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From Judicial Dialogue to Legal Integration: Ukraine's Cooperation with the Court of Justice of the European Union Before EU Accession and Prospects for Post-Accession Cooperation

(A Scholarly and Analytical Study of the Legal and Institutional Mechanisms of Cooperation between Ukraine and the Court of Justice of the European Union)

Abstract. This article examines the legal and institutional dimensions of cooperation between Ukraine and the Court of Justice of the European Union (CJEU) as Ukraine prepares for EU membership. Drawing on the EU founding Treaties, the EU–Ukraine Association Agreement, CJEU case law, official documents of European judicial institutions and materials concerning the Supreme Court's international activities, the study analyses existing mechanisms of judicial dialogue and opportunities for their further development. Particular attention is paid to the Supreme Court's participation in European judicial networks, preparing Ukrainian judges for the preliminary ruling procedure, safeguards for judicial independence, professional training, legal translation and the development of human resources for future EU membership. The article also examines how Ukraine's experience in the judicial review of sanctions and other restrictive measures, the digital resilience of courts, the responsible use of artificial intelligence, and the administration of justice during the full-scale war may inform professional exchange. It proposes practical avenues for cooperation, including more systematic use of European judicial networks, a specialised programme to prepare judges for preliminary references, the development of legal terminology and professional exchanges. The article emphasises the need to distinguish forms of professional cooperation available to Ukraine before accession from the procedural mechanisms through which national courts interact with the CJEU after accession.

Keywords: Ukraine's European integration; Court of Justice of the European Union; judicial dialogue; Supreme Court; preliminary ruling procedure; judicial independence; effective judicial protection; Judicial Network of the European Union; judicial training; European Union law; artificial intelligence in justice.

Introduction. Ukrainian Courts as Participants in European Judicial Dialogue

Preparing Ukraine for membership of the European Union requires not only the approximation of national legislation to EU law but also the development of the courts' capacity to ensure its proper application. Cooperation between Ukrainian courts and the Court of Justice of the European Union is particularly important in this respect. It already encompasses professional dialogue, exchanges of case law and participation in European judicial networks.

Ukraine is not yet a Member State of the European Union. Accordingly, its courts cannot make references for preliminary rulings under Article 267 of the Treaty on the Functioning of the European Union (TFEU). The Supreme Court nevertheless already participates in the Judicial Network of the European Union (JNEU), which facilitates professional interaction among Europe's highest courts [2].

In April 2025, the President of the Supreme Court attended a joint meeting of the Network of the Presidents of the Supreme Judicial Courts of the European Union and the CJEU in Luxembourg and met the President of the CJEU [1]. Discussions addressed the functioning of Ukrainian justice during the war, translation and systematic analysis of CJEU case law, professional training for Ukrainian judges, and the importance of national judicial independence and uniform application of EU law for mutual trust between judicial systems [1].

Judicial cooperation has acquired greater importance in the context of Ukraine's EU accession negotiations. On 15 June 2026, negotiations were opened on Cluster 1, 'Fundamentals', which includes Chapter 23, 'Judiciary and Fundamental Rights'. Cluster 6, 'External Relations', was opened on 14 July 2026, followed on 13 October 2026 by Cluster 2, 'Internal Market', and Cluster 3, 'Competitiveness and Inclusive Growth'. Preparing the judicial system to apply EU law has therefore become directly relevant to meeting accession-related commitments, including interim benchmarks in the field of the rule of law [35; 36; 60].

Such preparation extends beyond familiarisation with individual CJEU judgments. It entails mastering autonomous concepts of EU law, the principles governing its interpretation, the limits of national courts' jurisdiction, the conditions for making preliminary references and the requirements for reasoned judicial decisions.

Further cooperation should be directed towards systematic institutional preparation for membership: practical judicial training, regular exchanges of legal research, stronger judicial analytical capacity, professional placements and improved legal translation.

At the same time, cooperation should be reciprocal. Ukraine can offer its European counterparts experience of judicial review of sanctions and other restrictive measures, ensuring the digital resilience of courts, responsible use of artificial intelligence and the administration of justice during the full-scale war.

The present stage of cooperation should lay the groundwork for the proper application of Union law by Ukrainian courts after accession and their effective use of the preliminary ruling procedure under Article 267 TFEU [3].

This study concerns the legal and institutional mechanisms for cooperation between Ukraine and the CJEU during preparations for membership, as well as prospects for their

development after accession. Its principal focus is on opportunities for professional judicial dialogue, preparation for the preliminary ruling procedure and the use of Ukrainian judicial experience in comparative research. Assessment of the effectiveness of existing forms of cooperation is limited to information available from public sources. The proposed measures are the author's recommendations and would require the relevant institutions' agreement.

The central research question is how existing forms of judicial cooperation can support Ukraine's transition from pre-accession judicial dialogue to participation in the EU judicial system after accession. The study employs doctrinal legal analysis and a comparative examination of EU and Ukrainian case law, supplemented by an assessment of publicly documented institutional cooperation. It does not seek to measure the effectiveness of existing cooperation empirically.

1. Cooperation between the Supreme Court, the CJEU and European Judicial Networks, 2022–2026

On 14 October 2022, the Supreme Court was granted observer status in the Network of the Presidents of the Supreme Judicial Courts of the Member States of the European Union. That organisation is an independent mechanism for professional cooperation and is distinct from the JNEU [5].

In November 2022, a delegation from the Supreme Court made an official visit to the CJEU in Luxembourg. According to the CJEU's 2022 Annual Report, the purpose of the meeting was to establish cooperation between the two courts, particularly in matters concerning the fundamental values of the European Union [4].

Since 2023, the Supreme Court has prepared and published periodic reviews of CJEU case law setting out the essential circumstances of cases and the Court's legal reasoning. These publications help Ukrainian judges become familiar with EU law and provide a source base for comparative legal analysis [6; 46].

In January 2025, a delegation of Supreme Court judges, including representatives of the Grand Chamber and all four cassation courts, visited the CJEU. The programme included meetings with the Court's leadership, discussions of European standards of justice and familiarisation with the institution's work [7].

In March 2025, a delegation of judges of the Constitutional Court of Ukraine paid a working visit to the CJEU to learn about its activities and exchange professional experience [8].

The Supreme Court is one of four highest courts from non-EU countries participating in the JNEU, alongside courts from Iceland, Liechtenstein and the United Kingdom. The Network also comprises 78 constitutional and supreme courts from Member States [2].

On 27 May 2025, the General Assembly of ACA-Europe approved the Supreme Court of Ukraine's admission as an observer. Ukraine's experience of administering justice during the war was presented at the meeting. This created an additional channel for professional cooperation, of particular relevance to administrative justice [9; 42].

In November 2025, the seventh annual meeting of JNEU correspondents took place in Lisbon. Topics included the future of cooperation and the scope of the obligation on courts

of last instance to make requests for preliminary rulings. According to the CJEU, 60 representatives of judicial institutions and European judicial networks attended [2].

In August 2026, the National School of Judges of Ukraine held its second Summer School on EU Law, with participants including Virgilijus Valančius, a former Judge of the General Court of the European Union (2016–2023) [10; 11].

Despite the development of institutional contacts, publicly available information does not permit a comprehensive assessment of the practical results of Ukraine's participation in the JNEU, including the volume of research exchanged, use of Network materials, the activities of Ukrainian correspondents and outcomes of professional training. It would therefore be appropriate to examine existing opportunities for cooperation and how they are used in practice.

2. The Judicial Network of the European Union (JNEU): Developing Permanent Mechanisms for Professional Cooperation

The JNEU was established on 27 March 2017 at the initiative of the CJEU. Its purpose is to maintain continuous informal dialogue among Europe's highest courts and to facilitate the exchange of legal research, judgments and information on EU law [12]. The Network operates a restricted-access information platform, prepares materials for participants and organises working groups on legal research, terminology and innovation. Participation offers Ukraine an opportunity to bring the Supreme Court's analytical methods progressively closer to those used by European judicial institutions.

Before introducing additional organisational measures, it would be appropriate to establish how the Supreme Court is currently represented in the JNEU, the responsibilities of its contact persons and the extent to which Network resources are used. Such an assessment could inform whether coordination among the relevant Supreme Court units, the Grand Chamber and the cassation courts should be improved without duplicating existing functions.

Practical cooperation could cover three areas.

Comparative research. When complex legal questions arise in domestic proceedings, the Supreme Court's research and analytical units could draw on relevant studies and Member State case law through the available JNEU tools.

Useful comparative topics might include judicial approaches to the proportionality of sanctions, legal certainty in taxation, effective judicial protection in environmental disputes and the limits of administrative discretion.

Sharing Ukrainian case law. The Supreme Court could regularly offer English-language summaries of judgments applying the Association Agreement or examining relevant CJEU case law.

Priority should be given to judgments demonstrating independent legal reasoning by national courts and presenting questions of comparative interest.

The author's earlier analysis of the forms, functions and limits of reliance on CJEU case law in Supreme Court decisions underlines that what matters is not simply the number of citations to European case law, but the relevance of the legal question, the connection

between the European ruling and national legislation, and the correct identification of the limits of its application [51].

Horizontal cooperation between research units. Contacts among legal researchers would foster methods of working with multilingual sources, case law and comparative legal materials.

3. Preparing Ukrainian Judges for the Preliminary Ruling Procedure

After Ukraine joins the European Union, Article 267 TFEU will become one of the principal mechanisms through which its national courts interact with the CJEU [3].

Preparation for the preliminary ruling procedure should encompass judges at all levels. Under Article 267 TFEU, national courts whose decisions are subject to judicial remedies may refer questions of EU law, whereas courts of last instance are subject to the obligation to refer under the conditions established by the Court's case law. Training should also address the Foto-Frost principle, under which national courts cannot themselves declare acts of EU institutions invalid [61].

The practical operation of the preliminary ruling procedure requires sound legal preparation. A judge must determine whether a question arises concerning the interpretation or validity of EU law, whether the answer is necessary to decide the dispute, whether relevant CJEU case law already exists and whether the conditions for making a reference are satisfied.

In CILFIT (Case 283/81), the Court clarified the circumstances in which a court of last instance may refrain from making a preliminary reference, including where established CJEU case law has already resolved the question (*acte éclairé*) or the correct interpretation of EU law is so obvious as to leave no scope for reasonable doubt (*acte clair*). In *Conorzio Italian Management* (C-561/19), the Grand Chamber further developed these principles and clarified the requirement to give reasons when declining to make a reference [13; 14].

In KUBERA (C-144/23), the Court examined the duty to refer in the context of a procedural mechanism governing leave to pursue an appeal on points of law [15].

In its judgments of 8 September 2026 in *Statul Român* (C-163/24) and *Ferreira da Silva e Brito and Others* (C-293/24), the Court clarified the conditions governing State liability for breaches of Union law by a court of last instance. A failure to comply with the obligation to make a preliminary reference does not, by itself, give rise to such liability. It may, however, be relevant in determining whether a breach of another provision of EU law conferring rights on individuals is sufficiently serious [47; 58].

A separate element of judicial training should address the temporal scope of EU law following Ukraine's accession. In *Ynos* (C-302/04, ECLI:EU:C:2006:9), judgment of 10 January 2006, paragraphs 36–38, the Court held that it lacked jurisdiction to interpret a directive where the circumstances of the dispute predated Hungary's accession to the EU [38]. For Ukraine, this illustrates the need to determine the temporal character of continuing legal relationships and to consider possible transitional provisions in a future Treaty of Accession.

CILFIT, Consorzio Italian Management, KUBERA and Ynos, together with Article 94 of the Rules of Procedure of the Court of Justice and the 2024 Recommendations to national courts and tribunals, could provide the foundation for specialised training on the need to make a reference, the required contents of a request and the proper reasoning of judicial decisions [13–16; 38; 40].

The Rule of Law Roadmap already envisages strengthening the institutional capacity of the EU Law Training Laboratory at the National School of Judges of Ukraine, including through cooperation with the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA). Against that background, a specialised programme preparing Ukrainian judges for the preliminary ruling procedure (Pre-accession Preliminary Reference Lab) could be developed within the relevant training activities [48].

Training should draw on concluded Ukrainian cases, including cases in which exceptional points of law were resolved, as well as hypothetical legal scenarios. Participants would prepare draft requests for preliminary rulings in accordance with Article 94 of the Rules of Procedure of the Court of Justice, setting out the facts, relevant national law, applicable provisions of EU law and reasons why their interpretation is necessary. Separate exercises should address the validity of Union acts, the scope of the obligation to refer for courts of last instance and the reasons for a decision not to make a reference.

For administrative courts, customs, tax and environmental disputes are of particular interest because Ukrainian legislation in these fields has already been significantly influenced by the EU acquis.

The first year's work could produce a collection of model references, with commentary on drafting technique, the criteria governing the necessity of a reference and relevant CJEU case law.

The preparation of training materials should primarily involve the National School of Judges of Ukraine, judicial research units and participating academics. Judges' participation in practical exercises should be voluntary, without imposing additional obligations unrelated to the administration of justice.

Taking Account of the 2024 Reform of the Preliminary Ruling Procedure

With effect from 1 October 2024, part of the jurisdiction to hear requests for preliminary rulings was transferred to the General Court. Under Article 50b of the Statute of the Court of Justice, this concerns six specifically defined areas: the common system of value added tax, excise duties, the Customs Code, the tariff classification of goods, compensation and assistance to passengers in specified transport situations, and the scheme for greenhouse gas emission allowance trading [17]. All requests continue to be lodged with the Court of Justice, which makes an initial assessment of jurisdiction and transfers those falling within the General Court's competence.

The Court of Justice retains jurisdiction over references that raise independent questions of interpretation concerning primary EU law, public international law, the general principles of Union law or the Charter of Fundamental Rights [17].

In 2025, 65 of the 74 requests assessed under the new jurisdictional allocation mechanism were transferred to the General Court [18]. This practice must be taken into account when preparing Ukrainian judges for the preliminary ruling procedure.

Article 322 of the Association Agreement: A Special Mechanism for Interpreting EU Law
Alongside the future mechanism under Article 267 TFEU, Article 322 of the EU–Ukraine Association Agreement warrants separate consideration.

Under Article 322(2) of the Association Agreement, where a dispute before an arbitration panel in the areas specified in paragraph 1 raises a question concerning the interpretation of a provision of EU law, the arbitration panel must refer that question to the CJEU. The Court's ruling on interpretation is binding on the arbitration panel [19].

The power to make such a referral belongs to the arbitration panel. It does not confer on Ukrainian national courts a general right to seek preliminary rulings.

This special treaty mechanism differs from the preliminary ruling procedure under Article 267 TFEU as regards who may refer, its material scope and its procedural conditions. Comparing the two mechanisms could usefully form part of preparing Ukrainian judges for future EU membership.

4. Judicial Independence and CJEU Standards in the Context of Ukraine's Accession Negotiations

Judicial independence and effective judicial protection are among the principal matters addressed in negotiating Cluster 1, 'Fundamentals'. They are directly connected with Ukraine's commitments under Chapter 23, 'Judiciary and Fundamental Rights', particularly the strengthening of judicial independence, improving the quality of justice and developing judicial training [49].

Article 19(1) of the Treaty on European Union (TEU) and Article 47 of the Charter of Fundamental Rights of the European Union provide central legal guarantees of effective judicial protection within the Union legal order [20; 62].

In *Associação Sindical dos Juizes Portugueses* (C-64/16), the Court treated the independence of national courts as a necessary condition for effective judicial protection [21].

In *Commission v Poland* (C-619/18), the Court examined the premature termination of the mandates of judges of Poland's Supreme Court following a reduction in the retirement age. In C-791/19, it considered the compatibility of the disciplinary regime for judges with guarantees of judicial independence [22; 23].

In *RS* (C-430/21), the Court addressed the primacy of Union law and the impermissibility of disciplinary proceedings against a judge for declining to apply a constitutional court judgment contrary to EU law [24].

In *IS* (C-564/19), the proceedings concerned guarantees of judicial independence in the context of making a request for a preliminary ruling [25].

Of particular importance is the judgment of the Grand Chamber of 18 December 2025 in *European Commission v Republic of Poland* (C-448/23, ECLI:EU:C:2025:975) [37]. The

Court found breaches of fundamental principles of EU law arising from decisions of Poland's Constitutional Tribunal contesting the CJEU's jurisdiction. It also found that, owing to serious irregularities in the appointment of its members, that Tribunal did not satisfy the requirements of an independent and impartial tribunal established by law. For Ukraine, the judgment provides an important point of reference concerning the independence of constitutional adjudication and the relationship between the national constitutional order and EU law after accession.

These judgments are pertinent to the study of judicial reform in Ukraine, particularly disciplinary liability, judicial governance, guarantees of independence, legal certainty and the duty to give reasons for judicial decisions.

Regular thematic exchanges could be organised among judges of the Supreme Court and Constitutional Court of Ukraine, representatives of the CJEU and European scholars of law.

An initial seminar could address 'Judicial Independence, Effective Judicial Protection and the Duty to Give Reasons'.

A practical outcome should be publicly accessible comparative studies of the relevant legal standards and their implications for Ukraine as a candidate country.

A fundamental principle should govern all forms of cooperation: professional exchanges must not involve informal agreement on legal positions in pending cases, disclosure of confidential material or any interference with the independent administration of justice.

5. Professional Training and Placements as Forms of Judicial Cooperation

The European Judicial Training Network (EJTN) organises long-term training placements at the CJEU. Fifteen places are envisaged for 2027–2028, with placements lasting either six or ten months [26]. Eligibility requires participants to be judges or prosecutors from an EU Member State, to have at least one year of professional experience and to be proficient in French and another official EU language.

Under the programme's present rules, Ukrainian judges are not eligible to participate on the same basis as judges from Member States.

The National School of Judges of Ukraine holds observer status in the EJTN. This provides an institutional basis for discussing with the CJEU and EJTN a specific pilot arrangement for short-term study and research visits by Ukrainian judges [43]. Such an arrangement would require separate agreement; it would not automatically extend the conditions of the existing EJTN long-term programme to Ukraine.

A pilot scheme could provide short-term training or research visits for judges, judicial research staff and specialists in legal translation. Principal topics would include the preliminary ruling procedure, the organisation of legal research, the work of language services and the CJEU's digital tools. The feasibility of longer programmes could be considered in the light of the pilot's results.

Cooperation in the other direction would also be valuable: specialist seminars in Ukraine involving serving and former CJEU judges, researchers and Court staff, held remotely or, where security conditions permit, in person.

6. Legal Translation and Preparing Personnel for Ukraine's EU Membership

Following Ukraine's accession to the EU, linguistic and personnel integration will be among the most demanding organisational tasks.

The CJEU administers justice in a multilingual legal environment. Autonomous concepts of Union law must retain the same legal meaning regardless of the language in which they are applied.

This presents practical difficulties for Ukrainian judges. Concepts such as direct effect, primacy, effective judicial protection, proportionality, *acte clair* and *acte éclairé* do not always have fully equivalent counterparts in Ukrainian legal terminology.

The preparation of Ukrainian translations should therefore be accompanied by the study of CJEU case law and comparison of the authentic language versions of legal instruments.

In 2022, the language services dealt with 24 official languages and 552 possible translation directions. They employed 612 lawyer-linguists. Eligibility for that profession required a completed legal education and a thorough knowledge of at least two other official EU languages [4].

At the end of 2025, the CJEU employed 600 lawyer-linguists and 70 interpreters [27]. Were the number of official EU languages to increase from 24 to 25, the mathematical number of possible translation directions would rise from 552 to 600. The actual workload of the language services would depend on the organisation of translation, including the use of pivot languages. These figures underline the need to begin training Ukrainian lawyer-linguists well in advance.

To develop a Ukrainian glossary of autonomous EU-law concepts, an interinstitutional working group could draw on existing Ukrainian terminology work and the EU's Interactive Terminology for Europe (IATE) database [41]. Initially, the glossary could cover key concepts, with references to legislation, CJEU judgments and their respective language versions. Particular attention should be paid to concepts whose legal meaning differs from established categories of Ukrainian law.

Specialised training programmes should also be developed for prospective Ukrainian lawyer-linguists and *référéndaires* at the CJEU.

Preparing Future Judges of the Court of Justice and the General Court

After Ukraine's accession to the EU, the question of Ukraine's participation in the appointment of members of the Court of Justice and General Court will arise.

Article 253 TFEU sets out the qualifications required of Judges and Advocates General of the Court of Justice, while Article 254 addresses Judges of the General Court. Article 255 provides for a committee tasked with assessing candidates' suitability for appointment [28].

It would be appropriate to study the relevant criteria in advance, including independence, professional qualifications, knowledge of EU law, judicial experience and the ability to work in a multilingual environment.

Preparations for Ukraine's future participation in appointments to the CJEU should rest on transparent professional criteria and equal access to opportunities. A distinction must be drawn between Judges of the Court of Justice, Judges of the General Court and Advocates

General: the Court of Justice comprises one Judge from each Member State (Article 19(2) TEU), while the General Court comprises two Judges from each Member State (Article 48 of the Statute of the Court of Justice). No corresponding rule provides for an Advocate General from each Member State. Judges exercise their functions independently and do not represent the States that nominated them [20; 28; 59].

7. Artificial Intelligence in Justice as an Area of Reciprocal Professional Dialogue

On 30 June 2023, the CJEU's Administrative Committee approved its Artificial Intelligence Strategy, setting out approaches to technological development, risk management and improving the efficiency of judicial and administrative processes [29].

On 26 January 2026, the CJEU adopted its Artificial Intelligence Ethics Charter, laying down principles for responsible use of the technology, including human oversight, independence, transparency, security and information protection [30].

The Charter specifically warns of automation bias: excessive reliance on algorithmic outputs may inhibit the development of case law, reduce attention to other legal systems, allow particular legal cultures to predominate and impair the quality of judicial decisions [30].

Regulation (EU) 2024/1689 (the AI Act), in particular point 8(a) of Annex III, identifies as high-risk certain AI systems intended to be used by judicial authorities, or on their behalf, to assist in researching and interpreting facts and law and in applying the law to a particular set of facts, subject to the classification conditions laid down in Article 6 of the Regulation [31].

At the same time, recital 61 distinguishes these systems from ancillary administrative functions, including the anonymisation of judicial decisions, communication and administrative tasks that do not affect the administration of justice in an individual case [31].

It is important to note that Regulation (EU) 2026/1744 of 8 July 2026 (Digital Omnibus on AI) amended the dates on which certain provisions of the AI Act apply [39]. Under the amended Article 113 of Regulation (EU) 2024/1689, the requirements in Sections 1–3 of Chapter III relating to high-risk systems referred to in Article 6(2) and Annex III will apply from 2 December 2027. This includes relevant AI systems intended to assist judicial authorities. As a general rule, the prohibitions in Article 5 have applied since 2 February 2025, although different dates are laid down for certain provisions added by the 2026 amendments [31; 39].

In Ukraine, Order No. 117 of 8 December 2025 of the Head of the Office of the Supreme Court approved the Regulation on the Use of Artificial Intelligence Technologies by Staff of the Office of the Supreme Court [32].

The Regulation requires AI outputs to be checked against primary sources, confidential information to be protected, professional responsibility to be maintained and human control over the results of technological use to be preserved.

An English-language version of the Regulation is available on the official website of Ukraine's judiciary, making it possible to present this Ukrainian institutional experience directly to European counterparts.

The practical importance of human verification of AI outputs is also illustrated by case law. In rulings of 15 January 2026 in Case No. 240/14153/24 and 3 February 2026 in Case No. 340/2365/25, the Administrative Cassation Court within the Supreme Court addressed parties' reliance on non-existent judicial decisions. The Court observed that such errors may result from AI 'hallucinations', while responsibility for the reliability of procedural documents remains with the person submitting them [44; 45]. These cases are of interest for professional dialogue primarily as examples of a procedural response to fabricated case-law citations and the responsibility of parties for the accuracy of material placed before a court.

Questions of human oversight of AI use, transparency of algorithmic tools and the protection of judicial independence are also pertinent to professional dialogue involving Council of Europe experts.

One possible avenue of cooperation is an expert dialogue involving the CJEU, the Supreme Court, the National School of Judges and, subject to agreement, representatives of the European Commission for the Efficiency of Justice (CEPEJ).

Such dialogue could address the safe use of AI for legal research and translation, verification of case-law citations, anonymisation of judicial decisions and protection of confidential data.

Particular attention should be paid to distinguishing technological assistance to a judge from the de facto delegation of elements of judicial discretion to an algorithm.

8. Ukrainian Experience as a Contribution to the Development of European Justice

The first area concerns judicial review of sanctions and other restrictive measures.

The case law of the General Court includes judgments examining whether sanctions are supported by sufficient evidence, whether restrictions are proportionate and whether individuals' rights are respected. In *Mazepin v Council* (T-743/22), judgment of 20 March 2024, the General Court annulled acts renewing restrictive measures, holding that a family relationship with a sanctioned person was not in itself sufficient to establish the relevant criterion of association without adequate evidence of shared interests [33]. By contrast, in *MegaFon v Council* (T-193/23), the General Court upheld restrictive measures against a Russian mobile telecommunications operator after examining their justification, proportionality and the observance of procedural safeguards [34].

Ukrainian case law encompasses different categories of disputes connected with sanctions legislation. Challenges to Presidential decrees giving effect to decisions of the National Security and Defence Council of Ukraine imposing sanctions are heard under special rules of administrative procedure. Cases concerning the recovery of assets for the benefit of the State, which fall within the jurisdiction of the High Anti-Corruption Court, are dealt with separately. Other disputes concern the legal consequences of restrictive measures in the fields of State registration, subsoil use and financial regulation.

Distinguishing these proceedings is essential to a sound comparison of Ukrainian practice with the judgments of EU courts.

In its judgment of 18 October 2024 in Case No. 160/8773/23, the Supreme Court considered the lawfulness of suspending a special subsoil-use permit following the imposition of individual sanctions on the permit holder's ultimate beneficial owner. The Court considered that Articles 13 and 57 of the Subsoil Code of Ukraine had to be read together, taking account of the continuing nature of the legal relationship, official publication of legislative amendments and the foreseeability of their effects. An important element of its reasoning was that the legislature had allowed a three-month period before the amendments entered into force, during which the permit holder could take steps to remove the grounds for suspension. The case illustrates the importance of legal certainty and balancing the business entity's interests against national security [52].

In its judgment of 26 May 2025 in Case No. 160/1038/24, the Supreme Court examined the legal consequences of registering a change in the ultimate beneficial ownership of legal entities where an asset-freezing sanction was in force. The Court emphasised that restrictions on the disposal of assets could not be circumvented merely through formal changes in ownership structure, including through transactions concluded abroad. What matters is the substance of the transactions, whether they are directed towards circumventing sanctions, and the duty of the State registrar to verify the submitted documents' compliance with legislation and public policy [53].

In its judgment of 18 September 2025 in Case No. 560/8753/24, the Supreme Court examined the moratorium on the disposal of corporate rights held by persons connected with the aggressor State, including circumstances in which ownership structures changed following the dissolution of a foreign legal entity. The Court considered the legal effects of State registration, the temporal operation of the relevant restrictions and the registrar's duty to observe public-law prohibitions. The case is of interest for comparative analysis of measures preventing the circumvention of restrictions and the limits of State interference with corporate rights [54].

In its judgment of 11 June 2026 in Case No. 320/45288/23, concerning the liability of a depositary institution for failing to provide timely, complete and accurate information about assets linked to the Russian Federation and its residents, the Supreme Court emphasised due diligence in identifying ultimate beneficial owners, timely discharge of disclosure obligations and the assessment of evidence invoked by a business entity to explain why compliance was impossible during the war. It separately considered the proportionality of the fine imposed by the regulator, having regard to the nature of the infringement and the limits of judicial review of administrative discretion. In its reasoning, the Supreme Court also referred to the Grand Chamber's judgment of 10 September 2024 in *Neves 77 Solutions SRL* (C-351/22). This illustrates the use of CJEU case law as a supplementary comparative legal argument when applying Ukrainian law, rather than as a directly applicable source binding on Ukraine [55; 56].

The Supreme Court's ruling of 5 January 2023 in Case No. 991/5572/22 illustrates a procedural dimension of sanctions legislation. In deciding whether to open cassation proceedings in relation to a ruling of the Appeals Chamber of the High Anti-Corruption

Court, the Supreme Court applied the special rules in Article 283-1 of the Code of Administrative Procedure of Ukraine and took account of the particular requirements of judicial protection in circumstances involving threats to national security. The ruling principally concerns access to cassation review, not the substantive legality of sanctions imposed on the persons concerned [57].

The author served as judge-rapporteur in the Supreme Court cases discussed above. The decisions are used as examples for comparative legal analysis and are not presented as an exhaustive review of the Court's case law.

This case law points to several promising subjects for judicial dialogue: standards of proof for imposing restrictive measures, due diligence in identifying and recording assets, preventing circumvention of sanctions, foreseeability of legal consequences, proportionality of interference with property rights and effective judicial protection. Any comparison must, however, distinguish EU restrictive measures from Ukraine's special economic and other restrictive measures, moratoria and administrative-economic sanctions. Similarity of particular legal issues does not imply that the respective measures or procedures for challenging them are identical in legal character.

A second area is the digital resilience of courts during exceptional threats: protecting information systems, enabling remote participation in hearings, maintaining electronic document management and ensuring continuity of judicial operations.

A third area is the administration of justice during war. Ukrainian courts continue to function despite security threats, damage to infrastructure, restricted access to court premises and interruptions to technical systems.

This experience is relevant to the study of access to justice, fair-trial guarantees, judicial independence and the continuity of judicial institutions during emergencies.

To present this experience, an annual English-language selection of Supreme Court decisions of potential interest to the European legal community could be prepared. The selection could include a concise account of the legal question, the principal reasons and direct links to official texts. Dissemination through appropriate JNEU channels or specialist professional events would increase the visibility of Ukrainian case law among European practitioners.

9. Priorities for Implementing the Proposed Measures in 2027

Three interrelated results could be identified for cooperation in 2027, directed towards institutional, procedural, analytical and personnel preparation for Ukraine's EU membership.

Implementation should be aligned with the National Programme for the Adaptation of Ukrainian Legislation to European Union Law (the EU *acquis*), approved by Resolution No. 438 of the Cabinet of Ministers of Ukraine of 1 April 2026, of which the Rule of Law Roadmap forms a part [50].

Institutional result. An assessment of existing JNEU cooperation arrangements could provide the basis for proposals to improve coordination, facilitate regular exchanges of legal research and make English-language materials on Ukrainian case law available.

Procedural result. Existing programmes preparing judges to apply EU law could include a specialised training component on drafting requests for preliminary rulings. This could cover hypothetical cases, CILFIT, Consorzio Italian Management and KUBERA, as well as the requirements of Article 94 of the Rules of Procedure of the Court of Justice. A collection of model references could be the practical outcome.

Analytical and human-resources result. Subject to agreement among the institutions concerned, consideration could be given to compiling a legal glossary of EU law, developing professional exchanges and organising joint events on judicial independence and responsible use of artificial intelligence. Further steps might include specialised placements, enhanced cooperation among research units and the development of a pool of qualified candidates for future service in EU judicial institutions.

These measures would require organisational arrangements and, in some instances, international technical assistance resources.

CONCLUSIONS

Since 2022, the Supreme Court and the CJEU have established a foundation for further cooperation. Direct institutional meetings have taken place, exchanges of case law have developed, Ukrainian judges participate in European professional events and the Supreme Court is a member of the Judicial Network of the European Union (JNEU).

The next stage of cooperation should focus primarily on preparing Ukrainian judges for the preliminary ruling procedure, systematic exchanges of legal research, improving the quality of legal translation and developing the personnel capacity required for future membership.

Ukraine can offer its European counterparts experience of judicial review of sanctions and their legal consequences, particularly standards of proof, prevention of circumvention of restrictive measures, legal certainty and proportionality of interference with property rights. Supreme Court case law already includes examples of recourse to CJEU legal reasoning in disputes concerning the protection of national security. Other possible areas of professional exchange include the digital resilience of courts, responsible use of artificial intelligence and the administration of justice during the full-scale war.

The effectiveness of judicial dialogue should be assessed not only by the number of international meetings and professional events but primarily by practical outcomes for the courts: better legal research, reliance on relevant CJEU case law, stronger professional training and improved legal translation.

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In preparing this study, ChatGPT (OpenAI) was used as an auxiliary tool for editorial and linguistic review, identifying repetition and possible inconsistencies, checking bibliographic details, considering alternative formulations, and assisting with the wording of the research question and methodological description. AI assistance was also used in reviewing the English-language text and its terminological consistency.

This disclosure draws on the GAIDeT (Generative AI Delegation Taxonomy) approach to identifying AI-assisted tasks while preserving human oversight and authorial responsibility [63].

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