. These archives are part of the National Archive Fund and ensure the temporary (up to 75 years) storage of notarial documents.

It is worth noting that *not only notaries perform notarial acts* in Ukraine.

In rural settlements, *certain notarial acts* specified in Article 37 of the [Law of Ukraine “On the Notariat”](#) may be performed by authorized *public officials of local self-government authorities*. It should be noted that these local government officials are not authorized to execute documents intended for use beyond the state border.

In addition, *certain categories of officials* have the right to perform acts that are *equivalent to notarial wills* (except for secret wills) and *powers of attorney* (Article 40 of the [Law of Ukraine “On the Notariat”](#)), as well as *to certify the authenticity of a signature* equivalent to notarial certification of a signature (Article 40-1 of the [Law of Ukraine “On the Notariat”](#)).

Notarial acts abroad are performed by *consular offices of Ukraine*, and in cases provided for by applicable law, by *diplomatic missions of Ukraine*.

SOME ISSUES ENCOUNTERED BY THE NOTARIAT UNDER MARTIAL LAW

Following the introduction of martial law in Ukraine on February 24, 2022, numerous regulatory and legal acts were adopted that amended the existing legal regulations.

In the field of notarial services, special attention should be paid to the [Resolution of the Cabinet of Ministers of Ukraine No. 164 of February 28, 2022 on “Some Issues Encountered by the Notariat under Martial Law”](#) (hereinafter - Resolution No. 164), according to which, under martial law and within one month from

the date of its suspension or cancellation, notarial acts are performed taking into account the following **peculiarities (prohibitions)**:

- 1) incomplete notarial acts at the request of a person associated with the aggressor state are suspended. In case such a person applies for a notarial act, the notary or official performing notarial acts shall refuse to perform it .²

In accordance with the [Resolution of the Cabinet of Ministers of Ukraine dated March 3, 2022 No. 187 “On ensuring the protection of national interests in future claims of the state of Ukraine in connection with the military aggression of the russian federation”](#) (hereinafter - Resolution No. 187), *persons associated with the aggressor state* are:

citizens of the russian federation, except for those legally residing on the territory of Ukraine;

legal entities established and registered in accordance with the laws of the russian federation;

legal entities established and registered in accordance with the laws of Ukraine, the ultimate beneficial owner, member or participant (shareholder) with a share in the authorized capital of

² These restrictions do not apply to legal entities established and registered in accordance with the laws of Ukraine: that are banks or on whose accounts servicing banks are allowed to carry out expenditure transactions, based on regulations or decisions of the National Bank; that are providers of electronic communication networks and/or electronic communication services, as determined by the order of the National Center for Operational and Technical Management of Telecommunication Networks. The said prohibition also does not apply to notarial acts in regard to: certification of the authenticity of a signature on an application for renunciation of the citizenship of the russian federation; issuance of a certificate of inheritance; authentication of a prisoner of war's will; authentication of a legal transaction for the alienation of shares, units, shares in the authorized capital or other objects of civil rights certifying participation in a legal entity established and registered in accordance with the legislation of Ukraine, and/or certification of the authenticity of a signature on documents related to such alienation, if there is a decision of the Cabinet of Ministers of Ukraine on approval of such alienation.

10 percent or more of which is the Russian Federation, a citizen of the Russian Federation, except for those legally residing in Ukraine, or a legal entity established and registered in accordance with the laws of the Russian Federation;

legal entities established in accordance with the laws of a foreign state, the ultimate beneficial owner, member or participant (shareholder) with a share in the authorized capital of 10 percent or more of which is the Russian Federation, a citizen of the Russian Federation, except for those legally residing in Ukraine, or a legal entity established and registered in accordance with the laws of the Russian Federation - in the case of fulfilling obligations to them at the expense of funds provided for in the state budget.

This restriction *does not apply to legal entities established and registered in accordance with the laws of Ukraine:*

which are banks or on whose accounts, on the basis of regulatory acts or decisions of the National Bank, servicing banks are permitted to carry out expenditure transactions;

which are providers of electronic communication networks and/or electronic communication services, as defined by the order of the National Center for Operational and Technical Management of Telecommunication Networks, adopted in accordance with the Procedure for Operational and Technical Management of Telecommunication Networks in Emergency Situations, State of Emergency and Martial Law, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 812 of June 29, 2004 “Some Issues of Operational and Technical Management of Telecommunication Networks in Emergency Situations, State of Emergency, and Martial Law”

It should also be noted that, in accordance with subparagraph 8 of paragraph 1 of Article 1 of the [Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons”](#), *foreigners and stateless persons permanently residing in Ukraine* are foreigners and stateless persons who have obtained a permanent residence

permit, unless otherwise provided by law;

1) to verify the validity of a power of attorney that was drawn up on white sheets of paper without using special notarial form for notarial documents and authenticated by a notary in accordance with the legislation that provided for such authentication, the interested person shall submit a copy thereof to the relevant notary, who must within two working days, issue a certificate confirming or refuting the authentication of such power of attorney;

2) the period specified by legislation for the notary to enter information into the unified and state registers operating within the system of the Ministry of Justice shall be extended for the period of their improper functioning confirmed by the state enterprise “National Information Systems”;

3) the performance of notarial acts by notaries and officials of local self-government bodies whose workplace (office) is located within the territories temporarily occupied by the Russian federation, which are included in the [list of territories where hostilities are \(were\) taking place or are temporarily occupied by the russian federation](#), for which no date for the end of the temporary occupation has been set, is prohibited.

Also, [Resolution No. 187](#), in order to protect national interests in future lawsuits filed by Ukraine in connection with the military aggression of the russian federation, establishes, until the adoption and entry into force of the Law of Ukraine on the settlement of relations involving persons associated with the aggressor state, a ***moratorium (ban)*** on:

a) fulfillment, including through enforcement, of monetary and other obligations, where the creditors are the russian federation or persons associated with the aggressor state:

b) alienation, transfer as collateral, any other actions that have or may result in alienation of real estate, securities, rights of

participation in a legal entity (stocks, units, shares in the authorized capital or other objects of civil rights that certify participation in a legal entity), rights of claim against a debtor in bankruptcy (insolvency) cases, vehicles, aircraft, maritime vessels, inland navigation vessels of the Russian Federation or persons associated with the aggressor state, except for:

free of charge alienation/transfer in favor of the state of Ukraine;

meeting the requirements of the National Bank for the refinancing loans provided to support the liquidity of banks;

alienation by the Deposit Guarantee Fund or an authorized person of the Fund of the property of a bank for which the National Bank has made a decision to revoke the banking license and liquidate the bank;

alienation of the right to participate in a legal entity if there is a decision of the Cabinet of Ministers of Ukraine approving such alienation;

c) alienation, transfer as collateral, any other actions that result or may result in the alienation of real estate, securities, rights to participate in a legal entity, rights of claim against a debtor in bankruptcy (insolvency) cases, vehicles, aircraft, ships, and inland waterway vessels in favor of persons associated with the aggressor state or the Russian Federation, except for the acquisition of ownership of such objects on the basis of a court decision or a certificate of inheritance.

In addition, [Resolution No. 164](#) stipulates that under martial law, *powers of attorney*, except for powers of attorney for the right to dispose of real estate, manage and dispose of securities, corporate rights, and *wills* of servicemen of the Armed Forces, other military formations established in accordance with the law, as well as employees of law enforcement (special) agencies, civil protection agencies who are involved in measures ensuring national security and defense, countering and deterring armed

aggression by a foreign state, may be authenticated by *the commander (head) of these formations (agencies) or other person authorized by such commander (head)*, with subsequent submission of such wills and powers of attorney through the General Staff of the Armed Forces, the Ministry of Defense, the relevant law enforcement (special) agencies or other agency to the Ministry of Justice or its territorial authority to ensure their registration by notaries in the Unified Register of Powers of Attorney, the Inheritance Register. The head of a camp (institution where a ward has been established) for prisoners of war, may authenticate the will of a prisoner of war.

Commanders (heads) of these formations (bodies, institutions) or other persons authorized by such commanders (heads) authenticate powers of attorney and wills in accordance with the [Procedure for the Authentication of Wills and Powers of Attorney Equivalent to Those Authenticated by a Notary, approved by Resolution of the Cabinet of Ministers of Ukraine No. 419 of June 15, 1994](#), and recommendations of the Ministry of Justice.

The General Staff of the Armed Forces, the Ministry of Defense, the relevant law enforcement (special) or other agency (institution) ensure that powers of attorney and wills are transferred to the Ministry of Justice or its territorial authority within *five days* after receiving them.

The Ministry of Justice ensures that a power of attorney or will is transferred to the territorial authority of the Ministry within *two working days* after receiving them.

The territorial authority of the Ministry of Justice ensures that within *two working days* after receiving a power of attorney or a will, they are transferred to a notary/state notarial office for further registration in the Unified Register of Powers of Attorney or the Inheritance Register.

The notary/state notarial office, within *three working days* of

receiving the authenticated power of attorney or will, is obliged to ensure their registration (recording), enter information about them into the Unified Register of Powers of Attorney or the Inheritance Register, store these documents and transfer them for storage to the relevant state notarial archive within *three months* after the suspension or cancellation of martial law.

A territorial authority of the Ministry of Justice notifies the Ministry of the registration of a power of attorney or will, and entry of information about them into the Unified Register of Powers of Attorney or the Inheritance Register, and the Ministry of Justice notifies the agency (institution) from which the relevant documents were received, about it.

It is worth noting that the above list of peculiarities (prohibitions) in the performance of notarial acts by notaries of Ukraine under martial law and within one month from the date of its suspension or cancellation is ***not complete*** and does not include provisions relating to certain internal procedures.

Please note that due to military aggression in Ukraine, ***territories with a special status*** have emerged: the territory of Ukraine temporarily occupied by the russian federation, territories of possible hostilities, territories of active hostilities, territories of active hostilities where state electronic information resources operate.

The territory of Ukraine temporarily occupied by the russian federation (hereinafter - the temporarily occupied territory) **is an integral part of the territory of Ukraine**, subject to the [Constitution](#) and laws of Ukraine, as well as international treaties ratified by the Verkhovna Rada of Ukraine.

The date of the beginning of temporary occupation of certain territories of Ukraine by the russian federation is February 19, 2014. The Autonomous Republic of Crimea and the city of Sevastopol are temporarily occupied by the russian federation since February 20, 2014. Certain territories of Ukraine, which are

part of Donetsk and Luhansk oblasts, have been occupied by the Russian Federation (including the occupation administration of the Russian Federation) since on April 07, 2014. The start and end dates of the temporary occupation of other territories are defined in the [List of territories where hostilities are \(were\) conducted or temporarily occupied by the Russian Federation](#), approved by the Order of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine No. 376 of 28.02.2025 (hereinafter - the List of Territories). It is important to note that the list of such territories and their status is ***variable and depends on the situation at the front***, which should be taken into account when performing notarial acts.

Of particular note is the fact that any authorities, their officials and employees in the temporarily occupied territory and their activities are considered ***illegal*** if these so-called authorities or persons are established, elected or appointed in a manner not provided for by law. As a general rule, any act (decision, document) issued by such authorities and/or persons is ***invalid and does not create legal consequences***.

In the temporarily occupied territory, property rights are protected in accordance with Ukrainian legislation. The state of Ukraine, the Autonomous Republic of Crimea, territorial communities, including the territorial community of the city of Sevastopol, state authorities, local self-government bodies, and other public law entities ***retain*** ownership and other real rights to property, including real estate, including land plots, located in the temporarily occupied territory. Individuals, regardless of whether they have refugee status or other special legal status, enterprises, institutions, and organizations ***retain*** ownership and other real rights to property, including real estate, including land plots located in the temporarily occupied territory, if acquired in accordance with the laws of Ukraine. The acquisition and termination of ownership rights to real estate located in the temporarily occupied territory is carried out in accordance with the legislation of Ukraine outside the temporarily occupied territory.

In the temporarily occupied territory, any legal transaction concerning real estate, including land plots, committed in violation of the requirements of this Law or other laws of Ukraine, is considered *invalid from the moment of its execution and does not create legal consequences*, except for those related to its invalidity.

Peculiarities of exercising the right to inheritance in relation to the temporarily occupied territory are regulated [by the Civil Code of Ukraine](#) (hereinafter - the CC of Ukraine), which will be discussed in more detail in the section “Inheritance Law”.

All of the above must be taken into account by notaries of Ukraine when performing notarial activities. *Documents issued by the so-called occupation authorities*, including those with the stamp of illegal entities or russia, are not accepted by notaries of Ukraine, as they are considered *invalid*. Documents executed by notaries of Ukraine *are prohibited to contain any form of recognition* of the occupation authorities, their activities, and the ownership of territories by the aggressor. For example, it is inadmissible to indicate the address of real estate located in the territory of Ukraine temporarily occupied by russia with reference to the aggressor country or any reference to the bodies established by the aggressor in such territories, etc.

In order to protect national interests, national security, sovereignty and territorial integrity of Ukraine, to counteract terrorist activities, as well as to prevent violations and restore violated rights, freedoms and legitimate interests of citizens of Ukraine, society and the state, special economic and other restrictive measures (hereinafter - **sanctions**) may be applied.

Sanctions may be imposed by Ukraine in relation to a foreign state, a foreign legal entity, a legal entity controlled by a foreign legal entity or a non-resident individual, foreigners, stateless persons, vessels, aircraft, as well as entities engaged in terrorist activities, and sanctions in the form of deprivation of state awards

may be imposed against awardees.

When performing notarial acts, a notary *verifies the fact of application of sanctions* of the relevant types provided for in [Article 4](#) of the Law of Ukraine “On Sanctions,” the decision on the application of which was adopted by the National Security and Defense Council of Ukraine and put into effect by the decree of the President of Ukraine, to natural persons or legal entities that have applied for the performance of a notarial act.

If a natural person or legal entity applies for a notarial act regarding the disposal of assets, the notary shall also check whether a sanction in the form of asset freezing has been imposed on legal entities and/or natural persons that may directly or indirectly exercise decisive influence (control) over the natural person or legal entity that has applied for the performance of such notarial act.

If a representative of a natural person or legal entity applies for a notarial act, the verification of the fact of application of sanctions of the respective types provided for in [Article 4](#) of the Law of Ukraine “On Sanctions” is carried out in relation to the natural person or legal entity in whose interests such a representative acts.

Verification of the fact of application of the respective types of sanctions is carried out based on the information contained in the [State Register of Sanctions](#).

If it is established that sanctions provided for in [Article 4](#) of the Law of Ukraine “On Sanctions” have been imposed on natural persons or legal entities that have applied for the performance of a notarial act (legal entities and/or individuals who may directly or indirectly exercise decisive influence (control) over the natural person or legal entity who applied for the relevant notarial action), the notary *refuses* to perform such notarial act if the performance of the notarial act would result in a violation of the restrictions (prohibitions) established by the sanction of the relevant type.

The notary *is obliged*, no later than the next working day after being approached by a relevant person, to *notify* the territorial authority of the Ministry of Justice of Ukraine about a natural person or legal entity to whom sanctions have been applied, and who was refused the opportunity to perform a notarial act, indicating the following information: the notarial act, the type of sanction, and, in the case of sanctions in the form of assets freezing - about the asset for which such a request has been made.

RECOGNITION OF OFFICIAL DOCUMENTS:

UKRAINE — EU

Pursuant to Article 13 of [the Law of Ukraine “On Private International Law”](#) (hereinafter - the Law on PIL), documents issued by authorized bodies of foreign countries in the established form are recognized as valid in Ukraine if they *are legalised*, unless otherwise provided by law or an international treaty of Ukraine.

On January 10, 2002, Ukraine acceded to the [Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, 1961](#) (hereinafter - the Hague Convention), which entered into force for Ukraine on December 22, 2003, and according to which a document bearing an *apostille does not require* diplomatic or consular *legalisation* and may be used in any other participating country.

Along with this, it should be noted that there are a number of international agreements between Ukraine (including as the successor to the USSR) and European Union countries that contain provisions stating that documents drawn up or certified by the authorized bodies of the other party to the agreement, signed by an authorized person and stamped with an official seal, are *valid* in the territory of the other party to the agreement *without any further certification*. However, the existing provisions should not be interpreted as automatically providing for the acceptance without any additional certification of all official documents drawn up by

the authorities of foreign states that are parties to such agreements. It should be considered that the wording of the relevant articles of international treaties is not uniform and in each specific case it is important to analyze the provisions of such treaties in order to answer the question about which particular documents are valid on the territory of the other party to the agreement without any other certification.

Exemption of official documents from legalisation or affixing of an apostille on the basis of relevant provisions of international treaties of Ukraine does not cancel the requirement to provide a ***certified translation*** of the document into the official language of the country in which the document is presented or will be used.

In accordance with the [Hague Convention](#) on the acceptance and use of official documents issued in Ukraine and in countries of the European Union, as a general rule, documents must be affixed with an ***apostille***. It should be noted that in a number of countries, including Ukraine, apostilles can be affixed not only on paper but also in electronic form. If an apostille is affixed in Ukraine in electronic form, it can be verified via the following [link](#).

By [the Resolution of the Cabinet of Ministers of Ukraine No. 61 dated January 18, 2003 “On granting authority to affix an apostille as provided for by the Convention abolishing the requirement for legalisation of foreign official documents”](#) (as amended) ***the authority to affix an apostille*** certifying the authenticity of the signature of the person who signed the document, the capacity in which the person signing the document has acted and, in the relevant case, the identity of the seal or stamp which it bears, is granted in Ukraine to:

The Ministry of Internal Affairs — on documents issued by the Ministry of Internal Affairs and its territorial authorities providing support services, except for documents relating to education and science;

The Ministry of Education and Science — on official documents

issued by the Ministry of Education and Science, central executive authorities whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Education and Science, their territorial authorities, educational institutions, enterprises, institutions and organizations that provide services in the field of education and science or carry out other activities related to the provision of such services;

The Ministry of Justice — on documents issued by justice authorities, courts, state archival institutions, as well as on documents drawn up by notaries of Ukraine;

The State Migration Service — on documents issued by the State Migration Service, its territorial authorities, and territorial units relating to migration (immigration and emigration), including combating illegal (unlawful) migration, citizenship, refugees, and other categories of migrants defined by legislation;

The State Tax Service — on documents issued by the State Tax Service and its territorial authorities;

The Ministry of Foreign Affairs — on all other types of documents.

In accordance with paragraph 6 of the [Rules for affixing apostilles to official documents intended for use in the territory of other countries](#), approved by order of the Ministry of Foreign Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Education and Science of Ukraine, the Ministry of Finance of Ukraine, the Ministry of Justice of Ukraine dated March 17, 2023, No. 125/209/293/139/999/5, if the apostille is affixed by the aforementioned authorities using software for maintaining the [Electronic Register of Apostilles](#), documents required for affixing the apostille may be submitted to the entities designated by the competent authorities.

Such *entities*, in accordance with the [Procedure for affixing apostilles by the Ministry of Justice of Ukraine on official](#)

[documents intended for use in the territory of other countries](#), approved by the order of the Ministry of Justice of Ukraine No. 2268/5 of November 11, 2015, adopted to ensure the introduction of an electronic service for affixing apostilles on official documents, issued by justice authorities and courts, as well as on documents drawn up by notaries of Ukraine, are, among others, notaries (except in cases of requesting (obtaining) documents on state registration of civil status acts and affixing an apostille on such a document), and in cases of requesting (obtaining) an archival document issued by an archival institution (hereinafter - an archival document) and/or affixing an apostille on such a document, — the State Archival Service of Ukraine. If the applicant is abroad, the apostille may be affixed at his or her request sent by post to the Ministry of Justice of Ukraine or the territorial authority of the Ministry of Justice of Ukraine (*note: offices of state registration of civil status acts of the territorial authorities of the Ministry of Justice of Ukraine*), and for archival documents — to the State Archival Service of Ukraine. The relevant request received by the Ministry of Justice of Ukraine is sent to the territorial authority for further processing in accordance with the above-mentioned Procedure.

An apostille generated using software for maintaining the [Electronic Register of Apostilles](#) in the form of an electronic document is visualized by the entity, in particular a notary, on paper with the mandatory affixing of the apostille stamp ***special seal*** (different from the notary's seal) in paragraph 9. The apostille ***is affixed*** directly on a space free of text on the document or on the reverse side of the document or on a separate sheet. If the apostille is affixed on a sheet separate from the document, the document and the sheet with the apostille are fastened together by ***stitching*** with white or red thread (ribbon) in such a way that makes it impossible to separate them without damaging the sheet, and shall be certified by the ***signature and seal*** of an official of the authorized body. The number of bound sheets is confirmed by the signature of the official affixing the apostille. If the apostille, created using the software for

maintaining the [Electronic Register of Apostilles](#) in the form of an electronic document, is displayed on a separate sheet, the place where the document and the sheet with the apostille are attached is certified by the signature of the entity designated by the authorized body and the seal of the authorized body.

It should also be noted that on April 6, 2023, the [European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers](#), concluded in London on June 7, 1968, and ratified by Ukraine on July 1, 2022, entered into force for Ukraine.

In accordance with paragraph 1 of Article 2, this Convention is applied to documents drawn up by diplomatic agents or consular officials of a Contracting Party acting within their official capacity and in the exercise of their functions in the territory of any State, and presented either in the territory of another Contracting Party, or to diplomatic agents or consular officers of the other Contracting Party performing their functions in the territory of a State which is not a party to this Convention. The Convention also applies to attestation inscriptions, in particular those recording the existence of a document or a fact on a certain date, and to the certification of the authenticity of signatures by diplomatic agents or consular officers regarding documents not specified in paragraph 1.

**PROCEDURE FOR THE AUTHENTICATION OF POWER
OF ATTORNEY UNDER LEGISLATION OF UKRAINE.
REQUIREMENTS FOR THE FORM OF POWER OF
ATTORNEY AND CONDITIONS FOR RECOGNITION OF
POWERS OF ATTORNEY ISSUED IN THE EUROPEAN
UNION, IN UKRAINE**

Pursuant to Article 244 of the [CC of Ukraine](#), a power of attorney is a written document issued by one person to another person for representation before third parties. According to Article 245 of [CC of Ukraine](#), the form of the power of attorney must correspond to the form in which the legal transaction must be

performed according to the law.

In addition to notaries, in specified cases, *certain officials* also have the right to authenticate powers of attorney that are equivalent to authenticated by a notary. In particular:

powers of attorney of a serviceman or other person undergoing treatment in a hospital, sanatorium or other military medical institution may be authenticated by the head of this institution, his deputy for the medical department, senior or on-duty doctor;

powers of attorney of a serviceman, and in places of deployment of military units, formations, institutions, military educational establishments where there is no notary or authority performing notarial functions, as well as powers of attorney of an employee, a member of employee's family, and a member of the serviceman's family, may be authenticated by the commander (chief) of such units, formations, institutions or establishments;

powers of attorney of a person held in a penal institution or pre-trial detention center may be authenticated by the head of the penal institution or pre-trial detention center.

The term of the power of attorney must be specified in the power of attorney. If the term of the power of attorney is not specified, it remains in force until its termination. The term of the power of attorney is specified in words and is defined in years, months, weeks, days and may not be determined by the onset of any event. Particular attention should be paid to the fact that a power of attorney that does not specify the date of its execution *is void*.

A power of attorney for concluding a gift agreement must specify the surname, given name, patronymic or the full name of the beneficiary. If this condition is not met, the power of attorney *is also void*.

A power of attorney for a legal transaction that according to its content can only be performed *personally by the principal*, cannot be authenticated by a notary. For example, according to Ukrainian

legislation, a person may only accept or refuse an inheritance in person, and therefore powers of attorney to accept or refuse an inheritance through a representative cannot be authenticated by a notary.

It is important that the text of the power of attorney contains the place and date of its execution (signing), surnames, given names, patronymics (full name for a legal entity), place of residence (location for a legal entity) of the representative and the person represented, and, where appropriate, the positions they hold. Powers of attorney issued for the execution of legal transactions involving the disposal of property also indicate the principal's taxpayer registration number (tax number).

A power of attorney issued by way of *sub-power of attorney* may not contain more rights than those transferred under the main power of attorney. The validity period of a power of attorney issued by way of sub-power of attorney may not exceed the validity period of the main power of attorney on the basis of which it is issued. A power of attorney issued by way of sub-power of attorney must specify the date and place of authentication of the main power of attorney, and the registration number, name of the notarial district, surname, given name and patronymic of the notary who authenticated it, surname, given name, patronymic and place of residence of the person to whom the main power of attorney was issued, and the person to whom he/she delegates his/her powers.

Representation by power of attorney *is terminated* in the event of:

- 1) expiration of the power of attorney;
- 2) revocation of the power of attorney by the person who issued it;
- 3) refusal of the representative to perform actions specified in the power of attorney;
- 4) termination of the legal entity that issued the power of attorney;
- 5) termination of the legal entity to which the power of attorney was issued;

6) death of the person who issued the power of attorney, declaration of death, recognition of the person as incapacitated or missing, restriction of his/her civil capacity (however, in case of death of the person who issued the power of attorney, the representative retains his/her power of attorney to conduct urgent matters or such actions, the failure of which may result in losses);

7) death of the person to whom the power of attorney was issued, declaration of death, recognition of the person as incapacitated or missing, restriction of his/her civil capacity.

It is worth noting that Russia's military aggression has led to tragic consequences. The number of people killed by Russia and the number of people missing under special circumstances is growing significantly every day. Such circumstances include armed conflict, military actions, temporary occupation of a part of the territory of Ukraine, natural or man-made emergencies. Due to the impossibility of retrieving the bodies (remains) of deceased persons from the territories where active hostilities are taking place, temporarily occupied territories, and, accordingly, the impossibility of their prompt identification, etc. a large number of persons acquire the status of missing under special circumstances. And although such disappearance until the person is declared missing, declared dead, or the fact of death (death) is established, is not by itself a ground for termination of representation under a power of attorney issued by such persons, since the missing person is considered alive until the opposite is established, such circumstances should be taken into account and clarified with the representatives under the power of attorney whether the persons who issued the power of attorney are *alive and do not have the status of persons missing under special circumstances*. This is important in order to prevent legal transactions being concluded through a representative in the interests of persons who, on the date of the conclusion of such transactions, may be dead, which can be established even later, or the principal did not have the opportunity, for example, to revoke the power of attorney due to captivity, etc.

With the termination of representation by power of attorney, the

sub-power of attorney *ceases to be valid*. In case of termination of representation by power of attorney, the representative must *immediately return* the power of attorney.

Along with the termination of a power of attorney due to objective circumstances, it may also be *revoked*. The person who issued the power of attorney, except for an irrevocable power of attorney, may revoke the power of attorney or the sub-power of attorney at any time. A waiver of this right is null and void. A person who has issued a power of attorney and subsequently revoked it must immediately notify the representative, as well as any third parties known to him/her for whom the power of attorney was issued. The rights and obligations towards third parties resulting from a legal transaction performed by a representative before he or she learned or could have learned of the power of attorney's revocation shall remain in force for the person who issued the power of attorney and his/her successors. This rule does not apply if the third party knew or could have known that the power of attorney had been terminated.

With regard to the registration of powers of attorney, Ukraine has a **Unified Register of Powers of Attorney**, an electronic database containing information on powers of attorney (including duplicates) and information on their termination.

Powers of attorney (including their duplicates) authenticated by a notary, powers of attorney equivalent to authenticated by a notary powers of attorney, and powers of attorney authenticated by persons who have the right to authenticate them under martial law, and also information on their termination, are subject to mandatory *registration* in the Unified Register.

It is worth noting again that during martial law and within one month from the date of its suspension or cancellation, [Resolution No. 164](#) introduced a requirement for *additional confirmation of the validity* of a power of attorney that was drawn up without the use of special notarial forms on white paper and authenticated by a notary in accordance with the legislation that provided for such

authentication. The vested person needs to submit a copy of such power of attorney to such notary, who is mandated to issue a certificate confirming or refuting the notary's authentication of such power of attorney within *two working days*.

In addition, it should be noted that when authenticating powers of attorney in Ukraine, including those for use abroad, Ukrainian notaries perform the entire range of procedural actions that provide a legal transaction, in particular a power of attorney, with maximum *safety, indisputability and reliability*. Thus, pursuant to Article 209 of the [CC of Ukraine](#), a notary, among other things:

- *identifies the person who has applied for a notarial act;*
- *determines the scope of civil capacity of individuals participating in transactions;*
- *verifies the legal capacity and capacity to act of legal entities, as well as verifies the powers of a representative of an individual or legal entity;*
- *ascertain that the will of the participant of the legal transaction is expressed freely, in order to exclude any possible external influence;*
- *ascertain that the expression of a participant's will corresponds to that participant's internal will;*
- *establishes the true intentions of each of the parties (legal transaction participants) before the legal transaction is authenticated, as well as the absence of objections by the parties (legal transaction participants) to each of its terms;*
- *verifies compliance with the form in which the legal transaction must be made in accordance with the law (a legal transaction made in writing is subject to authentication by a notary in cases established by law or by agreement of the parties, at the request of an individual or legal entity, any legal transaction involving them may be authenticated by a notary);*
- *verifies compliance of the content of the legal transaction with the law, as well as the interests of the state and society, public order and moral principles;*
- *verifies that the legal transaction made by parents (or*

adoptive parents) is not contrary to the rights and interests of their minor or disabled children;

- *requests information and documents necessary for the performance of a notarial act, verifies compliance of documents submitted for the performance of a notarial act with the requirements established by law;*

- *verifies the authenticity of signatures of participants to legal transactions and other persons applying for a notarial act;*

- *uses information from unified and state registers;*

- *makes an attestation inscription on a legal transaction; registers a notarial act.*

When applying conflict-of-laws rules on powers of attorney, in particular to powers of attorney relating to real estate issued abroad, it is important to have a common *understanding of the requirements* for the form of the power of attorney and the set of procedures for its execution.

In accordance with Part 2 of Article 31 of the [Law on PIL](#), the form of a legal transaction with respect to real estate is determined in accordance with the law of the country in which the property is located, and with respect to real estate the right to which is registered in Ukraine, the law of Ukraine. The [CC of Ukraine](#) stipulates that the form of a power of attorney must correspond to the form in which, according to the law, the transaction must be concluded. Legal transactions with real estate are subject to mandatory authentication by a notary. Thus, *a power of attorney authenticated by a notary* must be submitted to authenticate a real estate transaction in Ukraine. Accordingly, if a power of attorney regarding real estate in Ukraine is issued abroad, such a power of attorney must be drawn up *in a more elaborated form* if the legislation of the country of issuance of the power of attorney provides for such a form of the *highest reliability*. In the international circulation of documents, this form corresponds to an “authentic notarial instrument”, since its effectiveness “is superior to that of any other document”, as stated in the [Study on the Definition of Notarial Authentic Act](#), approved by the UINL

Assemblies (Assembly of Member Notariats in Cancun, November 11, 2017) and the CNUE (General Assembly in La Granja, June 16, 2017).

The Ukrainian Notariat, especially in times of war, sets itself the primary task of ensuring the legality and judicial security of legal transactions, and therefore relies on the understanding of the notarial “authentic act” (authentic document) described in this [study](#) when accepting documents issued abroad.

FAMILY LAW

Part 3 of Article 368 of the [CC of Ukraine](#) establishes an important presumption that property acquired by the spouses during the marriage is their *joint property with undetermined shares*, unless otherwise provided by agreement or law. Article 60 of [the Family Code of Ukraine](#) (hereinafter - the FC of Ukraine) details this presumption and establishes that property acquired by the spouses during the marriage belongs to the wife and husband under the right of joint ownership with undetermined shares, regardless of the fact that one of them did not have independent earnings (income) for a valid reason (study, housekeeping, childcare, illness, etc.). It is deemed that everything acquired during the marriage, except for things for individual use, is jointly owned by the spouses (joint property with undetermined shares).

Any property, except for property excluded from civil circulation, may be the *asset* of the joint owned property with undetermined shares of the spouses. The asset of the joint property with undetermined shares of the spouses includes wages, pensions, scholarships, and other income received by one of the spouses. If one of the spouses has entered into an agreement in the interests of the family, then money and other property, including royalties and winnings, received under this agreement are the asset of the joint property with undetermined shares of the spouses. Items for professional activities (musical instruments, office equipment, medical equipment, etc.) purchased during the marriage for one of the spouses are the assets of joint property with undetermined

shares of the spouses.

If the property of the wife or husband during the marriage has significantly increased in value as a result of joint labor or monetary expenses, or expenses of the other spouse, it may be established by a court as the asset of the joint property with undetermined shares of the spouse in the event of a dispute. If one of the spouses has participated in the maintenance of property belonging to the other spouse, in management or care of this property with his or her labor and (or) funds, the income (proceeds, dividends) received from this property may be established by a court as the asset of the joint property with undetermined shares of the spouses in the event of a dispute.

An example of a contractual rebuttal of the presumption of joint property with undetermined shares of the spouses is ***a marriage contract*** or other agreement between/with the participation of the spouses, as a result of which property is acquired as either their joint property with determined shares of the spouses or personal property of each spouse.

The right to conclude a marriage contract is granted to persons who have applied for marriage registration (brides and grooms), as well as spouses. If a minor is a party to the marriage, a written consent of his or her parents or guardian, certified by a notary, is required to conclude a marriage contract before the marriage is registered. A marriage contract regulates property relations between the spouses, defines their property rights and obligations, and may also define the property rights and obligations of the spouses as parents. A marriage contract cannot regulate personal relations between the spouses, as well as personal relations between them and their children, cannot reduce the scope of the child's rights established by the [FC of Ukraine](#), and cannot put one of the spouses in an extremely unfavorable financial position. It is important to note that **a marriage contract may not transfer real estate and other property to one of the spouses, the right to which is subject to state registration**, and, accordingly, **a marriage**

contract may not replace an agreement on the division of joint property of the spouse.

A marriage contract shall be concluded in writing and authenticated by a notary. A marriage agreement may specify the general terms of its validity, as well as the duration of certain rights and obligations. A marriage contract may establish the validity of the agreement or its individual terms even after the marriage is terminated.

Unilateral change of the terms of the marriage contract is not allowed. The marriage contract may be amended by the spouses. An agreement to amend a marriage contract is authenticated by a notary in accordance with the [Procedure for Performing Notarial Acts by Notaries of Ukraine](#), approved by the Order of the Ministry of Justice of Ukraine No. 296/5 dated February 22, 2012.

An example of refutation of the presumption of joint property with undetermined shares of the spouses by law is also provided by the provisions of the [FC of Ukraine](#), which define what property is personal private property of each spouse. ***The personal private property of a wife or husband*** is: property acquired by her or him before marriage; property acquired by her or him during marriage, but on the basis of a gift agreement or by inheritance; property acquired by her or him during marriage but with funds that belonged to her or him personally; housing acquired by her or him during marriage as a result of its privatization in accordance with the [Law of Ukraine “On Privatisation of the State-owned Housing Stock”](#) (note: in the period from 08.02.2011 to 12.06.2012, such property was the asset of the joint property with undetermined shares of the spouses); land acquired by her or him during the marriage as a result of privatisation of the land plot that was in her or his use, or received as a result of privatisation of land plots of state and communal agricultural enterprises, institutions and organizations, or received from state and communal property within the norms of free privatisation determined by the [Land Code of Ukraine](#) (hereinafter - LC of Ukraine) (note: in the period from 08.02.2011 to 12.06.2012, such property was the asset of the joint

property with undetermined shares of the spouses); things for individual use, including jewelry, even if they were purchased at the expense of joint funds of the spouses; prizes, awards that she or he received for personal merit (the court may recognize the right of the other spouse to a share of this prize, award, if it is established that he or she contributed to its receipt by his or her actions (housekeeping, raising children, etc.)); funds received as compensation for the loss (damage) of a thing that belonged to her or him, as well as compensation for non-pecuniary damage caused to her or him; payments (insurance payments and payments of redemption amounts) received under life and health insurance contracts; a share in property in proportion to the amount of the contribution in the case of investment, except for joint funds, funds belonging to one of the spouses; fruits, offspring or income (dividends) from a fruit-bearing thing belonging to one of the spouses; property acquired by her or him during their separate residence in connection with the actual termination of the marriage relationship (if recognized by the court).

A wife and husband have ***equal rights*** to own, use and dispose of property belonging to them on the basis of joint property with undetermined shares of the spouses, unless otherwise provided by agreement between them.

A wife and husband have the right to conclude all ***agreements*** between them that are not prohibited by law, both relating to property that is their personal private property and with respect to property that is the asset of the joint property with undetermined shares of the spouses with undetermined shares of the spouses. An agreement on the alienation by one spouse in favor of the other spouse of his or her share in the right to joint property with undetermined shares of the spouses may be concluded without the allocation of this share.

A wife or husband ***disposes*** of property that is the asset of the joint property with undetermined shares of the spouses ***by mutual agreement***. When one spouse concludes contracts, it is deemed

that he or she acts with the consent of the other spouse. A wife or a husband has the right to file a lawsuit with the court to invalidate an agreement concluded by the other spouse without her or his consent, if the agreement goes beyond a minor household agreement. In order for one spouse to conclude agreements requiring authentication by a notary and/or state registration, as well as agreements regarding valuable property, the consent of the other spouse must be submitted in writing. Consent to conclude an agreement requiring authentication by a notary and/or state registration must be authenticated. An agreement concluded by one spouse in the interests of the family creates obligations for the other spouse if the property obtained under the agreement is used in the interests of the family.

Spouses have the right to agree between themselves on the *procedure for using property* which belongs to them by the right of joint property with undetermined shares of the spouses. An agreement on the procedure for using a residential building, apartment, other building or structure, or land plot, if authenticated by a notary, binds the legal successor of the wife and husband.

A wife and husband have the right to conclude with another person a contract of sale, exchange, gift, life maintenance (care), pledge of their share in the right of joint property with undetermined shares of the spouses only after its determination and allocation *in kind* or determination of the procedure for property use. A wife and a husband have the right to make a will for their share in the right of joint property with undetermined shares of the spouses before its determination and allocation in kind.

Divorce does not terminate the right of joint property with undetermined shares of the spouses acquired during the marriage. After the divorce, the co-owners must dispose of the property that is the asset of the joint property with undetermined shares of the spouses only by mutual agreement, in accordance with the [CC of Ukraine](#).

A wife and husband have the right to *divide the property* belonging to them as the joint property with undetermined shares of

the spouses, regardless of the dissolution of the marriage. A wife and husband have the right to divide property by mutual agreement. An agreement on the division of a residential building, apartment, other real estate, as well as on the allocation of real estate to a wife or husband from the entire joint property with undetermined shares of the spouses must be authenticated by a notary.

In the case of division of joint property with undetermined shares of the spouses, the property shares of a wife and husband are equal, unless otherwise provided by agreement between them or by a marriage contract. The joint property with undetermined shares of the spouses is divided between them in kind. If a wife and husband have not agreed on the division of property, the dispute may be resolved by a court.

Legislative regulation in the field of family law related to notarial activities has not undergone significant changes.

However, the important changes worth mentioning in this section are the amendments to paragraph 54² of the [Procedure for State Registration of Real Property Rights and Encumbrances](#), approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1127 dated December 25, 2015 (entered into force on July 11, 2024), which entail that for the state registration of property rights in connection with the division of property considered under the law as joint property with undetermined shares of the spouses (former spouses), or in connection with the allocation of property to a wife or husband from the entire joint property with undetermined shares of the spouses, the relevant agreement or court decision must be submitted. At the same time, **regardless of the existence of state registration of ownership of the property by a spouse (former spouse) to whom such property passes into ownership, state registration of the ownership is carried out in connection with the acquisition of ownership of property acquired as a result of such division.** Thus, after the conclusion of an agreement on the division of property that is the joint property with undetermined shares of the spouses (former spouses) or an

agreement on the allocation of property to a wife or husband from the entire joint property with undetermined shares of the spouses, state registration of ownership of real estate is carried out regardless of whether the owner in whose name the real estate was titled (registered) changes or not.

In Ukraine, the legislation does not currently provide for the possibility of registering a registered partnership for different-sex or same-sex couples. However, Article 74 of the [FC of Ukraine](#) defines the legal treatment of property of “a woman and a man who live together as a family but are not married to each other or to anyone else” — the so-called “*de facto marital relations*”. Pursuant to this provision, the property of such persons acquired during their cohabitation belongs to them on the basis of joint property with undetermined shares of the spouses, unless otherwise provided by a written agreement between them. Such property is subject to the provisions of the [FC of Ukraine](#) on the joint property with undetermined shares of the spouses.

It seems appropriate to mention here the *jurisdiction and applicable law in legal family relations* from the point of view of the legislation of Ukraine. Thus, pursuant to Article 3 of the [Law on PIL](#), if an international treaty of Ukraine provides for rules other than those established by this Law, the rules of that international treaty shall apply. Thus, jurisdiction and applicable law are determined on the basis of international treaties, and in their absence - on the basis of the [Law on PIL](#).

Pursuant to Article 61 of the [Law on PIL](#), spouses may choose to regulate the property consequences of marriage by the personal law of one of the spouses or by the law of the State in which one of them has their habitual residence or, in relation to real estate, by the law of the State in which the property is located. The chosen law ceases to apply or is changed by the agreement of the parties in the event of a change in the personal law or habitual residence of the spouse to whose personal law or habitual residence the chosen law was linked. The new law applies to legal relations from the moment

the marriage is concluded, unless otherwise agreed in writing by the spouses. In the absence of a choice of law by the spouses, the property consequences of marriage shall be determined by the law applicable to the legal consequences of marriage (i.e., the common personal law of the spouses), and in the absence thereof, by the law of the country in which the spouses had their last common place of residence, provided that at least one of the spouses still has a place of residence in that country, and in the absence thereof, by the law with which both spouses have the closest connection in some other way. Spouses who do not have a common personal law may choose the law applicable to the legal consequences of their marriage if they do not have a common place of residence or if the personal law of neither of them coincides with the law of the State of their common place of residence - Article 60 of the [Law on PIL](#).

Articles 59 and 61 of the [Law on PIL](#) provide that the parties to a marriage contract may choose to apply to the marriage contract the personal law of one of the spouses or the law of the state in which one of them has their habitual residence or, with regard to real estate, the law of the state in which the property is located.

SUCCESSION LAW / INHERITANCE LAW

An inheritance is opened as a result of a person's death or declaration of such person as deceased. The time of opening of the inheritance is the day of the person's death or the day on which the person is declared deceased. The place of the opening of the inheritance is the last place of residence of the deceased. If the deceased's place of residence is unknown, the place of the opening of the inheritance is the location of the real estate or the greater part of it, and in the absence of real estate - the location of the greater part of movable property. If the deceased's last place of residence was in a foreign country, the place of inheritance opening is determined in accordance with the [Law on PIL](#), pursuant to which: inheritance relations are governed by the law of the State in which the deceased had his or her last place of residence, unless the testator has chosen in his or her will the law of the State of which

he or she was a citizen. The choice of law made by the testator will be invalid if his or her citizenship has changed after the will was drawn up. The inheritance of real estate is governed by the law of the state in which the property is located, and the inheritance of property which is subject to state registration in Ukraine, is governed by the law of Ukraine.

According to Ukrainian legislation, there are *two types of inheritance*: by will (testate succession) or by law (intestate succession).

A *will* is a personal disposition made by a natural person in the event of his or her death. A natural person with full civil capacity has the right to make a will. The right to make a will must be exercised personally. It is not allowed to make a will through a representative.

A will shall be made in writing, indicating the place and time of its execution. A notary authenticates a will that is written by the testator in his or her own hand or with the help of generally accepted technical devices. The will must be personally signed by the testator. Where, due to illness or physical disability, the testator is unable to sign the will personally, the text of the will may, at the testator's request and in his or her presence, be signed by another person; in such case, the signature of the signer is certified by the notary or by an official, who is performing this notarial act, with an indication of the reasons why the will could not be signed by the testator. Wills are subject to state registration in the Inheritance Register in accordance with [the procedure](#) approved by the Cabinet of Ministers of Ukraine. However, during martial law or a state of emergency, where access to the Inheritance Register is unavailable, notarial authentication of a will, amendments to it and its cancellation are carried out without using this register with the subsequent entry of relevant information into it within *five working days* from the date of restoration of such access.

In addition to notaries, wills in Ukraine may also be authenticated by certain *officials* designated by law.

It is established that if there is no notary in the locality, a will, except for a secret will, may be authenticated by an official of the competent local self-government authority duly designated by law.

The will of a person who is undergoing treatment in a hospital, clinic, or other inpatient healthcare facility, as well as a person who lives in a nursing home or facility for persons with disabilities, may be authenticated by the chief physician, his or her deputy for medical matters, or the doctor on duty at that hospital, clinic, other inpatient healthcare facility, as well as by the head of the hospital, director, or chief physician of the nursing home for elderly persons and persons with disabilities. The will of a person who is sailing on a sea or river vessel flying the flag of Ukraine may be authenticated by the captain of that vessel. The will of a person who is on a search or other expedition may be authenticated by the head of that expedition. The will of a military serviceman, and in places where military units, formations, institutions, military training establishments are stationed, where there is no notary or the authority performing notarial functions, the will of an employee, a member of his or her family, and a member of the family of a military serviceman may also be authenticated by the commander (head) of these units, formations, institution, or establishment. The will of a person held in a penal institution may be authenticated by the head of that institution. The will of a person held in a pre-trial detention center may be authenticated by the head of that pre-trial detention center. Such wills must be authenticated in the presence of witnesses and are deemed equivalent to wills authenticated by notaries.

In accordance with [Resolution No. 164](#), under martial law, the wills of servicemen of the Armed Forces, other military formations established in accordance with the law, as well as employees of law enforcement (special) bodies, civil protection authorities engaged in measures to ensure national security and defense, repel and deter armed aggression by a foreign state, may be authenticated by the commander (head) of these formations (bodies) or another person authorized by such commander (head),

with subsequent submission of such wills through the General Staff of the Armed Forces, the Ministry of Defense, the relevant law enforcement (special) or other authority to the Ministry of Justice or its territorial body to ensure their registration by notaries in the Inheritance Register. The head of a camp (institution where a section has been established) for prisoners of war may authenticate the will of a prisoner of war.

The General Staff of the Armed Forces, the Ministry of Defense, the relevant law enforcement (special) or other authority (institution) shall ensure that they are transferred to the Ministry of Justice or its territorial body *within five days* after receiving the wills. Within *two working days* after receiving a will, the Ministry of Justice shall ensure its transfer to the territorial body of the Ministry.

Within *two working days* after receiving the will, the territorial body of the Ministry of Justice ensures that it is transferred to the notary/state notarial office for further registration in the Inheritance Register.

Within *three working days* after receiving authenticated will, a notary/state notarial office is obliged to ensure their registration (accounting), enter information about them in the Inheritance Register, store these documents and transfer them for safekeeping to the relevant state notarial archive within *three months* after the termination or cancelation of martial law.

The right to inherit is granted to **persons** designated in the will. Certain persons have the right to a compulsory share in the inheritance regardless of the provisions of the will: minors, adult incapacitated for work due to age or state of health, children of the testator, incapacitated for work due to age or state of health widows (widowers) and parents. They inherit half of the share that would have belonged to each of them in the case of intestate inheritance. The size of the compulsory share in the inheritance may be reduced by the court, taking into account the relationship between the heirs and the testator, as well as other circumstances of

material importance.

In the absence of a will, its invalidation, non-acceptance of the inheritance, or renunciation of it by the heirs under the will, as well as in the case of failure to cover the entire inheritance in the will, the right to inherit by law is acquired by the heirs by law in turn. Each subsequent line of heirs by law receives the right to inherit in the absence of the heirs of the previous line, their removal from the right to inherit, their non-acceptance of the inheritance or their renunciation of it. If there are several heirs of the same line, they are entitled to inherit in equal shares.

There are *five lines of heirs by law*:

1) the deceased's children, including those conceived during the deceased's lifetime and born after his or her death, the surviving spouse, and parents (first line);

2) the deceased's siblings, grandparents on both the father's and mother's side (second line);

3) the deceased's uncle and aunt (third line);

4) persons who lived with the deceased as a family for at least five years before the opening of the inheritance (fourth line);

5) other relatives of the deceased up to and including the sixth degree of kinship, with relatives of a closer degree of kinship excluding relatives of a further degree of kinship from the right of inheritance; dependents of the deceased who were not members of his or her family (fifth line).

The order in which heirs receive the right to inherit by law may be changed by the concluded after the opening of the inheritance agreement between the heirs concerned, authenticated by a notary. This agreement ~~cannot~~ violate the rights of an heir who does not participate in it, as well as an heir who is entitled to a compulsory share in the inheritance.

One of the types of inheritance by law is *inheritance by right of*

representation. Thus, the grandchildren and great-grandchildren of the deceased inherit the share of the inheritance that would have belonged to their mother, father, grandparents by law if they had been alive at the time of the opening of the inheritance. Great-grandparents inherit the share of the inheritance that would have belonged to their children (grandparents of the deceased) by law if they had been alive at the time of the opening of the inheritance. The nephews of the deceased inherit the share of the inheritance that would have belonged to their mother, father (sister, brother of the deceased) by law if they had been alive at the time of the opening of the inheritance. The deceased's cousins inherit the share of the inheritance that would have belonged to their mother, father (aunt, uncle of the deceased) by law if they had been alive at the time of the opening of the inheritance.

If several persons inherit by right of representation, the share of their deceased relative *is divided equally* among them. In the case of descent through the direct line of succession, the right of representation is valid without limitation of the degree of kinship.

An heir by will or by law has the right to *accept the inheritance* or *not to accept it*. It is not allowed to accept the inheritance with a condition or with a reservation. An heir who has permanently resided with the deceased at the time of the opening of the inheritance is deemed to have accepted the inheritance if he or she has not declared his or her refusal within the period established for acceptance of the inheritance. As a general rule, a minor, an incapacitated person, or a person whose civil capacity is limited, is deemed to have accepted the inheritance. Regardless of the time of acceptance of the inheritance, it belongs to the heir from the time of the opening of the inheritance.

An heir who wishes to accept the inheritance but did not reside permanently with the deceased at the time of the opening of the inheritance must submit *a declaration of acceptance of the inheritance* to a notary, which must be submitted by the heir personally. A person who has reached the age of fourteen has the

right to submit a declaration of acceptance of the inheritance without the consent of his or her parents or guardian. A declaration of acceptance of the inheritance on behalf of a minor or incapacitated person is submitted by his or her parents (adoptive parents) or guardian. A person who has submitted a declaration of acceptance of the inheritance may withdraw it within the period established for acceptance of the inheritance.

The ***period*** for acceptance of the inheritance is set *at six months*, which begins from the time of the opening of the inheritance. If the acquisition of the right to inherit by a person depends on the non-acceptance or renunciation of the inheritance by other heirs, the period for acceptance of the inheritance is set at *three months* from the date of non-acceptance or renunciation of the inheritance by other heirs. If the remaining period is less than three months, it is extended to three months.

With the written consent of the heirs who have accepted the inheritance, an heir who has missed the deadline for acceptance of the inheritance may submit a declaration of acceptance of the inheritance to a notary at the place of the opening the inheritance. Upon the claim of an heir who has missed the deadline for acceptance of the inheritance for a valid reason, the court may determine an additional period of time sufficient for him or her to submit a declaration of acceptance of the inheritance.

An heir by will or by law may ***renounce an inheritance*** within the period established for its acceptance. A declaration of renunciation of inheritance must be submitted to the notary at the place of the opening the inheritance. A natural person whose civil capacity is limited may renounce an inheritance with the consent of the guardian and the guardianship and custodianship authority. A minor between the ages of fourteen and eighteen may refuse to accept an inheritance with the consent of his or her parents (adoptive parents), guardian and the guardianship and custodianship authority. Parents (adoptive parents), a guardian may refuse to accept an inheritance belonging to a minor or incapacitated person only with

the permission of the guardianship and custodianship authority. The renunciation of the inheritance is unconditional and unreserved. A renunciation of inheritance may be withdrawn within the period established for its acceptance.

The Rules on Notarial Record-Keeping approve *two forms of the certificate of the right to inheritance* by law and by will, which are issued to confirm the right to inheritance located abroad for presentation in the territory of those States with which Ukraine has not concluded an international treaty on legal assistance. Although the form of certificate does not specify the specific property to be inherited, it is worth noting that **a Ukrainian notary, when issuing any certificate of inheritance, checks**, among other things, *the composition of the inherited property*. Therefore, it is important to facilitate the issuance of documents confirming the above to the heirs for presentation to Ukrainian notaries. In cases where international treaties on legal assistance in civil matters have been concluded between Ukraine and other states, the exchange of information and documents, including in inheritance cases, is carried out in accordance with the terms of such treaties.

The main *changes* in the legislative regulation of *inheritance law* introduced in connection with the russian invasion of Ukraine are amendments to the section “Final and Transitional Provisions” of the [CC of Ukraine](#), which, inter alia, introduced that:

1) during the period of martial law in Ukraine and within two years from the date of its termination or cancellation, if the death of a natural person is registered later than *one month* from the date of death of such person or the day on which he or she is declared dead, the terms for acceptance of inheritance, for withdrawal of a declaration of acceptance of inheritance, for acceptance of a testamentary legacy, for renunciation of inheritance, for transfer of the right to accept inheritance, for application for recognition of inheritance as escheated, for protection of inherited property, for issuance of a certificate of inheritance (articles 1269, 1270, 1271, 1272, 1273, 1276, 1277, 1283, 1298 of the [CC of Ukraine](#)) are calculated from the date of state registration of the person's death.

In this case, the date of opening of the inheritance is invariably the day of the deceased's death or the day on which the deceased was declared dead, regardless of the time of state registration of death.

The change in the commencement of certain time limits is due to the fact that Russia's war against Ukraine has caused the death of a large number of people whose bodies need to be identified, located, moved to the territory controlled by Ukraine, etc. As a result, it may take some time from the moment a person dies or is killed to the moment the fact of death is established, the person is declared dead, and, accordingly, the death is registered. The decisive factor in the preparation of these amendments, in which the notarial community of Ukraine was actively involved, was that objective circumstances should not cause a missed deadline and make it impossible to exercise inheritance rights.

These amendments also apply to the inheritance that was opened after the introduction of martial law in Ukraine before the entry into force of [the Law of Ukraine “On Amendments to the Civil Code of Ukraine on Improving the Procedure for Opening and Processing of Inheritance”](#) (hereinafter - Law No. 3450-IX) (from 24.02.2022 to 30.01.2024), as well as to the inheritance that was opened before the introduction of martial law, the deadline for acceptance of which had not expired before its introduction, provided that no certificate of inheritance was issued to any of the heirs;

2) during the period of martial law in Ukraine and within six months from the date of its termination or cancellation, if the place of the opening of the inheritance is a settlement in which state authorities temporarily do not exercise or exercise their powers not in full, the territory where active hostilities are taking place, or the territory temporarily occupied by the Russian Federation, for which no date has been set for the end of hostilities or temporary occupation (hereinafter referred to as the Territories), no date of restoration of the full exercise of their powers by state authorities, a declaration of acceptance of inheritance, a declaration of

renunciation of inheritance, a declaration of renunciation of a testamentary legacy, a claim by the deceased's creditor against the heirs, an application for the safeguarding of inherited property, a declaration of consent to be the executor of the will after the opening of the inheritance, other declarations regarding the inheritance, joint property of spouses (former spouses) within the scope of the inheritance case shall be submitted to a notary regardless of the place of the opening of the inheritance. These provisions regarding the place of submission of a declaration expressing the will regarding inherited property, heirs, executors of a will, persons interested in the protection of such property, or claims of creditors also apply to inheritance opened in a place, located in the temporarily occupied territory of Ukraine throughout the period of temporary occupation of such territory and six months after the end of the temporary occupation, as well as to inheritance that opened before the entry into force of [Law No. 3450-IX](#) (until 30.01.2024).

If the place of the opening of the inheritance is a settlement or Territories for which the date of termination of hostilities or temporary occupation, the date of resumption of the exercise of full powers by the authorities, as well as in case of opening an inheritance case not at the place of opening the inheritance before the entry into force of [Law No. 3450-IX](#) (until 30.01.2024), the notary performs notarial and other acts in relation to the inheritance and joint property of the spouses (former spouses) within the inheritance case at the place of submission of the first declaration. If the place of submission of the first declaration is a settlement or the Territories, notarial and other acts in relation to the inheritance and joint property of the spouses (former spouses) within the framework of the inheritance case must be performed by a notary at the place of submission of the first declaration for issuance of a certificate, in a settlement or in a territory other than a settlement in which the state authorities temporarily do not exercise or do not fully exercise their powers, in a territory where active hostilities are being conducted, or in a territory temporarily occupied by the russian federation. These provisions also apply to inheritances that were opened before the

entry into force of [Law No. 3450-IX](#) (until January 30, 2024);

3) the right to reimbursement of losses incurred by the deceased in contractual obligations or the right to reimbursement of losses that were due to the deceased in accordance with the law is transferred to the heir. The right to receive compensation that the deceased could have received during his or her lifetime under the law is transferred to the heir. These rules apply, among other things, to compensation for damages and compensation for damage and destruction of certain categories of real estate as a result of hostilities, terrorist acts, sabotage caused by the armed aggression of the Russian Federation against Ukraine.

LEGAL ENTITIES

The main legal acts that determine the legal regulation of legal entities are: [The CC of Ukraine](#), the Laws of Ukraine “[On Joint Stock Companies](#)”, “[On Limited Liability Companies and Additional Liability Companies](#)”, “[On Business Associations](#)”, “[On Public Associations](#)”, “[On Freedom of Conscience and Religious Organizations](#)”, “[On the Specifics of Regulating the Activities of Legal Entities of Certain Organizational and Legal Forms During the Transitional Period and Associations of Legal Entities](#)”, “[On State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations](#)” (hereinafter - Law No. 755-IV), as well as [the Procedure for State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations that Do Not Have the Status of a Legal Entity](#), approved by Order of the Ministry of Justice of Ukraine No. 359/5 dated 09.02.2016.

Under Ukrainian law, a **legal entity** is an organization established and registered in accordance with the procedure established by [Law No. 755-IV](#). A legal entity is endowed with civil legal capacity, and may be a plaintiff and defendant in court (Article 80 of the [Civil Code of Ukraine](#)).

The civil *legal capacity* of a legal entity arises from the moment of its establishment and terminates from the date of entry of

its termination in [the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations](#) (hereinafter - the USR).

A legal entity *acquires* civil rights and obligations and exercises them through its bodies acting in accordance with its constituent documents and the law. In cases established by law, a legal entity may acquire civil rights and obligations and exercise them through its participants.

A legal entity is solely *liable* for its obligations with all its property. A participant (founder) of a legal entity is not liable for the obligations of the legal entity, and the legal entity is not liable for the obligations of the participant (founder), except in cases established by the constituent documents and the law. Persons, establishing a legal entity, are jointly and severally liable for obligations arising before its state registration. A legal entity is liable for the obligations of its members (founders) related to its establishment only if their actions are subsequently approved by the relevant body of the legal entity.

A legal entity may be *established* through the association persons and/or property. A legal entity may be established through compulsory division (spin-off) in cases established by law.

Legal entities, depending on the procedure for their establishment, are *divided* into legal entities of private law and legal entities of public law.

A legal entity *of public law* is established by an administrative act of the President of Ukraine, a state authority, an authority of the Autonomous Republic of Crimea or a local self-government authority.

To establish a legal entity *of private law*, its participants (founders) shall develop *constituent documents*, which shall be set forth in writing and signed by all participants (founders), unless the law establishes a different procedure for their approval. A legal

entity of private law may be established and operate on the basis of a model charter approved by the Cabinet of Ministers of Ukraine and, in cases provided for by law, by the National Bank of Ukraine. The founders (participants) of a legal entity, established on the basis of a model charter may, in accordance with the procedure established by law, approve the charter, which is a constituent document, and carry out activities on its basis.

Legal entities may be *established* in the form of companies, institutions and other forms established by law.

A *company* is an organization established by uniting persons (participants) who have the right to participate in this company. A company may be established by one person, unless otherwise provided by law (for example, a business company, except for a general and limited partnership, may be established by one person who becomes its sole participant). A company's constituent document is a *charter*, approved by the participants or a *memorandum of association* between the participants, unless otherwise provided by law. A company established by a single person acts on the basis of a charter approved by that person. The company is *managed* by its bodies - the general meeting of its participants and the executive body, unless otherwise provided by law. The general meeting of participants of a company has the right to make decisions on all issues of the company's activities, including those falling within the competence of other bodies of the company, unless otherwise provided by law. The general meeting of participants shall establish an executive body by its resolution and determine its competence and composition.

Companies are divided into entrepreneurial and non-entrepreneurial ones.

Companies that carry out *business* activity with the aim of making profit and its subsequent distribution among participants (for-profit companies) may be established only as **business companies** - legal entities whose authorized (share) capital is divided into shares among participants (general partnership, limited

partnership, limited liability or additional liability company, joint stock company) or production cooperatives or agricultural cooperatives, agricultural cooperative associations acting with the aim of obtaining profit.

A general partnership is a company whose members, in accordance with an agreement concluded between them, carry out business activities on behalf of the company and jointly and severally bear additional (subsidiary) liability for its obligations with all the property they own. A general partnership is established and operates on the basis of a memorandum of association. The memorandum of association is signed by all its members.

A limited partnership is a company in which, along with the participants who carry out business activities on behalf of the company and jointly and severally bear additional (subsidiary) liability for the company's obligations with all their property (general partners), there are one or more participants (contributors) who bear the risk of losses related to the company's activities within the amounts of their contributions and do not participate in the company's activities. A limited partnership is established and operates on the basis of a memorandum of association. The memorandum of association is signed by all general partners.

A limited liability company is a company established by one or more persons, the charter capital of which is divided into shares.

An additional liability company is a company founded by one or more persons, the charter capital of which is divided into shares, whose members jointly and severally bear additional (subsidiary) liability for the company's obligations with their property in proportion to the value of the contribution.

A joint-stock company is a business entity whose charter capital is divided into a certain number of shares of equal nominal value, the corporate rights to which are certified by shares.

Shareholders of a company are not liable for the company's

obligations and bear the risk of losses related to the company's activities only within the nominal value of their shares. The constituent document of a joint-stock company is its charter.

Joint-stock companies are divided by type into *public* joint-stock companies and *private* joint-stock companies (depending on the public or private offering of their own shares).

A production cooperative is a voluntary association of citizens on the basis of membership for joint production or other economic activities based on their personal labor participation and the pooling by its members of property share contributions. The charter of a cooperative (a constituent document approved by the general meeting of members of the cooperative) and the law may provide for the participation of other persons in the activities of a production cooperative on the basis of membership.

Non-entrepreneurial companies are companies whose activity is aimed at achieving economic, social or other objectives, and which does not pursue the aim of generating profit for distribution among its participants. Non-entrepreneurial companies (agricultural cooperatives and agricultural cooperative associations, operating without the purpose of making profit, other cooperatives, except for production cooperatives, associations of citizens, state and communal non-commercial companies etc.) and institutions may, along with their main activity, carry out business activities, unless otherwise provided by law and if such activities are in line with the purpose for which they were established and contribute to its achievement.

An institution is an organization established by one or more persons (founders) who do not participate in its management by combining (allocating) their property to achieve the purpose determined by the founders at the expense of this property. An institution is established on the basis of an individual or joint constituent act drawn up by the founder (founders). The foundation act may also be contained in a will. Prior to the establishment of an institution, the constituent act drawn up by one or more persons may

be canceled by the founder(s). The founders of an institution do not participate in its management. An institution must establish a management board, which is subject to the same provisions as the executive body of a company. The foundation act may also provide for the establishment of other bodies, determine the procedure for the formation of these bodies and their composition.

A **branch** is a separate subdivision of a legal entity located outside its location and performing all or part of its functions. A **representative office** is a separate subdivision of a legal entity located outside its location and representing and protecting the interests of the legal entity.

Branches and representative offices are not legal entities. They are endowed with the property of the legal entity that established them and act on the basis of a regulation approved by it or on another basis provided for by the legislation of the foreign state under which the legal entity was established, such branches and representative offices are separate subdivisions of it.

A legal entity, branch and representative office of a legal entity are considered to be *established* from the date of their **state registration** - official recognition by the state of the fact of establishment or termination of a legal entity, a separate subdivision of a legal entity established in accordance with the laws of a foreign state, changes in the information contained in the [USR](#) about a legal entity, as well as other registration actions provided for by [Law No. 755-IV](#).

Subjects of state registration of legal entities are the Ministry of Justice of Ukraine directly and/or through its territorial bodies, the central executive authority that implements state policy in the field of religion, the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations, executive bodies of village, town and city councils, Kyiv and Sevastopol city, district, city districts in Kyiv and Sevastopol state administrations, as well as *notaries*. A *state registrar of legal entities* is a notary or a person who is employed by

a subject of state registration.

Notaries have all the **powers** of a state registrar as defined by current legislation. At the same time, state registration of changes to information about a legal entity contained in the Unified State Register as a result of notarial authentication of a transaction involving the alienation (transfer) of a founder's (participant's) share in the charter (share) capital (share fund) of a legal entity (except for joint-stock companies, limited liability companies, additional liability companies), as a result of the issuance of a certificate of inheritance of the founder's (participant's) share in the charter (share) capital (share fund) of a legal entity (except for joint-stock companies, limited liability companies, additional liability companies) may be performed only by the notary who performed the relevant notarial act, immediately after making an attestation inscription on the document or signing the document issued by him or her (except for cases of notarial authentication certification of a transaction, the legal effect of which is linked to the occurrence of a certain circumstance, and if there are valid reasons (an extraordinary or unavoidable event under the given circumstances (force majeure))), in the event of the notary's death, the notification that he or she is deceased or missing, or if the notary is unable to perform such actions due to his or her health conditions, in connection with the termination or suspension of the activities of such a notary).

A legal entity is **terminated** as a result of reorganization (merger, acquisition, division, transformation) or liquidation. In the event of reorganization of legal entities, property, rights and obligations are transferred to legal successors.

The legal entity **shall be liquidated**:

1) by a decision of participants, state or municipal property management authority or a body of a legal entity authorized to do so by its constituent documents, including in connection with the expiration of the period for which the legal entity was established, achievement of the purpose for which it was established, as well as in other cases provided for by the constituent documents;

2) by a court decision on the liquidation of a legal entity due to violations committed during its establishment that cannot be corrected, upon a claim filed by a participant of a legal entity or the relevant state authority;

3) by a court decision on the liquidation of a legal entity in other cases established by law - upon a claim filed by the relevant state authority.

A legal entity is deemed to have been terminated from the date of entry of a record of its termination in the [USR](#). The procedure for termination of a legal entity in the process of restoring its solvency or bankruptcy is established by the [Code of Ukraine on Bankruptcy Procedures](#). The peculiarities of termination of a bank, insurer, credit union as a legal entity are established by law.

The main *changes* in the *legal* regulation of *legal entities* introduced in connection with the russian invasion of Ukraine are determined by [the Resolution of the Cabinet of Ministers of Ukraine dated March 06, 2022 No. 209 “Some issues of state registration and functioning of unified and state registers held by the Ministry of Justice under martial law”](#) (hereinafter - Resolution No. 209). These amendments provide that during martial law and within one month from the date of its termination or cancellation:

1) it is prohibited to perform the state registration of legal entities, public associations that do not have legal entity status, and individual entrepreneurs, as well as other registration actions by state registrars of legal entities, individual entrepreneurs, and public associations, who are in an employment relationship with the subject of state registration, the registered office of which according to the data of the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations is located within an administrative-territorial unit belonging to the territories of active hostilities (except for the territories of active hostilities where state electronic information resources are functioning) and territories temporarily occupied by the russian federation, included

in the [List of territories](#) for which no end data of hostilities or temporary occupation has been determined, except in cases where the actual location of the registration authority, due to relocation, is within an administrative-territorial unit not belonging to the said territories;

it is prohibited to perform the state registration of legal entities, public associations that do not have legal entity status, and individual entrepreneurs, as well as other registration actions by notaries whose workplace (office) is located within the administrative - territorial unit belonging to the territories of active hostilities (except for the territories of active hostilities where state electronic information resources are functioning) and territories temporarily occupied by the Russian Federation, included in the [List of territories](#) for which no end data of hostilities or temporary occupation has been determined;

2) officials of territorial bodies of the Ministry of Justice, in addition to the powers specified by law, are also permitted in the sphere of state registration of legal entities, public associations that do not have legal entity status, individual entrepreneurs, and separate divisions of legal entities established in accordance with the legislation of a foreign state, to carry out state registration on the basis of court decisions prohibiting registration actions, imposing seizure of corporate rights;

3) in the case of submission of documents for state registration of a legal entity that belongs to the field of management of a central or local executive authority or in which the state holds 100 percent of the share capital, the applicant may be a person authorized by the body managing the relevant state property/corporate rights;

4) it is prohibited to perform the state registration of changes to the information about a legal entity contained in the Unified State Register of legal entities, individual entrepreneurs and public organizations on the basis of agreements on alienation of corporate rights or acts of acceptance and transfer of a share (part of a share) in the charter (share) capital (charter fund) of a legal entity, which

are duly authenticated or the authenticity of the signature on which is certified in the period from April 28, 2022 to December 31, 2023, inclusive, [by a notary](#) not included in the list of notaries or included in it with a relevant reservation;

5) it is prohibited to perform the state registration of legal entities, public organizations that do not have the status of a legal entity, individual entrepreneurs and separate subdivisions of a legal entity established in accordance with the laws of a foreign state on the basis of documents submitted or signed on the basis of a power of attorney authenticated without the use of special notarial forms, in the absence of information in the Unified Register of Powers of Attorney concerning that power of attorney, confirming the existence of powers, necessary for the representative to submit or sign the relevant documents;

6) state registration of a change in the location of a legal entity is prohibited if the location is within an administrative-territorial unit belonging to the territories temporarily occupied by the Russian Federation and included in the [List of territories](#) for which the date of termination of the temporary occupation has not been determined.

In addition, under martial law and within one month from the date of its termination or cancellation, state registration of a legal entity and a public organization located in the Autonomous Republic of Crimea, Donetsk, Zaporizhzhia, Luhansk, Mykolaiv, Kharkiv, Kherson regions, and the city of Sevastopol is carried out regardless of the location of such legal entity and public organization ([Order of the Ministry of Justice of Ukraine No. 3642/5 dated 30.08.2022](#)).

In addition, given the amendments to the [Law of Ukraine “On Sanctions”](#), notaries, when conducting state registration of legal entities, public associations that do not have legal entity status, and individual entrepreneurs, are obliged to refuse to carry out such state registration if it is established that sanctions (special economic and other restrictive measures have been applied to

protect national interests, national security, sovereignty, and territorial integrity of Ukraine, counter terrorist activities, as well as prevent violations, restore infringed rights, freedoms, and legitimate interests of citizens of Ukraine, society, and the State) in accordance with the [Law of Ukraine “On Sanctions”](#), which make it impossible to carry out state registration, except for state registration of changes to information about the debtor on the basis of a court decision of a commercial court in a case concerning the bankruptcy (insolvency) of the debtor (Article 28 of [Law No. 755-IV](#), Article 1 of the [Law of Ukraine “On Sanctions”](#)).

Additionally, it should be noted that notaries are prohibited from conducting state registration of legal entities and their separate subdivisions if they use the following symbols in their names: symbols of the communist and/or national socialist (Nazi) totalitarian regimes, the prohibition of use of which is established by [the Law of Ukraine “On condemnation of the communist and national socialist \(nazi\) totalitarian regimes in Ukraine and prohibition of propaganda of their symbols”](#); symbols of russian imperial policy in accordance with the [Law of Ukraine “On condemnation and prohibition of propaganda of russian imperial policy in Ukraine and decolonization of toponymy”](#); symbols of the military invasion of Ukraine by the russian nazi totalitarian regime (Articles 16 and 28 of [Law No. 755-IV](#)).

REAL ESTATE

The main legal acts in the real estate sector are: The [CC of Ukraine](#), the [LC of Ukraine](#), the Laws of Ukraine “[On State Registration of Corporeal Rights to Real Estate and Their Encumbrances](#)” (hereinafter - Law No.1952-IV), “[On Land Lease](#)”, “[On Guaranteeing Real Rights to Real Estate Objects to be Constructed in the Future](#)”, “[On Regulation of Urban Development](#)”, and Resolution of the Cabinet of Ministers of Ukraine “[On State Registration of Real Rights to Real Estate and Their Encumbrances](#)” No. 1127 dated December 25, 2015, “[On Approval of the Procedure for Maintaining the State Land Cadaster](#)” No. 1051 dated

October 17, 2012, [On Acceptance of Completed Construction Objects](#) No. 461 dated April 13, 2011, and [On Certain Issues of Technical Inventory](#) No. 488 dated May 12, 2023.

Under Ukrainian law, **immovable things (immovable property, real estate)** includes land plots and objects located on a land plot, the relocation of which is impossible without their depreciation and change of their designated purpose (residential houses, buildings, structures, as well as their separate parts, apartments, residential and non-residential premises, reclamation networks, components of the reclamation network). The regime of immovable things may be extended by law to aircraft, ships, inland navigation vessels, space objects, as well as other things the rights to which are subject to state registration (Article 181 of the [CC of Ukraine](#), Article 5, [Law No. 1952-IV](#)).

Real estate may be in private, state or communal **ownership**.

The subjects of **private property** rights are natural persons and legal entities. Natural persons and legal entities may own any property, except for certain types of property that may not be owned by them under the law. The composition, quantity and value of property that may be owned by natural persons and legal entities are not limited. The law may limit the size of a land plot that may be owned by a natural person or legal entity (Article 325 of the [CC of Ukraine](#)).

State property is property owned by the State of Ukraine. On behalf of and in the interests of the State of Ukraine, the right of ownership is exercised by the respective state authorities. State - owned property is managed by state authorities and, in cases provided for by law, may be managed by other entities (Article 326 of the [CC of Ukraine](#)).

Communal property is property, including funds, owned by a territorial community. The management of property in communal ownership shall be carried out directly by the territorial community and by the local self-government bodies established by it (Article 327 of the [CC of Ukraine](#)).

Property owned by two or more persons (co-owners) belongs to them on the basis of *joint ownership* (common property). Property may belong to persons as joint property with determined shares or as joint property with undetermined shares. The right of joint ownership arises on the grounds not prohibited by law. Joint ownership is deemed to be property with determined shares unless joint property with undetermined shares is established by agreement or law (Article 355 of the [CC of Ukraine](#)).

Property rights *are acquired* on the grounds not prohibited by law, including through transactions. Ownership is considered to be lawfully acquired unless otherwise expressly provided by law or the illegality of the acquisition of ownership or the unreasonableness of the assets held in ownership is established by a court (Article 328 of the [CC of Ukraine](#)).

Ownership of property under an agreement subject to authentication (e.g., sale and purchase, gift, transfer of real estate for the payment of rent, life maintenance (care), etc.) is acquired by the transferee from the date of such authentication or from the date of entry into force of a court decision recognizing an agreement not authenticated as valid. **Rights to real estate subject to state registration arise from the date of such registration** in accordance with the law (Article 334 of the [CC of Ukraine](#)).

The ownership of *a new item* manufactured (created) by a person is acquired by him/her, unless otherwise provided by an agreement or law. A person who has manufactured (created) an item from his/her own materials on the basis of an agreement shall be the owner of this item.

Ownership of *newly established real estate* (residential houses, buildings, structures, etc.) arises from the moment of completion of construction (creation of property). If an agreement or law provides for the acceptance of real estate for operation, ownership arises from the moment it is accepted for operation. If the ownership of real estate is subject to state registration in accordance with the law, the ownership right arises from the moment of state registration. Until

the completion of construction (creation of property), a person is considered the owner of materials, equipment, etc. that were used in the process of such construction (creation of property) (Article 331 of the [CC of Ukraine](#)).

With the entry into force of the Law of Ukraine [“On Guaranteeing Real Property Rights to Real Estate Objects to be Constructed in the Future”](#) on October 10, 2022, the legal field of Ukraine has introduced such concepts as:

1) **divisible object of unfinished construction** — object of real estate to be constructed in the future (building, structure) in respect of which the right to perform construction works has been obtained and which has not been put into operation, provided that the construction project documentation foresees at least two future real estate objects as part of such property;

2) **indivisible object of unfinished construction** — object of real estate to be constructed in the future (building, structure) for which the right to perform construction works has been obtained and which has not been put into operation, provided that such object does not include future real estate objects. Indivisible objects of unfinished construction are divided into indivisible residential objects of unfinished construction (objects that are classified as residential buildings) and indivisible non-residential objects of unfinished construction (objects that are classified as non-residential buildings and engineering structures);

3) **future real estate object** — a component part of a divisible object of unfinished construction provided for in the construction project documentation, which, after the putting into operation of the completed object, will become a separate unit of real estate property (apartment, garage box, other residential or non-residential premises, parking space, etc.) Future real estate objects are divided into future residential real estate (apartment, other residential premises, etc.) and future non-residential real estate (garage box, other non-residential premises, parking space, etc.);

4) **special property right** to an unfinished construction object, future real estate object (hereinafter - special property right) — a type of property right to an unfinished construction object, future real estate object, which consists in: ownership and disposal of such an object at one's own discretion, regardless of the will of other persons, unless otherwise provided by law, and arises after obtaining the right to perform construction work, but not earlier than the state registration of such a right, and terminates after the putting in operation of the completed construction object and state registration of ownership of the relevant real estate property; the right of the person in whose name such right is registered to demand the completion of construction of the object (including an object of which the future real estate property is a component part) and its commissioning, resulting in the acquisition by such person of ownership of the real estate property that meets the technical characteristics of the relevant property specified in the agreement.

It is also important to note that due to Russia's military aggression and its devastating consequences for Ukraine, new terms have emerged, the meaning of which is given in Article 1 of [the Law of Ukraine “On Compensation for Damage and Destruction of Certain Categories of Real Estate as a Result of Hostilities, terrorist acts, sabotage caused by the armed aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine”](#):

- **Destroyed real estate objects** — real estate objects located in Ukraine and rendered unfit for its intended use as a result of hostilities, terrorist acts, sabotage caused by the armed aggression of the Russian Federation against Ukraine, the restoration of which is impossible through current or major repairs, reconstruction, restoration or economically unfeasible;
- **Damaged real estate objects** — real estate objects located in Ukraine and damaged as a result of hostilities, terrorist acts,

sabotage caused by the armed aggression of the Russian Federation against Ukraine, and can be restored through current or major repairs, reconstruction or restoration, if such restoration is economically feasible.

The said law establishes the legal and organizational principles of compensation for damage and destruction of certain categories of real estate as a result of hostilities, terrorist acts and sabotage caused by the armed aggression of Russia against Ukraine. It introduces mechanisms of compensation for destroyed or damaged real estate, in particular, it establishes the possibility and determines the procedure for financing the purchase of an apartment, other residential premises, a manor house, a garden or summer house (including financing the purchase of premises or a house to be built in the future, or investing/financing its construction) using a housing certificate.

A housing certificate is an electronic document confirming the state's guarantees to provide financing for the acquisition of a residential real estate (including investment/financing of its construction), the land plot on which such a property is located, or a share in the ownership of such property in an amount equal to the amount of money specified in that document.

Notaries play an important role in the state's implementation of the compensation mechanism through housing certificates, as they actually accompany this process from the beginning to the end. In particular, notaries' activities include providing legal advice, assisting in the preparation and submission of an application for compensation, conducting state registration of the real estate ownership termination in the State Register of Real Property Rights due to its destruction, authenticating an agreement on the purchase of real estate using a housing certificate, and imposing a prohibition on the alienation of real estate purchased using a housing certificate for a period of five years.

The right of ownership *is terminated* in case of: 1) alienation of property by the owner; 2) waiver of the owner's right of ownership;

3) termination of the right of ownership of property that cannot belong to this person by law; 4) destruction of property; 5) purchase of cultural heritage monuments; 6) compulsory alienation of privately owned land plots and other real estate property located on them for reasons of public needs in accordance with the law; 8) foreclosure on property for the owner's obligations; 9) requisition; 10) confiscation; 11) termination of a legal entity or death of the owner; 12) recognition of assets as unjustified and their recovery for the state's revenue. Property rights may be terminated in other cases established by law (Article 346 of the [CC of Ukraine](#)).

Real rights to someone else's property are: 1) the right of possession (the owner of someone else's property is the person who actually holds it); 2) the right of use (servitude - the right of the owner or land user of a land plot or other interested person to limited use of another's land plot(s), whether for consideration or free of charge); 3) the right to use a land plot for agricultural purposes (emphyteusis); 4) the right to build on a land plot (superficies); 5) the right of permanent use of a land plot (the right to own and use a land plot owned by the State or municipality without setting a term); 6) the right to lease a land plot (contractual fixed-term paid possession and use of a land plot required by the lessee for business and other activities); 7) the right to sublease a land plot (Article 397 of the [CC of Ukraine](#), Articles 92, 93, 98 of the [LC of Ukraine](#), the Law of Ukraine “[On Land Lease](#)”).

Ownership and other real rights to immovable property, encumbrances on these rights, their emergence, transfer and termination are subject to state registration, which is the official recognition and confirmation by the state of the facts of acquisition, change or termination of real rights to immovable property, encumbrances on such rights by entering relevant information into the [State Register of Real Rights to Immovable Property](#) (Article 182 of the [CC of Ukraine](#), Article 2 of [Law No. 1952-IV](#)).

Subjects of state registration of rights are executive bodies of village, town and city councils, Kyiv and Sevastopol city, district, city districts in Kyiv and Sevastopol state administrations and state registrars of rights to immovable property: citizens of Ukraine who have a higher education in law, meet [the qualification requirements](#) and are in an employment relationship with the subject of state registration of rights; state and private enforcement officers - in case of imposition/lifting of seizure of immovable property by such enforcement officers during the enforcement of decisions in accordance with the law; *notaries* (Articles 6, 10 of [Law No. 1952 - IV](#)).

Notaries have all the powers of state registrars of rights to real estate. At the same time, pursuant to Article 31² of [Law No. 1952-IV](#), state registration of rights as a result of a notarial act with real estate, an property under construction, a future real estate, which results in the acquisition, change or termination of property rights, their encumbrances simultaneously with the performance of such a notarial act, is carried out by the notary who performed the relevant notarial act, except as provided below.

In case of authentication of a transaction, the legal effect of which is associated with the occurrence of a certain circumstance, as well as if, as a result of the notarial act, new items of real estate-are formed, which requires the owner to take actions aimed at the formation (creation) of real estate, state registration of rights is carried out after the occurrence of a certain circumstance, the formation (creation) of real estate by any state registrar in the manner and within the time limits provided for by [Law No. 1952-IV](#).

If there are valid reasons (an extraordinary or unavoidable event under the given conditions (force majeure), state registration of rights as a result of a notarial act with real estate, a property under construction, a future real estate, which results in the acquisition, change or termination of property rights, their encumbrances simultaneously with the performance of such a notarial act, may be

performed by another notary by agreement with him/her and upon prior written notice to the relevant territorial body of the Ministry of Justice of Ukraine, indicating valid reasons, information about the notary who will perform the state registration of rights, and the period of absence. These rules also apply to cases of other registration acts performed by a notary who, if the above conditions are met, cannot perform registration acts within the time limits established by [Law No. 1952-IV](#) on applications pending before such a notary.

The main *changes* in the *real estate* legislation introduced in connection with the russian invasion in Ukraine are defined by [Resolution No. 209](#). These amendments provide that during martial law and within one month from the date of its termination or cancellation:

- 1) it is prohibited to perform the state registration of real rights to immovable property and their encumbrances, as well as other registration actions by state registrars of real rights to immovable property and their encumbrances that are in an employment relationship with a state registration of rights, registered office of which according to the data of the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations is located within an administrative-territorial unit belonging to the territories of active hostilities (except for the territories of active hostilities where state electronic information resources are functioning) and territories temporarily occupied by the russian federation, included in the [List of territories](#) for which no end data of hostilities or temporary occupation has been determined, except in cases where the actual location of the registration authority, due to relocation, is within an administrative-territorial unit not belonging to the said territories;

it is prohibited to perform the state registration of real rights to immovable property and their encumbrances, as well as other registration actions by notaries whose workplace (office) is located within the administrative-territorial unit belonging to the territories

of active hostilities (except for the territories of active hostilities where state electronic information resources are functioning) and territories temporarily occupied by the Russian Federation, included in the [List of territories](#) for which no end data of hostilities or temporary occupation has been determined;

2) officials of the territorial bodies of the Ministry of Justice, in addition to the powers defined by law, are also allowed to in the field of state registration of real rights to immovable property and their encumbrances state registration of acquisition of encumbrances of real rights to immovable property on the basis of a court decision; registration of a court decision prohibiting registration actions;

3) it is prohibited to perform the state registration of real rights to immovable property and their encumbrances on the basis of agreements that in the period from February 25, 2022 to December 31, 2023 inclusive were certified by a notary who was not included in the [list of notaries who perform notarial acts in respect of valuable property during martial law](#), approved by the Ministry of Justice, or was included in it with appropriate reservation;

4) state registration of real rights of immovable property and their encumbrances is prohibited on the basis of documents submitted or signed on the basis of a power of attorney authenticated without the use of special notarial forms, if the Unified Register of Powers of Attorney does not contain information on the powers of attorney required for the representative to submit or sign the relevant documents;

5) state registration of ownership rights to immovable property on the basis of a mortgage agreement for a consumer loan is prohibited, except in cases where the subject of the mortgage is real estate mortgaged to secure the performance of obligations under agreements concluded after the date of entry into force of the Law of Ukraine [“On Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Application of](#)

[Provisions During the Period of Martial Law](#)”, or under agreements to which, after entry into force of the Law of Ukraine [“On Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Application of Provisions During the Period of Martial Law”](#), by agreement of the parties amendments were made regarding the extension of the terms for the fulfillment of obligations and/or reduction of interest and penalties.

Under martial law and within one month from the date of its termination or cancellation, state registration of property rights and other real estate rights *located in* the Autonomous Republic of Crimea, Donetsk, Zaporizhzhia, Luhansk, Mykolaiv, Kharkiv, Kherson regions, and the city of Sevastopol is carried out regardless of the location of such property ([Order of the Ministry of Justice of Ukraine No. 3642/5 of 30.08.2022](#)).

State registration of property rights to *newly created* real estate located in areas of active hostilities or in territories of Ukraine temporarily occupied by the Russian Federation, which are included in the [List of Territories](#), that is carried out in accordance with the requirements of the Law of Ukraine [“On the Specifics of Providing Public \(Electronic Public\) Services”](#) on the basis of copies of documents required for such registration, certified by the signature of the applicant - the person who carried out the construction of such a property, shall be carried out without sending a request for confirmation of the issuance of a document that is not contained in information and telecommunication systems that are issued/created or are in the possession and/or use and/or at the disposal of the provider of public (electronic public) services, other state authorities, local self-government bodies, state registrars, state registration entities, state and municipal enterprises, institutions and organizations, and/or the authenticity of information through the system of electronic interaction of electronic resources. State registration of ownership rights to newly established real property may be carried out in this manner only if

the applicant has a real right to the land plot under such property (Article 31⁸ of [Law No. 1952-IV](#)).

In addition, taking into account the amendments to the [Law of Ukraine “On Sanctions”](#), notaries, when carrying out the state registration of real rights to immovable property, are obliged to refuse to carry out such state registration if the fact of the application of *sanctions* (special economic and other restrictive measures applied to protect national interests, national security, sovereignty, and territorial integrity of Ukraine, counter terrorist activities, as well as prevent violations, restore violated rights, freedoms, and legitimate interests of citizens of Ukraine, society, and the state) in accordance with the [Law of Ukraine “On Sanctions”](#), which make state registration impossible, except for state registration of changes to information about the debtor on the basis of a commercial court decision in a case concerning the bankruptcy (insolvency) of the debtor (Article 24 of [Law No. 1952-IV](#), Article 1 of the [Law of Ukraine “On Sanctions”](#)).

It is also worth mentioning that during the period of martial law in Ukraine or its separate localities and within one year from the date of its termination or cancelation, *land relations are regulated* with due regard to the peculiarities set forth in paragraph 27 of Section X of the [LC of Ukraine](#). Of the numerous peculiarities provided for in the above paragraph, it is worth noting that the free transfer of state-owned and municipally owned land to private ownership, the granting of permits for the development of land management documentation for the purpose of such free transfer, and the development of such documentation are prohibited. These provisions do not apply to the free transfer of land plots to private ownership to owners of real estate (buildings, structures) located on such land plots, as well as to the free transfer to private ownership of land plots transferred for use before the [LC of Ukraine](#) came into force.

MAIN ELECTRONIC REGISTERS USED BY NOTARIES IN UKRAINE WHEN PERFORMING THEIR DUTIES

In today's digital environment, electronic registers play an important role in the work of notaries in Ukraine. The integration of the main electronic registers contributes to ensuring transparency, accuracy and efficiency of notarial activities. These electronic resources are an integral part of the notarial process, allowing notaries to obtain and verify information necessary to perform their professional duties, minimizing the risks of errors and abuse.

In addition, in cases specified by applicable law, notaries are required to enter relevant information into certain registers as part of the exercise of their powers.

The electronic registers in respect of which notaries are authorized not only to *obtain information* but also to *enter relevant information* include:

1) **The inheritance Register** - a register containing information on wills and inheritance contracts authenticated in Ukraine, and at the request of the testator - authenticated (drawn up and/or accepted for storage) and registered in foreign countries in accordance with the Convention on the Establishment of a Scheme of Registration of Wills, of opened inheritance cases and of issued certificates of inheritance ([Regulation on the Inheritance Register](#));

2) **The Unified Register of Powers of Attorney** is an electronic database containing information on powers of attorney (including their duplicates), as well as information on their termination ([Regulation on the Unified Register of Powers of Attorney](#));

3) **[The Unified Register of Special Notarial Forms](#)** is an electronic database containing information on: supply of forms to

state notarial offices, state notarial archives, and private notaries; forms issued to state and private notaries; forms received by state notarial offices, state notarial archives, and private notaries; forms transferred by state notarial offices, state notarial archives, public and private notaries; expired and invalid forms; authentication of forms; information certificates and extracts from this register ([Procedure for Maintaining the Unified Register of Special Forms of Notarial Documents](#));

4) [The State Register of Encumbrances on Movable Property](#) is a unified computer database on the emergence, change, termination of encumbrances, as well as on the enforcement against the object of encumbrance ([Procedure for Maintaining the State Register of Encumbrances on Movable Property](#));

5) [The State Register of Real Property Rights](#) is a unified state information system that ensures processing, storage and provision of information on registered real property rights and their encumbrances ([Law No. 1952-IV](#), [Procedure for Maintaining the State Register of Real Property Rights](#));

6) [The Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations](#) is the unified state information system that ensures the collection, accumulation, processing, protection, accounting and provision of information on legal entities, individual entrepreneurs and public organizations that do not have the status of a legal entity, separate subdivisions of a legal entity established in accordance with the legislation of a foreign state ([Law No. 755-IV](#), [Procedure for State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations that Do Not Have the Status of a Legal Entity](#));

7) [The unified database of valuation reports](#) is a state automated information and telecommunication system, which includes a database, software, a module for electronic determination of the appraised value, a service for electronic determination of the appraised value and automatic generation of electronic certificates on the appraised value of a real estate object

[\(Procedure for Maintaining the Unified Database of Valuation Reports\)](#));

8) **The State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the russian federation against Ukraine** is a unified state information and communication system designed to collect, accumulate, record, process, store and protect information (documents) on movable and immovable property (hereinafter referred to as property) damaged and destroyed as a result of hostilities, terrorist acts, sabotage caused by the armed aggression of the russian federation against Ukraine, persons whose property was damaged or destroyed, material damage (including losses) caused as a result of damage and destruction of such property, compensation for damage and destruction of such property, financing of restoration of damaged and destroyed property, as well as other information (documents) ([Procedure for Maintaining the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the russian federation against Ukraine](#));

9) **[The unified Register of Persons Missing under Special Circumstances](#)** - an electronic database intended for storing, protecting, processing, using and disseminating information on persons missing under special circumstances, their unidentified remains, the existence or absence of a court decision declaring persons missing under special circumstances as missing or declaring them deceased, information on the issuance by notaries of a certificate of appointment of a guardian over the property of persons missing under special circumstances, as well as other data used to ensure the registration of missing persons for the purpose of their search (Article 65¹ of the [Law of Ukraine "On the Notariat"](#), [Regulation on the Unified Register of Persons Missing under Special Circumstances](#)).³

³As of the date of publication of this Handbook, notaries in Ukraine do not have access to this register, but this is expected to be the case in the future.

In addition, when performing notarial activities and exercising their powers of state registration of real rights to immovable property and their encumbrances, as well as state registration of legal entities, public organizations that do not have the status of a legal entity, and individual entrepreneurs, notaries of Ukraine *use the information* contained in such electronic registers:

1) **The State Register of Civil Status Acts** is a state electronic information system that contains information on civil status acts, changes made to civil status records, their renewal and termination, and information on the issuance of certificates of state registration of civil status acts and on the issuance of extracts therefrom ([Procedure for Maintaining the State Register of Civil Status Acts](#));

2) [The Unified State Demographic Register](#) is an electronic information and communication system designed to store, protect, process, use, and disseminate information specified by law about individuals and documents issued using this register, ensuring compliance with the freedoms guaranteed by the Constitution of Ukraine, including freedom of movement and free choice of residence, the prohibition of interference in personal and family life, and other rights and freedoms of individuals and citizens ([Law of Ukraine “On the Unified State Demographic Register and Documents Confirming Citizenship of Ukraine, Certifying Identity or Special Status”](#), [Procedure for Notaries' Access to the Unified State Demographic Register](#))⁴;

3) [The Unified State Electronic System in the Field of Construction](#) is a unified information and communication system within the urban planning cadaster that ensures the creation, review, sending, acceptance, collection, entry, accumulation, processing, use, consideration, storage, protection, accounting and

⁴ As of the date of publication of this Handbook, notaries in Ukraine do not have access to this register, but this is expected in the future.

provision of information in the field of construction, as well as electronic interaction between natural persons and legal entities, state bodies, local self-government bodies, administrative service centers in order to obtain the services in the field of construction specified by this Law ([Law of Ukraine “On Regulation of Urban Planning Activities”](#), [Procedure for Maintaining the Unified State Electronic System in the Field of Construction](#));

4) [The State Land Cadaster](#) is a unified state geoinformation system of information on lands located within the state border of Ukraine, their intended purpose, restrictions on their use, as well as data on quantitative and qualitative characteristics of lands, their valuation, distribution of lands between owners and users, land reclamation networks and components of land reclamation networks ([Law of Ukraine “On the State Land Cadaster”](#), [Procedure for Maintaining the State Land Cadaster](#));

5) [The State Register of Sanctions](#) is an information and communication system that ensures the collection, accumulation, protection, accounting, display, processing and provision of information on all subjects to whom sanctions have been applied ([Procedure for Performing Notarial Acts by Notaries of Ukraine](#), [Law No. 1952-IV](#), [Law No. 755-IV](#), [Regulation on the State Register of Sanctions](#));

6) [The Unified Register of Debtors](#) is a systematized database of debtors that is part of the automated enforcement system and is maintained to publish real-time information on debtors' outstanding property obligations and prevent debtors from alienating their property ([Law of Ukraine “On Enforcement Proceedings”](#), [Regulation on the Automated Enforcement System](#));

7) [The Unified State Register of Court Decisions](#) is an automated system for collecting, storing, protecting, recording, searching and providing electronic copies of court decisions ([Law](#)

[of Ukraine “On Access to Court Decisions”](#));

8) [The Register of Agrarian Notes](#) is an information and communication system which, in the manner prescribed by the [Law of Ukraine “On Agrarian Notes”](#) and the [Regulation on the Register of Agrarian Notes](#), contains information on the issuance, content and amendment of details, termination and encumbrance of agrarian notes, as well as on the commencement of compulsory enforcement of obligations under agrarian notes on the basis of a special extract from the Register of Agrarian Notes.

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