

## **Pomazanov A. Implementation of rights to cassation appeal and cassation proceeding opening**

The paper is devoted to the main aspects of the implementation of rights to cassation appeal and cassation proceeding opening. The author points out that from the procedural point of view the opening of cassation proceedings can be regarded as the main and decisive element of the right to access to justice realization.

The researcher suggests talking about the right to cassation appeal, the right to open cassation proceedings and the right to cassation review, where the right to appeal is a prerequisite for two others.

It is important to find out the moment from which the right to cassation appeal can be implemented. From the content of the legislative rules governing the procedure of cassation appeal and cassation review, it appears that the right to cassation appeal should be understood as implemented since the opening of the cassation proceedings since in this case the right to cassation appeal is covered by the right to a cassation review.

At the same time, according to the author, the decision may be considered to be challenged before the completion of cassation review and the closure of the cassation proceedings. From the norms of Ukrainian legislation it follows that the moment of the opening of cassation proceedings should be considered the moment of the adoption of the relevant resolution by the judge-rapporteur, because since this moment it is possible to carry out procedural actions aimed at cassation review. In addition, the author focuses on the requirements to the cassation appeal of a substantive and procedural nature, observance of which plays an important role for the implementation of the right to appeal and is a procedural prerequisite for the opening of cassation proceedings.

The paper also focuses on joining the cassation complaint. Researcher suggests to defined this notion as a legal act certifying the maintenance of a person whose rights were previously resolved by a lower court, the claims made in the cassation appeal in order to uphold their own legal interest, as a result of which it is endowed with appropriate rights and duties. Along with this, the author makes some proposals to improve the effective procedural legislation of Ukraine.

**Key words:** the right to cassation appeal; cassation proceedings opening; cassation complaint accession; cassation review.