



RD4U-Board(2024)22-final-EN

**REGISTER OF DAMAGE
CAUSED BY THE AGGRESSION OF THE RUSSIAN FEDERATION
AGAINST UKRAINE**

CLAIM FORM AND RULES

**Claims categories B1.4 and C1.4
Damage or Destruction of Residential Immovable Property –
Common Use Areas**

The Hague

www.RD4U.claims

CLAIM FORM AND RULES

Claims categories B1.4 and C1.4 Damage or Destruction of Residential Immovable Property – Common Use Areas

Adopted by the Board of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 2 July 2024.

Approved by the Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 8 July 2024.

Capitalised terms in this Claim Form shall have the meaning ascribed to them in Article 1 of the Rules Governing the Submission, Processing and Recording of Claims of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine.

1. This Claim Form shall be used by Claimants to submit Claims in the categories of Claims **B1.4 and C1.4 – Damage or Destruction of Residential Immovable Property – Common Use Areas**. It contains specific rules applicable to the categories in question, a description of the information and Evidence Claimants are required to submit, as well as additional information and Evidence that may be submitted to support the Claim.
2. The Board will decide whether to record the Claim under category **B1.4** or **C1.4**, based on the nature of the Claimant.
3. In accordance with Article 10 of the Claims Rules, this Claim Form shall be available in digital form on the *Diia* web portal. The Secretariat shall ensure that this Claim Form is reproduced on the *Diia* web portal in an efficient, flexible and user-friendly way, bearing in mind peculiarities of digital forms in general.
4. For Claims in categories B1.4 and C1.4, the following rules shall apply in addition to the Claims Rules:
 - 4.1. Claims in categories B1.4 and C1.4 can be submitted by legal persons that are owners of residential immovable property (common use areas) in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters which was damaged or destroyed on or after 24 February 2022 by the Russian Federation's internationally wrongful acts in or against Ukraine.
 - 4.2. For the purposes of this Claim Form, in case of entities that are owned or controlled by Ukraine (including its regional or local authorities), "owner of residential immovable property" shall also mean legal persons who have full economic management («повне господарське відання») or operational control («оперативне управління») of the property in accordance with Ukrainian law.
 - 4.3. "Common use areas" shall mean the areas in multi-apartment buildings that are in common use by or for the benefit of occupants of all apartments in such buildings, and without which the use of apartments would be impossible or substantially hampered.
 - 4.4. Claims in these categories can be submitted only for the value of the destroyed property or for the cost of repairs or reconstruction of the damaged property. Claims related to other losses related to damage or destruction of residential immovable property such as claims for loss of revenue submitted in these categories will not be

recorded in the Register. They will have to be submitted in a different category to be eligible for recording.

- 4.5. Under Article 11(2) of the Claims Rules, Claims by legal persons shall be submitted through Representatives only in accordance with the Rules on the Use of Representatives. An individual that has general authority to act on behalf of the Claimant (such as a director or a chairperson) and is named as such in the relevant legal person's registry entry shall be considered as that Claimant's Representative by default and may appoint other Representatives in accordance with the Rules on the Use of Representatives.
5. **"Disclaimer, Information and Instructions for the Claimants for categories B1.4 and C1.4"** contained in this Claim Form shall be reproduced verbatim in digital form on the *Diia* web portal. The Secretariat shall also publish it on the Register's website.

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Disclaimer, Information, and Instructions for the Claimants for categories B1.4 and C1.4

- (1) This Claim Form is for the submission of a Claim to the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine **in categories B1.4 and C1.4 – Damage or Destruction of Residential Immovable Property – Common Use Areas**.
- (2) The determination of whether a Claim is eligible to be recorded in the Register is made by the Board of the Register. Such a determination does not mean that the substance of the Claim or its valuation has been examined, any compensation has been awarded, or any payment is due. Examination of a Claim and award of any compensation will be carried out by a future compensation mechanism (within the meaning of the Statute of the Register) that is yet to be established.
- (3) Before submitting the Claim, you are encouraged to consult the information about the Register on its website at www.RD4U.claims or www.RD4U.coe.int and the various rules and instructions related to the submission of Claims, in particular the Rules Governing the Submission, Processing and Recording of Claims.
- (4) All Claims must be submitted by using Claim Forms approved by the Register for each category of Claims.
- (5) This Claim Form is to be used for submission of Claims for damage to, or destruction of, residential immovable property – common use areas – that was sustained on or after 24 February 2022 in the territory of Ukraine within its internationally recognised borders as a result of the Russian Federation's internationally wrongful acts in or against Ukraine – **Claims categories B1.4 and C1.4**. If you wish to submit a Claim for a different type of loss, damage or injury, you should use the Claim Form for the relevant Claims category.
- (6) The Claim must be submitted to the Register through *Diia*, via the web portal at www.diia.gov.ua/services/RD4U. The Register will process and review the Claim and the supporting Evidence and decide whether the Claim is eligible for recording

in the Register. The Register's decision will be communicated in due course through *Diia*.

- (7) As a Representative of a Claimant, you will be required to submit certain information and Evidence in support of the Claim you file, including proof of your identity and authorisation to act on behalf of the Claimant, proof of the Claimant's identity, and proof of ownership of the property. You will also be asked to submit further information about the property in question, including the title to the property, information on the submission to the Register of Damaged and Destroyed Property (if such a submission was made), information about how the property was damaged or destroyed, a description and evaluation of the damage and destruction, and information about the estimated value of the Claim.
- (8) Some information will be drawn from various existing electronic sources and will be automatically available through *Diia*. Some information and Evidence will have to be put in manually. You will have a chance to check all information before it is submitted to the Register.
- (9) You are encouraged to submit all relevant Evidence in support of the Claim. This encompasses any documents, records, statements, photos or other material that will facilitate the Register's processing and review of the Claim.
- (10) You do not need to complete the Claim Form all at once, and you will be able to save the draft Claim and complete it at a later stage.
- (11) You should ensure that the files submitted as part of the Claim are accessible, readable and not infected with computer viruses or any form of malicious software. If the Register identifies any files submitted by you as inaccessible, unreadable or infected, the Claim may not be recorded in the Register.
- (12) By submitting the Claim and the supporting Evidence and information, you confirm that you have the right to transfer any personal data contained in the Claim or related Evidence to the Register, you agree to such transfer and authorise the Register to store, process and transfer such personal data in accordance with the Register's Principles on the Protection of Personal Data.
- (13) By submitting the Claim and the supporting Evidence and information, you confirm that the information about your identity and authorisation to act on behalf of the Claimant is true. The Claimant confirms its identity and that the content of the Claim Form and the attached Evidence and information is true. You understand that submitting an untruthful or false Claim, may result in your Claim being considered as manifestly unfounded and not recorded in the Register.

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Preliminary Questions
1. Language of Claim submission (Ukrainian or English)
2. Category of Claim
I. Claimant Identification
3. Name
4. Organisational form (type) of a legal person
5. Identification Number

6. Date of Registration
7. Place of Registration
8. Is the legal person in good standing (not liquidated/in liquidation)?
9. Claimant's status as government entity (if applicable)
10. Registered Address
11. Actual Business/Headquarters' Address
12. Contact phone number(s)
13. Email address(s)
14. Full Name of Director/Chairperson
15. Is the Claimant (as a legal person) or any of its directors (managers) or shareholders subject to sanctions or other equivalent restrictive measures imposed by a government or an international organisation
16. Have the Claimant's directors (managers) been convicted of a crime in relation to Russian aggression against Ukraine
II. Identification of the Claimant's Director or Chairperson (Principal Representative)
17. Full Name
18. Gender
19. Date of Birth
20. Nationality
21. ID document/Passport number
22. Ukrainian Tax ID number
23. Ukrainian Demographic Register Entry number
24. Registered Address
25. Current Address
26. Contact phone number(s)
27. Email address
28. If the Claim is submitted through an additional Representative, equivalent ID information about such Representative
III. Identification of Property
29. Is the property part of residential building
30. Is construction of the building completed
31. Address of the building
32. Geographical coordinates of the building
33. Property surface area
34. Number of floors in the building
35. Number of lifts in the building
36. Number of apartments in the building
37. Is the building registered as historic or cultural heritage
38. Other information on the building/structure
IV. Title to property
39. Is the Claimant the owner of the property
40. Is the property title recorded in the State Registry of Immovable Property Rights in Ukraine
41. Information about the title from the State Registry of Immovable Property Rights in Ukraine
42. Evidence of attempted and denied registration of title in the State Registry of Immovable Property Rights in Ukraine
43. Date of creation of title
44. Information about co-owners of the property and their shares
V. Submission to the Register of Damaged and Destroyed Property (RDDP) in Ukraine
45. Has an application with respect to this property been submitted to the RDDP
46. Registration number in RDDP

47. Information on Act of Commissions' Review (Damage Act)
48. Information on Engineering Inspection Report
49. Information on Evaluation Act and Evaluation Report
VI. Event that Damaged or Destroyed the Property
50. Type of event that caused damage to or destruction of the property
51. Date of the event that caused damage to or destruction of the property
52. Description of the event
VII. Damage to or Destruction of the Property
53. Type and degree of damage or destruction
54. Description of damage or destruction
55. Proof of damage or destruction
VIII. Amount of the Claim
56. Evidence of formal evaluation of damages carried out
57. Amount of damages evaluated
58. Evidence on the value of the property prior to 24 February 2022
59. Evidence on repairs made to the property
60. Evidence on the cost of repairs
61. Amount of compensation assessed by Ukrainian authorities
62. Amount of compensation payments received from Ukrainian authorities
63. Estimated amount of Claim
IX. Other Legal Proceedings
64. Information about relevant court cases or law enforcement investigations (if applicable)
X. Additional Evidence
65. Additional evidence with respect to the Claimant's identity
66. Additional evidence with respect to the identity of the Claimant's Representative
67. Additional evidence with respect to the Claimant's Representative's authorisation to act on behalf of the Claimant
68. Additional evidence with respect to property title
69. Additional evidence with respect to event of the damage or destruction
70. Additional evidence with respect to the damage to or the destruction of the property
71. Additional evidence with respect to property valuation
72. Additional evidence with respect to other aspects of the Claim
XI. Check and submission
73. Check and confirmation of data
74. Verification of identity prior to submission
75. Agreement to transmit personal data
76. Submission of the Claim