

**ARBITRATION PROCEDURAL CODE
OF THE RUSSIAN FEDERATION
NO. 70-FZ OF MAY 5, 1995**

Adopted by the State Duma April 5, 1995

In conformity with the [Federal Law No. 71-FZ of May 5, 1995](#), the Arbitration Procedural Code shall be put in force as from July 1, 1995

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The Federal Law No. 71-FZ on the Enforcement of the Arbitration Procedural Code of the Russian Federation

Section I. General Provisions

Chapter 1. Basic Provisions

Article 1. Administration of Justice by the Arbitration Court

The arbitration court shall administer justice by resolving economic disputes and other cases placed under its jurisdiction by the present Code and by the other federal laws.

Article 2. The Goals of the Legal Proceedings in the Arbitration Court

The following shall be the goals pursued by the legal proceedings in the arbitration court:

- protection of violated or disputed rights and of the lawful interests of the enterprises, institutions, organizations and private citizens in the sphere of business and of the other kinds of the economic activity;
- assistance in the strengthening of the rule of law in business and of the other kinds economic activity.

Article 3. Legislation on the Legal Proceedings in the Arbitration Courts

1. In conformity with the Constitution of the Russian Federation, legislation on the legal proceedings in the arbitration courts in the Russian Federation shall be placed under the jurisdiction of the Russian Federation.

2. The order of conducting the legal proceedings in the arbitration courts of the Russian Federation shall be defined by the Constitution of the Russian Federation, by the Federal Constitutional Law on the Arbitration Courts, by the present Code and by the other federal laws, adopted in conformity with these.

3. If the rules of the legal proceedings, established by an international agreement of the Russian Federation, differ from those stipulated by the legislation of the Russian Federation, the rules of the international agreement shall be applied.

4. The legal proceedings in the arbitration courts shall be conducted in conformity with the laws, operating at the moment of the examination of the case, of the performance of the individual procedural actions or of the execution of the court decision.

Article 4. The Right to Turn to the Arbitration Court

1. Interested persons shall have the right to turn to the arbitration court for the protection of violated or disputed rights and lawful interests in conformity with the procedure laid down by the present Code.

The rejection of the right to turn to the court shall be invalid.

2. In cases stipulated by the present Code, the right to turn to the arbitration court for the protection of the state and the public interests shall be vested in the Prosecutor, in the state bodies, the local self-government bodies and in the other bodies.

3. If the pre-trial (claimant) order of regulation is laid down for a certain category of disputes, or if it is stipulated by the contract then the dispute may be passed for consideration to the arbitration court only after this order has been observed. The persons, pointed out in Item 2 of the present Article, shall have the right to turn to the arbitration court without observing the pre-trial (claimant) order of the regulation of disputes.

Article 5. Independence of the Judges of the Arbitration Court

1. While administering justice, the judges of the arbitration court shall be independent and

subordinate only to the [Constitution](#) of the Russian Federation and to the Federal Law.

No outside influence upon the judges and no interference in their activity by any state bodies, local self-government bodies and the other bodies and organizations, by the official persons or by the citizens shall be admitted and shall entail the responsibility, established by the law.

2. The guarantees of independence of the judges of the arbitration court shall be established by the Federal Law.

The guarantees of independence of the judges have been established by the [Law](#) of the Russian Federation No. 3132-1 on Judges' Status in the Russian Federation

Article 6. Equality Before the Law and Before the Court

The legal proceedings in the arbitration court shall be conducted on the principles of equality before the law and before the court of the organizations - regardless of their location, their subordination and form of ownership, and of the citizens - regardless of their sex, race and nationality, their language and origin, their property and their official position, the place of residence, the attitude towards religion, the convictions and the affiliation with public associations, and also of the other circumstances.

Article 7. Competitiveness and Equality of the Parties

The legal proceedings in the arbitration court shall be conducted on the basis of the competitiveness and equality of the parties.

Article 8. The Language of the Legal Proceedings

1. The legal proceedings in the arbitration court shall be conducted in the Russian language.

2. The persons who do not have a sufficient knowledge of the Russian language shall be ensured the right to get fully acquainted with the case materials and to take part in the judicial actions through an interpreter, and they also shall have the right to use their native tongue in the arbitration court.

Article 9. Openness of the Case Investigation

1. The case investigation in the arbitration courts shall be open.

The hearing of the case in camera shall be admitted in the cases, stipulated by the [Federal Law](#) concerning State Secrets, as well as when the court satisfies the request of the person participating in the case who needs to keep a commercial or another kind of secret, and also in the other cases, established by the Federal Law.

On the investigation of the case in camera, a ruling shall be passed.

2. The investigation of the cases in camera shall be conducted with the observation of the rules for the legal proceedings in the arbitration court.

Article 10. Directness of the Court Investigation

When investigating cases, the arbitration court shall be obliged to directly study all the proofs on the case.

Article 11. The Normative Legal Acts, Applied in Resolving the Disputes

1. The arbitration court shall resolve the disputes on the basis of the [Constitution](#) of the Russian Federation, of the Federal Laws, of the normative Decrees of the President of the Russian Federation and of the Decisions of the Government of the Russian Federation, of the legal normative acts of the federal executive power bodies, of the legal normative acts of the subjects of the Russian Federation and of the international agreements of the Russian Federation.

2. If the arbitration court establishes, while examining the case, that the act of the state body, of the local self-government body or of the other body does not correspond to the law, including that it was issued with exceeding the scope of jurisdiction, it shall adopt the decision in conformity with the law.

3. If an international agreement of the Russian Federation lays down the rules, differing from

those stipulated by the law, the rules of the international agreement shall be applied.

On operation of international agreements in the Russian Federation as applied to issues of arbitration process see [Decision](#) of the Plenum of the Higher Arbitration Court of the Russian Federation No. 8 of June 11, 1999

4. In the absence of the legal norms regulating the disputable relationship, the arbitration court shall apply the legal norms, regulating similar relationships, and in the absence of such legal norms as well, it shall resolve the dispute, proceeding from the general principles and from the meaning of the laws.

5. The arbitration court shall apply the legal norms of the other states in conformity with the law or with the international agreement of the Russian Federation.

Article 12. Application of the Foreign Law

1. In case of applying the foreign law, the arbitration court shall establish the existence and the content of its norms in conformity with their interpretation and the practice of application in the corresponding foreign state.

2. For the purposes of establishing the existence and the content of the norms of the foreign law, the arbitration court shall have the right to turn, in conformity with the laid down order, for assistance and explanations to the authoritative bodies and organizations in the Russian Federation and abroad, or to draw on the services of specialists.

3. If the existence or the content of the norms of the foreign law, despite the above-mentioned measures, couldn't have been established, the arbitration court shall apply the corresponding legal norms of the Russian Federation.

Article 13. The Obligatory Nature of the Judicial Acts

1. The arbitration court shall adopt the judicial acts in the form of the decision, the ruling or the judgement.

2. A judicial act which has come into legal force shall be obligatory for all the state bodies, the local self-government bodies and the other bodies, for all the organizations, the official persons and the citizens, and shall be liable to execution on the entire territory of the Russian Federation.

3. The non-execution of the judicial acts of the arbitration court shall entail the responsibility established by the present Code and by the other federal laws.

Chapter 2. Composition of the Arbitration Court

Article 14. Composition of the Arbitration Court

1. In the arbitration courts, the cases in the first instance shall be considered by the judge on his own.

The cases on recognizing as invalid the acts of the state bodies, of the local self-government bodies and of the other bodies, and also the cases on the insolvency (bankruptcy) shall be considered by the court collegially.

By the decision of the chairman of the court, any case may be considered collegially.

2. All the cases in the instances of appeals, cassation or supervision shall be considered by the arbitration court collegially.

3. If the case is considered collegially, three or any other uneven number of judges shall be in session.

4. All the judges shall enjoy equal rights when examining the case.

5. If the present Code grants the judge the right to deal with the cases and with certain issues on his own, he shall act on behalf of the arbitration court.

Article 15. The Order of Resolving Issues by the Arbitration Court

1. The issues arising when the case is examined by the arbitration court collegially shall be resolved by the majority vote. No one of the judges shall have the right to abstain from the voting.

The judge, presiding over the session, shall be the last to cast his vote.

2. The judge who disagrees with a decision passed by the majority, shall still be obliged to sign this decision but shall have the right to report in writing his special opinion, which shall be enclosed to the case materials but shall not be announced. The persons participating in the case shall not be acquainted with the special opinion.

Article 16. Rejection of the Judge

1. The judge cannot take part in the investigation of the case and shall be subject to rejection:

- 1) if he is a relative of the persons, taking part in the case, or of their representatives;
- 2) if he has taken part in the previous examination of the given case in the capacity of an expert, interpreter, prosecutor, representative or witness;
- 3) if he is personally interested, directly or indirectly, in the outcome of the case or if there are other circumstances, calling into question his impartiality.

2. Persons related to one another shall not be included in the composition of the court, examining the case.

Article 17. Rejection of the Expert and of the Interpreter

1. The expert and the interpreter cannot take part in the case examination and shall be liable to rejection on the grounds indicated in [Article 16](#) of the present Code.

Other grounds for rejecting the expert shall be:

- 1) his official or the other kind of dependence at the moment of examining the case or from past examination, on the persons, participating in the case, or on the representatives of these persons;

- 2) his having revised the materials which have served as the ground or the reason for turning to the arbitration court, or if he reviewed materials used in the investigation of the case.

2. The expert's or the interpreter's participation in the previous consideration of the given case in the capacity of, correspondingly, the expert or the interpreter, shall not be the ground for their rejection.

Article 18. Inadmissibility of a Judge's Repeated Participation in the Investigation of the Case

1. A judge who has taken part in the investigation of the case, shall not participate in the investigation of the same case in the court of another instance.

2. A judge who has taken part in the investigation of the case in any one instance shall not participate in the re-examination of the same case in the same instance, unless the case is re-examined by the newly revealed circumstances.

Article 19. Announcement of Recusal or Self Recusal

1. If circumstances listed in [Articles 16](#) and [17](#) of the present Code, exist judge, the expert, or the interpreter shall be obliged to announce their recusal.

On the same grounds, the persons, participating in the case, shall announce the recusal.

2. The self-recusal or the recusal shall be motivated and announced before the start of the case investigation on the merits. The announcement of the self-recusal or of the recusal the course of the examination of the case shall be admitted only if the grounds for the self-recusal or for the recusal became known to the arbitration court or to the person, announcing the self-recusal or the recusal, after the start of the case examination.

Article 20. The Order of Dealing with the Announced Recusal

1. In case of announcing the recusal, the arbitration court shall listen to the opinion of the persons, taking part in the case, as well as to the person, on whose account the recusal was announced, if he wishes to give explanations.

2. The issue of the recusal of the judge, who is examining the case on his own, shall be dealt with by the chairman of the arbitration court or by the chairman of the judicial board.

3. The issue of the recusal of the judge in case of the collegial examination of the case shall

be dealt with by the rest of the composition of the arbitration court in the absence of the judge who is being rejected. If the number of votes, cast in favour and against the recusal, is even, the judge shall be regarded as recused.

The issue of the recusal, announced against several judges or against the entire composition of the arbitration court, which is examining the case, shall be dealt with by the chairman of the arbitration court or by the chairman of the judicial board.

4. The issue of the recusal of the expert or of the interpreter shall be dealt with by the composition of the arbitration court, examining the case.

5. By the results of examination of the issue of the recusal, a ruling shall be passed.

Article 21. The Consequences of Satisfying the Announcement of the Recusal

1. In case of the recusal of the judge, or of several judges, or of the entire composition of the arbitration court, the case shall be investigated in the same court, but by the new composition.

2. If as a result of satisfying the recusal, it is impossible to form a new composition of the court for investigating the given case in the same arbitration court, the case shall be passed to another arbitration court of the same level.

Chapter 3. Jurisdiction and Cognizance

Article 22. Jurisdiction of the Cases Jurisdiction

1. The arbitration court's jurisdiction shall include cases on economic disputes arising from the civil, administrative, and the other kinds of legal relations:

1) between the legal entities (hereinafter to be referred to as the organizations), citizens engaged in business activities without creating a legal entity and having the status of an individual businessman, obtained in conformity with the law-stipulated order (hereinafter to be referred to as the citizens);

2) between the Russian Federation and the subjects of the Russian Federation and between the subjects of the Russian Federation.

2. Economic disputes shall be resolved by the arbitration court and in particular shall be referred the following kinds of disputes:

- on the differences of opinion about the contract, the conclusion of which is envisaged by the law, or by which the parties agreed that the differences of opinion shall be passed for resolution to the arbitration court;

- on changing the terms of, or on the cancellation of the contracts;

- on the non-discharge or an improper discharge of the obligations;

- on recognizing the right of ownership;

- on the exaction by the owner or by the other lawful possessor of the property from an alien illegal ownership;

- on violating the rights of the owner or of the other lawful possessor, not involved in the deprivation of the ownership;

- on recompensing the losses;

- on recognizing as invalid (wholly or in part) the non-normative acts of the state bodies, of the local self-government bodies or of the other bodies, which are not in conformity with the laws and with the other legal normative acts and violate the rights and the lawful interests of the organizations and of the citizens;

- on the protection of the honour, dignity and business reputation;

- on recognizing as not liable to execution the writ of execution or the other document, by which the exaction shall be effected in the undisputable (non-acceptance) order;

- on appealing against the refusal of the state registration, or against avoiding the state registration within the fixed term by the organization or by the citizen, and also in the other cases, when such registration is stipulated by the law;

- on the exaction from the organizations and from the citizens of the fines by the state bodies,

by the local self-government bodies and by the other bodies, discharging the controlling functions, unless the Federal Law stipulates an undisputable (non-acceptance) order of their exaction;

On the jurisdiction of arbitration courts over cases of law suits of tax bodies against organizations and individual entrepreneurs see [Decision](#) of the Plenum of the Higher Arbitration Court of the Russian Federation No. 5 of February 28, 2001

On the jurisdiction of arbitration courts over cases of law suits of state budget funds for taking recourse against the defaulter's property see [Letter](#) of the Federal Fund of Obligatory Medical Insurance No. 3997/81-I of September 26, 1996

- on returning from the budget the monetary means, written off by the bodies, which discharge the controlling functions, in the undisputable (non-acceptance) order with the violation of the demands of the law or of the other legal normative act.

3. The arbitration court shall also consider the other kind of cases, including those:

- on establishing the facts essential to the inception, change or discontinuation of the rights of the organizations and of the citizens in the sphere of business and of the other kinds of the economic activity (hereinafter to be referred to as those on establishing the facts of legal importance);

- on the insolvency (bankruptcy) of the organizations and the citizens.

4. If so laid down by the present Code and by the other federal laws placed under the jurisdiction of the arbitration court shall be the cases on economic disputes and the other kind of cases with the participation of the entities, which are not the legal persons (hereinafter to be referred to as the organizations), and also of the citizens, who do not have the status of the individual businessman.

According to [Article 5](#) of Federal Law No. 6-FZ of January 8, 1998 a case on bankruptcy of a citizen, who does not have the status of the individual businessman, may be initiated by an Arbitration Court if the aggregate claims against the debtor amount to at least one hundred times the [minimum wage rate](#)

5. The Federal Law may also place under the jurisdiction of the arbitration court other kinds of cases.

6. The arbitration court shall consider cases referred to its jurisdiction with the participation of organizations and citizens of the Russian Federation, foreign organizations, organizations with foreign investments, international organizations, foreign citizens and persons without citizenship engaged in the business activity, unless otherwise stipulated by the international agreement of the Russian Federation.

See the Lists of the International Treaties and Agreements in the Execution of Which the Arbitration Courts of Russia Take Part advised by [Letter](#) of the Higher Arbitration Court of the Russian Federation No. OM-230 of August 16, 1995

Article 23. Passing the Disputes for Consideration to the Arbitration Tribunal

By agreement between the parties the dispute stemming from the civil legal relations and placed under the jurisdiction of the arbitration court, which has arisen or may arise, may be passed by the parties, before the said court has adopted the decision for examination to the arbitration tribunal.

Article 24. Cognizance of the Cases

1. The cases placed under the jurisdiction of the arbitration court shall be considered by the arbitration courts of the Republics, territories and regions, of the cities of federal importance, of the autonomous region and of the autonomous areas (hereinafter to be referred to as the arbitration courts of the subjects of the Russian Federation), with the exception of the cases, referred to the

cognizance of the Higher Arbitration Court of the Russian Federation.

2. The Higher Arbitration Court of the Russian Federation shall consider:

- the economic disputes between the Russian Federation and the subjects of the Russian Federation, and between the subjects of the Russian Federation;
- the cases on recognizing as invalid (fully or in part) the non-normative acts of the President of the Russian Federation, of the Federation Council and of the State Duma of the Federal Assembly of the Russian Federation, as well as of the Government of the Russian Federation, which are not in conformity with the law and which violate the rights and the lawful interests of the organizations and of the citizens.

Article 25. Presentation of the Claim by the Place of Location of the Defendant

1. A claim shall be filed with the local arbitration court of the defendant.

2. A claim against a legal entity arising from the activity of its set apart branch, shall be filed locally near the location of the set apart branch.

Article 26. Cognizance by the Choice of the Plaintiff

1. The claim against the defendants located on the territory of different subjects of the Russian Federation shall be filed with the arbitration court by the place of location of one of the defendants, according to the choice of the plaintiff.

2. A claim against a defendant whose locality is unknown may be filed with the arbitration court closest to his property, or by his last residence in the Russian Federation.

3. A claim against a defendant - the organization or the citizen of the Russian Federation, located on the territory of another state, may be filed by the place of location of the plaintiff or of the property of the defendant.

4. The claim, arising from the contract, in which the place of execution is indicated, may be filed by the place of execution of the contract.

Article 27. Cognizance of the Cases on Establishing the Facts of Legal Importance

Cases on establishing the facts of legal importance shall be considered by the location of the claimant, with the exception of the cases on establishing the fact of the possession of a building, a structure or a land plot, which shall be conceded by the place of location of the building, the structure or the land plot.

Article 28. Cognizance of the Cases on the Insolvency (Bankruptcy) of the Organizations and of the Citizens

The cases on the insolvency (bankruptcy) of the organizations and of the citizens shall be considered by the place of location of the debtor.

Article 29. Exclusive Cognizance of the Cases

1. The claims on recognizing the rights of ownership to the buildings, structures and land plots, on withdrawing the buildings, structures and land plots from the alien illegal possession, on eliminating violations of the rights of the owner or of the other lawful possessor, not involved in the deprivation of the possession, shall be filed by the place of location of the building, the structure or the land plot.

2. A claim against the shipper, arising from the contract of carriage, including when the shipper is one of the defendants, shall be filed by the place of location of the transportation agency.

3. Claims against the state bodies and against the local self-government bodies of the subject of the Russian Federation, arising from the administrative legal relations, shall be filed with the arbitration court of this subject of the Russian Federation, and not by the place of location of the body concerned.

Claims on recognizing as invalid the acts of the other bodies, located on the territory of the other subject of the Russian Federation, shall be filed in conformity with the rules, stipulated in the

first paragraph of the present section.

Article 30. Contractual Cognizance

The cognizance, established in [Articles 25](#) and [26](#) of the present Code, may be changed by agreement between the parties.

Article 31. Transfer of the Case from One Arbitration Court to Another

1. A case accepted by the arbitration court for its examination with the observation of the rules of jurisdiction, shall be considered by it on the merits, even if subsequently it may come under the jurisdiction of another arbitration court.

2. The arbitration court shall pass the case for consideration to another court:

1) if during the examination of the case in the given court it was found out that it was accepted for examination with the violation of the rules of jurisdiction;

2) if, after the rejection of one or several judges, their replacement in the given court becomes impossible, and also under the other circumstances, when it is impossible to investigate the case in the given court. The case shall be passed to the arbitration court of the same level.

3. On the transfer of the case for investigation to another arbitration court, a ruling shall be passed.

4. The case, transferred from one arbitration court to another, shall be accepted for examination by the court, to which it is passed. The disputes on the cognizance between the arbitration courts in the Russian Federation shall not be admitted.

**Chapter 4. Persons Participating in a Case,
and the Other Participants in
the Arbitration Court**

Article 32. Persons Participating in a Case

Persons participating in a case shall be:

- the parties and third persons;

- the claimants and other interested persons - in a cases on establishing the facts of legal importance and on the insolvency (bankruptcy) of the organizations and of the citizens;

About the procedure for filing claims for the liquidation of enterprises with the Arbitration Courts see [Letter](#) of the State Tax Service of the Russian Federation No. NP-6-11/104 of February 16, 1996

- the prosecutor, state bodies, local self-government bodies and other bodies which have turned to the arbitration court with a claim for the protection of the state and of the public interests.

Article 33. The Rights and the Duties of Persons Participating in a Case

1. Persons participating in the case shall have the right to be acquainted with the case materials, to make excerpts from them, to make copies thereof, to announce rejections, to present proofs and to take part in their investigation, to ask questions, to hand in petitions and to make statements, to give explanations to the arbitration court, to voice their arguments on all the questions, arising in the course of investigation, to raise objections against the petitions and arguments of the other persons, participating in the case, to appeal against the judicial acts and to exert the other procedural rights, granted to them by the present Code.

2. The persons participating in the case shall discharge the duties, stipulated by the present Code, and shall use in good faith all the procedural rights they possess.

Article 34. The Parties

1. The parties in the case shall be the plaintiff and the defendant.

2. The plaintiffs shall be the organizations and the citizens, who have filed the claim in their interests or in whose interests the claim has been filed.

3. The defendants shall be the organizations and the citizens, against whom the claimant demand has been filed.

4. The parties shall enjoy equal procedural rights.

Article 35. Participation in the Case of Several Plaintiffs and Defendants

1. The claim may be filed jointly by several plaintiffs or against several defendants. Each of the plaintiffs and defendants shall come out in the court process on his own. The co-participants may entrust the pleading of the case to one of the co-participants.

2. If it is necessary to take to court another defendant, the arbitration court shall bring this defendant to trial with the plaintiff's consent before it has passed the decision.

Article 36. Substitution of the Improper Party

1. If the arbitration court establishes in the course of the case investigation that the claim was not filed by the person who possesses the right of claim, or not against the person who shall be answerable by the claim, it may admit, with the consent of the plaintiff, the substitution of the proper plaintiff or the proper defendant for the initial plaintiff or defendant.

2. If the plaintiff does not consent to his being replaced by another person, this person may enter the case as a third person making independent claims for the object of the dispute about which the court shall inform the given person.

3. If the plaintiff does not consent to the substitution of another person for the defendant, the court shall have the right with the consent of the plaintiff, to bring this person to trial as the second defendant.

4. After the substitution of the improper party, the case shall be investigated from the very beginning.

Article 37. The Change of the Grounds or of the Object of the Claim, the Change of the Claimant Demands, the Renouncement of the Claim and the Recognition of the Claim

1. The plaintiff shall have the right before the arbitration court has passed the decision to change the grounds or the object of the claim to increase or to decrease the amount of the claimant demands, or to renounce the claim altogether.

2. The defendant shall have the right to recognize the claim fully or in part.

3. The parties may end the case by coming to an amicable arrangement in any instance.

4. The arbitration court shall not accept the renouncement of the claim, the reduction of the amount of the claimant demands or the recognition of the claim, and shall not approve an amicable arrangement, if this contradicts the laws and the other legal normative acts or violates the rights and the lawful interests of the other persons. In these cases, the court shall consider the dispute at issue on the merits.

Article 38. Third Persons Making Independent Claims for the Object of the Dispute

The third persons making independent claims for the object of the dispute may enter a case before the arbitration court has passed the decision. They shall enjoy all the rights and shall discharge all the duties of the plaintiff except for the right to observe the pre-trial (claimant) order of regulating the dispute with the defendant when this is stipulated by the Federal Law for the given category of disputes, or by the contract.

Article 39. The Third Persons Who Do not Make Independent Claims for the Object of the Dispute

1. The third persons who do not make independent claims for the object of the dispute may enter the case on the side of the plaintiff or of the defendant before the arbitration court has passed the decision if the decision on the case may have an impact on their rights or duties with respect to one of the parties. They may also be made to take part in the case on the request of the parties or on the initiative of the court.

2. The third persons who do not make independent claims for the object of the dispute shall discharge the procedural duties and shall enjoy the rights of the party, except for the right to change the grounds or the object of the claim, to increase or to decrease the amount of the claimant demands, to renounce the claim, to recognize the claim, to come to an amicable arrangement, or to demand a forcible execution of the judicial act.

Article 40. The Procedural Legal Succession

1. If one of the parties exits from the disputable legal relation or from the legal relation, established by the arbitration court (the reorganization, the ceding of the demand, the transfer of the debt, the death of the citizen, etc.), the court shall substitute for this party its legal successor, indicating this in the ruling, the decision or the judgement. The legal succession is possible at any stage of the arbitration process.

2. All the actions performed in the process before the legal successor enters the case shall be obligatory for him to the extent, to which they would have been obligatory for the person, for whom the legal successor is substituted.

Article 41. The Prosecutor's Participation in the Case

1. The prosecutor shall have the right to turn to the arbitration court with a claim for the protection of the state and public interests.

2. The statement of claim to the Higher Arbitration Court of the Russian Federation shall be directed by the Prosecutor-General of the Russian Federation or by the Deputy Prosecutor-General of the Russian Federation, and to the arbitration court of the subject of the Russian Federation - also by the prosecutor or the deputy prosecutor of the subject of the Russian Federation and by the prosecutors and the deputy prosecutors, equated with them.

3. The prosecutor who has filed a statement of claim, shall discharge the duties and shall enjoy the rights of the plaintiff, except for the right to come to an amicable arrangement.

4. The renouncement by the prosecutor of the claim, filed by him, shall not deprive the plaintiff of the right to demand that the case be examined on the merits.

5. The plaintiff's renouncement of the claim, which was filed in his interest by the prosecutor, shall entail leaving the claim without consideration.

See the [Federal Law No. 168-FZ of November 17, 1995 on the Procurator's Office of the Russian Federation](#)

Article 42. Participation in the Case by State Bodies, Local Self-Government Bodies, and Other Bodies

1. In the cases, stipulated by the Federal Law, the state bodies, the local self-government bodies and the other bodies shall have the right to file a claim with the arbitration court for the protection of the state and public interests.

2. The body which has filed the statement of claim shall discharge the duties and shall enjoy the rights of the plaintiff, except for the right to come to an amicable arrangement.

3. The renouncement by the said body of the claim, filed by it, shall not deprive the plaintiff of the right to demand that the case be examined on the merits.

4. The plaintiff's renouncement of the claim, which was filed in his interest, shall entail leaving the claim without consideration.

Article 43. The Other Participants in the Arbitration Process

Besides the persons, participating in the case, taking part in the arbitration process may be the witnesses, experts, interpreters and representatives.

Article 44. The Witness

1. The witness shall be any person who is aware of the information and of the circumstances essential for the correct resolution of the dispute by the arbitration court.

2. The witness shall be obliged to appear in the arbitration court on its summons and to tell all

he knows about the case and about the circumstances related to it.

3. The witness shall be obliged to give truthful evidence and to answer the questions of the judge and of the persons participating in the arbitration process.

4. For giving deliberately false evidence and for the refusal from or the evasion of giving evidence, the witness shall be held criminally responsible.

Article 45. The Expert

1. In the capacity of an expert in an arbitration court shall be act those persons possessing special knowledge necessary for providing a conclusion, and appointed by the court in the cases, stipulated by the present Code.

2. The person to whom the carrying out of an expert examination is entrusted, shall be obliged to arrive on the summons of the arbitration court and to provide an objective conclusion on the raised questions.

3. The expert may refuse to provide a conclusion if the materials placed at his disposal have proved to be insufficient, or if he does not possess sufficient knowledge to cope with the duty imposed upon him.

4. The expert shall have the right if it is necessary for him to provide the conclusion to get acquainted with the case materials, to take part in the arbitration court sessions, to ask questions and to request the court for additional materials to be supplied to him.

5. For giving deliberately false evidence or for the refusal to provide a conclusion, the expert shall be held criminally responsible.

Article 46. The Interpreter

1. The interpreter shall be one, who possesses the knowledge of the languages necessary to make translations, and appointed by the court in the cases stipulated by the present Code.

2. The interpreter may be appointed from among the persons, suggested by the participants in the arbitration process.

The other participants in the arbitration process shall not have the right to assume upon themselves the duties of the interpreter, even though they may possess the knowledge of the languages, necessary for the translation.

3. The interpreter shall be obliged to arrive on the court summons and to fully, correctly and promptly make the translation.

4. The interpreter shall have the right to ask questions to the persons, present during the translation, in order to render the translation more precise.

5. The interpreter shall be held criminally responsible for making a deliberately incorrect translation.

Chapter 5. Representation in the Arbitration Court

Article 47. Pleading the Case Through Representatives

1. The cases of the organizations shall be pleaded in the arbitration court by their bodies, acting within the scope of the jurisdiction, granted to them by the laws and by the other legal normative acts or by the constituent documents, and also by their representatives.

2. The heads of the organizations and the other persons, in conformity with the constituent documents, shall present to the arbitration court the documents, certifying their official position or their powers.

3. The citizens may plead their cases in the arbitration court in person or through their representatives. The personal participation of the citizen in the case shall not deprive him of the right to have a representative by the case.

Article 48. The Persons, Who May Be Representatives in the Arbitration Court

1. To act in the capacity of the representative in the arbitration court may any citizen, who has at his disposal the properly formalized powers for pleading the case in the arbitration court.

2. The rights and the lawful interests of the citizens, who have no full active capacity, shall be protected in the arbitration process by their lawful representatives - the parents, the foster parents, the guardians or the trustees. The lawful representatives may re-entrust the pleading of the case in the arbitration court to another representative they have selected.

Article 49. Formalizing the Representative's Powers

1. The representative's power shall be expressed in the warrant, issued and formalized in conformity with the law.

2. The warrant on behalf of the organization shall bear the signature of its head or of the other person, authorized to do this by the organization's constituent documents, and the stamp of this organization.

3. The warrant, issued by the citizen, may be certified by the notary, as well as by the organization, in which the principal works or studies, by the housing-exploitation organization by the place of his residence and by the administration of the stationary medical institution, where he has been placed for medical treatment, or by the commanding staff of the corresponding military unit, if the warrant is issued by a serviceman. The warrants of the persons, who are in prison, shall be certified by the head of the corresponding prison.

4. The powers of the lawyer shall be certified in conformity with the procedure, established by the law.

Article 50. The Powers of the Representative

The powers for pleading the case in the arbitration court shall give to the representative the right to perform on behalf of the person he represents all the procedural actions, except for the signing of the statement of claim, the transfer of the case to the arbitration tribunal, the full or a partial renouncement of the claimant demands and the recognition of the claim, the change of the object or of the grounds of the claim, the coming to an amicable arrangement, the passing of the powers to another person (the re-entrustment), the filing of an appeal against the judicial act of the arbitration court, the signing of an application on entering a protest, the demand for a forcible execution of the judicial act and the receipt of the awarded property or money. The representative's powers for the performance of each one of the actions, pointed out in the present Article, shall be specially stipulated in the warrant, issued to him by the person he represents.

Article 51. The Persons, Who Shall Not Be Representatives in the Arbitration Court

1. The persons, who do not possess the full active capacity or who have been placed under the guardianship or under the trusteeship, shall not act in the capacity of representatives in the arbitration court.

2. The judges, the investigators, the prosecutors and the workers of the court apparatus shall not act as representatives in the arbitration court. The given rule shall not be spread to the cases, when the above-mentioned persons take part in the process in the capacity of the authorized persons of the corresponding courts and of the Prosecutor' Office, or as the lawful representatives.

Chapter 6. The Proofs

Article 52. The Concept and the Kinds of the Proofs

1. The proofs on the case shall be the information obtained in conformity with the order stipulated by the present Code and by the other federal laws, on the grounds of which the arbitration court shall establish the existence or the absence of the circumstances, providing the ground for the claims and the objections of the persons, participating in the case, as well as of the other circumstances, essential to the correct resolution of the dispute.

This information shall be established by the written or the material proofs, by the expert conclusions, by the testimony of the witnesses and by the explanations of the persons, participating in the case.

2. The use of the proofs, obtained with the violation of the Federal Law, shall not be admitted.

Article 53. The Duty of Proving

1. Every person participating in a case must prove the the grounds for his claims and objections. In considering the disputes on recognizing as invalid the acts of the state bodies, of the local self-government bodies and of the other bodies, the duty to prove the grounds for passing the said acts shall be imposed upon the body which has passed the act.

2. The arbitration court shall have the right to suggest that persons participating in the case supply additional proofs if it deems it impossible to investigate the case on the ground of the obtaining proofs alone.

Article 54. The Presentation and the Extortion of the Proofs

1. The proofs shall be provided by persons taking part in the case.

2. The person participating in the case but having no possibility to independently obtain the necessary proof from another person (whether participating or non-participating in the case) in whose possession the given proof is, shall have the right to turn to the arbitration court with a petition, requesting it to compel production of the given proof. In the petition it shall be pointed out what is essential to the case and may be established by this proof. The proof itself shall be described and the its location shall be indicated. In case of necessity, the court may issue to the person participating in the case an inquiry for obtaining the proof. The person who possesses the proof which is being compelled by the court, shall either forward it directly to the court or issue it to the petitioner who will then pass it to the court.

3. If the person compelled by the arbitration court cannot present the evidence at all or cannot present it within the term fixed by the court, he shall be obliged to inform the court why within five days from the date of receiving the court's inquiry.

In case of the non-execution of the duty to present the compelled evidence because of reasons recognized by the arbitration court as invalid, a fine shall be imposed upon the person, in whose possession it is, in the amount of up to 200 nominal sizes of the minimum monthly remuneration for labour, fixed by the Federal Law.

4. The imposing of the fine shall not exempt the person in possession of the proof from the duty to present it to the arbitration court.

Article 55. Examination and Studying the Evidence at Their Location

1. The arbitration court may examine and study the evidence in the at their location in case it is impossible or difficult to transport them to the court.

2. The examination and the study of the evidence shall be carried out by the arbitration court with the notification of the persons, participating in the case, but their failure to attend shall not be an obstacle to the said examination and study.

3. In case of the need, experts and witnesses may be summoned to take part in the examination and the study.

4. Immediately after the examination and the study of the evidence in at their location, a protocol shall be compiled.

Article 56. Relevance of the Evidence

The arbitration court shall accept only that evidence, which refer to the case under consideration.

Article 57. Admittance of the Evidence

The circumstances of the case, which, in conformity with the law or with the other legal normative acts, shall be confirmed by certain evidence, shall not be confirmed by the other proofs.

Article 58. The Grounds for Exemption to one's burden of Proof

1. The circumstances of the case recognized by the arbitration court as generally known shall not need proving.

2. The circumstances established by the decision of the arbitration court which has come into

legal force, shall not be proved once again in the court's investigation of another case, in which the same persons participate.

3. A decision passed by the court of general jurisdiction on the civil case which has come into legal force, shall be obligatory for the arbitration court which is examining the other case as concerns the questions about the circumstances, established by the decision of the court of general jurisdiction and related to the persons, taking part in the case.

4. The court sentence on the criminal case, which has come into legal force, shall be obligatory for the arbitration court as concerns the questions of whether certain actions have actually taken place and who has committed them.

Article 59. Assessment of the Evidence

1. The arbitration court shall assess the evidence in conformity with its inner conviction, based on an all-round, complete, and objective investigation of the evidence, obtained in the case.

2. No evidence shall have a presumed validity for the arbitration court.

Article 60. Written Proofs

1. The written evidence shall be the acts, the contracts, the reference notes, the business correspondence and the other documents and materials, including those received by fax or through the electronic and the other kind of communications, making it possible to establish the document's authenticity, which contain the information on the circumstances, essential to the case.

2. The written evidence shall be presented in the original or in the form of the duly certified copy. If only a part of the document has a bearing on the case under examination, the certified excerpt from the document shall be presented.

The originals of the documents shall be presented when the circumstances of the case, in conformity with the laws or with the other legal normative acts, may be confirmed only by such kind of documents, and also in the other necessary cases on the demand of the arbitration court.

3. The copies of the written evidence, presented to the arbitration court by the person participating in the case shall be forwarded (passed) by him to the other persons participating in the case who do not possess them.

Article 61. Return of the Original Documents

The original documents contained in the case may be returned to the persons who have presented them on their request after the decision of the arbitration court comes into legal force. If the court comes to the conclusion that the return of these documents cannot interfere with the court's correctly resolving the dispute - also in the course of the proceedings on the case, before the decision comes into legal force. Simultaneously with the request, the said persons shall present the duly certified copy of the original document, or an application for the court's verifying the authenticity of the copy, which is left in the case.

Article 62. Material Evidence

Material evidence shall be the objects which by their appearance, their inner properties, at their location or by the other features may serve as the means for establishing the circumstances, essential for the case.

Article 63. The Storage of the Material Evidence

1. Material evidence shall be kept at the arbitration court.

2. Material evidence, which cannot be transported to the arbitration court, shall be kept at their location. They shall be described in detail, sealed, and in case of need photographed or videofilmed.

3. The expenses involved in the storage of the material proofs, shall be distributed between the parties in conformity with [Article 95](#) of the present Code.

4. The arbitration court and the keeper shall both take measures to preserve the material proofs intact.

Article 64. Examining and Studying the Perishable Material Evidence

1. The perishable material evidence shall be immediately examined and studied by the arbitration court in the place of their location.
2. The persons participating in the case shall be notified about the place and time of the examination and the study, if they can arrive to the place of location of the material proofs by the moment of their examination.
3. The failure of the notified persons participating in the case to attend shall not prevent the examination and the study of the material proofs.

Article 65. Disposal of the Material Evidence

1. The material proofs shall be returned after the decision of the arbitration court comes into legal force to the persons from whom they were obtained or shall be passed to the persons whose right to these objects was recognized by the court or shall be disposed of in a different manner defined by the court.
2. In the individual cases the material proofs, after they have been examined and studied by the arbitration court, may be returned in the course of the proceedings on the case to the persons from whom they were obtained if the latter request about it and if the satisfaction of this request does not interfere with the correct resolution of the dispute.
3. The arbitration court shall pass a ruling on the issues involved in the disposal of the material evidence.
4. The objects, which in conformity with the law shall not be in the ownership of the individual persons, shall be passed to the corresponding organizations.

Article 66. Issuing the Orders for an Expert Examination

1. To clarify the questions arising when considering the case which require special knowledge, the arbitration court on the request of the person participating in the case shall issue an order to carry out an expert examination.
2. The persons participating in the case shall have the right to present to the arbitration court the questions which shall be clarified when carrying out the expert examination and also make suggestions on the would-be experts.
3. The final content of the questions by which the expert conclusion shall be obtained shall be established by the arbitration court. The court shall be obliged to motivate its rejection of the questions, suggested by the persons, participating in the case.
4. The court shall pass a ruling on ordering an expert examination.

Article 67. The Order of Carrying Out an Expert Examination

1. The expert examination shall be carried out by the workers of the institutions or by the other specialists to whom it has been entrusted by the arbitration court. The carrying out of an expert examination may be entrusted to several experts.
2. The expert examination shall be carried out at the session of the arbitration court or out of the session if this is necessary because of the nature of the studies or if it is impossible or difficult to bring the materials needed for the study to the session. The persons taking part in the case shall have the right to be present when the expert examination is carried out with the exception of those instances when their presence at the carrying out of the expert examination out of the court session may interfere with the normal work of the experts.
3. If the carrying out of the expert examination is entrusted to two or more experts, they shall have the right to confer between themselves. If the experts maintain the same opinion, they shall present a joint conclusion. The expert who does not share the opinion of the other experts shall present a separate conclusion.

Article 68. The Expert Conclusion

1. The expert shall present his conclusion in writing.
2. The conclusion shall contain a detailed description of the carried out studies, the conclusions arrived at as a result thereof, and the answers to the questions raised by the arbitration

court. If when carrying out the expert examination the expert establishes the circumstances, which are of essential importance for the case, but about which no questions were put to him, he shall have the right to enter these circumstances into his conclusion.

3. The expert conclusion shall be studied by the arbitration court in session and shall be assessed alongside with the other proofs.

4. In case of the insufficient clarity or an incomplete character of the expert conclusion, the arbitration court may order an additional expert examination, to be carried out by the same or by another expert.

5. In case it disagrees with the expert conclusion, the arbitration court, on the request of the person, participating in the case, may order a repeated expert examination, to be carried out by another expert.

Article 69. The Witness Testimony

1. The witness shall share with the arbitration court the information and the circumstances known to him by the word of mouth.

2. On the proposal of the arbitration court, the witness may give evidence in writing.

3. The information, supplied by the witness, shall not be regarded as the proofs, if he cannot name the source of his knowledge.

Article 70. Explanations of the Persons, Participating in the Case

1. The explanation by the persons participating in the case, of the circumstances known to them which are essential for the case, shall be liable to checking up and assessment, alongside with the other proofs. On the suggestion of the arbitration court, the person, participating in the case, may give his explanations in writing.

2. The admittance by the person participating in the case of the facts, on which the other person bases his claims or his objections, shall not be obligatory for the arbitration court.

3. The arbitration court may regard the admitted fact as established, if it has no doubts that its admission corresponds to the circumstances of the case and was not made under the impact of the deceit, violence, threat, delusion, or for the purpose of concealing the truth.

Article 71. Securing Evidence

1. The persons who have the grounds to be afraid that their supply of the necessary evidence may become impossible or difficult, shall have the right to request the arbitration court which has accepted the case for investigation, it self secure this evidence.

2. In the application on securing the evidence shall be indicated the evidence, which it is necessary to secure, the circumstances, for the confirmation of which these proofs are needed, and the reasons, which have made the applicant to request to secure them.

3. The arbitration court shall pass a ruling on securing evidence or on the refusal to secure them.

4. The ruling of the arbitration court on the refusal to satisfy the application on securing evidence may be appealed against.

Article 72. The Procedure for Securing Evidence

1. Evidence shall be secured by the arbitration court according to the rules, laid down by the present Code.

2. The persons participating in the case shall be notified about the time and place of considering the application on securing the proofs, but their failure to attend shall not be an obstacle to considering the application.

Article 73. The Court Orders

1. If it is necessary to obtain the proofs on the territory of the other subject of the Russian Federation, the arbitration court examining the case shall have the right to issue the orders to the corresponding court for performing certain procedural actions.

2. In the ruling on the court orders, the essence of the case under consideration shall be

concisely described, as well as the circumstances to be clarified and the proofs to be collected by the arbitration court, to which the orders were issued.

3. The ruling on the court orders shall be obligatory for the arbitration court, to which they were made, and shall be fulfilled not later than within 10 days from the moment of receiving the ruling.

Article 74. The Procedure for Fulfilling the Court Orders

1. The court orders shall be fulfilled by the arbitration court in session according to the rules, laid down by the present Code. The persons, participating in the case, shall be notified about the time and place of the session, but their failure to attend shall not be an obstacle for holding the session.

2. On the execution of the court orders shall be passed a ruling, which, together with all the materials, shall be immediately sent to the arbitration court, investigating the case.

3. The persons participating in the case and the witnesses, who have given the explanations or the testimony to the arbitration court, which was fulfilling the orders, in case of their participation in the session of the court, which is investigating the case, shall give the explanations and the testimony in conformity with the general procedure.

Chapter 7. Providing for the Claim

Article 75. The Grounds for Providing for the Claim

1. On the request of the person participating in the case the arbitration court shall have the right to take measures to provide for the claim. The provision for the claim shall be admitted at any stage of the arbitration process, if the non-taking of such kind of measures may interfere with or render impossible the execution of the judicial act.

2. The application on providing for the claim shall be considered by the arbitration court engaged in the resolution of the dispute no later than on the next day after its filing.

3. By the results of considering the application, a ruling shall be passed.

4. The ruling on the provision for the claim, or on the refusal to provide for it may be appealed against.

The filing of an appeal against the ruling of the court on the provision for the claim shall not suspend the execution of this ruling.

Article 76. Measures for Providing for the Claim

On some issues involved in the application of Article 76 of this Code see [Letter of the Higher Arbitration Court of the Russian Federation No. 6 of July 25, 1996](#)

1. Measures for the provision for the claim shall be the following:

1) the arrest of the property or of the monetary means, belonging to the defendant;

On the use of arrest of monetary funds of credit organization as a measure to cover an action see Informational [Letter of the Higher Arbitration of the Russian Federation No. 31 of February 25, 1998](#)

2) the prohibition for the defendant to perform certain actions;

3) the prohibition for the other persons to perform certain actions, related to the object of the dispute;

4) the suspension of the exaction by the writ of execution or by the other document, disputed by the plaintiff, in conformity with which the exaction shall be effected in the undisputable (non-acceptance) order;

5) the suspension of the sale of the property in case of filing a claim for its release from under the arrest.

In case of the need, several measures to provide for the claim shall be taken.

2. The arbitration court, while admitting the provision for the claim, may demand from the plaintiff, on the petition of the defendant, that he provide for recompensing the losses which the defendant may possibly incur.

3. For the non-observing of the measures pointed out in [Items 2](#) and [3 of the first part](#) of the present Article a fine shall be exacted from the organizations and from the citizens into the revenue of the federal budget:

- by the claims, subject to estimation - in the amount of up to 50 per cent of the price of the claim;

- by the claims, not subject to estimation - in the amount of up to 200 [minimum sizes of the monthly remuneration for labour](#), fixed by the Federal Law.

4. The plaintiff shall have the right to exact the losses, which he has sustained because of the non-execution of the ruling of the arbitration court on the provision for the claim, by way of filing a claim with the same arbitration court.

Article 77. Replacement of One Kind of Provision for the Claim with Another Kind

1. The replacement of one kind of the provision for the claim with another kind shall be admitted.

2. The question about the replacement of one kind of the provision for the claim with another kind shall be resolved only in conformity with the procedure, stipulated in [Article 75](#) of the present Code.

3. When providing for the claim on the recovery of the monetary means, the defendant shall have the right, instead of taking the established measures for providing for the claim, to enter the sum of money, claimed by the plaintiff, onto the deposit account of the arbitration court.

Article 78. Execution of the Ruling on the Provision for the Claim

The ruling on the provision for the claim shall be executed immediately in conformity with the procedure laid down for the execution of the decisions of the arbitration court.

Article 79. Elimination of the Provision for the Claim

1. On the petition of the person participating in the case the provision for the claim may be eliminated by the arbitration court investigating the case. The issue of the elimination of the provision for the claim shall be resolved by the court in session.

2. The persons participating in the case shall be notified about the time and place of the session, but their failure to attend shall not be an obstacle to examining the issue.

3. By the results of considering the question about the elimination of the provision for the claim, a ruling shall be passed.

4. In case of the denial of the claim, the admitted measures of providing for the claim shall stay on until the decision comes into legal force. However, the arbitration court may pass a ruling on the elimination of the provision for the claim simultaneously with, or after, the adoption of such decision.

5. The ruling on the elimination of the provision for the claim may be appealed against.

Article 80. Compensation for the Losses, Inflicted upon the Defendant by Providing for the Claim

After the decision by which the claim has been rejected, comes into legal force, the defendant shall have the right to demand that the plaintiff recompense to him the losses he has sustained as a result of providing for the claim by way of filing a claim with the same arbitration court.

Chapter 8. Suspension of the Legal Proceedings on the Case

Article 81. The Duty of the Arbitration Court to Suspend the Legal Proceedings on the Case

1. The arbitration court shall be obliged to suspend the legal proceedings on the case:

- 1) if it is impossible to examine the given case until the decision is passed on another case or issue, considered by way of the constitutional, civil, criminal or administrative legal proceedings;
 - 2) if the citizen-defendant serves in an acting unit of the Armed Forces of the Russian Federation or if the citizen-plaintiff, who has filed the corresponding petition, serves in an acting unit of the Armed Forces of the Russian Federation;
 - 3) if the citizen has died, but the disputed legal relationships allow for the legal succession;
 - 4) if the citizen has lost the legal capacity.
- 2.** The arbitration court shall also suspend the legal proceedings on the case under the other circumstances, stipulated by the Federal Law.

Article 82. The Right of the Arbitration Court to Suspend the Legal Proceedings on the Case

The arbitration court shall have the right to suspend the legal proceedings on the case:

- 1) if the arbitration court has ordered to carry out an expert examination;
- 2) if the organization - the person, participating in the case, undergoes restructuring;
- 3) if the citizen - the person, participating in the case, has been enlisted for the discharge of some kind of the state duty.

Article 83. Resumption of the Legal Proceedings on the Case

The legal proceedings on the case shall be resumed after the obstacles, which caused their suspension, have been eliminated.

Article 84. The Procedure for the Suspension and the Resumption of the Legal Proceedings on the Case

- 1.** The arbitration court shall pass a ruling on both the suspension and the resumption of the case.
- 2.** The ruling of the arbitration court on the suspension of the legal proceedings on the case may be appealed against.

Chapter 9. Discontinuation of the Legal Proceedings on the Case

Article 85. The Grounds for the Discontinuation of the Legal Proceedings on the Case

The arbitration court shall discontinue the legal proceedings on the case:

- 1) if the dispute is not liable to consideration in the arbitration court;
- 2) if there is a decision of the court of general jurisdiction or of the arbitration court, which has come into legal force, on the dispute between the same persons, on the same object and on the same grounds;
- 3) if there is a decision of the arbitration tribunal which has come into legal force, and was passed on the dispute between the same persons on the same object and on the same grounds with the exception of the cases, when the arbitration court has refused to issue a writ of execution for the forcible carrying out of the decision of the arbitration tribunal and has sent the case for a new examination to the arbitration court, which has passed the decision, but the examination of the case in the same arbitration tribunal has proved to be impossible;
- 4) if the organization - the person, participating in the case, is liquidated;
- 5) if after the death of the citizen - the person, participating in the case, the disputable legal relationship does not admit of the legal succession;
- 6) if the plaintiff has renounced the claim and the renouncement has been accepted by the arbitration court;
- 7) if an amicable arrangement has been reached and approved by the arbitration court.

Article 86. The Order and the Consequences of the Discontinuation of the Legal Proceedings on the Case

1. The arbitration court shall pass a ruling on the discontinuation of the legal proceedings by the case.

2. In the ruling of the arbitration court may be resolved the issues about the distribution between the persons, participating in the case, of the court expenses and about the return of the state duty from the budget.

3. If the legal proceedings on the case have been discontinued, the repeated turning to the arbitration court on the dispute between the same persons, on the same object and on the same grounds shall not be admitted.

4. The ruling of the arbitration court on discontinuing the legal proceedings on the case may be appealed against.

Chapter 10. Leaving the Claim Without Consideration

Article 87. The Grounds for Leaving the Claim Without Consideration

The arbitration court shall leave the claim without consideration:

1) if the legal proceedings on the case, involved in the dispute between the same persons, on the same object and on the same grounds, have been initiated in a court of general jurisdiction, in an arbitration court or in an arbitration tribunal;

2) if there is an agreement reached between the persons participating in the case on the transfer of the given dispute for resolution to the arbitration tribunal, while the possibility to turn to the arbitration tribunal has not been missed, and if the defendant objecting to the case being considered in the arbitration court, files an application on the transfer of the dispute for resolution to the arbitration tribunal no later than making his first statement on the essence of the dispute;

3) if the statement of claim has not been signed or has been signed by a person who has no right to sign it, or by a person whose official position is not indicated;

4) if the plaintiff has not turned to the bank or to the other credit institution for collecting the debt from the defendant, when the debt, in conformity with the law and other legal normative acts or with an agreement, shall be collected through the bank or through the other credit institution.

5) if the plaintiff has not observed the pre-trial (claimant) order of regulating the dispute with the defendant when this is stipulated by the Federal Law for the given category of disputes or by an agreement;

6) if the plaintiff has not attended the court in session and has not pleaded that the case shall be considered in his absence;

7) if, when considering the application on the refusal or on avoiding the state registration, it is found out that the justiciable dispute has arisen;

8) if, when considering the application on establishing the facts of legal importance, it is found out that the justiciable dispute has arisen.

Article 88. The Order and the Consequences of Leaving the Claim without Consideration

1. The arbitration court shall issue a ruling on leaving the dispute without consideration.

2. The arbitration court may resolve the issues of distributing the court expenses between the persons participating in the case and on returning the state duty from the budget.

3. The ruling on leaving the claim without consideration may be appealed against.

4. After the circumstances which have served as the ground for leaving the claim without consideration are eliminated the plaintiff shall have the right once again to file a claim with the arbitration court in conformity with the general procedure.

Chapter 11. The Court Expenses

Article 89. The Structure of the Court Expenses

The court expenses shall consist of the state duty and of the expenses involved in the consideration of the case:

the sums due to the payment for carrying out an expert examination, ruled by the arbitration

court for summoning the witness and for examining the proofs on the spot, and also the expenses related to the execution of the judicial act.

Article 90. The Payment of the State Duty

The state duty on all the cases considered by the arbitration courts in the Russian Federation, shall be paid or exacted into the federal budget.

Article 91. The State Duty

1. The state duty shall be levied upon:

- the statements of claim;
- the applications on recognizing the organizations and the persons as insolvent (bankrupt);
- the applications on entering the case in the capacity of the third person, making independent claims for the object of the dispute;
- the applications on establishing the facts of legal importance;
- the appeals and the cassation complaints against the decisions of the arbitration court and against the rulings on discontinuing the legal proceedings on the case, on leaving the claim without consideration and on imposing the court fines;
- the applications on the issue of a writ of execution for a forcible putting into effect of the decisions of the arbitration tribunal;
- the appeals and the cassation complaints against the rulings of the arbitration court on the issue of a writ of execution for a forcible putting into effect of the decisions of the arbitration tribunal and on the refusal to issue the writ of execution.

2. If the claimant demands are increased, the underpaid amount of the state duty shall be exacted, when the decision is adopted in conformity with the increased price of the claim. If the price of the claim is reduced, the state duty, which has already been paid, shall not be returned.

3. The issues, involved in fixing the amount of the state duty, in the exemption from its payment, in the postponement of its payment, in permitting to pay it by instalments or in reducing its amount, shall be resolved in conformity with the Federal Law.

Concerning establishing the amount of the state duty, granting delay and payment by installments see

[Federal Law No. 226-FZ of December 31, 1995](#)

[Decision of the Plenary Session of the Higher Arbitration Court of the Russian Federation No. 6 of March 20, 1997](#)

Article 92. The Price of the Claim

1. The price of the claim shall be defined:

- on the claims for the exaction of the monetary means - proceeding from the exacted amount of money;
- on the claims for recognizing as being not liable to execution the writ of execution or the other document, by which the exaction shall be effected in the undisputable (non-acceptance) order - proceeding from the disputed amount of money;
- on the claims for the extortion of the property - proceeding from the cost of the property;
- on the claims on the extortion of the land plot - proceeding from the cost of the land plot by the fixed price, and in the absence thereof - by the market price.

Included into the price of the claim shall also be the amounts of the arrears (the fine, the penalty), indicated in the statement of claim.

2. The price of the claim, consisting of several independent claims, shall be defined by the summed up amount of all the claims.

3. If the indicated price of the claim is incorrect, it shall be defined by the arbitration court.

Article 93. Return of the State Duty

1. The state duty shall be liable to return in conformity with the Federal Law.

2. In the legal act of the arbitration court the circumstances shall be indicated which are the

ground for a full or a partial return of the state duty.

3. By the applications, appeals or cassation complaints paid for by the state duty but not forwarded to the arbitration court or returned by it, and also by the legal acts stipulating a full or a partial return of the duty shall be effected on the ground of a reference note issued by the court.

Article 94. The Payment of the Sums, Due to the Experts, the Witnesses and the Interpreters

1. The experts, the witnesses, and the interpreters shall be recompensed for expenses borne by them in connection with their attendance in the arbitration court. Expenses shall include such things as the fares and the rentals for the living quarters; they shall also be paid a daily allowance.

2. The experts and the interpreters shall be paid for the work they have performed on the orders of the arbitration court if this work does not lie within the range of their official duties.

3. To the citizens summoned to the arbitration court in the capacity of witnesses shall be recompensed all the expenses, involved in the loss of time in connection with their attendance in the court.

4. The sums liable to the payment to the witnesses and to the experts shall be entered in advance onto the deposit account of the arbitration court by the person participating in the case who has expressed the corresponding request. If the request is made by both the parties, the required sums shall be entered by both of them in equal shares. If an additional expert examination is ruled on the initiative of the court, the sums liable to the payment shall be paid to the expert by the court from its deposit account. These sums shall be later exacted from the persons participating in the case in conformity with [Article 95](#) of the present Code and shall be entered onto the deposit account of the court.

5. The sums due to the experts, witnesses, and interpreters, shall be paid by the arbitration court after they have discharged their duties.

6. The order of the payment and the amount of the sums, liable to the payment, shall be fixed by the Government of the Russian Federation.

Article 95. Distribution of the Court Expenses Between the Persons, Participating in the Case

1. The court expenses shall be paid by the persons, participating in the case proportionately to the size of the satisfied claimant demands.

2. The state duty from which the plaintiff was exempted in conformity with the established order shall be exacted from the defendant into the revenue of the federal budget proportionately to the size of the satisfied claimant demands unless the defendant has been exempted from the payment of the duty.

3. If the case has arisen because the person participating in the case violated the pre-trial (claimant) order for the regulation of the dispute stipulated by the Federal Law for the given category of disputes or by an agreement (by leaving the claim without an answer or by not forwarding the required documents), the arbitration court shall have the right to refer the court expenses onto the given person, regardless of the outcome of the case.

4. If the persons participating in the case have agreed on the distribution of the court expenses, the arbitration court shall pass the relevant decision in conformity with this agreement.

5. The court expenses borne by the persons participating in the case in connection with their filing an appeal or a cassation complaint, shall be distributed in conformity with the rules, set forth in the given Article.

Chapter 12. The Procedural Term

Article 96. The Fixing and the Calculation of the Procedural Term

1. The procedural actions shall be performed within the terms fixed by the present Code or by the other federal laws and when the procedural terms are not fixed, they shall be set by the arbitration court.

2. The terms for performing the procedural actions shall be defined by a precise calendar date,

or by the indication of an event, which must inexorably take place or by a period of time in the course of which the action may be performed.

3. The course of the procedural term, calculated in years, months or days, shall begin on the next day after the calendar date or the occurrence of the event, by which its start has been defined.

Article 97. The End of the Procedural Term

1. The term, calculated in years, shall expire in the corresponding month and on the corresponding date of the last year of the fixed term. The term calculated in months shall expire on the corresponding date of the last month in the fixed term. If the expiry of the term, calculated in months falls upon the month which has no corresponding date, the term shall expire on the last day of this month.

When the last day of the term falls on a holiday, the term shall be considered as expired on the first working day, next to it.

2. The procedural action may be performed till twenty-four hours of the last day of the fixed term. If the appeal, the cassation complaint and the other documents have been passed to a communication service agency before twenty-four hours of the last day of the term, it shall not be regarded as missed.

Article 98. Suspension of the Procedural Term

With the suspension of the legal proceedings on the case, the course of all the non-expired procedural terms shall also be suspended. From the day of resuming the legal proceedings, the course of the procedural term shall continue as well.

Article 99. The Restoration and the Prolongation of the Procedural Term

1. On the application of the person, participating in the case, the arbitration court, having recognized the causes of missing the procedural term, fixed by the present Code or by the other federal laws, as valid, shall restore the missed procedural term.

2. The restoration of the missed term shall be stated in the decision, the ruling or the judgement of the arbitration court. On the refusal to restore the term, a ruling shall be passed.

3. The ruling of the arbitration court on the refusal to restore the missed procedural term may be appealed against.

4. The arbitration court may prolong the procedural term, which it has set.

Chapter 13. The Court Fines

Article 100. Imposing the Fine

The fine shall be imposed by the arbitration court only in the cases and in the amounts, stipulated by the present Code, and shall be exacted into the federal budget.

Article 101. The Order of Considering the Issue of Imposing a Fine

1. The issue of imposing a fine shall be resolved by the arbitration court in session.

2. The persons, with respect to whom the issue of imposing the fine is considered, shall be notified about the time and place of the session by a registered letter with advice of receipt. The non-attendance of the duly notified person shall not be an obstacle to imposing a fine.

3. By the results of examining the issue of imposing a fine, the arbitration court shall pass a ruling.

4. The ruling of the arbitration court on imposing a fine may be appealed against.

Section II. Procedure in the Arbitration Court of the First Instance

Chapter 14. Filing a Claim

The [Merchant Shipping Code](#) of the Russian Federation No. 81-FZ of April 30, 1999 established

that for the purpose of availing himself of the benefit of limitation of liability for pollution damage the shipowner shall constitute a fund for the total sum representing the limit of his liability with a court of law or a court of arbitration in which action is brought for the compensation of pollution damage, or if such action is not brought, with a court of law or a court of arbitration in which it may be filed

Article 102. The Form and Content of the Statement of Claim

1. The statement of claim shall be filed with the arbitration court in written form. It shall be signed by the plaintiff or by his representative.

2. Pointed out in the statement of claim shall be:

- 1) the name of the arbitration court, with which the statement of claim is filed;
- 2) the names of the persons, participating in the case, and their postal addresses;
- 3) the price of the claim, if it is liable to estimation;
- 4) the circumstances, on which the claimant demands are based;
- 5) the proofs, confirming the grounds for the claimant demands;
- 6) the calculation of the exacted or the disputed amount;
- 7) the plaintiff's claimant demands with reference to the laws and the other legal normative acts, and in case the claim is filed against several defendants - the demands to every one of them;
- 8) the information on abiding by the pre-trial (claimant) order for the regulation of the dispute with the defendant, when this is stipulated by the Federal Law for the given category of disputes or by an agreement;
- 9) the list of enclosed documents.

Other information, necessary for correctly resolving the dispute, as well as the plaintiff's petitions, may also be provided in the statement of claim.

Article 103. Forwarding the Copies of the Statement of Claim and the Enclosed Documents

When filing a claim, the plaintiff shall be obliged to forward to the other persons, participating in the case, the copies of the statement of claim and of the documents, enclosed to it, which they do not possess.

Article 104. The Documents, Enclosed to the Statement of Claim

To the statement of claim shall be enclosed the documents, confirming:

- 1) the payment of the state duty in conformity with the established order and amount;
- 2) the forwarding of the copies of the statement of claim and of the enclosed documents;
- 3) the abidance by the pre-trial (claimant) order of regulating the dispute with the defendant, when this is stipulated by the Federal Law for the given category of disputes or by an agreement;
- 4) the circumstances, on which the claimant demands are based.

If the statement of claim is signed by the plaintiff's representative, a warrant shall be enclosed, confirming his right to submit the claim.

To the demand for making the defendant to sign a contract shall be enclosed the draft contract.

Article 105. The Combination and the Separation of Several Claimant Demands

1. The plaintiff shall have the right to combine in a single statement of claim several interconnected demands.

2. The arbitration court shall have the right to combine several homogeneous cases, in which one and the same persons participate, into a single legal case.

3. The arbitration court shall have the right to single out one or several combined demands into separate legal cases.

4. The arbitration court shall pass a ruling on combining the cases or on singling out the demands into separate legal cases.

Article 106. Acceptance of the Statement of Claim

1. The issue of the acceptance of the statement of claim shall be dealt with the judge on his own.
2. The judge shall be obliged to accept the statement of claim for consideration by the arbitration court, if it is filed with the observation of the demands, stipulated by the present Code.
3. The judge shall pass a ruling on the acceptance of the statement of claim. The content of this ruling may be stated in the ruling on the preparation of the case for examining in session.

Article 107. Refusal to Accept the Statement of Claim

1. The judge shall refuse to accept the statement of claim:
 - 1) if the dispute is not liable to consideration at the arbitration court;
 - 2) if there is a decision or a ruling, which has come into legal force, passed on the dispute between the same persons, on the same object and on the same grounds, on discontinuing the legal proceedings on the case or on the approval of an amicable arrangement by the court of general jurisdiction or by the arbitration court;
 - 3) if the legal proceedings of a case between the same persons, on the same object and on the same grounds has been instituted by the court of general jurisdiction, by the arbitration court or by the arbitration tribunal;
 - 4) if there is an enforced decision of the arbitration tribunal on the dispute between the same persons, on the same object and on the same grounds, with the exception of the cases, when the arbitration court has refused to issue the writ of execution for a forcible carrying out of the decision of the arbitration tribunal and has sent the case for a new examination to the arbitration tribunal, which has passed the decision, but the examination of the case by the same arbitration tribunal has proved to be impossible.
2. The judge shall pass a ruling on the refusal to accept the statement of claim, which shall be forwarded to the persons, participating in the case, not later than 5 days from the day of its adoption. To the ruling, directed to the plaintiff, the claimant materials shall be enclosed.
3. The ruling on the refusal to accept the statement of claim may be appealed against. If the ruling is repealed, the statement of claim shall be regarded as filed on the day of initially turning to the arbitration court.

Article 108. Return of the Statement of Claim

1. The judge shall return the statement of claim and the documents, enclosed to it:
 - 1) if the form and the content of the statement of claim, laid down in [Article 102](#) of the present Code, have not been observed;
 - 2) if the statement of claim has not been signed or has been signed by the person, who has no right to sign it, or by the person, whose official position is not indicated;
 - 3) if the case is not liable to the jurisdiction of the given arbitration court;
 - 4) if no proofs are presented that the copies of the statement of claim have been forwarded to the other persons, participating in the case;
 - 5) if no documents are presented to confirm that the state duty has been paid in the due order and amount, and if in the cases, when the Federal Law stipulates the possibility of the postponement of the payment of the state duty, or of its payment by instalments, or of the reduction of its size, there is no petition on this account or the petition has been denied;
 - 6) if the plaintiff has not presented the documents, confirming the observation of the pre-trial (claimant) order of regulating the dispute with the defendant, when this is stipulated by the Federal Law for the given category of disputes or by an agreement;
 - 7) if in a single statement of claim several demands to one defendant or to several defendants have been combined, which are not interconnected;
 - 8) if no proofs are presented of having turned to the bank or to the other credit institution for receiving the debt from the defendant, in the cases when, in conformity with the law or with the other legal normative act, or in conformity with an agreement, the debt shall be received through the bank or through the other credit institution;

9) if, before the ruling is passed on accepting the statement of claim for consideration, an application for the return of the statement of claim is received from the plaintiff.

2. The court shall pass a ruling on the return of the statement of claim.

3. The ruling on the return of the statement of claim may be appealed against. In case the ruling is repealed, the statement of claim shall be regarded as filed on the day of initially turning to the arbitration court.

4. The return of the statement of claim shall not prevent its filing with the arbitration court once again in conformity with the general order after the initially admitted violations are eliminated.

Article 109. Opinion on the Statement of Claim

1. The person, participating in the case, shall have the right to direct to the arbitration court his opinion on the statement of claim, enclosing the documents, which confirm his objections to it, within a term, guaranteeing that the said opinion is received by the day of examining the case, and also the proofs that the copies of the opinion and of the documents, which are not in their possession, have been sent to the other persons, participating in the case.

2. Pointed out in the opinion shall be:

1) the name of the arbitration court, to which the opinion is directed;

2) the name of the plaintiff and the Case No.;

3) if the claimant demands are rejected, the motives for the full or a partial denial of the plaintiff's demands, with the reference to the laws or to the other legal normative acts, as well as to the proofs, on which the objections are based;

4) the list of the documents, enclosed to the opinion.

Other information, as well as the defendant's petitions may also be provided in the opinion.

3. The opinion shall be signed by the person taking part in the case or by his representative. To the opinion signed by the representative shall be enclosed a warrant confirming his powers to take part in the court proceedings.

Article 110. Filing a Counter Claim

1. The defendant shall have the right before the court passes the decision on the case to file against the plaintiff a counter claim to be examined together with the primary claim.

2. The counter claim shall be filed in conformity with the general rules for filing the claims.

3. The counter claim shall be accepted:

1) if the counter demand is aimed at offsetting the primary claim;

2) if the satisfaction of the counter claim excludes, fully or in part, the satisfaction of the primary claim;

3) if the counter claim and the primary claim are interconnected and their joint examination is bound to result in a quicker and a more correct consideration of the case.

Article 111. Change of the Address During the Legal Proceedings on the Case

The persons, participating in the case, shall be obliged to inform the arbitration court about the change of their address during the court proceedings on the case. If no such information is supplied, the procedural documents shall be forwarded to the last address, known by the arbitration court and shall be regarded as having been presented even if the addressee does not any longer reside or appear at this address.

Chapter 15. Preparing the Case for Examination in Court

Article 112. The Judge's Actions, Involved in Preparing the Case for Examination in Court

When preparing the case for examination in court, the judge shall:

1) consider, whether an other defendant or third person shall be brought to court to take part in the legal proceedings on the case;

2) notify the interested persons about the legal proceedings on the case;

- 3) suggest that the persons, participating in the case, as well as the other organizations and their official persons perform certain actions, including the presentation of the documents and information, essential for the resolution of the dispute;
- 4) certify the relevance and the admissibility of the proofs;
- 5) call to attend the witnesses;
- 6) consider the issue of carrying out an expert examination;
- 7) forward court orders to the other arbitration courts;
- 8) call to attend the persons, participating in the case;
- 9) take measures to reconcile the parties;
- 10) consider the question about calling to attend the heads of the organizations, participating in the case, for giving explanations;
- 11) take measures to provide for the claim.

The judge shall also perform the other actions, aimed at ensuring a correct and timely resolution of the dispute.

Article 113. The Ruling on Preparing the Case for Examination in Court

1. The judge shall pass a ruling on preparing the case for examination in court in which he shall indicate the actions, involved in preparing the case shall appoint the case for being examined in court, and shall fix the time and place of the legal proceedings.

2. The ruling shall be forwarded to the persons, taking part in the case, by a registered letter with advice of receipt.

Chapter 16. The Legal Proceedings

Article 114. The Term of Examining the Case

The case shall be examined and the decision adopted on it within a term not exceeding two months from the date on which the statement of claim was filed with the arbitration court.

Article 115. The Session of the Arbitration Court

1. The case shall be investigated by the arbitration court in session.

2. The judge, presiding over the session, shall:

- open the session of the arbitration court and announce, what particular case is subject to consideration;
- check up upon the attendance of the session by the persons, participating in the case, and also by the other participants in the arbitration process, as well as the powers, vested in them, and verify whether the persons, who have failed to attend the court session, were duly notified, and what information is obtained about the reasons behind their non-attendance;
- announce the composition of the court and name the persons, participating in the case in the capacity of an expert and of an interpreter, and also explain to the persons, participating in the case, their right to reject them;
- explain to the persons, participating in the case, and to the other participants in the arbitration process their procedural rights and duties;
- warn the interpreter about the responsibility for a deliberately wrong translation, the expert for a deliberately wrong conclusion or the refusal to provide the conclusion, and the witness - for a deliberately false testimony and for refusing or avoiding to give the testimony;
- remove from the court-room the witnesses, who have come before their interrogation;
- lay down the order of conducting the session and of examining the proofs;
- lead the session, ensuring that the circumstances, essential for the case, are clarified;
- take measures to ensure the proper order during the court session.

3. Those present in the court-room shall have the right to take notes in handwriting or in shorthand and to tape-record the legal proceedings. To shoot a cinema or a video film, to take photographs of the legal proceedings and to broadcast the court in session by the radio and television, a special permit shall be obtained from the court, examining the case.

Article 116. The Order During the Arbitration Court Session

1. When the judges enter the court-room everybody present shall stand up. All those present in the court-room shall listen to the decision of the arbitration court while standing.

2. The persons participating in the case as well as the other participants in the arbitration process shall turn to the arbitration court and shall give their explanations while standing. Any deviation from this rule shall be admitted only with the permission of the presiding judge.

3. In case of the violation of the order during the court session, the presiding judge shall on behalf of the court make a warning to the person, guilty of the violation.

In case of repeatedly violating the order the guilty person may be removed from the court-room on the orders of the presiding judge.

Article 117. Examination of the Proofs and the Continuity of the Trial

1. When trying the case the arbitration court shall examine the evidence in the case: it shall hear out the explanations of the persons, participating in the case, the testimony of the witnesses and the experts' conclusions, shall get acquainted with the written evidence and shall study the material evidence.

2. The case shall be examined by the same group of the judges. If one of the judges is replaced in the course of the proceedings on the case, the case shall be reconsidered from the very beginning.

3. The trial of every case shall not be interrupted except for the time assigned for rest. In exceptional cases the arbitration court shall announce an interval in the session for a term of not more than three days.

4. Before the decision on the case is adopted or before its examination is postponed the arbitration court shall not have the right to examine other cases.

Article 118. Admission by the Arbitration Court of the Applications and Petitions of the Persons, Participating in the Case

1. The applications and petitions of the persons participating in the case on presenting new evidence and on the other issues related to the examination of the case shall be permitted by the arbitration court after hearing out the opinions of the other persons participating in the case.

2. The arbitration court shall pass a ruling by the results of examination of the applications and petitions.

Article 119. Resolution of the Dispute if No Opinion on a Claim or No Additional Evidence Are Presented, and Also in the Absence of the Persons, Participating in the Case

1. The failure to present an opinion on a claim or on additional evidence, which were to be supplied on the judge's proposal by the persons participating in the case shall not be an obstacle to examining the case by the obtaining materials.

2. If the defendant, duly notified about the time and place of the case examination, fails to attend the session of the arbitration court, the dispute may be resolved in his absence.

3. If the plaintiff, duly notified about the time and place of the case examination, does not attend the session of the arbitration court, the dispute may be resolved in his absence, if there is the plaintiff's application for examining the case in his absence.

Article 120. Postponement of the Case Examination

1. The arbitration court shall have the right to postpone the examination of the case if it cannot be examined at the given session, including as a consequence of some of the persons participating in the case, the witnesses, the experts or the interpreters failing to attend, or if additional evidence shall be presented.

The court shall issue a ruling on the postponement of the case.

2. The participants of the arbitration process shall be notified about the time and place of the new session of the arbitration court by the ruling or by the other document which shall be forwarded to them with advice of receipt.

3. After the postponement, the case shall be examined anew.

Article 121. Amicable Agreement between the Parties

1. The achievement of an amicable agreement shall be formalized by the parties in writing.
2. The amicable agreement shall be approved by the arbitration court; a ruling shall be passed about this, in which it shall be stated that the legal proceedings on the case are discontinued.

Article 122. Completion of the Case Examination

After studying all the evidence, the judge presiding over the court session shall find out whether the persons taking part in the case possess additional materials on the case. In case of the absence of such statements, the presiding judge shall declare the examination of the case as completed and the arbitration court shall leave the court-room to adopt the decision.

Article 123. The Protocol

1. At the court session and when performing the individual procedural actions outside of the court session, a protocol shall be compiled.

The following shall be pointed out in the protocol of the court session:

- 1) the year, month, date and place of the court session;
- 2) the name of the court, considering the case, and the court composition;
- 3) the name of the case;
- 4) the information on the attendance of the persons, participating in the case, and of the other participants in the arbitration process;
- 5) the information on having explained to the persons, participating in the case, and to the other participants in the arbitration process their procedural rights and duties;
- 6) the rulings, passed by the court without leaving the court-room;
- 7) the oral statements and petitions of the persons, participating in the case;
- 8) the witnesses' testimony and the oral explanations by the experts of their conclusions.

In the protocol on the performance of the individual procedural actions, the obtained results shall also be indicated.

2. The protocol shall be compiled by the judge, presiding over the court session, or by another judge from the court composition, examining the case.

3. The protocol on the court session shall be signed by the judge, presiding over the session, not later than on the next day after the session.

The protocol on the performance of an individual procedural action shall be compiled and signed by the judge immediately after the performance of this action.

4. The participants in the arbitration process shall have the right to get acquainted with the protocol of the court session or of the procedural action, and to present remarks on the fullness and correctness of its compilation within a term of three days after the protocol is signed.

5. The judge shall pass a ruling on the acceptance or on the rejection of the remarks.

Chapter 17. The Decision of the Arbitration Court

Article 124. Adoption of the Decision

1. When resolving the dispute on the merits, the arbitration court shall adopt a decision. The decision of the arbitration court shall be lawful and substantiated.

The decision of the arbitration court shall be based only on those proofs, which have been studied at the session.

2. The decision shall be adopted in an isolated room after the examination of the case by the court in session has been completed. When the decision is being adopted, only the judges, included into composition of the arbitration court, which has investigated the case, shall be present.

3. If the case is examined collegially, the decision of the arbitration court shall be passed by the majority vote.

Article 125. The Issues, Resolved When Adopting the Decision

1. When adopting the decision, the arbitration court shall:
 - assess the proofs;
 - define, which circumstances, essential to the case, have been established, and which of them have not;
 - determine, what laws and the other legal normative acts, to which the persons, participating in the case, have referred, shall not be applied in the given case;
 - define, what laws and the other legal normative acts shall be applied in the given case;
 - establish the rights and duties of the persons, taking part in the case;
 - determine, whether the claim shall be satisfied.
2. If the arbitration court finds it necessary during the session to study the proofs more thoroughly or to go on with the examination of the circumstances, essential to the case, it shall resume the investigation of the case.

Article 126. Presentation of the Decision

The decision shall be presented in written form by the judge, presiding over the session, or by another judge from the court composition, examining the case, and shall be signed by all the judges, participating in the session.

Article 127. The Content of the Decision

1. The arbitration court shall adopt the decision in the name of the Russian Federation.
2. The decision of the arbitration court shall consist of the introductory, the descriptive, the motivational and the resolute parts.

The introductory part of the decision shall contain the name of the arbitration court, which has adopted the decision, the composition of the court, the Case No., the date and place of the case investigation, the names of the persons, taking part in the case, and the object of the dispute, as well as the names of the persons, present at the court session, with the indication of their powers.

The descriptive part of the decision shall contain a short rendering of the statement of claim, of the opinion on it and of the other explanations, applications and petitions of the persons, participating in the case.

The motivational part of the decision shall point out the circumstances of the case, established by the arbitration court, the proofs, on which the arbitration court relies while making its conclusions on these circumstances, and the arguments, on the ground of which the arbitration court rejects certain proofs and does not apply certain laws and the other legal normative acts to which the persons, taking part in the case have referred, as well as the laws and the other legal normative acts by which the arbitration court was guided when adopting the decision.

The resolute part of the decision shall contain the conclusions on the satisfaction or on the refusal to satisfy every one of the presented claimant demand.

If several plaintiffs and defendants participate in the case, it shall be pointed out in the decision, in what way the dispute has been resolved with respect to every one of them.

If the primary and the counter claims have been fully or partially satisfied, in the resolute part of the decision shall be indicated the sum, liable to exaction as a result of the offset.

In the resolute part of the decision shall be indicated the way, in which the court expenses are distributed between the persons, participating in the case.

3. If the arbitration court establishes the order of execution of the decision or takes measures to provide for its execution, this shall also be pointed out in the decision.

Article 128. Decision on the Exaction of the Monetary Means and on Awarding the Property

1. If the claim for the exaction of the monetary means is satisfied, the arbitration court shall indicate in the resolute part of the decision the total amount of the sums, liable to exaction, and shall separately define the principal indebtedness, the losses and the arrears (the fine, the penalty).

2. In case the property is awarded, the arbitration court shall name the property, liable to the transfer, as well as its cost and place of location.

Article 129. Decision on Recognizing the Writ of Execution or the Other Document as Not Liable to Execution

If the claim in the dispute on recognizing as not liable to execution the writ of execution or the other document, by which the exaction shall be performed in the undisputable (non-acceptance) order, is satisfied, including on the grounds of the notary's executive inscription, then in the resolutive part of the decision shall be indicated the name, the number, and the date of the document not liable to execution, as well as the amount of money not liable to writing off.

Article 130. Decision on Concluding or on Changing a Contract

Conclusions on disputes, over the conclusion of or the change of a contract, shall address every disputable term of the contract and by the dispute on the forcible conclusion of the contract, the terms shall be indicated, on which the parties are obliged to conclude the contract.

Article 131. Decisions, Which Oblige the Defendant to Perform Certain Actions

In adopting a decision which obliges the defendant to perform certain actions not related to the transfer of the property or to the exaction of the monetary means, the arbitration court shall point out in the resolutive part of the decision, who, where and when, or during what period of time shall be obliged to perform these actions.

The arbitration court may in case of need indicate that, if the defendant does not execute the decision, the plaintiff shall have the right to perform the corresponding actions at the expense of the defendant, with the necessary expenses to be exacted from him.

If the said actions can be performed only by the defendant, the arbitration court shall fix in the decision the period of time, within which the decision shall be executed.

Article 132. Decision on the Case of Invalidating an Act of the State Body, of the Local Self-Government Body and of the Other Body

1. In the resolutive part of the decision on the case of invalidating an act of the state body, of the local self-government body or of the other body, shall be contained:

- the information on the name, the number and the date of the issue, and on the other necessary requisites of the act, as well as on the body, which has issued it;
- an indication on recognizing the act as invalid fully or in a certain part, or on denying the applicant's claim, fully or in a certain part.

2. In case of satisfying the claim on recognizing the refusal of the state registration or of the avoidance of the registration as illegal, in the resolutive part of its decision the arbitration court shall oblige the corresponding state body to perform such registration.

Article 133. Decision of the Arbitration Court on Establishing the Fact of Legal Importance

If the court finds certain facts of legal importance, the established facts shall be described in the decision.

The decision of the arbitration court on establishing facts of legal importance shall serve as the ground for the registration of such fact or for the formalization of the rights, arising in connection with the established fact, by the corresponding body.

Article 134. Announcement of the Decision

1. After its adoption, the decision shall be announced by the presiding judge in the same court session in which the case was investigated. In exceptional cases, the motivated decision on especially complicated cases may be compiled with a delay of not over three days, but the resolutive part shall be announced in the same session, in which the proceedings on the case were completed. Simultaneously, the presiding judge shall announce, when the persons, participating in the case, may get acquainted with the motivated decision.

The announced resolutive part of the decision shall be signed by all the judges and shall be enclosed to the case.

2. The judge, presiding over the session, shall explain the procedure, in conformity with which the decision of the arbitration court may be appealed against.

Article 135. The Decision's Coming into Legal Force

1. The decision of the arbitration court shall come into legal force after the expiry of a month's term after its adoption.

The decisions of the Higher Arbitration Court of the Russian Federation shall come into legal force from the moment of their adoption.

In case an appeal is filed, the decision, if it has not been repealed, shall come into legal force from the moment, when the appeals instance passes the ruling.

2. The decision of the arbitration court shall be executed after its coming into legal force.

3. Decisions on invalidating the acts of the state bodies, of the local self-government bodies and of the other bodies, as well as the rulings on the approval of an amicable arrangement, shall be liable to an immediate execution.

Article 136. Providing for the Execution of the Decision

The arbitration court shall take measures on the application of the persons participating in the case to provide for the execution of the decision in conformity with the rules laid down in [Chapter 7](#) of the present Code.

Article 137. Forwarding of the Decision to the Persons, Participating in the Case

The decision of the arbitration court shall be forwarded to the persons participating in the case by a registered letter with advice of receipt, or shall be handed in to them against the receipt signature within a term of five days from the date of its adoption.

Article 138. An Additional Decision

1. The arbitration court, which has adopted the decision, shall pass an additional decision in the following cases:

1) if no decision was adopted by some one claim, on which the persons, participating in the case, have supplied the proofs;

2) if the court, having resolved the issue of the right, has not pointed out the size of the awarded amount of money, of the property, liable to the transfer, or of the action, which the defendant is obliged to perform;

3) if the issue of the court expenses has not been dealt with.

2. The issue of adopting an additional decision may be raised before the decision comes into legal force.

3. The issue of adopting an additional decision shall be resolved in session. The persons, participating in the case, shall be notified about the time and place of the session by a registered letter with advice of receipt. The non-attendance of the duly notified persons, participating in the case, shall not be an obstacle to the examination of the issue. In case of the refusal to adopt an additional decision, a ruling shall be passed.

4. The ruling of the arbitration court on the refusal to adopt an additional decision may be appealed against.

Article 139. Explanation of the Decision. Correction of the Slips of the Pen, of the Misprints and of the Arithmetical Mistakes

1. If the decision proves to be vague, the arbitration court, which has resolved the dispute, shall have the right, on the application of the person, participating in the case, to explain the decision, while not changing its content, and also, on the application of the person, participating in the case, or on its own initiative, to correct the admitted slips of the pen, the misprints and the arithmetical mistakes, without touching upon the essence of the decision.

2. On explaining the decision and on correcting the slips of the pen, the misprints or the arithmetical mistakes, a ruling shall be passed.

3. The ruling may be appealed against.

Chapter 18. The Ruling of the Arbitration Court

Article 140. Passing of the Ruling and Its Content

1. The arbitration court shall pass a ruling in the form of a separate act, if the investigation of the case is postponed or suspended, or if the legal proceedings on the case are discontinued, if the claim is left without consideration, and also in the other cases, stipulated by the present Code.

2. In the ruling, passed in the form of a separate act, shall be pointed out:

1) the name of the arbitration court, the Case No., the date of passing the ruling, the court composition and the object of the dispute;

2) the names of the persons, participating in the case;

3) the issue, on which the ruling is passed;

4) the motives, on the ground of which the arbitration court has made the conclusions, with the reference to the laws and to the other legal normative acts;

5) the conclusion, made on the issue under examination.

3. When examining the case in a court session, the arbitration court shall have the right to pass a ruling without formalizing it as a separate act on the issues, requiring resolution in the course of the court investigation.

The ruling shall be announced by the word of mouth and shall be entered into the protocol of the court session. Pointed out in the ruling shall be the issue, on which it has been passed, the motives, on the ground of which the court has come to its conclusions, and the final conclusion on the issue under examination.

Article 141. The Special Ruling

1. If in the course of considering the dispute violations of the laws and of the other legal normative acts are exposed in the activity of the organization, of the state body, of the local self-government body or of the other body, of the official person or of the citizen, the arbitration court shall have the right to pass a special ruling.

2. The special ruling shall be forwarded to the corresponding organizations, the state bodies, the local self-government bodies and the other bodies, to the official persons or to the citizens, who shall be obliged, within a month's term, to inform the arbitration court on the measures they have taken.

3. The special ruling may be appealed against.

Article 142. Forwarding of the Ruling

1. If the arbitration court has passed a ruling in the form of a separate act, it shall be forwarded to the persons, participating in the case, and to the other persons, whom it concerns, within 5 days after its passing, or shall be handed in to them against their receipt signature.

2. The rulings, which, in conformity with the present Code, may be appealed against, shall be forwarded to the persons, participating in the case, and also to the other persons, whom they concern, by a registered letter with advice of receipt.

Chapter 19. Specifics of the Legal Proceedings by Certain Case Categories

Article 143. Investigation of Bankruptcy Cases of the Organizations and the Citizens

Bankruptcy cases of the organizations and of the citizens shall be examined by the arbitration court in conformity with the rules stipulated by the present Code, with the specifics, laid down by the [Law](#) on the Insolvency (Bankruptcy).

Article 144. Investigation of Cases and the Establishment of the Facts of Legal Importance

1. The establishment of the facts of legal importance shall be formalized in conformity with the rules, stipulated in [Article 102](#) of the present Code.

2. The cases on establishing the facts of legal importance shall be investigated by the arbitration court in conformity with the procedure, stipulated by the present Code.

Section III. Legal Proceedings on Revising the Decisions

Chapter 20. Legal Proceedings in the Appeals Instance

Article 145. The Right to an Appeal

The persons, participating in the case, shall have the right to appeal against the decision of the arbitration court, which has not come into legal force.

Article 146. The Arbitration Court, Examining an Appeal

The appeal shall be examined by the appeals instance of the arbitration court, which has adopted the decision in the first instance.

Article 147. The Term of Filing an Appeal

The appeal shall be filed within a month's term after the arbitration court has passed the decision.

Article 148. The Content of the Appeal

1. Pointed out in the appeal shall be:

- 1) the name of the arbitration court, to which the appeal is addressed;
- 2) the name of the person, who is filing the appeal, and the names of the persons, participating in the case;
- 3) the name of the arbitration court, which has adopted the decision, against which the appeal is filed, the Case No. and the date of adopting the decision, as well as the object of the dispute;
- 4) the claims of the person, who is filing the appeal, and the grounds, on which the appellant regards the decision as incorrect, with a reference to the laws, to the other legal normative acts and to the case materials;
- 5) the list of the documents, enclosed to the appeal.

The appeal shall be signed by the person, who is filing the appeal, or by his representative.

To the appeal, signed by the representative, shall be enclosed a warrant, confirming his powers to appeal against the judicial acts, unless it has been presented in the given case at an earlier date.

2. Enclosed to the appeal shall be the proofs that the state duty has been paid and that the copies of the appeal have been forwarded to the other persons, participating in the case.

Article 149. Forwarding of the Appeal to the Persons, Participating in the Case

The person who is filing an appeal shall forward to the other persons participating in the case the copies of the appeal and of the documents enclosed to it which they do not possess.

Article 150. The Opinion on the Appeal

1. Having received the copies of the appeal, the person participating in the case shall have the right to forward an opinion on it to the arbitration court within a term ensuring the opinion's arrival by the day of examining the appeal and also the proofs that the copies of the opinion have been forwarded to the other persons, participating in the case.

2. The opinion shall be signed by the person, taking part in the case, or by his representative. To the opinion, signed by the representative, shall be enclosed a warrant, confirming his powers to take part in the legal proceedings.

3. Enclosed to the opinion may be the documents, which have not been presented before. In this case, the proofs that the copies of the documents, which they do not possess, have been forwarded to the persons, participating in the case, shall also be enclosed to the opinion.

Article 151. Return of the Appeal

1. The appeal shall be returned by the judge:
 - 1) if the appeal has not been signed or has been signed by the person, who has no right to sign it, or by the person, whose official position is not indicated;
 - 2) if no proofs have been enclosed to the appeal that its copies have been forwarded to the persons, participating in the case;
 - 3) if no documents have been enclosed to the appeal, confirming the payment of the state duty in conformity with the established order and in the fixed amount, and in case the Federal Law stipulates the possibility of the postponement, or of the payment of the state duty by instalments, or of reducing its amount, if the petition to this effect is either absent or has been denied;
 - 4) if the appeal is filed after the expiry of the established term and does not contain a petition for the restoration of the missed term;
 - 5) if before forwarding the ruling on the acceptance of the appeal for examination to the persons, participating in the case, an application for its return comes from the person, who has filed the appeal.
2. On the return of the appeal, a ruling shall be passed.
3. A cassation appeal may be filed against the ruling on the return of the appeal.
4. After eliminating the circumstances, pointed out in [Items 1, 2 and 3 of the first part](#) of the given Article, the person, who has filed the appeal, shall have the right to once again turn to the arbitration court with an appeal in conformity with the general order.

Article 152. The Ruling on the Acceptance of the Appeal for Examination

1. The judge shall pass a ruling on the acceptance of the appeal for examination.
2. Pointed out in the ruling shall be the time and place of examining the appeal.
3. The ruling shall be forwarded to the persons, taking part in the case, by a registered letter with advice of receipt.

Article 153. The Order of Examining the Case in the Appeals Instance

In the appeals instance, the case shall be investigated by the rules for examining the case by the arbitration court of the first instance, with the specifics, stipulated in the present chapter. The rules, established only for the first instance, shall not be applied.

Article 154. Refusal from the Appeal

1. The person, who has filed an appeal, shall have the right to renounce it before the ruling has been passed.
2. The court shall have the right to reject the renouncement of the appeal on the grounds, stipulated in the [fourth part of Article 37](#) of the present Code, and to examine the case by way of an appeal.
3. If it accepts the renouncement of the appeal, the court shall discontinue the legal proceedings in the appeals instance, unless the decision has been appealed against by the other persons.
4. The arbitration court shall pass a ruling on the discontinuing the legal proceedings in the appeals instance.

Article 155. The Limits of Examining the Case in the Appeals Instance

1. When examining the case in the appeals instance, the arbitration court shall repeatedly consider the case by the proofs, contained in the case materials, and also by the proofs, additionally supplied. The additional proofs shall be accepted by the arbitration court, if the applicant has proved that he could not have presented them to the court of the first instance because of the reasons beyond his powers.

2. The court shall not be bound by the arguments of the appeal and shall check upon the legality and substantiation of the decision in the full volume.

3. The appeals instance shall not accept and shall not examine the new claims, which have not been made when the case was investigated in the first instance.

Article 156. The Term for Examining an Appeal

An appeal against the decision of the arbitration court shall be examined in a month's term from the date of its filing with the arbitration court.

Article 157. The Powers of the Appeals Instance

Having examined the case in the appeals instance, the arbitration court shall have the right:

- 1) to leave the court decision without change, and the appeal - without satisfaction;
- 2) to repeal the decision fully or in part and to adopt a new decision;
- 3) to change the decision;
- 4) to repeal the decision fully or in part and to discontinue the legal proceedings on the case, or to leave the claim without examination, fully or in part.

Article 158. The Grounds for the Change or for the Repeal of the Decision

1. The grounds for the change or for the repeal of the decision of the arbitration court shall be the following:

- 1) an incomplete elucidation of the circumstances, essential for the given case;
- 2) the failure to prove the circumstances, essential for the case, which the arbitration court regarded as established;
- 3) the discrepancy between the conclusions, presented in the decision, and the circumstances of the case;
- 4) the violation or an incorrect application of the norms of the substantive right or of the norms of the procedural right.

2. The violation or an incorrect application of the norms of the procedural right shall be the ground for changing or repealing the decision, if this decision has led, or might have led, to the adoption of an incorrect decision.

3. The violation of the norms of the procedural right shall be in any case the ground for repealing the decision of the arbitration court of the first instance:

- 1) if the case has been considered by the court of an illegal composition;
- 2) if the case has been considered by the court in the absence of some one person participating in the case who was not duly notified about the time and place of the court session;
- 3) if the rules on the language have been violated during the legal proceedings;
- 4) if the court has adopted the decision on the rights and duties of the persons, who were not brought to the court to take part in the case. These persons shall have the right to appeal against such decision in conformity with the procedure laid down by the present Code;
- 5) if the decision has not been signed by any one of the judges or if it has been signed not by those judges who were named in the decision;
- 6) if the decision has been adopted not by those judges, who were included into the composition of the court, which examined the case;
- 7) if there is no protocol of the court session in the case, or if it has not been signed by the persons pointed out in [Article 123](#) of the present Code.

Article 159. The Ruling of the Appeals Instance

1. By the results of the examination of the appeal, a ruling shall be passed which shall be signed by all the judges.

2. In the ruling shall be pointed out:

- 1) the name of the arbitration court, which has adopted the decision, the Case No. and the date of passing the ruling, as well as the composition of the court, which has adopted the decision, the names of those attending the court session with the indication of their powers, the date of adopting the decision in the first instance and the names of the judges, who have adopted it;

- 2) the names of the persons, participating in the case, and the name of the person, who has filed the appeal;
- 3) a brief description of the essence of the adopted decision;
- 4) the grounds, on which the question about checking upon the legality and substantiation of the decision was raised;
- 5) the arguments, presented in the opinion on the appeal;
- 6) the explanations of the persons, who attended the court session;
- 7) the circumstances of the case established by the arbitration court, the evidence, on which the conclusions of the arbitration court about these circumstances are based, and the arguments on which the arbitration court rejects certain evidence and does not apply the laws and the other legal normative acts, to which the persons taking part in the case have referred, as well as the laws and the other legal normative acts on which the court relied when passing the ruling;
- 8) in case of the repeal or the change of the decision of the court of the first instance - the motives, on the ground of which the court of the appeals instance has not agreed with the conclusions of the court of the first instance;
- 9) the conclusions by the results of examining the appeal.

Pointed out in the ruling shall be the way, in which the court expenses are distributed between the parties.

3. The ruling shall come into legal force from the moment of its passing.

4. The ruling shall be forwarded to the persons, taking part in the case, by a registered letter with advice of receipt, or shall be handed in to them against their receipt signature within a term of five days from the date of its passing.

5. The ruling may be appealed against.

Article 160. Appeals Against the Rulings of the Arbitration Court

1. The rulings of the arbitration court may be appealed against in the cases, stipulated by the present Code.

2. The appeals against the rulings of the arbitration court shall be examined in conformity with the procedure, laid down for the examining of the appeals against the decisions of the court of justice.

3. If the arbitration court in the appeals instance has repealed the rulings on the refusal to accept the statement of claim, on the return of the statement of claim, on the suspension of the investigation of the case, on discontinuing the legal proceedings on the case, or on leaving the claim without consideration, the case shall be sent for examination to the court of the first instance.

The [Federal Law No. 71-FZ of May 5, 1995](#) has laid it down that Chapter 21 of the present Code shall be put in force as the federal arbitration courts of the districts are formed, but not later than January 1, 1996

Chapter 21. Legal Proceedings in the Cassation Instance

On the application of the Arbitration Procedural Code of the Russian Federation in the hearing of cases by the Cassation Arbitration Court see [Decision of the Plenary Session of the Higher Arbitration Court of the Russian Federation No. 13 of September 24, 1999](#)

Article 161. The Right to a Cassation Appeal

The persons participating in the case shall have the right to file a cassation appeal against the decision of the arbitration court, which has come into force and also against the ruling of the appeals instance.

Article 162. Arbitration Courts Reviewing the Legality of Decisions in the Cassation Instance

The federal arbitration courts of the districts shall review legality of the decisions and of the

rulings passed by the arbitration courts of the subjects of the Russian Federation in the first and in the appeals instances.

Article 163. The Order of Lodging a Cassation Appeal

1. The cassation appeal shall be lodged with the federal arbitration court of the district authorized to consider it through the arbitration court which has adopted the decision.

2. The arbitration court which has adopted the decision shall be obliged to direct the appeal, together with the case, to the corresponding federal arbitration court of the district within a term of five days from the date of its lodging.

Article 164. The Term for Lodging a Cassation Appeal

The cassation appeal may be lodged within a month's term after the coming into force of the decision or of the ruling of the arbitration court.

Article 165. The Content of the Cassation Appeal

1. In the cassation appeal shall be pointed out:

1) the name of the arbitration court to which the appeal is addressed;

2) the name of the person, who is lodging the appeal, and the names of the persons, participating in the case;

3) the name of the arbitration court, which has adopted the decision or the ruling, against which the appeal is lodged, the Case No. and the date of adopting the decision or the ruling, as well as the object of the dispute;

4) the claims of the person, who has lodged the appeal, and the indication of the essence of the violation or of the incorrect application of the norms of the substantive right or of the norms of the procedural right;

5) the list of the documents, enclosed to the appeal.

A reference in the cassation appeal to the fact that the circumstances of the case have not been proved, or that there is a discrepancy between the conclusions about the actual relationships between the persons, participating in the case, presented in the decision or in the ruling, and the circumstances of the case, shall not be admitted.

The cassation appeal shall be signed by the person, who is lodging the appeal, or by his representative.

Enclosed to the appeal, signed by the representative, shall be a warrant, confirming his authority to appeal against the judicial acts, unless it was presented in the given case at an earlier date.

2. Enclosed to the appeal shall be the proofs that the state duty has been paid and that the copies of the appeal have been forwarded to the other persons, participating in the case.

Article 166. Forwarding the Copies of the Cassation Appeal to the Persons, Participating in the Case

The person, who is lodging a cassation appeal, shall forward to the other persons, participating in the case, the copies of the documents, enclosed to it, which they do not possess.

Article 167. The Opinion on the Cassation Appeal

1. The person participating in the case shall have the right, on receiving a copy of the cassation appeal, to direct an opinion on it to the arbitration court within the term, guaranteeing that it is received by the day of examining the cassation appeal, as well as the documents, confirming that the copies of the opinion have been sent to the other persons, participating in the case.

2. The opinion shall be signed by the person taking part in the case or by his representative. To the opinion signed by the representative shall be enclosed a warrant confirming his authority to take part in the case.

Article 168. Return of the Cassation Appeal

1. The cassation appeal shall be returned:

- 1) if the cassation appeal has not been signed or has been signed by the person who has no right to sign it or by the person, whose official position is not indicated;
- 2) if the cassation appeal has been forwarded bypassing the arbitration court which has passed the decision;
- 3) if no proofs that its copies have been forwarded to the persons participating in the case are enclosed to the appeal;
- 4) if no documents confirming that the state duty has been paid in conformity with the established order and amount are enclosed to the appeal, and when the Federal Law stipulates the possibility of the postponement of the payment of the state duty, of its payment by instalments, or of reducing its amount, if there is no petition to this effect, or if such petition was rejected;
- 5) if the cassation appeal is lodged after the expiry of the established term and contains no petition for restoring the missed term;
- 6) if the cassation appeal contains no indication of the fact, in what does the violation or the incorrect application of the norms of the substantive right or of the norms of the procedural right consist;
- 7) if, before forwarding to the persons, participating in the case, the ruling on the acceptance of the cassation appeal for examination, the person, who has lodged the appeal, has filed an application on its return.

The cassation appeal shall be returned on the grounds, stipulated in [Items 1, 3, 4, 5](#) and [6](#) of the present part, by the judge of the court of the first instance, on the grounds, stipulated in [Item 2](#) of the present Article - by the judge of the cassation instance, and on the grounds, stipulated in [Item 7](#) of the present Article - by the judges of the first or of the cassation instances, depending on in which instance the case with the appeal was by the moment, when the application on its return was filed.

If the grounds, on which the appeal is returned, have been exposed in the cassation instance, the case shall be returned by the judge of this instance.

2. On the return of the cassation appeal, a ruling shall be passed.

3. The ruling on the return of the cassation appeal may be appealed against with the cassation instance.

4. After the circumstances, pointed out in [Items 1, 2, 3, 4](#) and [6](#) of [the first part](#) of the present Article, are eliminated, the person, who has lodged the appeal, shall have the right to file a cassation appeal with the arbitration court once again in conformity with the general order.

Article 169. The Ruling on the Acceptance of the Cassation Appeal for Examination

1. The judge shall pass a ruling on accepting the appeal for examination.

2. In the ruling shall be pointed out the time and place of examining the cassation appeal.

3. The ruling shall be forwarded to the persons, participating in the case, by a registered letter with advice of receipt.

Article 170. Suspension of the Execution of the Decision and of the Ruling

The arbitration court of the cassation instance shall have the right, on the application of the persons, taking part in the case, to suspend the execution of the decision and of the ruling, passed in the first and in the appeals instances.

Article 171. The Procedure for Examining the Case in the Cassation Instance

In the cassation instance, the case shall be examined in conformity with the rules, laid down for examining the case by the arbitration court of the first instance with the specifics, stipulated in the present Chapter. The rules, laid down only for the first instance, shall not be applied.

Article 172. Renouncement of the Cassation Appeal

1. The person, who has filed the cassation appeal, shall have the right to renounce it before the ruling is passed.

2. The court shall have the right to reject the renouncement of the appeal on the grounds, stipulated in the [fourth part of Article 37](#) of the present Code, and to consider the case by way of cassation.

3. When accepting the renouncement of the cassation appeal, the court shall discontinue the legal proceedings in the cassation instance, unless the decision or the ruling has been appealed against by the other persons, participating in the case.

4. The arbitration court shall pass a ruling on discontinuing the legal proceedings in the cassation instance.

Article 173. The Term for Examining the Cassation Appeal

The cassation appeal against the decision of the arbitration court and against the ruling of the appeals instance shall be examined within a month's term from the date of its receipt together with the case by the federal arbitration court of the district.

Article 174. The Limits of Examining the Case in the Cassation Instance

When considering the case in the cassation instance, the arbitration court shall check upon the correctness of applying the norms of the substantive right and the norms of the procedural right by the arbitration court of the first and of the appeals instances.

Article 175. The Powers of the Cassation Instance

The federal arbitration court of the district, having examined the case, shall have the right:

- 1) to leave the decision of the first instance or the ruling of the appeals instance without change, and the appeal - without satisfaction;
- 2) to repeal the decision of the first instance or the ruling of the appeals instance fully or in part and to adopt a new decision;
- 3) to repeal the decision of the first instance and the ruling of the appeals instance and to send the case for a new examination to the instance of the arbitration court, whose decision or ruling is repealed, if the adopted decision or ruling is not sufficiently well substantiated;
- 4) to change the decision of the first instance or the ruling of the appeals instance;
- 5) to repeal the decision of the first instance or the ruling of the appeals instance fully or in part, and to discontinue the legal proceedings on the case, or to leave the claim without consideration, fully or in part;
- 6) to leave in force one of the earlier adopted decisions or rulings.

Article 176. The Grounds for Changing or for Repealing the Decision

1. The grounds for changing or for repealing the decision or the ruling of the arbitration court shall be the violation or an incorrect application of the norms of the substantive right or of the norms of the procedural right.

2. The violation or an incorrect application of the norms of the procedural right shall be the ground for changing the decision or the ruling, if this violation has led, or might have led, to passing an incorrect decision.

3. The violation of the norms of the procedural right shall be the ground for repealing the decision or the ruling:

- 1) if the case has been examined by the arbitration court of an illegal composition;
- 2) if the case has been considered by the arbitration court in the absence of some one of the persons participating in the case who were not duly notified about the time and place of the court session;
- 3) if during the examination of the case the rules on the language have been violated;
- 4) if in the decision or in the ruling there is no reference to the law or to the other legal normative act, on which the arbitration court relied, when passing the decision or the ruling;
- 5) if the arbitration court has passed the decision or the ruling on the rights and duties of the persons, who were not brought to the court to take part in the case. These persons shall have the right to appeal against this decision or ruling in conformity with the procedure, laid down by the present Code;

6) if the decision or the ruling has not been signed by one of the judges, or has been signed not by the judges, who have been named in the decision or in the ruling;

7) if the decision or the ruling has been passed not by those judges, who were included into the composition of the court, examining the case;

8) if there is no protocol of the court session in the case, or if it has not been signed by the persons, pointed out in [Article 123](#) of the present Code.

Article 177. The Ruling of the Cassation Instance

1. By the results of examining the cassation appeal, a ruling shall be passed, which is to be signed by all the judges.

2. In the ruling shall be pointed out:

1) the name of the arbitration court, which has passed the ruling, the Case No. and the date of passing the ruling, the composition of the court, which has passed the decision, and the names of the persons, attending the session, with the indication of their powers;

2) the name of the person, who has lodged the cassation appeal, and the names of the persons, participating in the case;

3) the name of the arbitration court, which has examined the case in the first and in the appeals instances, the Case No., the date of passing the decision and the ruling, and the names of the judges, who have adopted them;

4) a brief description of the essence of the adopted decision and the ruling;

5) the grounds, on which the question about checking upon the legality of the decision and of the ruling has been raised;

6) the arguments, presented in the opinion on the cassation appeal;

7) the explanations of the persons, who have attended the session;

8) the motives, underlying the arbitration court's non- application of the laws and of the other legal normative acts, to which the persons, participating in the case, referred, as well as the laws and the other legal normative acts, on which the court relied, when passing the ruling;

9) if the decision of the first instance and the ruling of the appeals instance are repealed or changed, the motives, which have prompted the court of the cassation instance not to agree with the conclusions of the court of the first or of the appeals instance;

10) the conclusions by the results of examining the cassation appeal;

11) the actions, which shall be performed by the persons, participating in the case, and by the arbitration court, if the case is sent for a new examination.

In the ruling it shall be pointed out, in what way the court expenses shall be distributed among the persons, taking part in the case.

3. The ruling shall be sent to the persons taking part in the case by a registered letter with advice of receipt or shall be handed in to them against their receipt signature within a term of five days from the date of its passing.

4. The ruling shall come into legal force from the moment of its adoption and shall not be subject to an appeal.

Article 178. Obligatory Nature of the Instructions of the Cassation Instance

1. The instructions of the arbitration court, examining the case in the cassation instance, which are presented in the ruling, shall be obligatory for the court, considering the case anew.

2. The arbitration court, examining the case in the cassation instance, shall have no right to pre-judge the issues of the authenticity or non-authenticity of a certain proof, the prevalence of some proofs over the others, which norm of the substantive right shall be applied and what decision shall be adopted, when considering the case anew.

Article 179. Cassation Appeals Against the Rulings of the Arbitration Court

1. The rulings of the arbitration court may be appealed against by way of cassation in the cases, stipulated by the present Code.

2. The cassation appeals against the rulings of the arbitration court shall be examined in

conformity with the procedure, laid down for examining the cassation appeals against the decisions and the judgements of the court.

Chapter 22. Legal Proceedings by Way of Supervision

Article 180. Revision of the Decisions and of the Rulings of the Arbitration Courts by Way of Supervision

The decisions and the rulings of all the arbitration courts in the Russian Federation, which have come into legal force, may be revised by way of supervision on the protests of the official persons indicated in [Article 181](#) of the present Code, with the exception of the decisions of the Presidium of the Higher Arbitration Court of the Russian Federation.

On recognition as corresponding to the [Constitution](#) of the Russian Federation the provision, contained in Article 180 of this Code, on the inadmissibility of revising by way of supervision the rulings of the Presidium of the Higher Arbitration Court of the Russian Federation see [Decision](#) of the Constitutional Court of the Russian Federation No. 5-P of February 3, 1998

Article 181. The Persons, Possessing the Right of Filing a Protest

The right to file the protests shall be possessed by:

- the Chairman of the Higher Arbitration Court of the Russian Federation and the Prosecutor-General of the Russian Federation - against the decisions and the rulings of any one arbitration court in the Russian Federation, with the exception of the decisions of the Higher Arbitration Court of the Russian Federation;

- the Deputy Chairman of the Higher Arbitration Court of the Russian Federation and the Deputy Prosecutor-General of the Russian Federation - against the decisions and the rulings of any one arbitration court in the Russian Federation, with the exception of the decisions and the rulings of the Higher Arbitration Court of the Russian Federation.

On recognition as corresponding to the [Constitution](#) of the Russian Federation the provision, contained in Article 181 of this Code, on the inadmissibility of revising by way of supervision the rulings of the Presidium of the Higher Arbitration Court of the Russian Federation see [Decision](#) of the Constitutional Court of the Russian Federation No. 5-P of February 3, 1998

Article 182. Suspension of the Execution of the Decision or of the Ruling

The Chairman of the Higher Arbitration Court of the Russian Federation and his Deputy shall have the right to suspend the execution of the corresponding decision or the ruling.

Article 183. The Arbitration Court, Examining the Cases on the Protests by Way of Supervision

The Presidium of the Higher Arbitration Court of the Russian Federation shall examine the cases on the protests by way of supervision against the decisions and the rulings of all the arbitration courts in the Russian Federation.

Article 184. Obtaining of the Cases on Demand

The official persons, enumerated in [Article 181](#) of the present Code, shall have the right to obtain the case on demand from the corresponding arbitration court for resolving the question of whether there are the grounds for entering a protest by way of supervision.

Article 185. Entering a Protest

1. If there are the grounds for entering a protest, including in connection with the application of the person, participating in the case, the official person, indicated in [Article 181](#) of the present Code, shall enter the protest and shall direct it, together with the case, to the Presidium of the Higher Arbitration Court of the Russian Federation. The application on entering the protest against

the decision or the ruling of the arbitration court, which has come into legal force, may be filed after the case was examined in the appeals or in the cassation instance. The person, who has filed the application, shall be notified about the absence of the grounds for entering the protest.

2. The copies of the protest shall be forwarded to the persons, participating in the case.

3. The official person who is entering the protest by way of supervision shall have the right to recall it before the start of the legal proceedings. The persons participating in the case shall be notified about the recall of the protest.

Article 186. The Procedure for Examining the Protest

1. When examining the protest, the Presidium of the Higher Arbitration Court of the Russian Federation shall hear out the report of the judge of the Higher Arbitration Court of the Russian Federation on the circumstances of the case and on the arguments of the protest.

2. The persons taking part in the case may be summoned to the session of the Presidium for giving explanations. In this case, they shall be sent notifications on the time and place of the session of the Presidium session. Their failure to attend shall not be an obstacle to examining the case.

Article 187. The Powers of the Presidium of the Higher Arbitration Court of the Russian Federation in Revising the Cases by Way of Supervision

1. The Presidium of the Higher Arbitration Court of the Russian Federation, having examined the case by way of supervision, shall have the right:

1) to leave the decision or the ruling of the arbitration court without change, and the protest - without satisfaction;

2) to repeal the decision or the ruling fully or in part and to send the case for a new examination;

3) to change or to repeal the decision or the ruling and to adopt a new decision, while not sending the case for a new examination;

On recognition as corresponding to the [Constitution](#) of the Russian Federation the provision, contained in Item 3 part 1 of Article 187 of this Code, see [Decision](#) of the Constitutional Court of the Russian Federation No. 5-P of February 3, 1998

4) to repeal the decision or the ruling fully or in part and to discontinue the legal proceedings on the case, or to leave the claim without consideration fully or in part;

5) to leave in force one of the earlier adopted decisions or rulings.

2. By the results of examining the case by way of supervision a ruling shall be passed, which shall be forwarded to the persons, participating in the case, within a term of five days from the date of its passing, by a registered letter with advice of receipt.

Article 188. The Grounds for Changing or Repealing the Decision or the Ruling

The grounds for the change or for the repeal of the decision or of the ruling by way of supervision shall be the illegality or the lack of the substantiation of the judicial act.

An essentially correct decision or ruling shall not be repealed on the formal grounds alone.

Article 189. The Procedure for Passing the Decision

1. The Presidium of the Higher Arbitration Court of the Russian Federation shall adopt a decision. The decision shall be regarded as adopted, if the majority of the total number of the attending Presidium members have cast their votes for it.

2. The decision of the Presidium shall be signed by the Chairman of the Higher Arbitration Court of the Russian Federation.

3. The decision of the Presidium shall come into force from the moment of its adoption.

Article 190. The Obligatory Nature of the Instructions of the Arbitration

Court, Which Examines the Case by Way of Supervision

1. The instructions of the arbitration court, which has examined the case by way of supervision, presented in the decision on repealing the decision or the ruling, shall be obligatory for the arbitration court which is examining the case anew.

2. The arbitration court, examining the case by way of supervision, shall have no right to establish, or to regard as established, the circumstances, which were not established in the decision or in the ruling, or were rejected by it, and to pre-judge the issues of the authenticity or non-authenticity of this or that proof, of the prevalence of one kind of proofs over the others, and which norm of the substantive right shall be applied and what decision or ruling shall be passed, when the case is examined anew.

Article 191. Protesting Against and Revising by Way of Supervision the Rulings of the Arbitration Courts

1. The rulings of the arbitration courts, which have come into legal force, may be protested against and revised by way of supervision separately from the decision, in the cases, when the present Code stipulates appealing against them, and also when they interfere with the further advance of the case.

2. The protests against the rulings of the arbitration court shall be examined in conformity with the procedure, laid down for examining the protests against the decisions and the rulings of the court.

Chapter 23. Revising by the Newly Revealed Circumstances the Judicial Acts of the Arbitration Court, Which Have Come Into Legal Force

On recognition as corresponding to the [Constitution](#) of the Russian Federation the provision, contained in part 1 of Article 192 of this Code, see [Decision](#) of the Constitutional Court of the Russian Federation No. 5-P of February 3, 1998

Article 192. The Grounds for the Revising

1. The arbitration court shall have the right to revise the judicial act, which it has adopted and which has come into legal force, by the newly revealed circumstances.

[Decision](#) of the Constitutional Court of the Russian Federation No. 5-P of February 3, 1998 recognised part 2 of Article 192 of this Code as not corresponding to the [Constitution](#) of the Russian Federation, inasmuch as it serves as a ground for the refusal to revise, according to the newly revealed circumstances, the rulings of the Presidium of the Higher Arbitration Court of the Russian Federation in those cases, when the court act has been adopted as a result of the judicial error, which was not, or could not have been, exposed earlier

2. The grounds for revising the judicial act by the newly revealed circumstances shall be:

1) the circumstances, essential for the case, which were not, and could not have been, known to the applicant;

2) the deliberately false testimony of the witness, the deliberately false conclusion of the expert, the deliberately incorrect translation, the forgery of the documents or of the material proofs, which have entailed the adoption of an illegal or of an unsubstantiated judicial act, and which have been established by the court sentence, put in legal force;

3) the criminal actions of the persons, participating in the case, or of their representatives, or the criminal actions of the judges, perpetrated when examining the given case, which have been established by the court sentence, put in legal force;

4) the repeal of the judicial act of the arbitration court, of the decision or of the sentence of the court, or of the ruling of the other body, which has served as the ground for adopting the given decision.

Article 193. The Procedure for and the Term of Filing the Application

1. The application on revising by the newly revealed circumstances the judicial act, put in legal force, may be lodged with the arbitration court, which has adopted this act, by the persons, participating in the case, not later than one month after the day of revealing the circumstances, serving as the ground for the revision of the judicial act.

2. The applicant shall be obliged to forward the copies of his application and of the documents, enclosed to it, to the other persons, participating in the case, who do not possess them.

Enclosed to the application shall be the documents, confirming that the copies of the application have been forwarded to the other persons, participating in the case.

3. If the application is filed after the expiry of the fixed term and there is no petition for the restoration of the missed term, or if no proofs are supplied that the copies of the application and of the documents, enclosed to it, have been forwarded to the other persons, participating in the case, the judge shall return it to the applicant.

4. A ruling shall be passed on the return of the application.

5. The ruling may be appealed against.

Article 194. Arbitration Courts, Revising the Judicial Acts, Put in Legal Force, by the Newly Revealed Circumstances

1. The decision and the ruling, passed in the first instance, which have come into legal force, shall be revised by the arbitration court that has passed this decision or ruling.

2. The revision of the decisions and the rulings passed by the appeals, the cassation or the supervisory instance by the newly revealed circumstances, by which the judicial act has been changed, or by which a new judicial act has been adopted, shall be effected in the same arbitration court in which the judicial act was changed or the new judicial act was adopted.

Article 195. Examining the Application

The application for revising by the newly revealed circumstances the judicial act which has come into legal force shall be examined by the arbitration court in session within a month's term from the date of its acceptance. The applicant and the other persons, participating in the case, shall be notified about the time and place of the session by a registered letter with advice of receipt, but their non-attendance shall not be an obstacle to examining the application.

Article 196. The Ruling of the Arbitration Court on Revising the Case

1. Having considered the application on revising by the newly revealed circumstances the judicial act, which has come into legal force, the arbitration court shall satisfy the application and shall repeal the judicial act, or shall refuse to revise it.

2. The ruling of the arbitration court on the refusal to satisfy the application for revising by the newly revealed circumstances the judicial act, may be appealed against.

3. If the judicial act is repealed, the case shall be examined by the arbitration court in conformity with the rules, laid down by the present Code.

Section IV. Execution of the Judicial Acts

Article 197. The Order of Executing the Judicial Acts

The judicial acts which have come into legal force shall be executed by all the state bodies, the local self-government bodies and the other bodies, organizations, official persons and citizens on the entire territory of the Russian Federation in conformity with the order, laid down by the present Code and by the Federal Law.

See [Federal Law No. 119-FZ of July 21, 1997 on the Executive Procedure](#)

Article 198. The Writ of Execution

1. The forcible execution of the judicial act shall be effected on the ground of the writ of execution issued by the arbitration court, which has adopted this act.

2. The writ of execution shall be issued to the exacter after the judicial act has come into legal force. The writ of execution on the exaction of the monetary means into the budget shall be forwarded to the tax body by the place of location.

3. The writ of execution for the exaction of the monetary means shall be forwarded by the recoverer to the bank or to the other credit institution, and in the rest of cases - to the court officer.

Article 199. The Issue of Several Writs of Execution by a Single Judicial Act

If the judicial act is passed in favour of several plaintiffs or against several defendants, or if the execution shall be effected in different places, the writs of execution shall be issued with the indication of that part of the judicial act, which is liable to effecting by the given writ of execution.

Article 200. The Content of the Writ of Execution

1. Pointed out in the writ of execution shall be:

- 1) the name of the arbitration court, which has issued the writ of execution;
- 2) the case, on which the writ of execution has been issued, and the Case No;
- 3) the date of the adoption of the judicial act, liable to execution;
- 4) the names of the recoverer and of the debtor, as well as their addresses;
- 5) the resolute part of the judicial act;
- 6) the date of the judicial act coming into legal force;
- 7) the date of the issue of the writ of execution and the term of its validity.

If before the issue of the writ of execution the arbitration court has granted the postponement of or the right to execute the writ of execution by instalments, it shall be pointed out in it, from what time the course of the term of validity of the writ of execution shall start.

2. The writ of execution shall be signed by the judge and shall be certified by the official stamp of the arbitration court.

On the name of the accounts of the defendants that must be exacted certain monetary amounts on the base of writ of execution see [Letter](#) of the Higher Arbitration Court of the Russian Federation No. S1-7/OP-51 of February 1, 1996

Article 201. The Term for Presenting the Writ of Execution to Carrying out

1. The writ of execution shall be carried out no later than six months from the date of the judicial act coming into legal force, or from the expiry of the term, fixed in case of the postponement of the execution or of the permission to execute it by instalments, or from the date of passing the ruling on the restoration of the missed term for presenting the writ of execution to carrying out.

2. If the carrying out of the writ of execution was suspended, the time, over which it was suspended, shall not be included into the six-month term for the presentation of the writ of execution to carrying out.

See [Procedure](#) for Executing and Sending the Rulings on Suspension of the Execution of the Judicial Acts of Arbitration Courts approved by the [Order](#) of the Higher Arbitration Court of the Russian Federation No. 16 of May 15, 1996

Article 202. Interruption of the Term for Presenting the Writ of Execution to Carrying out

1. The period of limitation of the execution shall be interrupted by the presentation of the writ of execution to carrying out, if the judicial act has been partially executed.

2. If the writ of execution is returned to the recoverer, because its execution is impossible, a new term, fixed for presenting the writ of execution to carrying out, shall be counted from the date of its return.

Article 203. Restoration of the Missed Term for Presenting the Writ of Execution to Carrying out

1. If the term for enforcing the writ of execution has been missed for reasons recognized by

the arbitration court as valid, the missed term may be restored.

2. The application on restoring the missed term shall be considered by the arbitration court, which has adopted the judicial act, in session; the recoverer and the debtor shall be notified by a registered letter with advice of receipt, but their non-attendance shall not be an obstacle to considering the application.

3. By the results of the consideration of the application, a ruling shall be passed, which shall be forwarded to the recoverer and to the debtor.

4. The ruling may be appealed against.

Article 204. The Issue of the Duplicate of the Writ of Execution

1. If the writ of execution is lost, the arbitration court, which has passed the judicial act, may issue the duplicate on the application of the recoverer. The application may be filed before the expiry of the term, fixed for the presentation of the writ of execution to carrying out. It shall be examined by the arbitration court in session; the recoverer and the debtor shall be notified by a registered letter with advice of receipt, but their non-attendance shall not be an obstacle to considering the application.

2. By the results of examining the application, a ruling shall be passed.

3. The ruling may be appealed against.

Article 205. Postponement or the Permission to Execute the Judicial Act by Instalments; Changing the Way and the Manner of Its Execution

1. The arbitration court shall have the right, on the application of the recoverer, the debtor, or the court officer, to postpone the execution of the judicial act or to permit its execution by instalments, or to change the way and the manner of its execution.

While postponing the execution for the debtor or permitting him to effect the execution by instalments, the arbitration court may take measures to provide for carrying out the writ of execution in conformity with the procedure, stipulated in [Chapter 7](#) of the present Code.

The issues of the postponement of the execution of the writ of execution, or of the permission to effect it by instalments, or of changing the way and the manner of its execution, shall be considered by the arbitration court in session, with the recoverer and the debtor notified by a registered letter with advice of receipt.

2. By the results of examining the application, a ruling shall be passed.

3. The ruling may be appealed against.

On consideration of applications for deferment and respite of the execution of judicial acts see [Letter of the Higher Arbitration Court of Russia No. S1-7/OU-413 of July 16, 1996](#)

Article 206. Responsibility for Not Carrying out the Writ of Execution

1. For the non-execution of the judicial act of the arbitration court on the recovery of the monetary means by the bank or by the other credit institution, to which the writ of execution has been presented, the arbitration court shall impose a fine in the amount of up to 50 per cent of the sum, liable to exaction.

2. The repeated non-execution of the judicial acts of the arbitration courts by the banks or by the other credit institutions shall be the ground for withdrawing the license for the performance of banking transactions.

3. For the non-execution of the actions, pointed out in the writ of execution, upon the person, on whom the performance of these actions has been imposed, a fine shall be levied in the amount of up to 200 [minimum amounts of the monthly remuneration for labour](#), fixed by the Federal Law.

4. The payment of the fine shall not exempt from the duty to put into effect the writ of execution.

Article 207. The Order of Turning the Exaction upon the Debtor's Property

In case the debtor does not possess the monetary means, sufficient to effect the writ of execution of the arbitration court, the exaction may be turned upon the property, belonging to the

debtor, in conformity with the procedure, laid down by the Federal Law.

Article 208. The Turn in the Execution of the Judicial Act

1. If the executed judicial act has been amended or repealed and a new judicial act has been passed on the full or a partial denial of the claim, or if the legal proceedings on the case have been discontinued, or the claim has been left without consideration, the defendant shall be returned everything, which has been exacted from him in favour of the plaintiff by the judicial act, repealed or amended in the corresponding part.

2. If the non-executed judicial act has been repealed or amended and a new judicial act has been passed on the full or a partial denial of the claim, or the legal proceedings on the case have been discontinued, or the claim has been left without consideration fully or in part, the arbitration court shall pass a judicial act on discontinuing, fully or in part, the exaction by the judicial act, repealed or amended in the corresponding part.

Article 209. Resolution of the Issue of the Turn in the Execution of the Judicial Act

1. The issue of the turn in the execution of the judicial act shall be resolved by the arbitration court, which has adopted a new judicial act.

If no indication of the turn in the execution of the judicial act is contained in the decision on the repeal or on the amendment of the judicial act, the defendant shall have the right to lodge the corresponding application with the arbitration court of the first instance. By the results of examination of the defendant's application on the turn in the execution of the judicial act, a ruling shall be passed.

2. The arbitration court shall issue a writ of execution for returning the recovered monetary means, the property or its cost on the application of the organization or of the citizen. Enclosed to the application shall be the document, confirming that the judicial act, passed at an earlier date, has been executed.

Section V. Legal Proceedings on the Cases with the Participation of the Foreign Persons

See [review](#) of the practice of settlement of disputes related to cases involving foreign persons given by Information Letter of the Presidium of the Higher Arbitration Court of the Russian Federation No. 10 of December 25, 1996

[Juridical Overview](#) of resolution by arbitration courts of the disputes associated with the protection of foreign investors, (Information Letter of the Presidium of the Higher Arbitration Court of the Russian Federation No. 58 of January 18, 2001)

Article 210. Procedural Rights of the Foreign Persons

1. Foreign organizations, international organizations and foreign citizens, performing business activities, as well as the persons with no citizenship (hereinafter referred to as the foreign persons) shall have the right to turn to the arbitration courts of the Russian Federation for protection of their violated or disputed rights and lawful interests.

2. The foreign persons shall enjoy the procedural rights and shall discharge the procedural duties on an equal footing with the organizations and the citizens of the Russian Federation.

3. The Government of the Russian Federation may establish reciprocal restrictions with respect to the foreign persons of those states, in whose courts special restrictions are imposed on the procedural rights of the organizations and of the citizens of the Russian Federation.

Article 211. Legal Proceedings on the Cases with the Participation of the Foreign Persons

Legal proceedings in the arbitration courts on the cases, in which the foreign persons participate, shall be effected in conformity with the present Code and with the other federal laws.

Article 212. Jurisdiction of the Arbitration Courts in the Russian Federation
in the Cases with the Participation of the Foreign Persons

1. The arbitration courts in the Russian Federation shall consider cases which include foreign persons, if the defendant is located, and the citizen has a permanent place of residence, on the territory of the Russian Federation.

2. The arbitration courts in the Russian Federation shall also have the right to consider the cases with the participation of the foreign persons:

1) if the subsidiary or the representation of the foreign person is situated on the territory of the Russian Federation;

2) if the defendant possesses the property on the territory of the Russian Federation;

3) if the claim follows from the contract, by which the execution must take place or has taken place on the territory of the Russian Federation;

4) if on the case for the compensation of the damages, inflicted upon the property, the action or some other circumstance, which has served as the ground for presenting the claim for the compensation of the damages, has taken place on the territory of the Russian Federation;

5) if the claim follows from an unjustified enrichment, which has taken place on the territory of the Russian Federation;

6) if the plaintiff in the case is protecting his honour, dignity and business reputation in the Russian Federation;

7) if there is an agreement on this between the organization or the citizen of the Russian Federation and the foreign person.

3. The cases, connected with recognizing the right of the ownership to the buildings, structures and land plots, with the withdrawal of the buildings, structures and land plots from the unlawful alien ownership, and with the elimination of violations of the rights of the owner or of the lawful possessor, unless this is connected with the deprivation of the ownership, shall be considered by the place of location of the building, the structure and the land plot.

4. The cases with claims against shippers which follow from the contract of carriage, including when the shipper is one of the defendants, shall be considered by the place of location of the transportation agency.

5. The case, accepted by the arbitration court for consideration, while observing the rules, stipulated in the present Article, shall be resolved by it on the merits even though in the course of the legal proceedings (in connection with the change of the place of location of the persons, participating in the case, or with the other circumstances) it has come under the jurisdiction of the court of another state.

Article 213. The Jurisdictional Immunity

1. The presentation in the arbitration court of the claim against the foreign state, its bringing to the court to take part in the case in the capacity of the third person, putting under arrest the property, belonging to the foreign state and located on the territory of the Russian Federation, and taking with respect to it the other measures to provide for the claim, such as the turning of the exaction onto this property by the forcible execution of the decision of the arbitration court, shall be admitted only with the consent of the authoritative bodies of the corresponding state, unless otherwise stipulated by the federal laws or by the international agreements of the Russian Federation.

2. The jurisdictional immunity of the international organizations shall be defined by the federal laws and by the international agreements of the Russian Federation.

Article 214. Procedural Consequences of Consideration by the Court of the
Foreign State of the Case on the Dispute between the Same Persons, for the
Same Object and on the Same Grounds

The arbitration court shall leave the claim without consideration or shall discontinue the legal proceedings if the authoritative court of the foreign state, which has accepted the case for consideration before the claim was filed with the arbitration court of the Russian Federation, is

already examining the case on the dispute between the same persons, for the same object and on the same grounds, or if it has already adopted the decision by this case which has come into legal force.

Such consequences shall not set in, if the future or the already adopted decision of the court of the foreign state is not liable to recognition or to the execution on the territory of the Russian Federation, or if the corresponding case comes under the exclusive jurisdiction of the arbitration court in the Russian Federation.

Article 215. The Court Orders

1. The arbitration court shall execute the orders of the foreign states transferred to it in conformity with the procedure laid down by the federal laws or by the international agreements of the Russian Federation, on performing the individual procedural actions (handing in of the summons and of the other documents, obtaining the written proofs, carrying out an expert examination, the examination on the spot, etc.)

2. The order shall not be subject to execution:

1) if the execution of the order contradicts the sovereignty of the Russian Federation or jeopardizes the security of the Russian Federation;

2) if the execution of the order is beyond the scope of jurisdiction of the arbitration court.

3. The execution by the arbitration court of the orders on performing the individual procedural actions shall be effected in conformity with the procedure, laid down by the present Code, unless otherwise stipulated by the international agreements of the Russian Federation.

4. The arbitration courts may turn, in conformity with the established procedure, to the courts of the foreign states with the orders on performing the individual procedural actions.

President of the Russian Federation
Moscow, the Kremlin

Boris Yeltsin