Part 2 of Article 61 of the Code of Ukraine on Bankruptcy Procedures: the need for a single legal test of the subsidiary liability of controlling persons

Analytical brief on the application of Part 2 of Article 61 of the Code of Ukraine on Bankruptcy Procedures (the subsidiary liability of persons who control the debtor), with a comparative review of ECtHR standards. *This English report is an adaptation of the Ukrainian original; all figures, case numbers, citations and conclusions are preserved. Verbatim paragraph quotations from ECtHR judgments are available in the original Ukrainian version and in HUDOC.*

1. Key figures of the problem

The primary dataset comprises **161 court decisions**. Relevant specifically to the application of Part 2 of Article 61 were **20 cases — 12.4%** of the dataset. By instance: 8 cassation, 6 appellate and 6 first-instance decisions.

The picture across the relevant cases: **9 decisions upheld — 45.0%**; **3 quashed with a new decision — 15.0%**; **2 quashed with remittal for a new hearing — 10.0%**; in **2 cases the first-instance court granted the claim — 10.0%**; in **4 cases the first-instance court refused — 20.0%**. On review, **5 decisions were changed**. In **9 relevant cases defects of application** were recorded.

These figures show the main point. The problem is **not** that Part 2 of Article 61 is applied too often; the problem is that, within this narrow segment, practice remains **unpredictable**. The instability is concentrated around a single question: **which precise set of facts must be proven to move from real control over the debtor to the personal property liability of the controlling person.**

2. Legal diagnosis: the absence of a single legal test

The substantive formula of Part 2 of Article 61 has not changed since 15 April 2023 (the change concerned the circle of applicants, not the composition of proof for bringing to liability). Hence the source of unpredictability is **not a new wording of the norm, but the absence of a single legal test** for its application.

Proper application of Part 2 of Article 61 requires a **single complex test of seven mandatory elements**:

1. **A shortfall in the bankruptcy estate and its size.** The court must establish not simply the existence of debt, but an insufficiency of the debtor's assets to satisfy creditors' claims (e.g. case No. 923/1351/20(916/1442/24): the appellate court linked the objective side of the wrong to acts/omissions that led to the absence of the debtor's assets).
2. **Real control of the respondent over the debtor.** A formal status of participant, owner, beneficiary or even director is insufficient; a proven ability to determine the debtor's actions is required. The absence of such proof led to quashing the liability part as to a participant with a 25% stake (case No. 920/651/24(920/68/25)).
3. **Specific conduct.** The court must establish what exactly the respondent did or failed to do: transferred assets, withdrew funds, failed to recover receivables, did not hand over documentation, changed management after the debt arose, set up a "twin" enterprise, blocked sources of repayment.

Abstract references to "bad-faith management" are insufficient (cases No. 908/433/22, No. 910/3701/21, No. 922/2804/17, No. 38/5005/5752/2012).

4. **Culpability in the form of bad faith or unreasonableness of conduct.** Part 2 of Article 61 does not introduce automatic liability for status. It is not enough to state that a person held a managerial or corporate position; one must show why a specific act or omission was wrongful from the standpoint of good faith or reasonableness.
5. **A causal link between the conduct and the worsening of the debtor's property position.** Causation does not equal a list of "suspicious acts". In case No. 915/289/24(915/128/25) the appellate court directly noted the absence of a causal link between the manager's acts and the debtor's insolvency; similarly, in case No. 922/673/19 the Supreme Court agreed with the conclusion that it had not been proven that the impossibility of satisfying creditors' claims was caused precisely by the respondent's conduct.
6. **A financial result (a "financial bridge").** The court must show how the established conduct translated into the shortfall of the estate: through a reduction of assets, loss of documents and valuables, failure to recover receivables, removal of sources of repayment, blocking of settlements, transfer of the property complex, planned loss-making or other financially measurable worsening. Without such a bridge the composition is incomplete.
7. **Proportionality, individualisation and protection from automatic liability for status.** Especially in cases with several respondents, the court must answer why liability is placed on this person, in this amount and for this contribution to the overall result. Case No. 922/2804/17 exemplifies the correct approach (the cassation court stressed that all elements were established as to each respondent). Conversely, cases No. 902/1529/23 and No. B-24/71 show that without individualisation a case is either remitted for a new hearing or refused.

Thus the principal defect of current practice is **not the absence of the norm itself, but the absence of a single matrix of proof** in which control, conduct, causation, financial effect and the scope of liability would be linked into one verifiable construction.

3. A defect of judicial application and the "financial bridge"

The key practical error of 2025 is that the **causal link is frequently replaced by a set of negatively-coloured circumstances**: non-transfer of documents, transfers to related persons, absence of assets, change of director, creation of a new business, non-repayment of debt. But such a totality does not yet answer the main question: **how exactly did this conduct reduce the debtor's assets or deprive creditors of a real source of repayment.**

This demanding line is correctly expressed in cases No. 915/289/24(915/128/25), No. 910/13367/19, No. 922/673/19, No. 902/1529/23. In case No. 910/13367/19 the Supreme Court directly questioned the sufficiency of a conclusion on the subsidiary liability of a former indirect owner without a proper financial-economic analysis and without a causal link; the decision of the lower courts was quashed precisely for an inadequate assessment of causation.

But the opposite extreme — a requirement of an almost mechanical direct, one-moment causation — is **also wrong**. In cases on bringing to bankruptcy, the worsening of the property position often arises not from a single act but from a **chain of acts and omissions** (cases No. 923/1351/20(916/1442/24), No. 908/3236/21, No. 922/2804/17, No. 38/5005/5752/2012, No. 908/433/22, No. 910/3701/21).

Therefore the correct model is: the causal link may be either direct or cumulative, but in both cases it must be financially explained. Such a "financial bridge" in 2025 practice should disclose at least one of the following constructions:

1. **Reduction of the debtor's assets** — the most typical model (No. 38/5005/5752/2012; No. 922/2804/17; No. 910/13367/19).
2. **Blocking of settlements and formation of the liquidation estate** — liability for failing to hand over accounting and other documentation, valuables, and to recover receivables (No. 910/3701/21; No. 908/433/22 — after a confirmed debt arose, the enterprise was re-registered and management changed, while proceeds from the sale of goods did not reach the debtor's accounts).
3. **Removal of sources of debt repayment** — most clearly formulated in No. 908/3236/21.
4. **Growth of liabilities or entrenchment of planned loss-making** — weaker across the 2025 dataset, but visible in No. 38/5005/5752/2012 (planned loss-making of a utility enterprise).

Hence the practical conclusion: the list of relevant circumstances is indeed **not exhaustive** (as noted in No. 923/1351/20(916/1442/24)), but the court must not replace causation with a list of suspicious facts; on the contrary, the broader the list of circumstances, the more thoroughly their **financial result** must be shown. Hence the protective rule: subsidiary liability cannot be built on assumptions (directly stressed in No. 905/1008/22), and cannot flow from corporate status alone (confirmed by No. 920/651/24(920/68/25)).

4. A defect of legal regulation

The problem is not only judicial but also normative. The text of Part 2 of Article 61 fixes a general formula — bankruptcy through the fault of persons entitled to give binding instructions or otherwise determine the debtor's actions — but does not define the key elements without which practice becomes complicated.

First, the subject of proof is not defined element-by-element.

The norm implies the need to establish control, fault, bankruptcy and a shortfall of assets, but does not say how the court should structure the analysis. Hence the oscillation: in some cases a general description of conduct suffices, in others a strict division into elements is required (No. 910/13367/19, No. 902/1529/23).

Second, the allocation of the burden of proof is not regulated.

Who, and to what extent, must prove real control, the financial mechanism, good faith, alternative causes of bankruptcy? At present this is resolved ad hoc — hence, on one hand, the risk of over-simplification ("manager/participant — therefore liable") and, on the other, the risk of a practical impossibility of recovery where applicants are required to prove the internal mechanics of management in the absence of documents.

Third, the temporal limits of relevant conduct are blurred.

Case No. 922/2804/17 is telling: the appellate court limited the assessment of conduct to a three-year period before opening bankruptcy, and the cassation court agreed. The norm does not directly answer how far in time the analysis of conduct in the liquidation procedure may reach if it affects the estate (No. 910/3701/21 shows that non-transfer of documents and failure to recover receivables after opening the procedure can also be directly relevant to the shortfall).

Fourth, the criteria of the causal link are not defined.

Is cumulative causation sufficient, or is only direct causation needed? May a long chain of acts be taken into account? The text of the norm does not disclose this.

Fifth, the rules for several controlling persons are not regulated.

If a case features participants, two former managers and a director, a local-government founder and the management apparatus, must a single overall result be established, or each person's individual contribution? Practice (No. 922/2804/17 — correct addressed assessment; No. 902/1529/23 — its lack; No. 922/673/19 — refusal for unproven personal causal role).

Sixth, the relationship between subsidiary and joint-and-several liability remains unclear.

Part 2 of Article 61 speaks of subsidiary liability, but in cases with several respondents the question inevitably arises whether liability may be joint and several, and whether it should be divided by shares of causal contribution (No. B-24/71, where joint recovery from two founders was sought, shows a practical conflict).

As a result, the defect of legal regulation can be put thus: **the norm describes the institution but does not describe the test of its application.**

5. Analysis of 2025 case law

What liability is actually placed on in 2025

1. **Transfer or de facto loss of assets, or the founder's omission** (No. 38/5005/5752/2012).
2. **Withdrawal of liquidity and omission to recover funds** (No. 922/2804/17 — the cassation court upheld first-instance liability as to two participants and the director, all elements being established for each; the dispute centred on financial assistance provided, on the failure to take measures to recover it, and on non-transfer of documents to the liquidator).
3. **Actual bringing of the debtor to bankruptcy and removal of sources of repayment** (No. 908/3236/21).
4. **A reorganisation-conduct scheme after the debt arose** (No. 908/433/22 — re-registration, change of management and creation of a new same-type company after a confirmed debt arose).
5. **Non-transfer of documentation and valuables, ignoring the liquidator, non-recovery of receivables** (No. 910/3701/21).
6. **Cumulative assessment of the conduct of several controlling persons** (No. 923/1351/20(916/1442/24) — the court directly noted that the objective side is formed by acts/omissions of persons connected with the debtor that led to the absence of assets; the list is not exhaustive).

The protective balance: status does not equal liability

- **Assumptions are insufficient** (No. 905/1008/22).
- **Corporate status alone does not prove control** (No. 920/651/24(920/68/25) — a 25% stake was not deemed sufficient without proof of real influence and of a personal contribution to bringing to bankruptcy).

- **Mere non-satisfaction of creditors' claims does not prove the respondent's causal role** (No. 915/289/24(915/128/25); No. 922/673/19).
- **The cassation instance does not fill gaps in establishing facts** (No. 910/6232/16, No. 910/1469/20, No. 916/2069/21 — the Supreme Court consistently recalled the limits of cassation review: if the first and appellate instances have not built a full test of control, conduct and causation, this defect is usually no longer correctable in cassation).

Several respondents

It is in multi-respondent cases that the absence of a single test is especially visible (No. 922/2804/17 — liability upheld because the composition was established as to each; No. 923/1351/20(916/1442/24) — cumulative assessment without automatic collective guilt; No. 902/1529/23 — incomplete assessment led to remittal; No. 922/673/19 — the liquidator did not prove the founders' and managers' causal role; No. B-24/71 — the relationship of subsidiary and joint-and-several liability). **Conclusion: in multi-respondent cases the court must separately establish real control, specific conduct, causal contribution and the scope of liability for each person. The formula "all managed — all are liable" is insufficient for Part 2 of Article 61.**

6. Comparable practice of the Supreme Court and the ECtHR

6.1. ECtHR: piercing the corporate veil and the protection of property

For Part 2 of Article 61 the ECtHR corpus applies **by analogy** (as a source of interpretive standards — protection of property, fair balance, individualisation of property interference and procedural guarantees), not as a direct precedential basis. The corpus here is limited to eight cases; from these one can isolate **stable prohibitions and supporting principles**, not an exhaustive autonomous test of bankruptcy subsidiary liability.

Agapov v. Russia (core).

A key case against automatic liability for status. The ECtHR starts from the general rule that company participants are not liable for the company's debts "as a general rule"; departure is allowed only exceptionally — e.g. where participants use company assets as their own or reduce them knowing of the impossibility of performance. Personal/subsidiary liability of a managing person is possible only as an exception, in case of bankruptcy caused by bad-faith/unreasonable acts and the insufficiency of company assets, and given a causal link. This four-element construction — control, bad faith/unreasonableness, shortfall of property, causation — is the closest model for the Ukrainian court under Part 2 of Article 61. A second important idea: a prohibition on building property recovery on unproven criminal fault (a civil court must not impute "criminal intent" outside criminal procedure and a conviction).

Albert and Others v. Hungary (core).

Important for delimiting the rights of the company and the rights of the shareholder. To trigger the Convention mechanism a person must show that it was **directly** affected by the contested measure; this criterion must not be applied mechanically. Only in a narrow group can shareholders be regarded as victims under Art. 34, and even then the distinction between the company's rights and the shareholders' rights is preserved, and the company's legal personality remains intact (§§ 101, 108, 121–123).

Lekić v. Slovenia (core).

Useful in part: it supports the approach that liability must not flow automatically from the status of participant/director, and must rest on established real active participation and control; it also stresses individualisation of the role (active/passive member), proportionality and procedural opportunity to disprove (§§ 27, 30, 34, 35). At the same time a full test under Art. 1 of Protocol No. 1, particularly on fair balance and proportionality, is not provided by the fragments.

Sovtransavto Holding v. Ukraine (core).

Does not create a test of piercing the corporate veil, but is highly important for the property dimension of corporate control and for procedural guarantees: a participant's stake linked to real control over the activity and assets of a subsidiary is itself an object of property protection; an unfair conduct of proceedings can directly engage the peaceful enjoyment of possessions; and the State bears a positive obligation to ensure effective control over the company's activity in accordance with law (§§ 58, 77, 80, 82, 93–95, 97).

Supporting and background cases.

Busuttil v. Malta — even where a statutory duty is placed directly on a director, accusation requires proof of specific non-performance; internal allocation of roles within the company does not release the director from an external statutory obligation, but liability still rests on proven facts of non-performance and a real possibility of compliance (§§ 10, 13, 15, 16, 20, 23, 24, 25). **Olczak v. Poland** — ignoring the company's separate legal personality is permissible only in exceptional circumstances (above all where the company cannot act through its own organs or a liquidator); a shareholder may complain in its own name only where the measure is directly aimed at its rights as a shareholder; the share is a "complex object" and "possessions" under Art. 1 Protocol No. 1; interference must be proportionate (§§ 48, 49, 50, 57–62). **Agrotexim and Others v. Greece** and **Khodorkovskiy and Lebedev v. Russia** — background: the former on the separation of the interests of company, shareholders and liquidators; the latter as a factual illustration of the markers authorities rely on to ignore separate legal personality (absence of property, personnel, activity at the registered seat, management from a single centre) — neither provides an autonomous veil-piercing test.

Short conclusion to §6.1. The comparable ECtHR corpus supports not the formula "controlled — therefore liable", but a much more demanding chain: **really controlled → committed specific bad-faith or unreasonable conduct → thereby worsened the debtor's property position → and this caused the shortfall of the estate**, all established with respect for proportionality and procedural guarantees. Interference with a controlling person's property is permissible only as an exception to the company's property separateness, and not as a sanction for corporate status alone.

6.2. The Supreme Court: liability of managers and officers for losses

The comparable corpus of Supreme Court practice on the liability of organs/officers for losses does not give a ready special test for Part 2 of Article 61, but several orientations can be isolated: (1) the norm must not be interpreted formally, and ECtHR standards are admissible as an interpretive guide (No. 922/3456/23); (2) facts material to a case may not be established by inadmissible evidence (No. 922/5241/21); (3) reasonableness of conduct requires an explanation of motives, not formal legality (Nos. 569/6236/16, 904/1112/20, 907/113/18, 910/5349/18, 911/178/20); (4) good faith is assessed by real will and real consequences (Nos. 906/724/17, 908/1029/16, 908/4550/15, 910/2822/16, 916/2872/16); (5) the admissible evidentiary array on management and losses is broad but must be specific — documents capable of confirming the actual functioning of the company (No. 906/1330/21, No. 906/211/23); (6)

breach of a public-law duty is not in itself private loss, but may cause it (Nos. 908/1568/18, 911/3135/20, 916/1423/17, 920/715/17).

7. A judicial test for the reasoning: six questions

For the reasoning part of cases under Part 2 of Article 61, a single set of six questions is appropriate:

1. **Is real control of the respondent over the debtor proven, not merely status?** If yes — the court must state how the ability to determine the debtor's actions was expressed. If no — the claim should be refused. (Orientations: No. 920/651/24(920/68/25); Lekić §§ 26, 27, 30; Albert §§ 121–123; Olczak § 123.)
2. **Which specific acts or omissions of the respondent are proven, and why are they bad-faith or unreasonable?** (Nos. 922/2804/17, 908/433/22, 910/3701/21; Agapov §§ 27, 28; Busuttil §§ 13, 25.)
3. **What is the financial bridge between this conduct and the debtor's property position?** (Nos. 923/1351/20(916/1442/24), 908/3236/21, 38/5005/5752/2012; Sovtransavto § 58.)
4. **Why did this conduct cause bankruptcy or the shortfall of the estate, rather than merely accompany it?** (Nos. 915/289/24(915/128/25), 910/13367/19, 922/673/19; Agapov § 28.)
5. **Is each respondent's contribution individualised, and is the scope of its role established?** (Nos. 922/2804/17, 902/1529/23, B-24/71; Lekić § 30; Albert § 30.)
6. **Are procedural guarantees observed, and does liability not turn into an automatic sanction for status?** (Nos. 905/1008/22, 922/5241/21; Agapov §§ 21, 25; Sovtransavto §§ 77, 80, 82, 97; Olczak § 62.)

If the court gives an incomplete answer to even one of these questions, the reasoning under Part 2 of Article 61 remains vulnerable.

8. Proposals for the legislator

Since the substantive formula of Part 2 of Article 61 has not, in essence, changed since 15 April 2023, what is needed is not a radical rewriting of the norm but targeted clarifications aimed at formalising a single test.

1. **Fix the markers of a controlling person through criteria of real, not merely formal, control** (the status of participant, shareholder, beneficiary, manager or founder does not in itself matter; what matters is the ability to determine the debtor's actions — an open-ended list).
2. **Fix the subject of proof by elements of the composition** (shortfall of the estate; real control; specific act or omission; bad faith or unreasonableness; financial effect; causal link; size of liability).
3. **Clarify the allocation of the burden of proof** (the applicant proves control, conduct, financial mechanism and causation; the respondent is expressly entitled to disprove these elements).
4. **Clarify the temporal limits of relevant conduct** (no arbitrary fixed period if the consequences of acts persisted and affected bankruptcy later; expressly state whether conduct already in the bankruptcy procedure is taken into account).
5. **Expressly regulate direct and cumulative causation** (causation may be established by a single act or by a totality of interrelated acts/omissions, but in any case through the description of a specific financial mechanism).

6. **Introduce special rules for several respondents** (require individualisation of each person's role and allow distribution of liability by causal contribution; where the result is indivisible, state this expressly).
7. **Delimit subsidiary and joint-and-several liability** (directly answer whether the liability of several controlling persons may be joint and several, or whether the law requires division by shares of causal contribution).
8. **Use the criterion of failing to take measures to prevent bankruptcy cautiously** (it may be an important marker of bad faith or unreasonableness, but must not substitute for proof of the causal link).

9. A measured impact forecast

The starting point is known: 20 relevant cases of 161; 9 decisions upheld; 5 decisions changed on review; 4 first-instance refusals; 9 cases with defects of application. If a single test is fixed in case law or clarified in the law, the following measurable shifts are expected:

- **The share of decisions changed on review should fall.** Current base — 5 changed of 20 relevant. The greatest effect is expected where quashing was caused by an incomplete assessment of evidence and an undisclosed causal link.
- **The share of decisions that survive review should grow.** Current base — 45.0% upheld. Growth of this share would mean that first-instance and appellate courts have begun to apply a common matrix of control, conduct, causation and financial result.
- **The share of unreasoned or weakly-reasoned first-instance refusals should fall.** Current base — 20.0% first-instance refusals. What matters is not only fewer such refusals, but improved quality of their reasoning: the court directly indicating which element of the composition is not proven.
- **Quality of reasoning, not only outcome, should be measured separately.** For the next monitoring cycle one should count how many decisions: (1) distinguish status and real control; (2) describe the financial bridge; (3) individualise each respondent's contribution; (4) separately verify the admissibility and sufficiency of evidence; (5) use the logic "specific conduct → financial effect → shortfall of the estate".

10. Summary conclusion

The 2025 practice on Part 2 of Article 61 reveals not a crisis of the institution of subsidiary liability itself, but a **crisis of the criteria of its application**. Judicial instability arises where there is no single answer to the question of real control, specific conduct, causal link and financial result.

Therefore, applying Part 2 of Article 61 requires a **single legal test based on six supporting ideas**: real control, not status; specific conduct, not a general negative characterisation; a causal link, not a list of suspicious acts; a financial result, not abstract worsening; proportionality and individualisation, not a collective presumption; procedural guarantees, not simplified property recovery.

In the comparable ECtHR practice this conclusion is consistently supported: from the general rule of non-liability of a participant for the company's debts, through the exceptional nature of departing from property separateness (Lekić § 34), through the requirement to prove bad-faith or unreasonable conduct, a shortfall of property and a causal link (Agapov §§ 27, 28), through the standard of procedural fairness and legal certainty when interfering with the property sphere (Sovtransavto §§ 77, 82, 95, 97), to a strict delimitation of the rights of the company and the rights of the shareholder (Albert §§ 122, 123; Olczak § 57).

Hence, piercing the corporate veil in bankruptcy is permissible not under the formula "controlled — therefore liable", but only under the formula "really controlled → committed specific bad-faith or unreasonable conduct → thereby worsened the debtor's property position → and this caused the shortfall of the estate". Only such an approach is consistent both with the aim of protecting creditors and with the prohibition of automatic liability for corporate status alone.

Appendix. Evidence table of ECtHR practice

The table shows, for each ECtHR position used, the case, its weight (core / supporting / background), the formation, and the paragraphs engaged. Only positions with verbatim-confirmed quotations were included in the brief. Corpus: 5 cases supplied by the lead, plus 3 found by a targeted HUDOC search (Sovtransavto Holding v. Ukraine, Albert and Others v. Hungary, Olczak v. Poland). No continuous search of the whole ECtHR base was conducted. Application is **by analogy** (interpretive standards), not as a direct precedential basis. Verbatim paragraph quotations are preserved in the Ukrainian original and available in HUDOC.

Case	Application No.	Date	Formation	Weight	Paragraphs engaged
Agapov v. Russia	52464/15	6 Oct 2020	Chamber	Core	§§ 14, 21, 24, 25, 26, 27, 28
Albert and Others v. Hungary	5294/14	7 Jul 2020	Grand Chamber	Core	§§ 101, 102, 108, 121, 122, 123
Lekić v. Slovenia	36480/07	11 Dec 2018	Grand Chamber	Core	§§ 3, 24, 26, 27, 30, 34, 35
Sovtransavto Holding v. Ukraine	48553/99	25 Jul 2002	Chamber (Ukraine)	Core	§§ 58, 77, 80, 82, 93, 94, 95, 97
Busuttil v. Malta	48431/18	3 Jun 2021	Chamber	Supporting	§§ 10, 13, 15, 16, 20, 23, 24, 25
Olczak v. Poland	30417/96	7 Nov 2002	Admissibility decision	Supporting	§§ 48, 49, 50, 57, 58, 59, 60, 61, 62
Agrotexim and Others v. Greece	14807/89	26 Sep 1995	Chamber	Background	§§ 1, 6, 12, 21, 34, 35, 36
Khodorkovskiy and Lebedev v. Russia	11082/06, 13772/05	25 Jul 2013	Chamber	Background	§§ 8, 14, 15, 16, 18

Map: "ECtHR conclusion → section of the brief"

Orientation (conclusion from ECtHR practice)	Where used in the brief
Property separateness of the legal person; departure from it is an exception	§ 6.1 (core: Lekić, Agapov, Albert)
Status alone is insufficient; real control / participation decides	§ 5, § 6.1 (Lekić, Albert, Khodorkovskiy)
Structure of subsidiary liability: control + conduct + shortfall of property + causal link	§ 2, § 6.1 (Agapov)

A stake / participation as property linked to control; the State's positive obligation	§ 6.1 (Sovtransavto, Olczak)
Property interference only if lawful, proportionate, with guarantees	§ 7, § 8 (Agapov, Sovtransavto, Busuttil, Olczak)
Prohibition on building recovery on unproven criminal fault	§ 7 (Agapov)
The delimitation of company rights and participant rights is preserved	§ 6.1, § 10 (Albert, Olczak)