



SIXTH ADMINISTRATIVE COURT OF APPEAL

Case No. 855/11/25

RESOLUTION

"03" September 2025 Kyiv

The panel of judges of the Sixth Administrative Court of Appeal, consisting of judge-rapporteur Kobal M.I. and judges Buzhak N.P., Cherpaka Y.K., having reviewed the administrative claim of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience (01001, Kyiv, Muzeyny Lane, 12; EDRPOU code 43571959) to the Kyiv Metropolis of the Ukrainian Orthodox Church (01015, Kyiv, Lavrska Street, 15, Building 49; EDRPOU code 21510633) on the termination of the religious organization, -

ESTABLISHED:

The State Service of Ukraine for Ethnopolitics and Freedom of Conscience, in accordance with Article 289-9 of the Code of Administrative Procedure of Ukraine (hereinafter referred to as the CAS), in electronic form using the ESITS, appealed to the Sixth Administrative Court of Appeal with a claim against the Kyiv Metropolis of the Ukrainian Orthodox Church, in which it requests:

- to terminate the religious organization KYIV METROPOLIS OF THE UKRAINIAN ORTHODOX CHURCH EDRPOU 21510633, registered on 05.08.1991 at the address Ukraine, 01015, Kyiv, Lavrska St., 15, building 49, as a result of liquidation;
- to transfer property, funds and other assets owned by the religious organization KYIV METROPOLIS OF THE UKRAINIAN ORTHODOX CHURCH EDRPOU 21510633, registered on 05.08.1991 at the address Ukraine, 01015, Kyiv, 15 Lavrska St., Building 49, except for the religious property, to the ownership of the state;
- set a deadline for submitting creditors' claims of two months from the date of publication of the notice of the decision to terminate the legal entity.

In the statement of claim, the plaintiff indicates the existence of grounds for the termination of the Kyiv Metropolis of the Ukrainian Orthodox Church in accordance with paragraph 6 of part two of Article 16 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" due to the defendant's failure to comply with the order to eliminate the violation in accordance with the deadline established by the Law, which is provided for in Article 30 of the aforementioned Law.

Part thirteen of Article 16 of Law 987-XII establishes a 30-day period from the date of receipt of the order to eliminate violations, during which the religious organization is obliged to eliminate the violations specified in the order and send to the central executive body implementing state policy in the field of religion a report on the elimination of violations with relevant supporting evidence. Along with the report, objections may also be submitted regarding the established signs of affiliation that served as the basis for issuing the order. The established period for submitting the report may be extended by the central executive body implementing state policy in the field of religion upon a reasoned request of the religious organization, but not more than for 60 days.

A religious organization that is part of (is part of) or is connected to the structure of another religious organization, in respect of which a decision has been made to recognize it as affiliated with a foreign religious organization, the activities of which are prohibited in Ukraine in accordance with Article 3 of Law 3894-IX, may also submit an objection to the fact that it belongs to (is part of) or is connected to the structure or is otherwise affiliated with such a religious organization, together with a report on the elimination of violations.

In accordance with paragraph 4 of part two of Article 22 of the Code of Administrative Procedure of Ukraine (hereinafter referred to as the CAC), this case is subject to the jurisdiction of the Sixth Administrative Court of Appeal.

The specifics of proceedings in cases of administrative claims for the termination of a religious organization are regulated by Article 289-9 of the CAS, the first part of which provides that the provisions of this article apply to the consideration of administrative cases for the termination of a religious organization, as provided for by law.

According to part five of this article, the announcement of the initiation of proceedings in an administrative case specified in part one of this article, or of appeal proceedings in such a case and the appointment of a court session, the issuance by the court of first instance of a ruling subject to appeal, or the completion of the consideration of the case by adopting a court decision, together with a copy of the relevant court decision or court summons, shall be published on the web portal of the

judiciary of Ukraine, as well as on the official website of the central executive body implementing state policy in the field of religion, or of the body authorized to register the charter (regulations) of the relevant religious organization.

Three days after the date of publication of such an announcement, it is considered that the participants in the case and all interested persons have been duly notified of the judicial consideration of such a case, the date, time and place of the court session, the adoption and content of the published court decision therein.

Thus, the plaintiff should be obliged to publish an announcement of the initiation of proceedings in this administrative case on the official website of the central executive body implementing state policy in the field of religion, or of the body authorized to register the statute (regulations) of the relevant religious organization, and also to inform the court about the fulfillment of such an obligation.

In accordance with parts one and two of Article 12 of the Code of Administrative Offenses, administrative proceedings are conducted according to the rules provided for by this Code, in the manner of claim proceedings (general or simplified).

Simplified claim proceedings are intended for consideration of cases of minor complexity and other cases for which a quick resolution of the case is a priority.

According to paragraph 3 of part six of Article 12 of the Code of Civil Procedure, for the purposes of this Code, cases of minor complexity are cases concerning the termination, upon the request of a subject of government, of the powers of legal entities in cases specified by law.

Thus, this case is subject to consideration under the rules of simplified claim proceedings.

According to Part 1 of Article 260 of the Code of Civil Procedure of Ukraine, the court decides on the issue of considering the case under the rules of simplified claim proceedings in a ruling on the initiation of proceedings in the case.

According to parts 1-2 of Article 261 of the Code of Civil Procedure of Ukraine, a response shall be filed within fifteen days from the date of delivery to the defendant of the ruling on the initiation of proceedings in the case. The plaintiff has the right to file a response to the response with the court, and the defendant - an objection within the terms established by the court in the ruling on the initiation of proceedings in the case.

Thus, the defendant must set a deadline for submitting a response within fifteen days, which, taking into account part five of Article 289-9 of the Code of Civil Procedure, is calculated from the date of notification of the adoption and content of this resolution.

Guided by Articles 12, 34, 243, 261, 263, 289-9 of the CAS, the court,

ADOPTED:

To accept the statement of claim for consideration and initiate proceedings in the case on the administrative claim of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience against the Kyiv Metropolis of the Ukrainian Orthodox Church for the termination of the religious organization.

Conduct the case under the rules of simplified claim proceedings with notification (summons) of the parties.

To schedule the consideration of the case in a court session for 09/30/2025 at 11:40 a.m. in the premises of the Sixth Administrative Court of Appeal (courtroom No. 6) at the address: Kyiv, Knyaziv Ostrozkyh St., 8, building 30.

To set the defendant a fifteen-day period to submit a response, which shall be calculated from the date of his notification of the adoption of this resolution and its contents.

Set the plaintiff a three-day period to submit a response to the response to the court, which is calculated from the date of receipt of the response by him.

Publish an announcement about the initiation of proceedings in this administrative case on the web portal of the judiciary of Ukraine.

To oblige the State Service of Ukraine for Ethnopolitics and Freedom of Conscience to publish an announcement on the initiation of proceedings in this administrative case on the official website of the central executive body implementing state policy in the field of religion, or of the body authorized to register the charter (regulations) of the relevant religious organization.

To oblige the State Service of Ukraine for Ethnopolitics and Freedom of Conscience to immediately notify the Sixth Administrative Court of Appeal of the publication of the announcement of the initiation of proceedings in this administrative case.

Inform the participants in the case about the possibility of obtaining information on the case under consideration on the official web portal of the judiciary of Ukraine on the Internet at <https://6aa.court.gov.ua/>.

The decision of the appellate court enters into legal force from the moment of its signing and is not subject to cassation appeal.

Presiding Judge M.I. Kobal [Kobal Mykhaylo Ivanovych]

Judges: N.P. Buzhak [Buzhak Natalia Petrovna]

Yu. K. Cherpak [Cherpak Yuriy Kononovych]