

**ARBITRATION PROCEDURAL CODE OF THE RUSSIAN FEDERATION
NO. 95-FZ OF JULY 24, 2002 (with the Amendments and Additions of
July 28, November 2, 2004, March 31, December 27, 2005, October 2,
2007, April 29, 2008)**

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Section I. General Provisions

Chapter 1. Principal Provisions

Article 1. Administration of Justice by Arbitration Courts

Justice in the area of business and other economic activities shall be administered in the Russian Federation by administration courts formed in compliance with the Constitution of the Russian Federation and federal constitutional laws (hereinafter referred to as "arbitration courts") by way of settling economic disputes, and trying other cases referred to the competence thereof by the Arbitration Procedural Code of the Russian Federation and other federal laws in compliance with the rules established by the laws on arbitration court proceedings.

Article 2. Tasks of Arbitration Court Proceedings

The tasks of proceedings in arbitration courts shall be as follows:

1) protection of violated or disputed rights and legitimate interests of persons engaged in business and other economic activities, as well as of rights and legitimate interests of the Russian Federation, the subjects of the Russian Federation, municipal formations in the area of business and other economic activities, state power bodies of the Russian Federation, state power bodies of the subjects of the Russian Federation, bodies of local self-government, other bodies and officials in said area;

2) ensuring the accessibility of justice in the area of business and other economic activities;

3) a fair public hearing by an independent and impartial court within a time period established by laws;

4) consolidation of law and prevention of offences in the area of business and other economic activities;

5) forming respect for law and court;

6) assistance in the establishment and development of a business partnership and to the forming of customs and ethics of business activity.

Article 3. Legislation on Arbitration Court Proceedings

1. In compliance with the Constitution of the Russian Federation the legislation on proceedings in arbitration courts shall be within the jurisdiction of the Russian Federation.

2. Rules of procedure in arbitration courts shall be determined by the Constitution of the Russian Federation, the Federal Constitutional Law on the Judicial System of the Russian Federation and the Federal Constitutional Law on Arbitration Courts of the Russian Federation, the Arbitration Procedure Code of the Russian Federation (hereinafter referred to as the "Code") and other federal laws adopted in compliance with them.

3. Where an international treaty of the Russian Federation establishes rules of procedure other than those stipulated by the legislation of the Russian Federation on arbitration court proceedings, the rules of the international treaty shall apply.

4. Proceedings in arbitration courts shall be carried out in compliance with federal laws effective at the time of settling a dispute and hearing a case (hereinafter referred to as "hearing of a case"), of committing an individual procedural action or executing a judicial act.

Article 4. Right to Address Arbitration Court

1. An interested party shall be entitled to address an arbitration court in order to protect violated or disputed rights and legitimate interests thereof in the procedure established by this Code.

2. In the instances provided for by this Code other persons shall be likewise entitled to address an arbitration court.

3. Relinquishing the right of appeal to a court shall be invalid.

4. An arbitration court shall be addressed in the form of:

a statement of claim - with regard to economic disputes and other cases arising from civil legal relations;

an application - with regard to cases arising from administrative and other public legal relations, to cases on insolvency (bankruptcy), to cases for special proceedings, in the event of an appeal for the revision of judicial acts in the exercise of supervisory powers and in any other instances provided for by this Code;

an appeal - in the event of addressing an appellate arbitration court or an arbitration court of cassation, as well as in other instances provided for by this Code and other federal laws;

a statement - in the event of the Procurator General of the Russian Federation or his deputies addressing an arbitration court for a revision of judicial acts in the exercise of supervisory powers.

5. Where federal laws establish for a certain category of disputes a claim or other pre-trial procedure for settling them, or such is provided for by an agreement, the dispute shall be referred to an arbitration court for settlement after the following such procedure.

6. By agreement of the parties, a dispute within the jurisdiction of an arbitration court which arises from civil legal relations prior to the adoption by an arbitration court of the first instance of a judicial act terminating the hearing of the case on its merits, may be referred by the parties to an arbitration tribunal, if otherwise is not established by federal laws.

Article 5. Independence of Arbitrators

1. Arbitrators while administering justice shall be independent and solely subordinate to the Constitution of the Russian Federation and federal laws.

2. Any extraneous influence upon arbitrators, interference into the activities thereof on the part of state bodies, bodies of local self-government, other bodies, organizations, officials or citizens shall be forbidden and shall entail the liability established by law.

3. Independence of arbitrators shall be guaranteed by the Constitution of the Russian Federation and federal laws.

Article 6. Lawfulness When Trying Cases by an Arbitration Court

Lawfulness when trying cases by an arbitration court shall be ensured by applying laws and other normative legal acts, as well as by all arbitrators following the rules established by the legislation on arbitration court proceedings.

Article 7. Equality of All before Law and Court

1. In arbitration courts justice shall be administered on the basis of equality of all before law and court, regardless of sex, race, nationality, language, origin, property or official status, residence, attitude to religion, beliefs, affiliation to public associations or other circumstances; also equality of all organizations before law and court, regardless of their organizational and legal form, form of property, subordination, location or other circumstances.

2. An arbitration court shall ensure equal judicial protection of rights and legitimate interests of all persons participating in a case.

Article 8. Equality of Parties

1. Proceedings in arbitration courts shall be carried out on the basis of equality of the parties.

2. The parties shall enjoy equal rights as regards challenging and filing petitions, presenting evidence, participating in the examination thereof and in pleadings, presenting to an arbitration court their arguments and

explanations, as well as exercising other procedural rights and discharging other duties provided for by this Code.

3. An arbitration court shall not be entitled to commit actions giving privileges to any of the parties, or to deny the rights of one of the parties.

Article 9. Contentiousness

1. Proceedings in an arbitration court shall be carried out on the basis of the adversary character of the parties.

2. Persons participating in a case shall be entitled to know each other's arguments of prior to the commencement. To each person participating in a case there shall be guaranteed the right to present evidence to the arbitration court and to the other party in the case, and there shall also be ensured the right to file petitions, to advance arguments and considerations and to give explanations in respect of any matters arising in the course of trying the case which are connected with presenting evidence. Persons participating in a case shall bear the risk of the onset of consequences caused by their committing, or their failure to commit procedural actions.

3. An arbitration court, while being independent, unbiased and impartial, shall manage proceedings, shall explain to persons participating in a case their rights and duties, shall warn of the effects of their committing, or their failure to commit, procedural actions, shall assist in the exercise of their rights, shall provide conditions for the comprehensive and full examination of evidence, for establishing the factual situation and for the correct application of laws and other normative legal acts, when considering a case.

Article 10. Direct Character of Court Examination

1. While trying a case an arbitration court shall be obliged to examine directly all evidence relevant to the case.

2. Evidence which has not been subjected to examination in court session may not be used by an arbitration court as a basis of a judicial act to be adopted.

Article 11. Publicity of Court Proceedings

1. Cases shall be tried in arbitration courts in full session.

2. It shall be allowed to try a case in camera, when examination thereof in open court may lead to the divulgence of a state secret, and in other instances provided for by federal laws, as well as in the event of satisfying a petition of a person participating in the case who refers to the necessity of keeping commercial, official or other secrets protected by law.

3. Divulgence of data constituting a state, commercial, official or other secret protected by law shall be punishable under federal laws.

4. With regard to trying a case in camera, a ruling shall be issued. The ruling shall be issued in respect of court proceedings on the whole or in respect of a part thereof.

5. When trying a case in camera, there shall be present persons participating in the case, representatives thereof, and in case of necessity and in the procedure established by this Code, there shall be likewise present experts, witnesses and interpreters.

6. A case shall be tried in camera with the observance of the rules of procedure for arbitration courts.

7. Persons participating in full session shall enjoy the right to make notes in the course of the session and to record it with the help of sound recorders. Filming, photography and videotape recording, as well as radio and television broadcasting of an arbitration court session shall be allowed by authority of the judge presiding over the court session.

8. Judicial acts shall be pronounced publicly by an arbitration court.

Article 12. Language of Court Proceedings

1. Proceedings in an arbitration court shall be carried out in Russian - the official language of the Russian Federation.

2. To persons participating in a case who do not have command of the Russian language, an arbitration court shall explain and ensure the right to familiarize with the materials of the case, to participate in judicial actions, and to speak in court in their native language or in the language of their choice and to use the services of an interpreter.

Article 13. Applicable Normative Legal Acts When Trying Cases

1. Arbitration courts shall try cases on the basis of the Constitution of the Russian Federation, international treaties of the Russian Federation, federal constitutional laws, federal laws, normative legal acts of the President of the Russian Federation and normative legal acts of the Government of the Russian Federation, normative legal acts of federal executive bodies, constitutions (statutes), laws and other normative legal acts of subjects of the Russian Federation, as well as acts of local self-government bodies.

In instances provided for by federal laws, arbitration courts shall apply customs of business intercourse.

2. An arbitration court, upon establishing in the process of trying a case the incompliance of a normative legal act with a normative legal act of greater legal force, including the issue thereof in excess of authority, shall adopt a judicial act in compliance with the normative legal act of greater legal force.

3. Where in the process of trying a specific case an arbitration court comes to the conclusion that the law applied or to be applied to the case under consideration does not comply with the Constitution of the Russian Federation, the arbitration court shall make an enquiry as to the Constitutional Court of the Russian Federation for verification of the constitutionality of this law.

4. Where an international treaty of the Russian Federation establishes rules other than those which are provided by a law, an arbitration court shall apply the rules of the international treaty.

5. An arbitration court, in compliance with an international treaty of the Russian Federation, or a federal law, or an agreement of the parties made in conformity with them, shall apply norms of foreign law. This rule shall not concern the operation of peremptory rules of the laws of the Russian Federation whose application is regulated by Section VI of the Civil Code of the Russian Federation.

6. Where disputable relations are not directly regulated by federal laws and other normative legal acts or an agreement of the parties and a custom of business intercourse applicable to them is absent, arbitration courts shall apply to such relations, if it does not contravene the essence thereof, the rules of the law regulating similar relations (analogy of rules of law), and in the absence of such norms shall try cases on the basis of general principles and the meaning of federal laws and other normative legal acts (analogy of law).

Article 14. Applying Rules of Foreign Law

1. While applying rules of foreign law, an arbitration court shall establish the contents of these rules in compliance with their official interpretation, practice of application and doctrine thereof in the appropriate foreign state.

2. For the purpose of establishing the contents of the rules of foreign law, a court may apply, in the established procedure, for assistance and clarification to the Ministry of Justice of the Russian Federation or other competent authorities or organizations in the Russian Federation or abroad, or to attract experts.

Persons participating in a case may submit documents confirming the contents of the rules of foreign law which they refer to for substantiation of their claims and objections and to assist the court in any other way for the purpose of establishing the contents of these norms.

As regards claims connected with the exercise by the parties of business or other economic activities, the burden of proving the contents of rules of foreign law may be placed by court on the parties.

3. Where the contents of the rules of foreign law, despite the measures taken in compliance with this Article, are not established within a reasonable time, an arbitration court shall apply rules of Russian law.

Article 15. Judicial Acts of an Arbitration Court

1. An arbitration court shall adopt judicial acts in the form of an award, decision and ruling.

2. A judicial act adopted by an arbitration court of the first instance, when trying a case on its merits, shall be called an award.

Judicial acts, adopted by appellate arbitration courts and arbitration courts of cassation on the basis of considering appeals and cassations, as well as judicial acts adopted by the Presidium of the Higher Arbitration Court of the Russian Federation on the basis of the results of reviewing judicial acts in the exercise of supervisory powers, shall be called a decision.

All other judicial acts of arbitration courts adopted in the course of court proceedings shall be called rulings.

3. Awards, decisions and rulings adopted by an arbitration court should be lawful, substantiated and motivated.

Article 16. Mandatory Nature of Judicial Acts

1. Effective judicial acts of an arbitration court shall be mandatory for bodies of state power, bodies of local self-government, other bodies, organizations, officials or citizens, and shall be enforceable on the whole territory of the Russian Federation.

Demands of an arbitration court for presenting evidence, information and other materials, for giving explanations, clarifications and opinions, as well as other demands connected with the case tried, shall be likewise mandatory and enforceable for the bodies, organizations or persons whom they are addressed to.

2. Failure to execute judicial acts, as well as failure to satisfy the demands of arbitration courts, shall entail the liability established by this Code and other federal laws.

3. The mandatory nature of judicial acts shall not deprive persons who do not participate in a case of the opportunity to apply to an arbitration court for protection of their rights and legitimate interests, violated by these acts, by way of appealing against said acts.

4. The recognition and mandatory nature of enforcing on the territory of the Russian Federation of judicial acts adopted by foreign courts and of foreign arbitration awards shall be determined by an international treaty of the Russian Federation and a federal law.

Chapter 2. Composition of an Arbitration Court

Article 17. Personal and Collective Consideration of Cases

1. Cases in an arbitration court of the first instance shall be tried by a single judge when collective consideration of a case is not provided for by this Article. Collective consideration of cases in an arbitration court of the first instance shall be effected by a panel composed of three judges or of a judge and two arbitration assessors.

2. An arbitration court of the first instance shall try collectively:

1) cases within the scope of jurisdiction of the Higher Arbitration Court of the Russian Federation;

2) cases on disputing normative legal acts;

3) cases on insolvency (bankruptcy), if not otherwise established by federal law;

4) cases directed to an arbitration court of the first instance for a new trial with an indication to consider them collectively.

3. An arbitration court of the first instance composed of a judge and two arbitration assessors shall consider economic disputes and other cases arising from civil and other legal relations, if any of the parties files a petition for trying the case with the participation of arbitration assessors.

Not subject to consideration with the participation of arbitration assessors shall be cases provided for by Part 2 of this Article, cases arising from administrative and other public relations, and cases for special proceedings.

4. Cases tried by an appellate arbitration court and an arbitration court of cassation, including when exercising supervisory powers, shall be considered collectively by a panel of three or another odd number of judges, if not otherwise established by this Code.

When trying a case collectively, one of the judges shall preside over the court session.

5. Where this Code empowers a judge to try cases and settle individual procedural matters singly, the judge shall act on behalf of the arbitration court.

Article 18. Forming the Composition of a Court

1. When trying a specific case, the composition of the court shall be formed subject to the workload and specialization of judges in a procedure precluding the influence on the forming of it on the part of the persons who are interested in a certain outcome of the court proceedings.

2. A case whose consideration has been started by a single judge or a court panel should be tried by the same judge or court panel.

Replacement of the judge or one of the judges shall be possible in the event of:

1) self-rejection of, or challenge to, a judge effected in the procedure established by this Code;

2) prolonged absence of a judge because of his illness, or being on leave or training.

After the replacement of a judge the case shall be tried anew.

Article 19. Attraction of Arbitration Assessors to the Consideration of a Case

1. Arbitration assessors shall be attracted for the administration of justice in arbitration courts of the first instance in conformity with federal laws.

2. A petition for trying a case with the participation of arbitration assessors has to be made by a party at least one month before the start of court proceedings. Such petition may be made each time a case is tried anew.

A court, when preparing a case for hearing, shall be obliged to explain to the parties their right to make such petition.

3. Where a petition for trying a case with the participation of arbitration assessors is allowed, each of the parties shall select the candidacy for the office of an arbitration assessor for trying the case from the list of arbitration assessors endorsed in the procedure established by federal laws for the given arbitration court, and shall declare the selected candidacy to the court at least ten days before the start of the court proceedings.

If a party does not declare the selected candidacy of an arbitration assessor within said time period, the court shall be empowered to determine such candidacy independently.

4. A petition for trying a case with the participation of arbitration assessors and an application for attracting to the consideration of a case the selected candidate for an arbitration assessor shall be solved by the arbitration court in the procedure provided for by Article 159 of this Code.

While considering an application for attracting to the consideration of a case the selected candidate for an arbitration assessor, the court shall be obliged to verify whether there are the circumstances established by Items from 1 to 4 of Part 1 of Article 21 of this Code under which this candidate may not participate as an arbitration assessor in the consideration of a specific case. Such circumstances shall be a reason for the refusal to allow an application for attracting to the consideration of the case the selected candidate as an arbitration assessor. With this, the court shall propose to the appropriate party to select another candidacy in the procedure established by Part 3 of this Article.

5. While trying cases arbitration assessors shall enjoy the rights and discharge the duties of a judge.

6. A judge and an arbitration assessor, while trying cases and settling all matters arising in the course of consideration and adoption of judicial acts, shall enjoy equal procedural rights.

7. An arbitration assessor may not preside over a court session.

Article 20. Procedure for Settling Matters by a Collegiate Court

1. Matters arising in the process of trying a case by a collegiate court shall be solved by judges by a majority of votes. None of the judges shall be entitled to abstain from voting. The judge presiding over a court session shall be the last to vote.

2. A judge dissenting to the opinion of the majority shall be obliged to sign the judicial act and to state in writing his individual opinion which shall be attached to the case but shall not be announced.

Chapter 3. Challenges

Article 21. Challenge to Judge

1. A judge may not participate in the consideration of a case, if:

1) during the previous consideration of the given case he participated therein as a judge and his repeated participation in the consideration of the case is inadmissible in compliance the requirements of this Code;

2) during the previous consideration of the given case he participated therein as a prosecutor, assistant judge, clerk of court, representative, expert, interpreter or witness;

3) during the previous consideration of the given case he participated therein as a judge of a foreign court, arbitration court or arbitrage;

4) he is a relative of a person participating in the case or of his representative;

5) he is personally interested - directly or indirectly - in a particular outcome of the case or if there are other circumstances which may raise doubts in respect of his impartiality;

6) he is or previously has been officially or in any other way dependent on a person participating in the case, or on his representative;

7) he has made public statements or has given opinions on the merits of the case under consideration.

2. Persons who are relatives may not be members of an arbitration court trying a case.

3. For the reasons provided for by Items from 1 to 4 of Part 1 of this Article, an arbitration assessor shall be likewise challengeable.

Article 22. Inadmissibility of a Judge's Repeated Participation in Trying a Case

1. A judge who has participated in trying a case in an arbitration court of the first instance may not participate in the consideration of this case in appellate courts or courts of cassation, or in the exercise of supervisory powers.

2. A judge who has participated in trying a case in an appellate arbitration court may not participate in the consideration of this case in courts of the first instance or in courts of cassation, or in the exercise of supervisory powers.

3. A judge who has participated in trying a case in an arbitration court of cassation may not participate in the consideration in this case in courts of the first and appellate instances, nor in the exercise of supervisory powers.

4. A judge who has participated in the consideration of a case in the exercise of supervisory powers may not participate in the consideration of this case in courts of the first, appellate or cassational instances.

Article 23. Challenge to the Assistant Judge, Court Clerk, Expert or Interpreter

1. The assistant judge, court clerk, expert or interpreter may not participate in trying a case and shall be challengeable for the reasons provided for by Article 21 of this Code.

A reason for challenging an expert shall be also his conducting an audit or inspection whose materials have become a cause for addressing an arbitration court or are used in trying a case.

2. Participation of an assistant judge, court clerk, expert or interpreter in previous consideration of a given case by an arbitration court in the capacity of an assistant judge, court clerk, expert or interpreter shall not be a reason for challenging them.

Article 24. Applications for Self-Rejection and Challenges

1. In the presence of the reasons indicated in Articles 21 to 23 of this Code a judge, arbitration assessor, assistant judge, clerk of court, expert or interpreter shall be obliged to declare self-rejection. For the same reasons there may be challenged persons participating in a case. Challenge to an assistant judge, court clerk, expert or interpreter may be likewise considered on the initiative of the court.

2. Self-rejection or challenge have to be reasoned and declared prior to starting the consideration of a case on its merits.

In the course of trying a case an application for self-rejection or challenge shall only be allowed, if the reason for self-rejection or challenge has become known to the person declaring self-rejection or challenge after the start of consideration of a case on its merits.

3. A repeated application for challenge for the same reasons may not be filed by the same person.

Article 25. Procedure for Resolving a Declared Challenge

1. In the event of declaring a challenge an arbitration court shall hear the opinions of persons participating in the case, as well as of the challengeable person, if this person wishes to give explanations.

2. The challenge to a judge solely trying a case shall be resolved by the chairman of an arbitration court, deputy chairman of an arbitration court or the chairman of a court panel.

3. Challenge of a judge, when trying a case by a collegiate court, shall be resolved by the same court panel by a majority vote in the absence of the challenged judge. Where there are an even number of votes cast for and against the challenge, the judge shall be regarded as rejected.

The challenge of several judges or the whole court panel trying a case shall be resolved by the chairman of an arbitration court, deputy chairman of an arbitration court or the chairman of a court panel.

4. The challenge of an assistant judge, court clerk, expert and interpreter shall be resolved by the court panel trying the case.

5. On the basis of the results of considering a self-rejection or challenge, a ruling shall be issued.

Article 26. Consequences of Approving an Application for a Challenge

1. The judge who has declared self-rejection, as well as the judge whose application for challenge has been allowed, shall be replaced by another judge.

2. In the event of allowing an application for self-rejection or for challenging a judge, or several judges, or the total composition of the court, the case shall be tried in the same arbitration court, but the composition of the court shall be different.

3. Where, as a result of self-rejections and challenges, it is impossible to form a new composition of the court for trying the given case in the same arbitration court, the case shall be referred to another arbitration court of the same level in the procedure established by Article 39 of this Code.

Chapter 4. Competence of Arbitration Courts

1. Jurisdiction

Article 27. Cases within the Scope of Jurisdiction of Arbitration Courts

1. The scope of jurisdiction of an arbitration court shall extend to cases on economic disputes and to other cases connected with the exercise of business and other economic activities.

2. Arbitration courts shall settle economic disputes and shall try other cases with the participation of organizations which are legal entities, of citizens engaged in business activities without forming a legal entity and

having the status of an individual businessman obtained in the procedure established by laws (hereinafter referred to as "individual businessmen"), and in the instances provided for by this Code and other federal laws, with the participation of the Russian Federation, the subjects of the Russian Federation, municipal formations, state bodies, bodies of local self-government, other bodies, officials, and formations which do not have the status of a legal entity, and citizens which do not have the status of an individual businessman (hereinafter referred to as "organizations and citizens").

3. Other cases may be likewise referred by federal law to the scope of jurisdiction of arbitration courts.

4. An application taken over by an arbitration court subject to the jurisdiction rules has to be considered by it on its merits, even though in future there will be drawn to the participation in the case a citizen without the status of an individual businessman as a third person who does not put in individual claims concerning the subject matter of the dispute.

5. Arbitration courts shall try cases within the scope of their jurisdiction with the participation of Russian organizations, citizens of the Russian Federation, as well as of foreign organizations, international organizations, foreign citizens and stateless persons engaged in business activities, or organizations with foreign investments, if not otherwise provided for by an international treaty of the Russian Federation.

Article 28. Jurisdiction of Economic Disputes and Other Cases Arising from Civil Legal Relations

Arbitration courts shall try in action proceedings economic disputes and other cases arising from civil legal relations which are connected with the exercise of business and other economic activities by legal entities and individual businessmen, and in the instances provided for by this Code and other federal laws by other organizations and citizens.

Article 29. Jurisdiction of Economic Disputes and Other Cases Arising from Administrative and Other Public Legal Relations

Arbitration courts shall try in administrative proceedings economic disputes, arising from administrative and other public legal relations, and other cases connected with the exercise by organizations and citizens of business and other economic activities:

1) on disputing normative legal acts concerning the rights and legitimate interests of an applicant in the area of business and other economic activities, where federal laws refer their consideration to the competence of an arbitration court;

2) on disputing non-normative legal acts of state power bodies of the Russian Federation, state power bodies of the subjects of the Russian

Federation, bodies of local self-government, decisions and actions (omission to act) of state bodies, bodies of local self-government, or other bodies and officials which concern the rights and legitimate interests of the applicant in the area of business and other economic activities;

3) on administrative offences where federal laws refer their consideration to the jurisdiction of an arbitration court;

4) on the recovery from organizations and citizens engaged in business and other economic activities compulsory payments and sanctions, unless federal laws provide for another procedure for the recovery thereof;

5) other cases arising from administrative and other public legal relations where their consideration is referred to the jurisdiction of an arbitration court.

Article 30. Jurisdiction of Cases on Establishing Facts of Legal Importance

Arbitration courts shall try in special proceedings cases on establishing facts of legal importance for the arising, changing and terminating of the rights of organizations and citizens in the area of business and other economic activities.

Article 31. Jurisdiction of Cases on Disputing Decisions of Arbitration Courts and on Issuing Writs of Execution Concerning Compulsory Execution of Arbitration Court Decisions

Arbitration courts shall try in compliance with Chapter 30 of this Code cases:

1) on disputing awards of arbitration tribunals with regard to disputes arising in the course of the exercise of business and other economic activities;

2) on issuing writs of execution concerning compulsory execution of arbitration awards with regard to the disputes arising in the exercise of business and other economic activities.

Article 32. Jurisdiction of Cases on Recognizing and Executing Decisions of Foreign Courts and Foreign Arbitration Awards in Respect of Arbitration Courts

Arbitration courts shall try in compliance with Chapter 31 of this Code cases on recognizing and executing decisions of foreign courts and foreign arbitration awards with regard to disputes arising in the exercise of business and other economic activities.

Article 33. Special Jurisdiction of Cases in Respect of Arbitration Courts

1. Arbitration courts shall try cases:
 - 1) on insolvency (bankruptcy);
 - 2) on disputes related to the establishment, reorganization or liquidation of organizations;
 - 3) on disputes related to the denial of state registration or evasion of state registration by legal entities and individual businessmen;
 - 4) on disputes between a shareholder and a joint-stock company, between participants of other economic partnerships and companies arising from the activities of economic partnerships and companies, save for labour disputes;
 - 5) on the protection of business reputation in the area of business and other economic activities;
 - 6) other cases arising in the exercise of business and other economic activities, in the instances provided for by federal laws.
2. The cases specified in Part 1 of this Article shall be tried by an arbitration court regardless of whether the participants of the legal relations from which a dispute or a claim have arisen, are legal entities, individual businessmen or other organizations or citizens.

2. Arbitrability

Article 34. Arbitrability of Cases

1. Cases within the jurisdiction of arbitration courts shall be tried in the first instance by arbitration courts of republics, territories, regions, cities of federal importance, autonomous regions and autonomous areas (hereinafter referred to as "arbitration courts of the subjects of the Russian Federation"), save for cases referred to the jurisdiction of the Higher Arbitration Court of the Russian Federation.

2. The Higher Arbitration Court shall try as a court of the first instance:

1) cases on disputing normative legal acts of the President of the Russia Federation, the Government of the Russian Federation and federal executive bodies, which concern the rights and legitimate interests of an applicant in the area of business and other economic activities;

Federal Law No. 58-FZ of April 29, 2008 amended Item 2 of Part 2 of Article 34 of this Code

See the Item in the previous wording

2) cases on disputing non-normative legal acts of the President of the Russian Federation, the Federation Council and the State Duma of the Federal Assembly of the Russian Federation, of the Government of the Russian Federation and the Governmental Commission for Exercising Control over Making Foreign Investments in the Russian Federation which

do not comply with the laws and concern the rights and legitimate interests of an applicant in the area of business and other economic activities;

3) economic disputes between the Russian Federation and the subjects of the Russian Federation, and between the subjects of the Russian Federation.

Article 35. Filing of Claim at the Location or Place of Residence of the Respondent

A claim shall be filed with an arbitration court of a subject of the Russian Federation at the location or place of residence of the respondent.

Article 36. Arbitrability at the Claimant's Option

1. A claim against the respondent whose location or place of residence is unknown may be filed with an arbitration court at the location of his property or at his last known place of location or residence in the Russian Federation.

2. A claim against respondents located or resident on the territories of different subjects of the Russian Federation shall be filed with an arbitration court at the location or place of residence of one of the respondents.

3. A claim against the respondent located or resident on the territory of a foreign state may be filed with an arbitration court at the location of the respondent's property on the territory of the Russian Federation.

4. A claim following from a contract where the place of execution thereof is indicated may be likewise filed with an arbitration court at the place of execution of the contract.

5. A claim against a legal entity following from the activities of a branch or a representative office thereof situated away from the location of the legal entity may be filed with an arbitration court at the location of the legal entity or the branch or representative office thereof.

6. Claims for damages caused by a collision of vessels, or for salvaging at sea may be filed with an arbitration court at the location of the respondent's vessel, or at the home port of the respondent's vessel, or at the place of the causing of damage.

7. The claimant shall be empowered to choose between the arbitration courts to whose jurisdiction a case is referred by this Article.

Article 37. Agreed Arbitrability

The arbitrability established by Articles 35 and 36 of this Code may be changed by agreement of the parties prior to taking over an application by an arbitration court.

Article 38. Exclusive Arbitrability

1. Claims for the rights to immovable property shall be filed with an arbitration court at the location of this property.

2. Claims for the rights to sea and air vessels, inland navigation vessels and non-terrestrial objects shall be filed with an arbitration court at the place of state registration thereof.

3. A claim against the carrier following from a contract of carrying freight, passengers and their luggage, and likewise in the event of the carriers being one of the respondents, shall be filed with an arbitration court at the location of the carrier.

4. An application for declaring a debtor bankrupt shall be filed with an arbitration court at the location of the debtor.

5. An application for establishing facts of legal importance shall be filed with an arbitration court at the location or place of residence of the applicant, save for applications for establishing facts of legal importance for the rise, change or termination of rights to immovable property which shall be filed with a court at the location of the immovable property.

6. An application for disputing decisions and actions (omission to act) of an officer of the court shall be filed with an arbitration court at the location of the officer of the court.

7. Applications related to disputes between Russian organizations exercising activities or having property on the territory of a foreign state shall be filed with an arbitration court at the place of state registration of the respondent organization on the territory of the Russian Federation.

Applications related to disputes between Russian organizations exercising activities or having property of the territory of a foreign state which are not placed on the state record on the territory of the Russian Federation shall be filed with an Arbitration Court of the Moscow region.

8. An application for disputing the award of an arbitration tribunal or for issuing a writ of compulsory execution of an award of an arbitration tribunal shall be filed with the arbitration court of the subject of the Russian Federation on whose territory the award of the arbitration tribunal was rendered.

9. An application for recognizing and executing decisions of foreign courts and foreign arbitration awards shall be filed by the party in whose favour a decision of a foreign court has been rendered, with an arbitration court of the subject of the Russian Federation at the location or place of residence of the debtor or, if the location or place of residence of the debtor is unknown, at the location of the debtor's property.

10. A counter-claim, regardless of the arbitrability thereof, shall be filed with an arbitration court at the place of considering the original claim.

Article 39. Transfer of a Case from One Arbitration Court to Another

1. A case taken over by an arbitration court subject to the rules of arbitrability has to be tried by it on the merits thereof, even though in future it could become arbitrable to another arbitration court.

2. An arbitration court shall transfer a case for consideration by another arbitration court of the same level, where:

1) a respondent, whose location or place of residence has not been known before, files a petition for the transfer of the case to an arbitration court at the location or place of residence thereof;

2) both parties have filed a petition for trying the case at the location of the greater part of evidence;

3) it has turned out in the course of trying the case that it was taken over in defiance of the rules of arbitrability;

4) one of the parties to a dispute has actually been the arbitration court;

5) after challenging one or several judges or for some other reasons it is impossible to form the composition of the court for considering the given case.

3. There shall issued a ruling in respect of the transfer of a case to another arbitration court for consideration.

The case with the ruling attached thereto shall be directed to the appropriate arbitration court within five days, as of the date of issuing the ruling.

4. A case transferred from one arbitration court to another arbitration court has to be taken over by the court to which it has been transferred. Disputes in respect of arbitrability between arbitration courts in the Russian Federation shall not be allowed.

Chapter 5. Persons Participating in a Case and Other Participants of Arbitration Proceedings

Article 40. Composition of Persons Participating in a Case

Persons participating in a case shall be as follows:

the parties;

applicants and concerned persons - in cases for special proceedings, in insolvency (bankruptcy) cases, and in other instances provided for by this Code;

third persons;

the prosecutor, state bodies, bodies of local self-government and other bodies applying to an arbitration court in instances provided for by this Code.

Article 41. Rights and Duties of Persons Participating in a Case

1. The persons participating in a case shall be entitled to familiarize themselves with the materials of the case, to make extracts from them and to copy them; to challenge, to present evidence and to familiarize themselves with evidence presented by other persons participating in the case prior to the start of court proceedings; to participate in the examination of evidence; to pose questions to other participants of arbitration proceedings, to file petitions, to make statements, to give explanations to an arbitration court, to advance their arguments with regard to all matters arising in the course of trying the case; to familiarize themselves with petitions filed by other persons, to protest against petitions and arguments of other persons participating in the case; to obtain information on complaints made by other persons participating in the case, on judicial acts taken in respect of the given case and to obtain copies of judicial acts issued in the form of a separate document; to appeal against judicial acts; to enjoy other procedural rights granted to them by this Code and other federal laws.

2. Persons participating in a case should exercise in good faith all the procedural rights vested in them.

Abuse of procedural rights by persons participating in a case shall entail unfavorable consequences for these persons provided for by this Code.

3. Persons participating in a case shall discharge procedural duties provided for by this Code and other federal laws or placed on them by an arbitration court in compliance with this Code.

Failure to discharge procedural duties by persons participating in a case shall entail the effects for these persons provided for by this Code.

Article 42. Rights of Persons Not Participating in a Case in Respect of Whose Rights and Duties an Arbitration Court Has Issued a Judicial Act

Persons not participating in a case, in respect of whose rights and duties an arbitration court has issued a judicial act, shall be entitled to appeal against this judicial act, as well as to dispute it in the exercise of supervisory powers according to the rules established by this Code. Such persons shall enjoy the rights and shall discharge the duties of persons participating in the case.

Article 43. The Legal Capacity to Have the Rights and Duties and Legal Ability to Act

1. The ability to have procedural rights and to discharge procedural duties (legal capacity to have rights and duties) shall be equally recognized for all organizations and citizens vested under federal laws with the right to legal defence of their rights and legitimate interests in an arbitration court.

2. The ability to exercise by their actions procedural rights and discharge procedural duties (legal ability to act) shall pertain to organizations and citizens in an arbitration court.

3. The rights and legitimate interests of disabled citizens shall be protected in arbitration proceedings by legal representatives thereof - parents, adoptive parents, custodians or guardians.

Article 44. Parties

1. A plaintiff and defendant shall be the parties to arbitration proceedings.

2. Claimants shall be organizations and citizens filing a claim for protection of their rights and legitimate interests.

3. Respondents shall be organizations and citizens against which a claim has been filed.

4. Parties shall enjoy equal procedural rights.

Article 45. Applicants

1. Applicants shall be organizations and citizens filing applications with an arbitration court in the instances provided for by this Code and some other federal law, and entering arbitration proceedings on the basis of these applications.

2. Applicants shall enjoy procedural rights and shall discharge the procedural duties of a party if not otherwise provided for by this Code.

Article 46. Participation of Several Claimants and Respondents in a Case

1. A claim may be filed with an arbitration court jointly by several claimants or against several respondents (joinder of the parties). Each of the claimants or respondents shall act in court proceedings independently. Participants of a joinder of the parties may entrust one or several participants of the joinder with the conduct of the case.

2. Where it is impossible to try a case without the participation of another respondent, an arbitration court of the first instance at the request of the parties or by approbation of the claimant shall bring in another respondent for participation in the case.

Where federal laws provide for the compulsory participation of another respondent in a case, as well as in cases arising from administrative and other public legal relations, an arbitration court of the first instance shall bring in another respondent for participation in the case on its own initiative.

After bringing in for participation in a case another respondent, the case shall be tried anew from the very start thereof.

Article 47. Replacing an Improper Respondent

1. If it has been established during the preparation of a case for court proceedings or in the course of proceedings in a court of the first instance that a claim has been filed against a person which is not punishable under the claim, the arbitration court may on the request or by approbation of the claimant allow the replacement of the improper respondent with the appropriate one.

2. Where the claimant does not consent to the replacement of the respondent by another person, the court, by approbation of the claimant, may bring in this person as the second respondent.

3. After the replacement of an improper respondent or entry into the case of the second respondent, the case shall be tried anew from the very start thereof.

4. An arbitration court shall issue a ruling in respect of replacing an improper respondent by the appropriate one or drawing an appropriate respondent as the second respondent.

5. Where the claimant does not consent to the replacement of the respondent by another person, or to bringing this person in as the second respondent, an arbitration court shall try the case on the basis of the claim filed.

Article 48. Procedural Legal Succession

1. In the event of withdrawal of one of the parties to a disputable legal relation or to a legal relation established by a judicial act of an arbitration court (reorganization of a legal entity, cession, assignment, death of a citizen and other instances of replacing persons, as regards liabilities), the arbitration court shall replace this party with a legal successor thereof and shall indicate this in a judicial act. Succession shall be possible at any stage of arbitration proceedings.

2. A judicial act replacing a party by a successor thereof may be appealed.

3. All the actions committed in the course of arbitration proceedings prior to the entry of a legal successor to a case shall be mandatory for him inasmuch as they have been compulsory for the person whom the legal successor has replaced.

Article 49. Changing the Ground or Subject of a Claim, Changing the Amount of a Claim, Renunciation of a Claim, Acknowledgement of Claim and Amicable Agreement

1. The claimant shall be entitled, during the trying of case by an arbitration court of the first instance, prior to adopting a judicial act which

terminates the consideration of the case on its merits, to change the cause or subject of the claim and to increase or decrease the amount of claims.

2. The claimant shall be entitled, during the trying of a case by an arbitration court of any instance, prior to adopting a judicial act which terminates the consideration of the case by a court of an appropriate instance, to renounce his claim in whole or in part.

3. The respondent shall be entitled, while trying a case by an arbitration court of any instance, to acknowledge the claim in whole or in part.

4. The parties may terminate the case by making an amicable agreement in the procedure provided for by Chapter 15 of this Code.

5. An arbitration court shall not accept the claimant's renunciation of his claim, his decreasing the amount of the claim, and the respondent's confession of the claim and shall not endorse an amicable agreement, where it contravenes laws or violates the rights of other persons. In these instances the court shall try the case on its merits.

Article 50. Third Persons Filing Independent Claims in Respect of the Subject in Dispute

1. Third persons filing independent claims in respect of the subject in dispute may enter the case prior to rendering a decision by an arbitration court of the first instance.

2. Third persons filing independent claims in respect of the subject in dispute shall enjoy the rights and shall discharge the duties of the claimant, save for the obligation thereof to follow a pretention or other pre-trial procedure for settling the dispute, if not otherwise provided for by federal laws for the given category of disputes or by an agreement.

3. Where a third person filing an independent claim in respect of the subject in dispute entered a case after the start of the court proceedings the case shall be tried in a arbitration court of the first instance from the very beginning.

4. There shall be issued a ruling concerning the entry to a case of a third person filing independent claims in respect of the subject in dispute.

Article 51. Third Persons Which Do Not File Independent Claims in Respect of the Subject in Dispute

1. Third persons which do not file independent claims in respect of the subject in dispute may enter the case on the side of the claimant or respondent prior to adopting a judicial act which terminates the consideration of the case by an arbitration court of the first instance, where this judicial act may influence rights and duties thereof in respect of one of the parties. They may be likewise attracted to participation in a case on the petition of the parties or on the initiative of the court.

2. Third persons which do not file independent claims in respect of the subject in dispute shall enjoy the procedural rights and discharge the procedural duties of a party, save for the right to change the ground or subject of a claim, to increase or decrease the amount of claims, to renounce a claim, to acknowledge a claim or to make an amicable agreement, to file a counterclaim and to demand the compulsory execution of a judicial act.

3. There shall be issued a ruling concerning the entry to the case of a third person which does not file independent claims in respect of the subject in dispute, or concerning the attraction of a third person to the participation in the case or concerning the refusal of an arbitration court to do it.

4. Where a third person which does not file independent claims in respect of the subject in dispute has entered a case after the start of court proceedings, the arbitration court of the first instance shall start trying the case from the very beginning.

Article 52. Participation of the Prosecutor in a Case

1. The prosecutor shall be entitled to file with an arbitration court the following:

applications for disputing normative legal acts, non-normative legal acts of state power bodies of the Russian Federation, state power bodies of the subjects of the Russian Federation and bodies of local self-government which concern the rights and legitimate interests of organizations and citizens in the area of business and other economic activities;

a claim for invalidating transactions made by state power bodies of the Russian Federation, state power bodies of the subjects of the Russian Federation, bodies of local self-government, state and municipal unitary enterprises, government organizations, as well as by legal entities whose authorized capital (fund) includes a contribution of the Russian Federation, a contribution of subjects of the Russian Federation or a contribution of municipal formations;

a claim for applying the effects of invalidity of a void transaction made by state power bodies of the Russian Federation, state power bodies of the subjects of the Russian Federation, bodies of local self-government, state and municipal unitary enterprises, governmental organizations, as well as by legal entities whose authorized capital (fund) includes a contribution of the Russian Federation, a contribution of subjects of the Russian Federation or a contribution of municipal formations;

2. An application to the Higher Arbitration Court of the Russian Federation shall be made by the Procurator General of the Russian Federation or deputy Procurator General of the Russian Federation, an application to an arbitration court of a subject of the Russian Federation shall be likewise made by the prosecutor of the subject of the Russian

Federation or the deputy prosecutor of the subject of the Russian Federation and prosecutors or deputies thereof equated to them.

3. The prosecutor applying to an arbitration court shall enjoy the procedural rights and shall discharge the procedural duties of the claimant.

4. Renunciation by a prosecutor of the claim made by him shall not deprive the claimant of the right to demand the consideration of the case on its merits, if the claimant participates in the case.

5. As regards the cases indicated in Part 1 of this Article, a prosecutor shall be entitled to enter the case tried by an arbitration court at any stage of arbitration proceedings enjoying the rights and discharging the duties of a person participating in the case for the purpose of ensuring lawfulness.

Article 53. Participation in a Case of State Bodies, Bodies of Local Self-Government and Other Bodies

1. In the instances provided for by federal laws, state bodies, bodies of local self-government and other bodies shall be entitled to file claims and applications with an arbitration court for the protection of public interests.

2. There should be indicated in an application where the violation of public interests lies which has served as the ground for applying to an arbitration court.

3. The body applying to an arbitration court shall enjoy procedural rights and shall discharge the procedural duties of the claimant.

4. Renunciation by a body of the claim made by it shall not deprive the claimant of the right to demand the consideration of the case on its merits, if the claimant participates in the case.

Article 54. Other Participants of Arbitration Proceedings

Together with the persons participating in arbitration proceedings there may take part therein their representatives and persons assisting the administration of justice, that is, experts, witnesses, interpreters, an assistant judge and a court clerk.

Article 55. Expert

1. An expert in an arbitration court shall be a person having special knowledge with regard to matters concerning the case under consideration and appointed by the court for issuing an opinion in the instances and in the procedure provided for by this Code.

2. A person entrusted with the conduct of an expert examination shall be obliged to appear before an arbitration court, when summoned, and to issue a reasoned opinion with regard to posed questions.

3. An expert shall be entitled, with authority of an arbitration court to familiarize himself with the materials of the case, to participate in court sessions, to ask the persons participating in the case and witnesses questions and to file a petition for the presentation to him of additional materials.

4. An expert shall be entitled to refuse to issue an opinion with regard to matters exceeding the limits of his special knowledge, as well as when the materials presented to him are insufficient for issuing an opinion.

5. An expert shall be criminally liable for issuing a wittingly false opinion, and he shall be warned about it by an arbitration court and shall give a signed promise in respect of it.

Article 56. Witness

1. A witness shall be a person obtaining data on the factual situation which is important for trying a case.

2. A witness shall be obliged to appear before an arbitration court, when summoned.

3. A witness shall be obliged to deliver to an arbitration court data on the merits of the case under consideration which are personally known to him and to answer additional questions posed by the arbitration court and the persons participating in the case.

4. A witness shall be criminally liable for giving wittingly false evidence, as well as for the refusal to give evidence, and he shall be warned by an arbitration court about it and shall give a signed promise in respect of it.

5. Not subject to examination as witnesses shall be judges and other persons participating in the administration of justice, in respect of circumstances which have become known to them in connection with their participation in trying a case, representatives in a civil or other case - in respect of the circumstances which have become known to them in connection with their discharging the duties of representatives, as well as persons who due to their mental deficiency are unable to understand facts correctly and to testify about them.

6. Nobody shall be obliged to give evidence against himself, the spouse thereof or close relatives whose circle shall be determined by federal laws.

7. A witness shall be entitled to a reimbursement of expenses connected with their being summoned to court and to the receipt of pecuniary compensation in connection with the loss of time.

Article 57. Interpreter

1. An interpreter shall be a person who fluently speaks the language whose command is necessary for translation in the course of the

administration of justice and is brought by an arbitration court into participation in arbitration proceedings in the instances and in the procedure provided for by this Code.

2. Persons participating in a case shall be entitled to propose to the arbitration court candidates for an interpreter.

Other participants of arbitration proceedings shall not be entitled to assume the duties of an interpreter, notwithstanding their command of the languages necessary for translation.

3. An arbitration court shall issue a ruling concerning the drawing of an interpreter to the participation in arbitration proceedings.

4. An interpreter shall be obliged to appear before an arbitration court, when summoned, and to make a complete, correct and timely translation.

5. An interpreter shall be entitled to pose questions to the persons present during the translation for the purpose of clarifying the translation, to familiarize himself with the record of a court session or an individual procedural action and to make notes in respect of the correctness of recording his translation.

6. An interpreter shall be criminally liable for a wittingly false translation, and he shall be warned about it by an arbitration court and shall give a written promise in this respect.

7. The rules of this Article shall extend to a person skilled in sign language translation and brought by an arbitration court into participation in arbitration proceedings.

Article 58. Assistant Judge. court clerk

1. An assistant judge shall render assistance to a judge in the preparation and arrangement of court proceedings and shall not be entitled to exercise functions related to the administration of justice.

2. An assistant judge may keep records of a court session and commit other procedural actions in the instances and in the procedure provided for by this Code.

3. An assistant judge shall not be entitled to commit actions entailing a rise, change or termination of the rights and duties of the persons participating in a case and of other participants of arbitration proceedings.

4. A court clerk shall keep records of a court session. He shall be obliged to state in records correctly and in full the actions and decisions of the court, as well as the actions of participants of arbitration proceedings which took place in the course of a court session.

5. A clerk of court on the instructions of the presiding judge shall verify the appearance before court of the persons who are to participate in a court session.

Chapter 6. Representation in an Arbitration Court

Federal Law No. 25-FZ of March 31, 2005 amended Article 59 of this Code

See the previous text of the Article

Article 59. Conducting Cases in an Arbitration Court through Representatives

1. Citizens shall be entitled to conduct their cases in an arbitration court personally or through representatives. Conducting cases personally shall not deprive a citizen of the right to have representatives.

2. The rights and legitimate interests of disabled citizens shall be protected in an arbitration court by their legal representatives, that is, parents, adoptive parents, custodians and guardians, which may entrust another representative selected by them with the conduct of a case in an arbitration court.

3. Lawyers and other persons rendering legal assistance may act in an arbitration court as representatives of citizens, including individual businessmen and organisations.

4. Cases of organizations shall be conducted in an arbitration court by their bodies acting in compliance with a federal law, other normative legal acts or constituent documents of the organizations.

An authorized representative of a liquidation commission shall act in court on behalf of the organization to be liquidated.

5. Abolished

See the previous text of Item 5

5.1 Abolished

See the previous text of Item 5.1

6. As a representative in an arbitration court, there may act a capable person having the properly formalized and confirmed authority to conduct the case, save for the persons indicated in Article 60 of this Code.

Article 60. Persons Which May Not Act as Representatives in Arbitration Court

1. There may not act as representatives in an arbitration court judges, investigators, prosecutors, assistant judges and court personnel. The given rule shall not extend to instances when said persons act in an arbitration court as representatives of appropriate bodies or legal representatives.

2. There may not act as representatives in an arbitration court not fully-capable persons or those under custody or guardianship.

Article 61. Formalizing and Confirming the Authority of a Representative

1. The authority of the heads of organizations acting on behalf of organizations within the scope of powers provided for by a federal law, other normative legal act or constituent document shall be confirmed by documents certifying their official status, which shall be submitted to court, as well as by constituent and other documents.

2. The authority of legal representatives shall be confirmed by the documents certifying their status and powers which shall be submitted to court.

3. The authority of a lawyer for conducting cases in an arbitration court shall be certified in compliance with federal laws.

4. The authority of other representatives for conducting cases in an arbitration court has to be expressed in the form of a power of attorney issued and drawn up in compliance with federal laws or with another document in the instances provided for by an international treaty of the Russian Federation or by a federal law.

5. A letter of attorney on behalf of an organization has to be signed by the head thereof or by other person authorized to do it by its constituent documents, with the seal of the organization affixed thereto.

Article 62. Authority of Representative

1. A representative shall be entitled on behalf of the person he represents to commit all procedural actions, save for the actions indicated in Part 2 of this Article, if not otherwise provided for by the power of attorney or by another document.

2. There should be specially stipulated in the letter of attorney issued by the represented person the right of the representative to sign a statement of claim and to withdraw a statement of claim, to sign a statement of ensuring the claim, to transfer the case to an arbitration tribunal, to renounce the claim in whole or in part and to confess a claim, to change the ground and subject of the claim, to make an amicable agreement or an agreement on the basis of the factual situation, to transfer his powers to the representative of another person (transfer of trust), as well as the rights to sign an application for revision of judicial acts due to newly discovered facts, to appeal against a judicial act of an arbitration court and to receive awarded monetary assets and other property.

Article 63. Verifying the Authority of Persons Participating in a Case and of Their Representatives

1. An arbitration court shall be obliged to verify the authority of persons participating in a case and of their representatives.

2. An arbitration court shall decide on acknowledging the authority of persons participating in a case and of their representatives and on their

admittance to participation in a court session on the basis of an examination of the documents submitted by said persons to the court.

3. The documents confirming the authority of said persons in case of necessity shall be attached to the case, or the data on them shall be entered to the record of the court session.

4. Where a person participating in a case or his representative fails to submit necessary documents in support of the authority or submits documents which do not comply with the requirements established by this Code and other federal laws, as well as where there are violations of the rules of representation established by Articles 59 and 60 of this Code, an arbitration court shall refuse to acknowledge the authority of an appropriate person to participate in the case, and this shall be indicated in the record of the court session.

Chapter 7. Evidence and Substantiation

Article 64. Evidence

1. Evidence with regard to a case shall be data on the facts thereof obtained in the procedure provided for by this Code and other federal laws which serves as a basis for establishing by an arbitration court the presence or absence of circumstances substantiating the claims and objections of the persons participating in the case, as well as other circumstances important for the correct consideration of the case.

2. There shall be admitted as evidence written and material evidence, explanations of the persons participating in a case, expert opinions, testimonies of witnesses, sound recordings and videotapes, other documents and materials.

3. There shall not be allowed use of evidence obtained by breaking federal laws.

Article 65. Burden of Proof

1. Each person participating in a case shall be obliged to prove the circumstances to which he refers as to the ground of his claims or objections. The burden of proving the circumstances serving as a ground for the adoption by state bodies, bodies of local self-government, other bodies or officials, of acts and decisions for committing actions (omitting to act), shall be placed on the appropriate body or official.

2. The circumstances significant for the correct consideration of a case shall be determined by an arbitration court on the basis of claims and objections of the persons participating in the case in compliance with applicable rules of material law.

3. Each person participating in a case shall have to disclose the circumstances he refers to as to the ground of his claims and objections, to

other persons participating in the case prior to the court session, if otherwise is not established by this Code.

4. The persons participating in a case shall only be entitled to refer to those circumstances with which other persons, participating in the case have been familiarized with beforehand.

Article 66. Presentation of, and Remanding Evidence

1. Evidence shall be presented by the persons participating in a case.

Copies of the documents submitted to court by a person participating in a case shall be directed to other persons participating in the case if they do not have these documents.

2. An arbitration court shall be entitled to suggest to persons participating in a case to present additional evidence for clarifying the circumstances important for the correct consideration of the case and the adoption of a lawful and reasonable judicial act prior to the start of the court session.

3. In the event of changing the circumstances subject to substantiation in connection with the claimant changing the ground or subject of his claim and the filing by the respondent of a counterclaim, an arbitration court shall be entitled to establish the time period for presenting additional circumstances.

4. A person participating in a case and lacking the opportunity to obtain himself necessary evidence from a person possessing it shall be entitled to file a petition to the arbitration court for demanding for the given evidence.

In the petition there should be denoted the evidence and indicated what circumstances significant for the case may be established by this evidence, as well as the reasons impeding the obtainment of the evidence, and the location thereof.

In the event of satisfying the petition the court shall obtain on demand appropriate evidence from the person who has it.

5. In the event of non-presentation by state power bodies, bodies of local self-government, other bodies and officials of evidence in cases arising from administrative and other public legal relations, an arbitration court shall obtain on demand evidence from these bodies on its own initiative.

Copies of documents obtained on demand by an arbitration court on its own initiative shall be directed by the court to the persons participating in the case if they do not have these documents.

6. An arbitration court shall issue a ruling in respect of demanding evidence.

In the ruling there shall be indicated the term and procedure for presenting evidence.

A copy of the ruling shall be directed to the persons participating in the case, as well as to the person who has the evidence called for by the court.

7. The person who has the evidence called for by an arbitration court shall send it directly to the court. In case of necessity, at the request of the court the evidence which is called for may be handed in to the person having an appropriate request for presenting to the court.

8. Where the person from whom an arbitration court demands presentation of evidence has no opportunity to present it or to present it within the time period established by the court, he shall be obliged to notify the court about this and to indicate the reasons for non- presentation thereof within a five-day term, as of the date of obtaining a copy of the ruling for demanding the evidence.

9. In the event of failure to discharge the duty of presenting evidence called for by an arbitration court for reasons recognized by the arbitration court as not good, or of failure to notify the court on the impossibility of presenting evidence at all or within the established time period, the court shall impose on the person whom the evidence is demanded of a court fine as per the procedure and in the amount established in Chapter 11 of this Code.

10. A court shall issue a ruling in respect of imposing a court fine.

In a ruling concerning the imposition of a court fine there shall be established a new time period when the evidence called for has to be presented.

In the event of failure to meet these requirements within the time period indicated in a ruling concerning the imposition of a court fine, an arbitration court may repeatedly impose the fine according to the rules provided for by Part 9 of this Article.

11. The imposition of court fines shall not relieve the person who has the evidence which is called for of the duty to present it to the arbitration court.

12. A ruling of an arbitration court concerning the imposition of a court fine may be appealed.

Article 67. Relevance of Evidence

1. An arbitration court shall only accept the evidence which is relevant to the case under consideration.

2. An arbitration court shall not accept documents which contain petitions supporting persons participating in a case or the evaluation of their activities, other documents which are not relevant to the establishment of circumstances of the case under consideration, and shall refuse to attach them to the materials of the case. The court shall indicate a refusal to attach such documents to the materials of the case in the record of the court session.

Article 68. Admissibility of Evidence

The circumstances of a case which under the laws have to be confirmed by certain evidence may not be confirmed by other evidence.

Article 69. Grounds for Relief of the Burden of Proof

1. There is no need to prove the circumstances of a case recognized by a court as generally known.

2. The circumstances established by an effective act of an arbitration court in a previously tried case shall not be proved again, when trying by the arbitration court another case with the participation of the same persons.

3. An effective decision of a court of general jurisdiction in respect of a previously tried civil case shall be obligatory for an arbitration court trying a case in respect of the matters concerning the circumstances established by the decision of the court of general jurisdiction and pertinent to the persons participating in the case.

4. An effective sentence of a court in a criminal case shall be obligatory to an arbitration court in respect of the issues whether certain actions have taken place and whether they have been committed by a certain person.

Article 70. Relief of Proving Circumstances Acknowledged by Parties

1. Arbitration courts of the first and appellate instances at all stages of arbitration court proceedings have to assist in the parties achieving an agreement in the assessment of circumstances as a whole or in part, to the display necessary initiatives for that purpose, as to use their procedural powers and the authority of a body of judicial power.

2. The circumstances acknowledged by the parties as a result of an agreement achieved by them shall be accepted by an arbitration court as facts not requiring further proving.

An agreement of the parties in respect of circumstances achieved in or outside a court session shall be certified by applications thereof in writing and shall be entered into the record of the court session.

3. Acknowledgement by a party of the circumstances which the other party uses as the basis for its claims and objections shall relieve the other party of the burden of proving such circumstances.

The fact of the acknowledging by the parties of circumstances shall be entered by an arbitration court to the record of the court session and shall be certified by the signatures of the parties. The acknowledgement stated in writing shall be attached to the materials of the case.

4. An arbitration court shall not accept the acknowledgement of circumstances by a party, if it has evidence giving grounds to consider that said circumstances have been acknowledged by such party for the purpose of concealing certain facts or under the influence of deceit, violence, threat or error, and the arbitration court shall point this out in the record of a court session.

In this situation the given circumstances shall be subject to substantiation on general terms.

5. The circumstances acknowledged and certified by the parties in the procedure established by this Article, in the event of accepting them by an arbitration court, shall not be verified by it in the course of further proceedings concerning the case.

Article 71. Evaluation of Evidence

1. An arbitration court shall evaluate evidence upon its inner conviction based on a comprehensive, full, unbiased and direct examination of evidence in a case.

2. An arbitration court shall evaluate the relevance, admissibility and reliability of each piece of evidence separately, as well as the sufficiency and interrelation of evidence in the aggregate thereof.

3. A piece of evidence shall be recognized by a court as reliable if, as a result of verification and examination thereof, the data contained therein is found to be true.

4. Each piece of evidence shall be subject to evaluation by an arbitration court together with other evidence.

5. No evidence shall be regarded by an arbitration court as having a pre-determined strength.

6. An arbitration court may not regard as proved a fact only confirmed by a copy of a document or of other written evidence, if the original of the document is lost and copies of the document submitted by the persons participating in the case are not identical, making it impossible to establish the real contents of the primary source with the help of this evidence.

7. A court shall show the results of evaluating evidence in a judicial act containing the reasons for accepting or refusing to accept the evidence presented by the persons participating in a case as the basis of their claims and objections.

Article 72. Securing Evidence

1. Persons participating in a case who have reason to believe that it will be impossible or difficult to present evidence to the court, may file an application for securing the evidence.

2. An application for securing evidence shall be filed with the arbitration court which has taken over the case.

In the application there shall be indicated the evidence which it is necessary to secure, the circumstances for which confirmation of this evidence is necessary and the reasons for applying to the court for it being secured.

3. Evidence shall be provided by an arbitration court according to the rules established by this Code for provision of a statement of claim.

4. An arbitration court shall be entitled upon the application of an organization or citizen to take measures aimed at securing evidence prior to filing a claim in the procedure provided for by Article 99 of this Code.

Article 73. Court Letters of Request

1. For arbitration court trying a case, when it is impossible to obtain evidence situated on the territory of another subject of the Russian Federation, shall be entitled in the procedure provided for by Article 66 of this Code to entrust an appropriate arbitration court to commit certain procedural actions.

2. There shall be issued a ruling in respect of a request to commit certain procedural actions.

In the ruling there shall be briefly stated the contents of the case tried, the circumstances subject to clarification and the evidence which the arbitration court complying with the request shall have to obtain.

A copy of the ruling shall be directed to the court which a court letter of request is addressed to.

3. A ruling concerning a court letter of request shall be mandatory for the arbitration court it is directed to and shall be executed within ten days at the latest, as of the date of receiving a copy of the ruling.

Article 74. Procedure for Executing a Court Letter of Request

1. A court letter of request shall be executed in a court session of an arbitration court according to the rules established by this Code. Persons participating in a case shall be notified of the time and place of the court session. Failure of said persons being properly notified of the time and place of the court session to appear before court shall not be an obstacle for holding the court session, if it does not contravene the essence of the letter of request.

2. There shall be issued a ruling concerning the execution of a court letter of request which, together with all the materials collected in the course of executing the court letter of request, shall be promptly sent to the arbitration court which sent the court letter of request.

Where it is impossible to execute a court letter of request due to circumstances beyond the control of the court, this shall be indicated in the ruling.

3. Persons participating in a case, witnesses and experts who have given explanations, testimonies and opinions to the arbitration court executing a court letter of request, in the event of their participation in a session of the arbitration court trying the case, shall give explanations, testimonies and opinions on general terms.

Article 75. Written Evidence

1. Written evidence shall be taken to be contracts, acts, references, business mail and other documents in the form of digital or graphical records, or in any other form which contain data on the circumstances significant for a case and allow to establish the reliability of a document.

2. Records of court sessions, records of committing individual procedural actions and enclosures thereto shall likewise pertain to written evidence.

3. Documents received with the help of facsimile, electronic or other means of communication, as well as documents bearing an electronic digital signature or other similar manual sign shall be accepted as written evidence in the instances and in the procedure established by a federal law, other normative legal act or agreement.

4. Documents submitted to an arbitration court which confirm the commitment of actions relevant in law have to meet the requirements established for the given type of documents.

5. To written evidence made in whole or in part in a foreign language there shall be attached properly certified translations thereof into the Russian language.

6. A document obtained in a foreign state shall be recognized by an arbitration court as written evidence if it is legalized in the established procedure.

7. Foreign official documents shall be recognized by an arbitration court as written evidence without the legalization thereof in the instances provided for by an international treaty of the Russian Federation.

8. Written evidence shall be submitted to an arbitration court in the original or in the form of a properly certified copy. Where only a part of a document is relevant to a tried case, a certified extract from it shall be submitted.

9. Originals of documents shall be submitted to an arbitration court when the circumstances of a case under a federal law or other normative legal act are only subject to confirmation by such documents, as well as upon the request of an arbitration court.

10. Originals of the documents contained in a case file may be returned to the persons who have submitted them on the basis of their applications after the entry into legal force of a judicial act terminating the consideration of the case, if these documents are not subject to delivery to another person.

Simultaneously with the applications said persons shall submit properly certified copies of the documents or shall apply for certifying by the court the correctness of the copies left in the case file.

11. Where an arbitration court comes to the conclusion that the return of original documents shall not be detrimental to the correct consideration of a case, these documents may be returned in the course of proceedings concerning the case prior to the entry into legal force of the judicial act terminating the consideration of the case.

Article 76. Material Evidence

1. As material evidence there shall be deemed articles which due to their appearance, properties, location or other features may serve as means of establishing circumstances relevant to a case.

2. An arbitration court shall issue a ruling in respect of attaching material evidence to a case-file.

Article 77. Custody of Material Evidence

1. Material evidence shall be kept at the location thereof. It has to be described in detail, sealed and, in case of necessity, photographed or videotaped.

2. Material evidence may be kept in an arbitration court where the court deems it necessary.

3. The cost of keeping material evidence shall be distributed between the parties in compliance with the rules established by Article 110 of this Code.

4. An arbitration court and custodian shall take measures aimed at preserving the immutable condition of evidence.

Article 78. Inspection and Examination of Written and Material Evidence at the Location Thereof

1. An arbitration court may inspect and examine written and material evidence at the location thereof, if it is impossible or difficult to deliver it to court.

There shall be issued a ruling in respect of inspecting and examining it on the spot.

2. Inspection and examination of written and material evidence shall be conducted by an arbitration court with the notification of persons participating in a case on the place and time of the inspection and examination. Non-appearance of properly notified persons shall not be an obstacle to conducting an inspection and examination.

3. In case of necessity, an arbitration court may call upon experts or witnesses for participation in an inspection and examination of written or

material evidence, or to carry out photographing, sound recording or videotaping thereof.

4. An arbitration court directly in the course of inspection or examination of material evidence at the location thereof shall draw up a record in the procedure established by Article 155 of this Code. To the record there shall be attached the documents drawn up or verified in the course of the inspection, as well as photographs, recordings and videotapes.

Article 79. Inspection and Examination of Perishable Material Evidence

1. Perishable material evidence shall be immediately inspected, and examined by an arbitration court at the location thereof. After inspecting it shall be subject to sale in the established procedure.

2. Persons participating in a case shall be notified by an arbitration court on the time and place of inspecting and examining perishable material evidence. Non-appearance of properly notified persons shall not be an obstacle to an inspection and examination of perishable material evidence.

3. Inspection and examination of perishable material evidence shall be carried out in the procedure established by Article 78 of this Code subject to the specifics provided for by this Article.

Article 80. Disposal of Material Evidence Located at an Arbitration Court

1. Material evidence located at an arbitration court after inspection and examination thereof by the court shall be returned to the persons it has been received from, if it is not subject to delivery to other persons.

2. An arbitration court shall be entitled to keep material evidence prior the adoption of a judicial act terminating the proceedings in respect of the case and to return it after the entry of said judicial act into legal force.

3. Articles which under federal laws may not be in the possession of individuals shall be delivered to appropriate organizations.

4. An arbitration court shall issue a ruling with regard to matters concerning the disposal of material evidence.

Article 81. Explanations of Persons Participating in a Case

1. A person participating in a case shall present to the arbitration court in written or oral form his explanations concerning the circumstances known to him which are significant for the case. On the proposal of the court a person participating in a case may state his explanations in writing.

Explanations stated in writing shall be attached to the materials of the case.

2. Explanations stated by persons participating in a case in writing shall be announced in court session.

After announcing an explanation stated in writing, a person who has presented the explanation shall be entitled to give necessary elucidations in respect of it, and shall be obliged to answer questions of other persons participating in the case and of the arbitration court.

Article 82. Ordering Expert Examination

1. An arbitration court in order to clarify the matters in the course of court proceedings which require special knowledge, shall order an expert examination upon the application of persons participating in a case or by approbation of persons participating therein. Where ordering an expert examination is prescribed by law or is provided for by an agreement, or is necessary for verifying an application concerning falsification of presented evidence, or is necessary for conducting an additional or repeated expert examination, the arbitration court may order an expert examination on its own initiative.

2. The range and contents of the matters in respect of which an expert examination is to be conducted shall be determined by an arbitration court. Persons participating in a case shall be entitled to present to an arbitration court the points which should be clarified, when conducting an expert examination. The court shall be obliged to reason the rejection of the points presented by persons participating in the case

3. Persons participating in a case shall be entitled to apply for the summoning as experts persons indicated by them or for conducting an expert examination at a specific expert institution, or to challenge experts; to apply for entering into a ruling the ordering of an expert examination additional questions posed to an expert; to give explanations to an expert; to familiarize himself with an opinion of an expert or a report on the impossibility of giving an opinion; to apply for conducting an additional or repeated expert examination.

4. An arbitration court shall issue a ruling ordering an expert examination or rejecting an application for ordering an expert examination.

In a ruling ordering an expert examination there shall be indicated reasons for ordering the expert examination; the family name, first name and patronymic of the expert and the denomination of the expert institution where the expert examination is to be conducted; questions posed to the expert; materials and documents placed at the disposal of the expert; the time period when the expert examination has to be conducted and an expert opinion has to be submitted to the arbitration court.

A ruling has likewise to contain an indication warning an expert of criminal liability for giving a wittingly false opinion.

Article 83. The Procedure for Conducting an Expert Examination

1. An expert examination shall be conducted by state court experts on the instructions of the head of a state court expert institution or by other experts from among the persons having special knowledge in compliance with federal laws.

Several experts may be entrusted with the conduct of an expert examination.

2. Persons participating in a case may be present during the conduct of an expert examination, save for the cases where such presence could impede the normal work of experts, but they shall not be entitled to interfere in the examination.

3. When drawing up an expert opinion by an expert and at the stages of experts' consultations and formulating conclusions, if an expert examination is conducted by an expert commission, the presence of participants of arbitration proceedings shall not be allowed.

Article 84. Expert Examination by a Commission of Experts

1. An expert examination by a commission of experts shall be conducted by at least two experts of the same specialty. Conducting an expert examination by a commission of experts shall be determined by an arbitration court.

2. Where opinions of experts based on the results of conducted examinations coincide, the experts shall draw up a single expert opinion. Where there are differences of opinions, each expert participating in an expert examination shall give a separate opinion with regard to the matters causing the differences.

Article 85. Complex Expert Examination

1. A complex expert examination shall be conducted by at least two experts of different specialties.

2. In an opinion of experts there shall be indicated the type and volume of examinations conducted by each expert, the facts established and the conclusions drawn by him. Each expert participating in the conduct of a complex expert examination shall sign the part of an expert opinion containing the description of the examinations made by him, and shall be liable for it.

3. A general conclusion shall be drawn by experts who are competent in the evaluation of gained results and in the formulation of the given conclusion. Where there are differences between experts, the results of examinations shall be formalized in compliance with Part 2 of Article 84 of this Code.

Article 86. Expert Opinion

1. On the basis of conducted examinations and subject to the results thereof an expert in his own name or an expert commission shall give an opinion in writing and shall sign it.

2. In the opinion of an expert or an expert commission there has to be shown the following:

- 1) the time and place of conducting the expert examination;
- 2) the reasons for conducting the expert examination;
- 3) data on the state court expert institution, and on the expert (surname, first name, patronymic, specialty, working record, scientific degree and academic status, office) entrusted with the conduct of the court expert examination;
- 4) records in respect of warning an expert in compliance with the laws of the Russian Federation about criminal liability for giving wittingly false evidence;
- 5) questions posed to an expert or an expert commission;
- 6) objects of examination and materials of the case presented to an expert for conducting the court expert examination;
- 7) contents and results of the examination with an indication of methods used;
- 8) an evaluation of the results of examination, conclusions with regard to posed questions and their substantiation;
- 9) other data in compliance with federal laws.

Materials and documents illustrating the opinion of an expert or an expert commission shall be attached to an expert opinion and shall be an integral part thereof.

If an expert while conducting an expert examination, establishes circumstances which are significant to a case and in respect of which questions have not been posed to him, he shall be entitled to include his conclusions with regard to these circumstances into his opinion.

3. The opinion of an expert shall be announced in court session and shall be examined together with other evidence in the case.

An expert may be summoned to court on the application of a person participating in the case or on the initiative of the arbitration court.

An expert shall be entitled after announcing his opinion to give necessary explanations in respect of it, and shall be obliged to answer additional questions of persons participating in the case and of the court. An expert's answers to additional questions shall be entered to the record of the court session.

Article 87. Additional and Repeated Expert Examination

1. Where an expert opinion is not sufficiently clear and full, as well as where there arise questions in respect of the circumstances examined

before, an additional expert examination may be ordered, and the same or another expert shall be entrusted with it.

2. Where doubts in respect of the substantiation of an expert opinion arise or where there are contradictions in the conclusions of an expert or an expert commission with regard to the same questions, a repeated expert examination shall be ordered, and another expert or another expert commission shall be entrusted with conducting it.

Article 88. Testimonial Evidence

1. An arbitration court, on the application of a person participating in a case, shall summon a witness for participation in arbitration proceedings.

A person who applies for summoning a witness shall be obliged to indicate what circumstances significant to the case may be confirmed by the witness and to report to the court on his surname, first name and place of residence.

2. An arbitration court on its own initiative may summon as a witness a person who has participated in drawing up a document examined by the court as written evidence, or in the creation or alteration of an article examined by the court as material evidence.

3. A witness shall report data known to him in oral form. On the proposal of the court a witness may state in writing testimonies reported orally.

Testimonial evidence stated in writing shall be attached to the materials of the case.

4. Data reported by a witness who cannot indicate the source of his knowledge shall not be deemed testimonial evidence.

Article 89. Other Documents and Materials

1. Other documents and materials shall be accepted as evidence if they contain data on circumstances significant to the correct consideration of a case.

2. Other documents and materials may contain data recorded either in written or in any other form. Materials obtained with the help of photography or filming, sound records and video tapes, as well as other information carriers obtained, called for or presented in the procedure established by this Code, may be referred thereto.

3. Documents shall be attached to the materials of a case and shall be kept at an arbitration court within the whole term of keeping the case-file. Upon the application of the person who they have been received from, the documents or copies thereof may be returned to him.

Chapter 8. Security Measures of an Arbitration Court

Article 90. Reasons for Security Measures

1. An arbitration court on the application of a person participating in a case, and in the instances provided for by this Code, likewise on the application of another person, may take urgent temporary measures aimed at securing a claim or property interests of the applicant (security measures).

2. Security measures shall be allowed at any stage of arbitration proceedings, if failure to take these measures may impede or make impossible the execution of a judicial act, and likewise if the execution of a judicial act is envisioned beyond the boundaries of the Russian Federation, as well as for the purpose of preventing the infliction of extensive harm to the applicant.

3. For the reasons provided for by Part 2 of this Article and according to the rules of this Article, security measures may be taken by an arbitration court upon the application of a party to an arbitration at the location of an arbitration tribunal, or at the location or place of residence of the debtor, or at the location of the debtor's property.

4. For application for taking security measures filed with an arbitration court by the persons indicated in Part 3 of this Article, and in Article 99 of this Code, shall be payable state duty in the amount provided for by federal laws for payment for applications for issuing a writ of execution concerning the mandatory execution of a decision of an arbitration tribunal.

Article 91. Security Measures

1. Security measures may be any of the follows:

1) arresting monetary assets or other property possessed by the respondent and kept by him or other persons;

2) forbidding the respondent or other persons to commit certain actions concerning the subject of the dispute;

3) placing on the respondent the duty to commit certain actions for the purpose of preventing damage to, or deterioration of the condition of, disputable property;

4) transfer of disputable property to the claimant or other person for keeping custody thereof;

5) suspending recovery on the basis of an executive or other document disputed by the claimant, under which recovery is effected in the indisputable (non-acceptance) procedure ;

6) suspending the sale of property in the event of filing a claim for releasing arrested property.

An arbitration court may take other security measures, and take several security measures simultaneously.

2. Security measures have to be proportional to the demands made.

Article 92. Application for Securing a Claim

1. An application for securing a claim may be filed with an arbitration court simultaneously with a statement of claim or in the course of proceedings concerning a case prior to the adoption of a judicial act terminating the consideration of the case on its merits. A plea for ensuring a claim may be set forth in the statement of claim.

2. In an application for securing a claim there has to be indicated the following:

- 1) The name of the arbitration court to which the application is filed;
- 2) names of the claimant and respondent, location or place of residence thereof;
- 3) the point at issue;
- 4) the amount of property claims;
- 5) substantiation of the reason for filing an application for securing the claim;
- 6) security measures the claimant requests be made;
- 7) a list of attached documents.

In an application for securing a claim there may be likewise indicated counter securing thereof and other data, including telephone and fax numbers, and electronic mail addresses of persons participating in the case.

3. An application for securing a claim shall be signed by a person participating in the case or by the representative thereof.

To an application signed by a representative shall be attached a power of attorney or other document confirming his authority.

4. Where a plea for securing a claim is set forth in a statement of claim, this plea has to contain the data provided for by Items 5 and 6 of Part 2 of this Article.

5. To an application for securing a claim of a party to an arbitration shall be attached a copy of the statement of claim certified by the chairman of a permanent arbitration tribunal, which is taken over by the arbitration tribunal, or a copy of such application attested and certified by a notary and a copy of a properly certified arbitration agreement.

6. To an application for securing a claim, if it under this Code is payable with state duty, shall be attached a document confirming its payment.

Article 93. The Procedure for Considering an Application for Securing a Claim

1. An application for securing a claim shall be considered by an application court trying the case at the latest on the day following the day of receiving the application by the court without notifying the parties. An application for securing a claim shall be considered by a single judge.

2. An arbitration court shall shelve an application for securing a claim under the rules of Article 128 of this Code if it does not meet the requirements provided for by Article 92 of this Code, and the person who has filed the application shall be promptly notified about such.

After eliminating the violations indicated by the court an application for securing a claim shall be considered by the arbitration court without delay.

3. There may be a refusal to secure a claim where the grounds for taking measures aimed at securing the claim stipulated by Article 90 of this Code are absent.

4. There may not be a refusal to secure a claim where the person applying for securing the claim provides counter securing.

5. An arbitration court, on the basis of the results of considering an application for securing a claim shall issue a ruling to secure the claim or to refuse to secure the claim.

6. A copy of a ruling to secure a claim shall be directed, at the latest, on the day following the day of its issuing, to persons participating in the case and to the persons on which the arbitration court has placed the duty of taking security measures, as well as, depending on the type of measures taken, to state bodies and other bodies engaged in the state registration of property or rights thereto.

A copy of a ruling refusing to secure a claim shall be directed to the person who made the claim.

7. The ruling of an arbitration court to secure a claim or to refuse to secure a claim may be appealed. Filing an appeal against a ruling to secure a claim shall not suspend execution of this ruling.

8. A plea for securing a claim set forth in a statement of claim shall be considered by an arbitration court in the procedure established by this Article and separately from other pleas and claims contained in this statement of claim.

Article 94. Counter Securing

1. An arbitration court, when allowing the securing of a claim, may upon the application of the respondent to demand of the person making securing the claim, or to propose to him on its own initiative, secure the reimbursement of the respondent's possible losses (counter securing) by way of entering into a deposit account of the court monetary assets in the amount suggested by the court or by way of providing a bank guarantee, pledge or other financial guarantee in the same amount. The amount of counter securing may be established within the limits of the property claims of the claimant indicated in his application, as well as of the amount of interest on these claims. The amount of counter claim may not be less than half the amount of property claims.

2. Counter securing may be likewise provided by the respondent, instead of taking measures aimed at securing a claim for recovering a sum of money by way of entering into the deposit account of an arbitration court monetary assets in the amount of claims of the claimant.

3. An arbitration court shall issue a ruling concerning counter securing at the latest on the day following the date of receiving by the court an application for securing a claim.

In the ruling there shall be indicated the amount of counter securing and the term for providing it which may not exceed fifteen days, as of the date of issuing the ruling.

A copy of the ruling shall be directed to persons participating in the case at the latest on the day following issuing the ruling.

A ruling concerning counter securing may be appealed.

4. In the event of issuing a ruling concerning counter securing, an arbitration court shall not consider an application for securing a claim until the submission to the arbitration court of a document confirming the provision of counter securing.

5. Upon the submission to an arbitration court of a document confirming the provision of counter securing or on the expiry of the time period for submitting it which is indicated in the ruling of the court, the arbitration court, at the latest on the day following the date of receiving such document, shall consider an application for securing the claim in the procedure established by Article 93 of this Code.

6. Failure of a person applying for securing a claim to execute a ruling of an arbitration court for counter securing within the term indicated in the ruling may be a ground for refusing to secure the claim.

7. Submission by the respondent of a document confirming the provision by him of counter securing shall be a ground for the refusal to secure the claim or for the cancellation of securing the claim.

Article 95. Replacement of a Security Measure by Another One

1. Upon the application of the claimant or respondent there shall be allowed the replacement of a security measure by another one.

2. The issue of replacing a security measure by another one shall be decided by an arbitration court in court session at the latest on the day following the date of receiving by the court an application for replacing a security measure by another one under the rules provided for by this Code.

Article 96. Executing a Ruling of an Arbitration Court in Respect of Securing a Claim

1. A ruling of an arbitration court for securing a claim shall be executed promptly in the procedure established for executing judicial acts

of an arbitration court. A writ of execution shall be issued on the basis of a ruling in respect of securing a claim.

2. For failure of the person upon whom a court has placed the duty of taking security measures to execute a ruling in respect of securing a claim this person may be punished by a court fine in the procedure and in the amount established by Chapter 11 of this Code.

3. Where, in the course of executing a ruling of an arbitration court for securing a claim by way of arresting monetary assets or other property in the respondent's possession, the respondent has provided counter securing by way of entering into a depository account of the court monetary assets in the amount of the claimant's claims or by way of submitting a bank guarantee, pledge or other financial guarantee in the same amount, he shall be entitled to apply to the arbitration court trying the case for cancellation of security measures which shall be considered in compliance with Article 93 of this Code.

4. In the event of allowing a claim, security measures shall be in effect pending the actual execution of a judicial act terminating the consideration of the case on its merits.

See Review of the Practice of Considering the Cases, Connected with the Execution by Law Enforcement Officers of the Judicial Acts of Arbitration Courts (Informational Letter of the Presidium of the Higher Arbitration Court of the Russian Federation No. 77 of June 21, 2004)

5. In the event refusing to allow a claim, or shelving a claim, or terminating proceedings in respect of a case, security measures shall be in effect pending the entry into force of an appropriate judicial act. After the entry of the judicial act into legal force the arbitration court upon the application of a person participating in the case shall issue a ruling to cancel measures for securing the claim or shall indicate to it in judicial acts concerning the refusal to allow the claim, to shelve the claim or to terminate proceedings in respect of the case.

6. A dispute concerning payment of damages caused by failure to execute a ruling of an arbitration court in respect of securing a claim shall be considered by the same arbitration court.

Article 97. Cancelling the Securing of a Claim by an Arbitration Court

1. The securing of a claim upon the application of a person participating in a case may be cancelled by an arbitration court trying the case.

2. The issue of cancelling the securing of a claim shall be settled in court session within a five-day term, as of the date of receiving an application by an arbitration court in the procedure provided for by Article 93 of this Code.

3. In the event of the respondent submitting a document confirming the provision by him of counter securing, the issue of canceling a claim securing shall be considered by an arbitration court at the latest on the day after the date of submitting said document.

4. There shall be issued a ruling on the basis of the results of considering an application for canceling the securing of a claim.

A copy of the ruling shall be directed to persons participating in the case at the latest on the day following the date of its issuing. A copy of the ruling concerning cancellation of securing a claim, depending on the type of measures taken shall be likewise directed to the state and other bodies engaged in the state registration of property and rights thereto.

5. The ruling of an arbitration court concerning the cancellation of a claim securing and the refusal to cancel a claim securing may be appealed.

6. A refusal to cancel the securing of a claim shall not impede a repeated filing of the same application in the event of the occurrence of new circumstances proving the necessity of canceling the securing of the claim.

Article 98. Payment of Damages Caused by Securing a Claim

The respondent and other persons, who have suffered damages as a result of securing a claim, shall be entitled, after the entry into force of a judicial act of an arbitration court concerning the refusal to allow the claim, to demand of the person applying for the ensuring of the claim to pay damages by way of filing a claim therefor.

Article 99. Preliminary Security Measures

1. An arbitration court, on the application of an organization or a citizen, shall be entitled to take preliminary security measures aimed at securing the property interests of the applicant prior to filing a claim.

2. Preliminary security measures shall be taken by an arbitration court according to the rules provided for by this Chapter subject to the specifics established by this Article.

3. An application for securing property interests shall be filed with an arbitration court at the location of the applicant, or at the location of monetary assets or other property in respect of which the applicant solicits for taking measures aimed at securing property interests, or at the location of violating the applicant's rights.

4. When filing an application for securing property interests, the applicant shall submit to an arbitration court a document confirming the provision of counter securing in the amount of the sum of securing property interests indicated in the application.

In the event of failure to submit said document, an arbitration court shall be entitled to suggest that the applicant should provide counter

securing in compliance with Article 94 of this Code and shall shelve the application for securing property interests under the rules of Article 128 of this Code pending the submission of the document confirming the provision of counter securing.

5. An arbitration court shall issue a ruling in respect of securing property interests. In the ruling there shall be established the time period, not exceeding fifteen days as of the date of issuing the ruling, for filing a statement of claim with regard to the claim in whose connection the court has taken measures for securing the property interests of the applicant.

6. A debtor in respect of the claim in whose connection an arbitration court has taken preliminary security measures may apply to the court for replacing these measures by counter securing under Part 2 of Article 94 of this Code.

7. A statement of claim shall be filed by the applicant with the arbitration court which has issued a ruling in respect of securing property interests or with another court, and the applicant shall inform of it the arbitration court which has issued said ruling.

8. Where the applicant has not filed a statement of claim within the time period established in the ruling of an arbitration court in respect of securing property interests, the securing shall be cancelled by the same arbitration court.

There shall be issued a ruling in respect of canceling the securing of property interests.

Copies of the ruling shall be directed to the applicant and to other persons concerned at the latest on the day following the date of issuing the ruling.

9. In the event of filing by the applicant of a statement of claim with regard to the claim in whose connection an arbitration court has taken measures aimed at securing property interests, these measures shall be in effect as measures for ensuring the statement of claim.

10. An organization or citizen who has suffered damages as a result of securing property interests prior to filing a claim, shall be entitled to demand of the applicant compensation thereof, if the applicant within the established term has not filed a statement of claim with regard to the claim in connection with which an arbitration court has taken measures aimed at securing his property interests, or if the claim has been rejected by an effective judicial act of the arbitration court.

Article 100. Securing Execution of Judicial Acts

The rules of securing a claim provided for by this Article shall be applicable, when securing execution of judicial acts.

Chapter 9. Costs

Article 101. Composition of Costs

Costs shall consist of state duty and court costs.

Federal Law No. 127-FZ of November 2, 2004 reworded Article 102 of the present Federal Law. The amendments shall enter into force as of January 1, 2005

See the text of the Article in the previous wording

Article 102. Paying State Duty

Grounds and procedure for paying the state duty, as well as the procedure for allowing to postpone payment of the state duty or to pay it in installments shall be established in compliance with the laws of the Russian Federation on taxes and fees.

Article 103. Price of Claim

1. The price of claim shall be determined:

1) on the basis of claims for the recovery of monetary assets, reasoning from the amount to be recovered;

2) on the basis of claims for recognizing as not subject to execution an executive or other document under which the recovery is effected in an indisputable (non-acceptance) procedure reasoning from the amount of money in dispute;

3) on the basis of claims for the obtainment on demand of property, reasoning from the cost of property to be obtained on demand;

4) on the basis of claims for obtainment on demand of a land plot, reasoning from the cost of the land plot.

In the cost of a claim there shall be likewise included the amount of forfeit (fine or penalty) and interest.

The price of a claim consisting of several independent claims shall be determined by the aggregate of all the claims.

2. The state duty with regard to statements of claim for recognizing rights, including the right of property, the right of use, the right of possession and the right of disposal, shall be paid in the amount established for statements of claim of a non-property nature.

3. The price of claim shall indicated by the applicant.

In the event of an incorrect indication by the applicant of the price of claim, it shall be determined by the arbitration court.

Article 104. Grounds and Procedure for Returning or Setting Off the State Duty

The grounds and procedure for returning or setting off the state duty shall be established in compliance with the laws of the Russian Federation on taxes and fees.

Article 105. Privileges in Respect of Paying the State Duty

Privileges in respect of paying the state duty shall be granted in the instances and in the procedure that are established by the laws of the Russian Federation on taxes and fees.

Article 106. Costs of Justice

To costs of justice connected with trying a case in an arbitration court shall be referred amounts of money payable to experts, witnesses, and interpreters, expenses connected with an inspection of evidence on-site, expenses connected with payment for the services of lawyers and of other persons rendering legal assistance (of representatives) and other expenses incurred by persons participating in a case in connection with trying a case by an arbitration court.

Article 107. Sums of Money Payable to Experts, Witnesses and Interpreters

1. To experts, witnesses and interpreters shall be compensated travelling expenses and the cost of renting living quarters incurred by them in connection with their appearance before an arbitration court, and a daily allowance shall be paid to them.

2. Experts shall receive remuneration for the work carried out by them on the instructions of an arbitration court if this work is not a part of their official duties as workers of state court expert institutions.

The amount of remuneration to an expert shall be determined by the court by agreement with persons participating in a case and by agreement with an expert.

3. An interpreter shall receive remuneration for his work carried out by him on the instructions of an arbitration court.

The amount of remuneration to an interpreter shall be determined by court by agreement with the interpreter.

4. Employed citizens summoned to an arbitration court as witnesses shall be paid their average wages at their working places during the absence thereof in connection with their appearance before the court. Witnesses who are not engaged in labour relations shall get compensation for their abstraction from their normal occupation subject to actually spent time, reasoning from the minimum amount of labour wages established by federal laws.

Article 108. Paying by Parties the Sums of Money Necessary for Covering Costs of Justice

1. The sums of money due to be paid to experts and witnesses shall be entered to a depository account of an arbitration court by the person who has filed an appropriate application within the term established by the arbitration court. Where said application is filed by both parties, the required sums shall be entered to a depository account of the arbitration court in equal portions.

2. Where the sums of money due to be paid to experts and witnesses were not entered to a depository account of an arbitration court within the term established by the arbitration court, the arbitration court shall be entitled to reject an application for ordering an expert examination and summoning witnesses, if the case may be tried and an award may be adopted on the basis of other evidence presented by the parties.

Article 109. Paying the Sums of Money Due to Experts, Witnesses and Interpreters

1. The sums of money due to experts, witnesses and interpreters shall be paid upon the discharge by them of their duties.

2. The sums of money due to experts and witnesses shall be paid from the depository account of an arbitration court.

3. The services of an interpreter summoned by an arbitration court to the participation in arbitration proceedings, daily allowances to this interpreter and compensation for the expenses incurred by him in connection with his appearance before the arbitration court, as well as the sums of money due to experts and witnesses, in the event of ordering an expert examination and summoning a witness on the initiative of the arbitration court, shall be paid at the expense of federal budgetary funds.

4. The rule prescribing payment for the services of an interpreter at the expense of federal budgetary funds shall not extend to the compensation of the expenses related to paying the services of an interpreter incurred by foreign persons or stateless persons, if not otherwise provided for by an international treaty of the Russian Federation.

Article 110. Distribution of Costs between Persons Participating in a Case

1. The costs incurred by the persons participating in a case to whose benefit a judicial act has been adopted shall be recovered by the arbitration court from the other party.

Where a claim has been partially allowed, the costs shall be placed on persons participating in the case in proportion to the amount of allowed claims.

2. The expenses related to paying the services of an interpreter, which have been incurred by the person to whose benefit a judicial act has been adopted, shall be recoverable by the arbitration court from the other person participating in the case within reasonable limits.

3. The state duty of which the claimant has been relieved in the established procedure shall be recoverable from the respondent to the benefit of the federal budget in proportion to the amount of allowed claims, if the respondent is not relieved of paying the state duty.

4. Where there is an agreement of persons participating in a case with regard to distribution of costs, the arbitration court shall place the costs on them in compliance with this agreement.

5. The costs incurred by persons participating in a case in connection with consideration of an appeal or cassation shall be distributed according to the rules established by this Article.

Article 111. Placing Costs on the Person Abusing His Procedural Rights

1. Where a dispute has emerged as a result of a person not participating in a case, claim or other pre-trial procedure for settling a dispute provided for by federal laws or an agreement, including the violation of a time period for answering a claim and giving no answer to a claim, the arbitration court shall place the costs on this person, regardless of the results of considering the case.

2. An arbitration court shall be entitled to place all costs in respect of a case on the person abusing his procedural rights or failing to discharge his procedural duties, if such has led to disruption of a court session, delaying court proceedings or hindering the consideration of a case and adoption of a lawful and substantiated judicial act.

3. Upon the application of a person participating in a case, upon whom the compensation of costs is placed, an arbitration court shall be entitled to decrease the amount of the compensation if this person has provided evidence of its excessiveness.

Article 112. Deciding Issues Concerning Costs

Issues related to the distribution of costs, placing costs on a person abusing his procedural rights and other issues concerning costs shall be decided by a arbitration court trying a case in a judicial act terminating the consideration of the case on its merits or in a ruling. Said ruling may be appealed.

Chapter 10. Procedural Terms

Article 113. Establishment and Calculation of Procedural Terms

1. Procedural actions shall be committed within the terms established by this Code and other federal laws, and where procedural terms are not established, they shall be set by an arbitration court.

2. Terms for completing procedural actions shall be determined by an exact calendar date, an indication to an event which is to occur without fail, or by the time period when an action should be completed.

3. Procedural terms shall be calculated in years, months and days. Days off shall not be included into terms calculated in days.

4. A procedural term calculated in years, months or days shall start on the following day as of a calendar date or the date of occurrence of the event which determines the start of the procedural term.

Article 114. Termination of Procedural Terms

1. A procedural term calculated in years shall expire in the appropriate month and on the appropriate date of the last year of the established term.

2. A procedural term calculated in months shall expire on the appropriate date of the last month of the established term. Where the termination of a procedural term calculated in months falls on a month which does not have the appropriate date, the term shall expire on the last day of this month.

3. A procedural term calculated in days shall expire on the last day of the established term.

4. Where the last day of a procedural term falls on a day off, the first day following it shall be regarded as the last day of the term.

5. A procedural action for whose completion a term is established, may be committed prior to twelve o'clock p.m. of the last day of the established term.

6. Where an application, appeal, other documents or sums of money are mailed, delivered or declared to a body or a person, authorized to accept them, prior to twelve o'clock p.m. of the last day of a procedural term, the term shall not be regarded as missed.

7. Where a procedural action has to be committed directly at an arbitration court or at another organization, the term shall expire on the hour when at this court or at this organization the working hours are over or appropriate operations are terminated according to the established rules.

Article 115. Effects of Missing Procedural Terms

1. Persons participating in a case shall forfeit the right to commit procedural actions on the expiry of the procedural terms established by this Code, or by another federal law, or by an arbitration court.

2. Applications, appeals and other documents submitted upon the expiry of procedural terms, if there are no applications for the restoration or extension of missed terms, shall not be considered by an arbitration court and shall be returned to the persons who have submitted them.

Article 116. Suspending Procedural Terms

1. The running of all unexpired procedural terms shall be suspended simultaneously with the suspending of proceedings in respect of a case.

2. The running of procedural terms shall continue from the date of recommencing proceedings in respect of a case.

Article 117. Restoration of Procedural Terms

1. A procedural term shall be subject to restoration on the application of a person participating in a case if not otherwise provided for by this Code.

2. An arbitration court shall restore a missed procedural term if the reasons for missing it are recognized by the court as good and if the maximum permissible time limits for restoration thereof provided for by Articles 259, 276, 292 and 312 of this Code have not expired.

3. A petition for the restoration of a missed procedural term shall be filed with the arbitration court where a procedural action is to be committed. Simultaneously with filing the petition there shall be committed necessary procedural actions (an application or appeal shall be filed, documents shall be submitted, and so on) in respect of which a term has been missed.

4. A petition for restoration of a missed procedural term shall be considered within a five-day term as of the date of its receipt by an arbitration court in court session, without notifying persons participating in the case, if otherwise is not provided for by this Code.

Restoration of a missed procedural term by an arbitration court shall be indicated in the appropriate judicial act.

5. An arbitration court shall issue a ruling in respect of the refusal to restore a missed procedural term.

A copy of the ruling shall be directed to the person who has filed the petition on the next following day at the latest, as of the date of issuing the ruling.

6. The ruling of an arbitration court in respect of refusal to restore a missed procedural term may be appealed.

Article 118. Extension of Procedural Terms

1. Procedural terms established by an arbitration court may be extended by it on the application of a person participating in a case under the rules provided for by Article 117 of this Code.

2. The ruling of an arbitration court in respect of a refusal to extend a procedural term established by it may be appealed.

Chapter 11. Court Fines

Article 119. Imposition of Court Fines

1. Court fines shall be imposed by an arbitration court in the instances provided for by this Code. The amount of a court fine may not exceed twenty five times the minimum wage established by federal laws when imposed on citizens, fifty times the minimum wage established by federal laws when imposed on officials, and one thousand times the minimum labour wage established by federal laws when imposed on organizations.

2. An arbitration court shall be entitled to impose a court fine on persons participating in a case and on other persons present in a court room for disrespect displayed by them with regard to the arbitration court.

A court fine for disrespect of a court shall be imposed where committed actions are not criminally punishable.

3. Court fines imposed by an arbitration court on officials of state bodies, bodies of local self-government and of other bodies and organizations shall be paid from their private funds.

4. Court fines shall be paid to the federal budget.

Article 120. Procedure for Considering the Imposition of a Court Fine

1. The issue of imposing a court fine on a person present in a court session shall be decided by the same court session of an arbitration court.

2. The issue of Imposing a court fine on a person who is not present in court session shall be solved by another court session of an arbitration court.

3. The person in whose respect the imposition of a court fine is considered shall be notified about the time and place of the court session with an indication of the reasons for holding the court session. Failure of a properly notified person to appear shall not be an obstacle to considering the imposition of a court fine.

4. An arbitration court shall issue a ruling on the basis of the results of considering the imposition of a court fine.

A copy of a ruling in respect of imposing a court fine shall be directed to the person upon whom the fine has been imposed, within a five-day term as of the date of issuing the ruling.

5. A ruling in respect of imposing a court fine shall be executed promptly in the procedure established for executing an award of an arbitration court.

A writ of execution shall be directed by an arbitration court to an officer of justice at the place of residence or location of the person upon whom the court fine has been imposed.

6. A ruling of an arbitration court in respect of imposing a court fine may be appealed against within a ten-day term, as of the date of receiving

by the person, upon whom the court fine has been imposed, a copy of the ruling.

7. Lodging an appeal against a ruling in respect of imposing a court fine shall not suspend the execution of the ruling.

Chapter 12. Court Notices

Article 121. Court Notices

1. Persons participating in a case and other participants of arbitration proceedings shall be notified by an arbitration court about the time and place of a court session or completing an individual procedural action by way of directing a copy of a judicial act at the latest fifteen days before the start of the court session or the conduct of the procedural action, if not otherwise provided for by this Code.

2. A judicial act notifying or summoning participants of arbitration proceedings should contain the following:

- 1) the name and address of the arbitration court;
- 2) the time and place of a court session or of conducting individual procedural actions;
- 3) the name of the person notified by court or summoned thereto;
- 4) the title of the case in respect of which the notice or summons are sent, as well as an indication as to the capacity in which a person is summoned;
- 5) an indication what actions and by what time a notified or summoned person is entitled or obliged to complete.

3. In urgent situations an arbitration court may notify or summon persons participating in a case and other participants of arbitration proceedings by a telephoned telegram, telegram, fax message, or electronic mail or with the use of other communication means.

4. Notices shall be directed by an arbitration court to the address indicated by a person participating in a case or to the location of an organization (a branch, representative office of a legal entity, if a claim arises from their activities) or to the place of residence of a citizen. The location of an organization shall be determined by the place of the state registration thereof, if otherwise is not established by its constituent documents in compliance with federal laws.

5. A foreign person shall be notified by an arbitration court according to the rules established in this Chapter, if otherwise is not provided for by this Code or an international treaty of the Russian Federation.

Article 122. Procedure for Directing by an Arbitration Court Copies of Judicial Acts

1. A copy of a judicial act shall be mailed by an arbitration court as a registered letter with a notice of serving it, or by way of handing it in to the addressee either directly at the arbitration court, or at the location of the addressee, and in urgent situations it shall be done by way of sending a telephoned telegram, a telegram, a fax or electronic mail message, as well as with the use of other means of communication.

2. In the event of serving a copy of a judicial act to the addressee or his representative directly at an arbitration court or at the location thereof, this shall be done against a receipt.

3. In the event of sending to the addressee a copy of a judicial act in the form of a telephoned telegram, telegram, a fax or electronic mail message, or with the use of other means of communication, there shall be indicated on a copy of the transmitted text the surname of the person who has transmitted this text, the date and time of transmitting it, as well as the surname of the person who has received it.

4. In the event of the addressee's refusal to receive or take a copy of a judicial act, the person who is delivering or serving it, has to record the refusal by way of making a note about it on the notice or on the copy of the judicial act subject to return to the arbitration court.

5. Documents which confirm the directing by an arbitration court of copies of judicial acts and their serving to the addressee in the procedure established by this Article (a notice of serving it, a receipt or other documents) shall be attached to the materials of the case.

Article 123. Proper Notification

1. Persons participating in a case and other participants of arbitration proceedings shall be regarded as properly notified, if by the start of a court session or of committing an individual procedural action an arbitration court has obtained data on the receipt by the addressee of a copy of the judicial act directed to him.

2. Persons participating in a case and other participants of arbitration proceedings shall be likewise regarded as properly notified by an arbitration court, if:

1) an addressee has refused to receive a judicial act and his refusal is recorded;

2) despite receiving a notice by mail, the addressee has not appeared to receive a copy of a judicial act sent by an arbitration court in the established procedure and the communication office has informed the arbitration court on it;

3) a copy of a judicial act directed by an arbitration court to the last location of an organization or to the last place of residence of a citizen known to the court has not been served in connection with the absence of the addressee at the indicated address, and the communication office has informed the arbitration court about it.

Article 124. Changing Address during Court Proceedings in Respect of a Case

1. Persons participating in a case shall be obliged to notify the arbitration court on the alteration of the address thereof during court proceedings in respect of a case. In the absence of such notification, copies of judicial acts shall be directed to the last address known to the arbitration court and shall be regarded as delivered, even though the addressee is not located or resides at the address.

2. Where a person participating in a case has reported to an arbitration court his telephone and fax numbers, his electronic mail addresses and other similar information, he shall be obliged to inform the arbitration court on their alteration during the court proceedings in respect of a case.

Section II. Proceedings in an Arbitration Court of the First Instance. Action Proceedings

Chapter 13. Filing of Claim

Article 125. Form and Contents of Statement of Claim

1. A statement of claim shall be filed to an arbitration court in writing. A statement of claim shall be signed by the claimant or his representative.

2. In a statement of claim there has to be indicated the following:

1) the name of the arbitration court where a statement of claim is filed to;

2) the name of the claimant, location thereof; if the claimant is a citizen, his place of residence, the date and place of his birth, the place of his work or the date and place of his state registration as an individual businessman;

3) the denomination of the respondent, the location or place of residence thereof;

4) the claims of the claimant in respect of the respondent with reference to laws and other normative legal acts, and in the event of filing a claim to several respondents, claims in respect of each of them;

5) the circumstances serving as a basis for claims and the evidence proving these circumstances;

6) the price of claim where a claim is subject to evaluation;

7) the calculation of a recoverable or disputable sum of money;

8) information on the following by the claimant a claim or other pre-trial procedure, where it is provided for by federal laws or an agreement;

9) data on measures taken by an arbitration court in order to secure property interests prior to filing a claim;

10) list of attached documents.

In a statement of claim there may be likewise indicated other data, including telephone and fax numbers, as well as electronic mail addresses, where they are necessary for the correct and timely consideration of a case, and it may contain petitions, including petitions for obtaining on demand evidence from the respondent or other persons.

3. The claimant shall be obliged to send to the other persons participating in a case copies of a statement of claim and of the documents attached thereto by a registered letter with a notice of serving it, if they do not have them.

Article 126. Documents to Be Attached to a Statement of Claim

To a statement of claim there shall be attached the following:

1) a notice of serving or other documents confirming direction to the other persons participating in a case of copies of a statement of claim and of the documents attached thereto which the other persons participating in the case do not have;

2) a document confirming payment of state duty in the established procedure and amount, or the right to privileges with regard to paying state duty, or an application for postponement of paying thereof, for allowing to pay it by installments or to decrease the amount of state duty;

3) documents confirming the circumstances which the claimant uses as a basis of his claims;

4) a copy of a certificate of state registration as a legal entity or an individual businessman;

5) a letter of authority or other documents confirming the powers to sign a statement of claim;

6) a copy of a ruling of an arbitration court for securing property interests prior to filing a claim;

7) documents confirming the observance by the claimant of a claim or other pre-trial procedure, where it is provided for by federal laws or a treaty;

8) a draft agreement where a demand is advanced to compel the making of the agreement.

Article 127. Taking Over a Statement of Claim and Initiating Proceedings in Respect of a Case

1. An issue of taking over a statement of claim by an arbitration court shall be decided by a sole judge within a five-day term, as of the date of receiving the statement of claim by the arbitration court.

2. An arbitration court shall be obliged to accept over a statement of claim filed subject to the requirements of this Code with regard to the form and contents thereof.

3. An arbitration court shall issue a ruling in respect of acceptance a statement of claim which shall initiate proceedings with regard to the case.

4. In the ruling there shall be indications as to the preparation of a case for court proceedings, to the actions which persons participating in a case are to commit and the terms for their commitment.

5. Copies of a ruling in respect of taking over a statement of claim by an arbitration court shall be directed to the persons participating in the case at the latest on the day after the date of issuing it.

Article 128. Shelving a Statement of Claim

1. An arbitration court, in the event of finding in the course of considering an issue of acceptance a statement of claim that it has been filed in violation of the requirements established by Articles 125 and 126 of this Code, shall issue a ruling to shelve the statement of claim.

2. An arbitration court in this ruling shall indicate grounds for shelving a statement of claim and the time period within which the claimant should eliminate the circumstances which have served as a ground for shelving the statement of claim.

A copy of a ruling in respect of shelving a statement of claim shall be directed to the claimant at the latest on the day after the date of issuing it.

3. If the circumstances which have served as a basis for shelving a statement of claim are eliminated within the term established in the ruling of an arbitration court, the statement of claim shall be regarded as filed on the day its initial receipt by the court and shall be accepted by the arbitration court.

4. If the circumstances indicated in Part 2 of this Article are not eliminated within the term established in the ruling, the arbitration court shall return the statement of claim and the documents attached thereto in the procedure provided for by Article 129 of this Code.

Article 129. Return of a Statement of Claim

1. An arbitration court shall return a statement of claim if in the course of considering the issue of accepting the statement it establishes that:

- 1) the case is not arbitrable by the given arbitration court;
- 2) in one statement of claim there are several joint claims to one or several respondents, if these claims are not inter-connected;
- 3) prior to issuing a ruling in respect of taking over the statement of claim by an arbitration court the claimant had filed an application for returning the statement of claim;
- 4) the circumstances which have served as a ground for shelving the statement of claim have not been eliminated within the term established in a ruling of the court.

An arbitration court shall likewise return a statement of claim, if an application for postponing the payment of the state duty, for allowing to pay it by installments or for decreasing the amount thereof has been rejected.

2. An arbitration court shall issue a ruling in respect of returning a statement of claim.

In the ruling there shall be indicated the reasons for returning a statement of claim and shall be decided the issue of returning the state duty from the federal budget.

3. A copy of a ruling concerning the return of a statement of claim shall be directed to the claimant at the latest on the day after the date of issuing the ruling or upon the expiry of the time period established by the court for eliminating the circumstances, which have served as a ground for shelving the statement, together with the statement of claim and the documents attached thereto.

4. The ruling of an arbitration court concerning the return of a statement of claim may be appealed.

5. In the event of canceling the ruling, the statement of claim shall be regarded as filed on the date of the initial addressing of an arbitration court.

6. The return of a statement of claim shall not impede a repeated filing of the same claim with an arbitration court on general terms after eliminating the circumstances which have served as a basis for returning it.

Article 130. Joining and Separating Several Claims

1. The claimant shall be entitled to combine in one application several claims which are interconnected due to the grounds of their origin or to the evidence presented.

2. An arbitration court of the first instance shall be entitled to combine several similar cases of which the same persons are participants, in a single procedure for considering them together.

3. An arbitration court of the first instance shall be entitled to single out one or several connected claims for considering them in a separate procedure if the court deems it reasonable to consider them separately.

4. Combining cases for trying them in a single procedure and singling out claims for considering them in a separate procedure shall be allowed prior to the adoption of a judicial act terminating the consideration of a case by an arbitration court of the first instance.

5. An arbitration court shall issue a ruling in respect of combining cases for trying them in a single procedure and of singling out claims for considering them in a separate procedure.

Copies of the ruling shall be directed to persons participating in the case.

Article 131. Opinion on a Statement of Claim

1. The respondent shall send or submit to an arbitration court an opinion on the statement of claim with the attachment thereto of the documents which confirm his objections against the claim, as well as of the documents which confirm directing copies of the opinion and the documents attached thereto to the claimant and to other persons participating in the case.

2. The response shall be mailed to the arbitration court and to persons participating in a case as a registered letter with a notice of serving it within the term allowing one to familiarize oneself with it prior to the start of the court session.

3. In the instances and in the procedure established by this Code, other persons participating in a case shall be entitled to direct to an arbitration court and to other persons participating in the case an opinion on a statement of claim in writing.

4. In the opinion there shall be indicated the following:

1) the name of the claimant, location or place of residence thereof;
2) the name of the respondent, location thereof; if the respondent is a citizen, his place of residence, the date and place of his birth, his place of work or the date and place of his state registration as an individual businessman;

3) objections on the merits of the claims laid with reference to laws and other normative legal acts, as well as to the evidence substantiating objections;

4) list of the documents attached to the opinion.

In the opinion there may be indicated telephone and fax numbers, electronic mail addresses and other data necessary for the correct and timely consideration of a case.

5. The opinion shall be signed by the respondent or a representative thereof. To the opinion signed by a representative there shall be attached a power of attorney or other document confirming his authority to sign the opinion.

Article 132. Filing a Counter Claim

1. The respondent, prior to adopting by an arbitration court of the first instance a judicial act terminating the consideration of a case on its merits, shall be entitled to file a counter claim against the claimant for considering it jointly with the initial claim.

2. A counterclaim shall be filed under the general terms of filing claims.

3. A counter-claim shall be accepted by an arbitration court, where:

1) a counter-claim is directed for offsetting a claim;
2) satisfaction of a counter-claim excludes in whole or in part satisfaction of a claim;

3) there is an inter-relation between a counter-claim and initial claim and their joint consideration will lead to a more rapid and correct consideration of a case.

4. An arbitration court shall return a counter-claim if there are no conditions provided for by Part 3 of this Article under the rules of Article 129 of this Code.

Chapter 14. Preparing a Case for Hearing

Article 133. Tasks of Preparing a Case for Hearing

1. An arbitration court of the first instance after accepting a statement of claim shall issue a ruling concerning preparation of the case for hearing and shall indicate actions to be committed by persons participating in the case and the terms for the commitment thereof.

A ruling in respect of taking over a statement of claim may contain an indication that the statement of claim will be used in the preparation of the case for hearing.

2. Each case taken over by an arbitration court of the first instance shall be prepared for hearing by a sole judge for the purpose of ensuring the correct and timely consideration thereof.

3. The tasks of preparing a case for hearing shall include determination of the nature of a disputable legal relation and the laws applicable thereto, as well as the circumstances significant for the correct consideration of the case; deciding on the composition of persons participating in the case and other participants of arbitration proceedings; rendering assistance to persons participating in the case in presenting necessary evidence; reconciliation of the parties.

Article 134. Time Period for Preparing a Case for Hearing

Preparation of a case for hearing has to be finished within a term not exceeding two months as of the date of receiving a statement of claim by an arbitration court, by holding a preliminary court session, if otherwise is not established under this Code.

Article 135. Actions Aimed at Preparing a Case for Court Proceedings

1. When preparing a case for court proceedings, a judge:

1) shall summon the parties and/or representatives thereof for interviewing them for the purpose of clarifying the circumstances concerning the essence of laid claims and objections; shall suggest to disclose the evidence confirming them and to present, where necessary, additional evidence within a definite term; shall explain to the parties their rights and duties, effects of committing or failing to commit procedural

actions within the established term; shall determine by agreement with the parties the terms for representing necessary evidence and for holding a preliminary court session;

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2) shall explain to the parties their right to the consideration of the case with the participation of arbitration assessors, the right to transfer the case to an arbitration tribunal for disposition thereof, the right to apply to an intermediary for assistance in settling a dispute and the effects of committing such actions, shall take measures aimed at the making of an amicable agreement by the parties and shall assist reconciliation of the parties;

3) shall render assistance to the parties in obtaining necessary evidence, shall obtain on demand on the application of the parties, and in the instances provided for by this Code on his own initiative, necessary evidence, shall decide issues in respect of ordering an expert examination, summoning to court experts and witnesses and summoning an interpreter, or in respect of the necessity to inspect on-site written and material evidence, as well as take other measures for representing evidence by the parties;

4) on the application of the parties shall decide on securing a claim, on providing counter securing, as well as on securing evidence, and shall direct letters of request;

5) shall consider matters related to other persons' entering a case, replacing an improper respondent, combining or separating several claims, accepting a counter-claim, and the possibility of an out court;

6) shall commit other actions aimed at ensuring the correct and timely consideration of a case.

2. Actions aimed at preparing a case for court proceedings shall be committed by a judge in the procedure provided for by this Code.

Article 136. Preliminary Court Session

1. In a preliminary court session a case shall be tried by a sole judge with the notification of the parties and other persons concerned on the time and place of holding it.

In the event of non-attendance of a preliminary court session by the properly notified claimant and (or) respondent, as well as by other persons concerned which may be drawn to the participation in the case, the session shall be held in the absence thereof.

2. An arbitration court in a preliminary court session:

1) shall decide on applications of the parties;

2) shall determine the sufficiency of presented evidence and shall bring to the knowledge of the parties what evidence has been obtained in respect of the case;

3) shall submit for consideration issues decided in the course of preparing a case for hearing and shall commit other procedural actions provided for by this Code.

3. In preliminary court proceedings the parties shall be entitled to present evidence, to file applications and to state their arguments concerning all the matters arising in the course of the session.

4. A court, on the application of persons participating in a case, shall be entitled to suspend a preliminary court session for a term of five days at the most for their presenting additional evidence.

5. Upon completing the consideration of all issues submitted to a preliminary court session an arbitration court shall decide on the readiness of a case for hearing subject to the opinions of the parties and third persons drawn to the participation in the case.

Article 137. Appointing Hearing of a Case

1. A judge, upon finding a case prepared, shall issue a ruling appointing the case for hearing.

2. A ruling appointing a case for hearing shall contain indications as to the termination of preparing the case for hearing and to the settlement of the points concerning the summoning of third persons to the case, to the acceptance of a counter-claim, combining or separation of several claims, drawing arbitration assessors, as well as to the settlement of other points, if appropriate rulings have not been issued in respect of them, and the time and place of holding a court session in an arbitration court of the first instance.

3. Copies of a ruling appointing a case for hearing shall be directed to persons participating in the case.

4. If persons participating in a case attend a preliminary court session and have no objections against continuing the consideration of the case in court session of an arbitration court of the first instance, the court shall terminate the preliminary court session and shall open a court session of the first instance, save for the instances where under this Code a collective consideration of the given case is required.

Chapter 15. Conciliatory Procedure. Amicable Agreement

Article 138. Reconciliation of the Parties

1. An arbitration court shall take measures for reconciliation of the parties and shall assist them in settling the dispute.

2. The parties may settle a dispute by making an amicable agreement or by using other conciliatory procedures, where it does not contravene federal laws.

Article 139. Making an Amicable Agreement

1. An amicable agreement may be made by the parties at any stage of arbitration proceedings and in the course of executing a judicial act.

2. An amicable agreement may be made in respect of any case, if not otherwise provided for by this Code or other federal law.

3. An amicable agreement may not violate the rights and legitimate interests of other persons and contravene laws.

4. An amicable agreement shall be endorsed by an arbitration court.

Article 140. Form and Contents of an Amicable Agreement

1. An amicable agreement shall be made in writing and shall be signed by the parties or representatives thereof, if they are vested with powers to make an amicable agreement which are specially provided for in a letter of attorney or in another document confirming the powers of a representative.

2. An amicable agreement has to contain data, agreed on by the parties, on the conditions, amount and time of carrying out their commitments in respect of each other or of one party in respect of the other.

An amicable agreement may contain conditions concerning postponement of carrying out the respondent's commitments or carrying them out by installments, assignment of the right of a claim, the full or partial excuse or acknowledgement of a debt, distribution of costs and other conditions which do not contravene federal laws.

3. If an amicable agreement does not contain a condition concerning the distribution of costs, an arbitration court shall decide the issue when endorsing the amicable agreement in the general procedure established by this Code.

4. An amicable agreement shall be drawn up and signed in the number of copies exceeding by one the number of the persons who have made the amicable agreement; one of these copies shall be attached, by the arbitration court which has endorsed the amicable agreement, to the case-file.

Article 141. Endorsement of an Amicable Agreement by an Arbitration Court

1. An amicable agreement shall be endorsed by the arbitration court trying a case. Where an amicable agreement is made in the course of

executing a judicial act, it shall be submitted for endorsement to an arbitration court of the first instance at the place of executing the judicial act or to the arbitration court which has adopted said judicial act.

2. The issue of endorsing an amicable agreement shall be considered by an arbitration court in court session. Persons participating in the case shall be notified about the time and place of the court session.

3. In the event of non-appearance in court session of the persons who have made an amicable agreement and who have been properly notified about the time and place of the court session, the issue of endorsing the amicable agreement shall not be considered by the arbitration court, if these persons have not filed an application for considering this issue in their absence.

4. The issue of endorsing an amicable agreement made in the course of executing a judicial act shall be considered by an arbitration court within a term not exceeding one month as of the date of receipt by the court of an application for endorsing it.

5. An arbitration court shall issue a ruling on the basis of the results of considering the issue of endorsing an amicable agreement.

6. An arbitration court shall not endorse an amicable agreement if it contravenes laws or violates the rights and legitimate interests of other persons.

7. The ruling of an arbitration court shall contain indications as to the following:

1) to the endorsement of an amicable agreement or to the refusal to endorse it;

2) to the conditions of an amicable agreement;

3) to the return to the claimant from the federal budget of half of the state duty paid by him, save for the instances where an amicable agreement is made in the course of executing a judicial act of an arbitration court;

4) to the distribution of costs.

In a ruling concerning the endorsement of an amicable agreement made in the course of executing a judicial act of an arbitration court there also have to be indicated that this judicial act is not enforceable.

8. A ruling concerning the endorsement of an amicable agreement shall be subject to prompt execution and may be appealed against with an arbitration court of cassation within one month, as of the date of issuing the ruling.

9. An arbitration court shall issue a ruling in respect of the refusal to endorse an amicable agreement, and this ruling may be appealed.

Article 142. Carrying Out an Amicable Agreement

1. An amicable agreement shall be voluntarily carried out by the persons who have made it in the procedure and within the terms stipulated by this agreement.

2. An amicable agreement which has not been voluntarily carried out shall be enforceable under the rules of Section VII of this Code on the basis of a writ of execution issued by an arbitration court on the application of persons who have made the amicable agreement.

Chapter 16. Suspension of the Proceedings on a Case

Article 143. Arbitration Court's Duty to Suspend the Proceedings on a Case

1. The arbitration court is obliged to suspend the proceedings on a case:

1) if it is impossible to consider the given case until the resolution of another case, examined by the Constitutional Court of the Russian Federation, by a constitutional (statutory) court of a subject of the Russian Federation, by a court of general jurisdiction or by an arbitration court;

2) if the defendant citizen is in a formation of the Armed Forces of the Russian Federation, currently in the field, or if the plaintiff citizen, who is in a formation of the Armed Forces of the Russian Federation, currently in the field, files a request;

3) in case of death of a citizen who is a party in the case, if the disputed legal relationship allows for legal succession;

4) If citizen who is a party in the case loses legal capacity.

2. The arbitration court shall also suspend the court proceedings in other cases stipulated by federal law.

Article 144. Arbitration Court's Right to Suspend the Proceedings on a Case

The arbitration court shall have the right to suspend the proceedings on a case, if:

1) the arbitration court has appointed an expert commission;

2) an organization taking part in the case undergoes reorganization;

3) a citizen taking part in the case is called up state service;

4) a citizen, taking part in the case, is at a medical treatment institution or on a long business trip;

5) an international court or a court of a foreign state is examining another case, the decision on which may be of importance for the consideration of the given case.

Article 145. Time Terms for Suspending the Proceedings on a Case

The proceedings on a case shall be suspended:

1) in the cases envisaged in Item 1 of the first part of Article 143 and in Item 5 of Article 144 of this Code, until a juridical act of the corresponding court enters into force;

2) in the cases envisaged in Item 2 of the first part of Article 143 and in Item 4 of Article 144 of this Code, until the circumstances which have served as a ground for the suspension of the proceedings on the case are eliminated;

3) in the cases envisaged in Items 3 and 4 of the first part of Article 143 and in Item 2 of Article 144 of this Code, until the legal successor of a person taking part in the case, is identified, or until a representative is appointed for an incapacitated person;

4) in the case, envisaged in Item 1 of Article 144 of this Code, until the expiry of the time term fixed by the arbitration court.

Article 146. Resumption of the Proceedings on a Case

The arbitration court shall resume proceedings on a case upon the application of persons participating in the case, or at its own initiative, after the elimination of circumstances that have called forth the suspension thereof, or before their elimination upon the application of persons, at whose request the proceedings on the case were suspended.

Article 147. Procedure for the Suspension and for the Resumption of Proceedings on a Case

1. The arbitration court shall issue a ruling on the suspension of the proceedings on a case, on its resumption, or on the refusal in its resumption.

Copies of a ruling shall be forwarded to the persons taking part in the case.

2. A ruling of the arbitration court on the suspension of the proceedings on a case or on the refusal of the resumption of the proceedings in a case, may be appealed.

Chapter 17. Leaving a Claim Without Consideration

Article 148. Grounds for Leaving a Statement of Claim Without Consideration

The arbitration court shall leave a statement of claim without consideration if, after its acceptance for the court proceedings, it establishes that:

1) in the proceedings of an arbitration court, of a court of general jurisdiction or of a reference tribunal there is a case on the dispute between the same persons, on the same subject and on the same grounds;

2) the plaintiff has not observed the claim or other pre-trial procedure for regulating the conflict with the defendant, if this is stipulated by federal law or by an agreement;

3) when considering an application for the establishment of facts of juridical importance, it is found that a questioning of law has arisen;

4) a claim is filed which, in conformity with the federal law, shall be considered in a case of bankruptcy;

5) there exists an agreement between the parties on an examination of the given case by a reference tribunal, if any one of the parties, no later than on the day of filing its first claim on the merit of the dispute in the first instance arbitration court, raises on this ground an objection with respect to the consideration of the case in the arbitration court, with the exception of the cases when the arbitration court establishes that this agreement is invalid, has lost force or cannot be executed;

6) the parties have concluded an agreement on handing over the dispute for resolution to the reference tribunal during the court investigation but before the adoption of the judicial act, by which the consideration of the case on merit is ended, if any one of the parties raises an objection on this ground with respect to the consideration of the case in the arbitration court, with the exception of cases when the arbitration court establishes that this agreement is invalid, has lost force or cannot be executed;

7) the statement of claim is not signed or is signed by a person who has no right to sign it, or by a person, whose official status is not indicated.

Article 149. Procedure for and Consequences of Leaving a Statement of Claim Without Consideration

1. If a statement of claim is left without consideration, the proceedings on the case shall be ended with the issue of a ruling.

In the ruling the arbitration court shall indicate the reasons behind leaving the statement of claim without consideration, and shall also resolve the question about the return of the state duty from the federal budget in the case, envisaged in Item 2 of Article 148 of this Code.

Copies of the ruling shall be forwarded to the persons, taking part in the case.

2. The ruling of the arbitration court about leaving a statement of claim without consideration may be appealed against.

3. Leaving a statement of claim without consideration shall not deprive the plaintiff of the right to once again turn to the arbitration court, in accordance with the general procedure, with an application after the elimination of the circumstances that have served as a ground for leaving the application without consideration.

Chapter 18. Termination of the Proceedings on a Case

Article 150. Grounds for the Termination of the Proceedings on a Case

1. The arbitration court shall dismiss the action on a case, if it establishes that:

1) the case is not subject to consideration in an arbitration court;

2) there exists a judicial act of an arbitration court, of a court of general jurisdiction or of a competent court of a foreign state, adopted 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 recognize and to execute the decision of the foreign court;

3) there exists a decision of a reference tribunal, passed on the dispute between the same persons, on the same object and on the same grounds, with the exception of cases when the arbitration court has refused to issue a writ of execution for forcible execution of the decision of the reference tribunal;

4) the plaintiff has refused the claim and the refusal has been accepted by the arbitration court;

5) an organization which is a party in the case has been liquidated;

6) after the death of a citizen who is a party in the case, the disputed legal relation does not admit legal succession;

7) there exist grounds, envisaged in the seventh part of Article 194 of this Code.

2. The arbitration court shall also cease the proceedings on a case if an amicable agreement has been approved.

Article 151. Procedure and Consequences of Termination of the Proceedings on a Case

1. The arbitration court shall issue a ruling on the termination of the proceedings on a case.

In the ruling, the arbitration court shall define the grounds for the termination of the proceedings on the case, and shall resolve the questions of the return of state duty from the federal budget as is envisaged in Item 1 of Article 150 of this Code, and of the distribution of the court expenses between the parties.

The copies of the ruling shall be forwarded to the persons taking part in the case.

2. The arbitration court's ruling on the termination of the proceedings on a case may be appealed against.

3. If the proceedings on a case are terminated, filing a repeated application to the arbitration court on the dispute between the same persons, on the same object and on the same grounds shall be inadmissible.

Chapter 19. Legal Proceedings

Article 152. Time Term for the Consideration of a Case and for the Adoption of a Decision

A case shall be considered by an arbitration court of the first instance and the decision shall be taken within a time term, not exceeding one month as from the day of the court's issuing of a ruling on the appointment

of the case for court examination, unless otherwise is laid down in this Code.

Article 153. Session of the Arbitration Court

1. A case shall be examined in a session of the arbitration court, with an obligatory notification of the persons taking part in the case about the time and place of the session.

2. The judge, and if the case is examined collegiately, the justice, presiding in the court session, shall:

1) open the court session and announce what particular case is subject to investigation;

2) check the corporal appearance in the court session of the persons taking part in the case, of their representatives and of other participants in the arbitration process, identify their persons and verify their powers; ascertain whether the persons who have not appeared in the court session have been duly notified and what information exists on the reasons behind their non-appearance;

3) clarify whether the hearings on the case may be started;

4) announce the composition of the arbitration court and inform who will keep a protocol of the court session, who will take part in the court session in the capacity of an expert or of an interpreter, and explain to the persons taking part in the case their right to raise objections;

5) explain to the persons taking part in the case and to the other participants in the arbitration process their procedural rights and duties;

6) remove from the courtroom present witnesses until the start of their interrogation;

7) warn the interpreter of the criminal liability for a deliberately incorrect translation, the expert for giving a deliberately wrong conclusion and the witnesses (directly before their interrogation) for deliberately false evidence and for the refusal to give evidence;

8) determine, with an account for the opinion of the persons taking part in the case, the sequence of carrying out procedural actions;

9) find out whether the plaintiff supports the claim, whether the defendant acknowledges the claim and whether the parties do, or do not wish to resolve the case by an amicable agreement, about which corresponding entries shall be made in the protocol of the court session;

10) lead the court session, ensure conditions for a full and exhaustive examination of the proof and of the circumstances of the case, and provide for an examination of the applications and requests from the persons taking part in the case;

11) take measures to guarantee the proper order in the court session.

Article 154. Order in a Court Session

1. As the judges enter the courtroom, all those present in the courtroom shall stand up. All persons present in the courtroom, shall hear out the decision of the arbitration court while standing.

2. The persons taking part in the case, as well as other participants in the arbitration procedure, shall address the arbitration court with the words, "Esteemed Court, ". They shall present their explanations and give evidence to the court and shall put questions to other persons taking part in the case, and shall provide answers to the questions put to them, while standing. Any deviation from this rule may be allowed only with the permission of the court.

3. The court session shall be held under conditions that ensure the normal work of the court and safety of the participants in the arbitration process. The actions of persons present in the courtroom and carrying out camera or photography, video recording or broadcasting of the court session on radio or on television, shall not interfere with the order of the court session. These actions may be time-restricted by the court.

4. The persons present in the courtroom are obliged to observe the established order. A person violating the procedure in the court session or who does not fulfil the lawful orders of the presiding justice, may be removed from the courtroom after a warning.

5. The arbitration court may impose upon a person violating the order in the court session or not fulfilling the lawful orders of the presiding justice, a court fine in accordance with the procedure and in the amount established in Chapter 11 of this Code.

Article 155. Protocol

1. In the course of a session of the arbitration court of the first instance, and also if the individual procedural actions are performed out of the court session, a protocol shall be kept.

2. In the protocol of a court session shall be indicated:

1) the year, month and date, and the place of holding the court session;

2) the time of the start and of the end of the court session;

3) the name of the arbitration court examining the case, and the composition of the court;

4) the name and number of the case;

5) information on the appearance of the persons taking part in the case, and of other participants in the arbitration process; information on the documents, submitted to the court and presented for inspection, identifying the person and confirming the proper powers of the persons, taking part in the case, and of their representatives;

6) information on explaining to persons taking part in the case, and to the other participants in the arbitration process their procedural rights and duties;

7) information on warning of criminal liability the interpreter for a deliberately incorrect translation, the witnesses for giving deliberately false evidence and for the refusal to give evidence, and an expert for making a deliberately wrong conclusion;

8) the oral statements and requests of the persons, taking part in the case;

9) the parties' agreements on the factual circumstances of the case and on the raised claims and objections;

10) the explanations of the persons taking part in the case, the evidence of the witnesses and the explanations of the experts on their conclusions;

11) the rulings, issued by the court without retirement from the courtroom;

12) the results of the examinations and of the other actions, involved in the study of the proof, which were carried out in the court session;

13) the date of compiling the protocol.

In the protocol on the performance of an individual procedural action shall also be supplied information obtained as a result of performing this procedural action.

3. The protocol shall be kept by the justice considering the case, or by the secretary of the court session, or by the assistant judge.

4. The protocol shall be compiled in written form. It may be written by hand, or typewritten, or made out with the use of a computer. The protocol shall be signed by the justice presiding in the court session, and by the secretary of the court session or by the assistant judge who has kept the protocol of the court session, no later than on the next day after the day of the end of the court session, while the protocol on performing an individual procedural action immediately after the performance of the individual procedural action.

5. If the arbitration court is making a verbatim report, as well as an audio and/or a video recording of the court session, in the protocol, compiled in written form, shall be supplied information, stipulated in Items 7, 8 and 11 of the second part of this Article, and a note shall be made about the use of technical devices for recording the court session. The material media of the audio and video recording shall be enclosed in the protocol of the court session.

6. The persons taking part in the case, shall have the right to get acquainted with the protocols of the court session and of the individual procedural actions, and to submit remarks on the fullness and on the correctness of the compilation thereof within a three-day term after the corresponding protocol is signed. To the remarks may be enclosed the material carriers of the audio and (or) video recording of the court session, made by a person taking part in the case.

Remarks on the protocol, submitted to the arbitration court after the expiry of a three-day term, shall not be considered by the court and shall be returned to the person who has submitted these remarks.

7. The arbitration court shall issue a ruling on the acceptance or the rejection of the remarks on the protocol not later than on the day after the arrival of these remarks to the court. The remarks on the protocol and the court's ruling shall be enclosed with the protocol.

8. At the written request of a person taking part in the case, and at his own expense, a copy of the protocol may be made.

Article 156. Examination of a Case in the Absence of a Response to the Statement of Claim and of Additional Proofs, and Also in the Absence of Persons Taking Part in the Case

1. Non-presentation of a response to the statement of claim or of additional proof, which should have been submitted upon the proposal of the arbitration court by the persons taking part in the case, shall not be seen as an obstacle to the examination of the case in accordance with the proof already contained in the case.

2. The parties shall have the right to notify the arbitration court about the possibility of examining the case in their absence.

3. If the plaintiff and (or) defendant, duly notified about the time and place of the court investigation, fail to appear in the session of the arbitration court, the court shall have the right to examine the case in their absence.

4. If in the court session have failed to appear the persons taking part in the case, while their appearance was recognized as obligatory by the arbitration court in conformity with this Code, the court may impose a court fine on the said persons, in the order and in the amount, envisaged in Chapter 11 of this Code.

5. If in the court session have failed to appear other persons taking part in the case who were duly informed about the time and the place of the court investigation, the court shall consider the case in their absence.

Article 157. Consequences of Failure to Appear in the Court Session by Experts, Witnesses and Interpreters

1. If experts, witnesses or interpreters, duly notified about the time and the place of the court session, fail to appear in the court session, the arbitration court shall issue a ruling on putting off the judicial proceedings, unless the parties have lodged a request for examining the case in the absence of the above-said persons.

2. If an expert, witness or interpreter, summoned to the court, fails to appear because of reasons recognized by the court as invalid, the court may impose upon them a court fine, in the order and in the amount fixed in Chapter 11 of this Code.

Article 158. Postponing the Court Investigation

1. The arbitration court shall put off court hearings in cases stipulated in this Code, as well as if a person taking part in the case, fails to appear in the court session, if the court has no information on whether this person was duly notified about the time and place of the court investigation.

2. The arbitration court may put off the court hearings at a request from either parties, if they turn to the court or to an agent for rendering them assistance in regulating the dispute.

3. If a person taking part in the case and duly notified about the time and place of the court session, has lodged a request for postponing the court trial with a sound substantiation of his non-appearance in the court session, the arbitration court may put off the court hearings, if it recognizes the reasons behind such non-appearance as valid.

4. The arbitration court may put off the court trial at the request from a person, taking part in the case in connection with the non-appearance in the court session of his representative due to a valid reason.

5. The arbitration court may postpone the court hearings if it recognizes that the given case cannot be tried in the given court session, among other reasons because of the non-appearance of any one of the persons taking part in the case, or of the other participants in the arbitration process, and also if the request of a party for putting off the court investigation is satisfied in connection with the necessity for it to submit additional proofs, while performing other procedural actions.

6. If the court hearings are postponed, the arbitration court shall have the right to interrogate the appearing witnesses, if the parties are present in the court session. The evidence of these witnesses shall be read out in a new court session. Said witnesses shall be summoned to the new court session only if this is deemed necessary.

7. The court examination may be put off for a term necessary to eliminate the circumstances that have served as a ground for the postponement, but by no more than one month.

8. The arbitration court shall issue a ruling on the postponement of the court investigation.

9. The arbitration court shall notify the persons taking part in the case and the other participants in the arbitration process, about the time and place of a new court session. The persons, who have attended the court session, shall be notified about the time and place of the new session immediately in the court session against a receipt in the protocol of the court session.

10. The court investigation in a new session shall be resumed as from the moment when it was put off. The proofs studied before the postponement of the court hearings shall not be investigated once again.

Article 159. Resolution by the Arbitration Court of Applications and Requests from the Persons Taking Part in the Case

1. The applications and requests from the persons taking part in the case, concerning the agreements they have reached on the case circumstances, on the merit of the filed claims and of the raised objections, on obtaining new proofs and on all the other questions involved in the investigation of the case shall be substantiated by the persons taking part in the case, and shall be submitted in written form or entered into the protocol of the court session, and shall be resolved by the arbitration court after hearing out the opinions of the other persons taking part in the case.

2. On the results of considering the applications and requests, the arbitration court shall issue rulings.

3. A person who has been refused in the satisfaction of a request, including when the case is being prepared for the trial in the court in a preliminary session, shall have the right to submit it once again in the course of the further court investigation.

Article 160. Case Consideration in the Separate Sessions of the Arbitration Court

1. If in the same application are combined a claim for establishing the grounds for the defendant's liability and the relevant claim for an application of measures of liability connected with it, the arbitration court shall have the right, with the parties' consent, to examine such claims in separate court sessions.

Upon the consideration of a case in separate court sessions shall be passed a ruling.

2. If the claim for establishing the grounds for the defendant's responsibility is rejected, the arbitration court shall not consider the claim connected with it, for an application of liability, and shall not hold another court session.

3. If the claim for establishing the grounds for the defendant's liability is satisfied, the arbitration court shall have the right, immediately after an interval which shall not be longer than five days, to hold another court session, and at this court session to examine the demand for the application of measures of liability, while defining, among other things, the size of the sum to be exacted. On the results of the investigation, the arbitration court shall adopt a decision on all the filed claims.

4. If an interval was announced in the court session, during which the parties have reached an agreement or have regulated a dispute in the part of the claims for an application of measures of responsibility, the arbitration court shall not consider these claims and shall terminate the proceedings on the case in the part of the claims for an application of measures of responsibility, on the condition that the plaintiff files a written application of refusal from the claim, or that the parties come to an amicable agreement in this part of the claims and that the refusal is accepted or the amicable agreement is approved by the court, which shall be indicated in the judicial act of the arbitration court.

Article 161. Statement about Falsification of Proof

1. If a person taking part in the case turns to the arbitration court with a written statement that proof supplied by another person taking part in the case is falsified the court shall:

- 1) explain the criminal-law consequences of such a statement;
- 2) exclude the disputed proof, with the consent of the person who has submitted it, from among the composition of proof on the case;
- 3) verify the substantiation of the statement about the falsification of the proof, if the person who has submitted this proof objects against its exclusion from the proof on the case.

In the latter case, the arbitration court shall take measures, stipulated by federal law for checking the authenticity of the statement about the falsification of the proof; among other things, it may appoint an expertise, demand that other proof be supplied, or launch other measures.

2. The results of the examination of a statement about the falsification of proof shall be reflected by the arbitration court in the protocol of the court session.

Article 162. Investigation of Proof

1. When considering a case, the arbitration court shall be obliged to directly investigate the proof on the case: to get acquainted with the written proof, to examine the material proofs and to hear out the explanations of the persons, taking part in the case, the evidence of the witnesses and the conclusions of the experts, and also to read out such explanations, evidence and conclusions, submitted in writing.

2. The reproduction of audio and video recordings shall be carried out by the arbitration court in the courtroom or in other premises specially equipped for this purpose. The fact of the reproduction of the audio and video recordings shall be reflected in the protocol of the court session.

3. When investigating the proofs the arbitration court shall read out the agreements of the persons taking part in the case on the reached accords concerning the circumstances of the case.

4. A person taking part in the case, shall supply explanations to the arbitration court on the proofs he has supplied and also on the proofs the court has obtained at his request, and to put questions to the experts and to the witnesses summoned to the court session. The first to put questions shall be the person, at whose request the experts and the witnesses were summoned.

Article 163. Interval in a Court Session

1. The arbitration court may announce an interval in the court session either at the request of a person taking part in the case, or at its own initiative.

2. An interval in a court session may be announced for a period of time not exceeding five days.

3. An interval in a court session within the day of the court session and the time when the session is to be continued shall be mentioned in the protocol on the court session.

On an interval for a longer time term, the arbitration court shall issue a ruling, which shall be entered into the protocol of the court session. In the ruling shall be pointed out the time and the place of the continuation of the court session.

4. After the end of the interval, the court session shall be resumed, which shall be announced by the presiding justice of the court session. The proofs that have been examined before the interval, shall not be investigated repeatedly, including if the representatives of the persons, taking part in the case, have been replaced.

5. The persons, taking part in the case, who were present in the courtroom before the announcement of the interval, shall be seen as duly informed about the time and the place of the court session, and their failure to appear in the court session after the end of the interval shall not be seen as an obstacle to its continuation.

Article 164. Judicial Pleadings

1. After completing the investigation of all the proofs, the presiding justice of the court session shall find out from the persons, taking part in the case, whether they wish to add anything to the case materials. If no such statements are set forth, the presiding justice of the court session shall declare the investigation of the proofs to be completed, and the court shall go into to judicial pleadings.

2. The judicial pleadings shall consist of oral statements made by the persons taking part in the case, and by their representatives. In these statements they shall substantiate their position on the case.

3. The first to take the floor in judicial pleadings shall be the plaintiff and (or) his representative, then a third person, advancing his independent claims concerning the object of the dispute, and then - the defendant and (or) his representative. A third person who does not advance independent claims as regards the object of the dispute, shall take the floor after the plaintiff or after the defendant, on whose side he is taking part in the case.

The public prosecutor, the representative of a state body, of a local self-government body or of another body, who have turned to the arbitration court in conformity with Articles 52 and 53 of this Code, shall be the first to take the floor in the judicial pleadings.

4. The participants in the judicial pleadings shall have no right to refer to the circumstances that have not been investigated by the court, or to the proofs that have not been studied at the court session or have been recognized by the court as inadmissible.

5. After all the participants in the judicial pleadings have made their statements, each of them shall have the right to advance retorts. The right of the last retort shall always belong to the defendant and (or) to his representative.

Article 165. Resumption of the Investigation of Proofs

1. If during or after the judicial pleadings the arbitration court finds it necessary to clarify additional circumstances or to investigate new proofs, the court shall resume the study of the proofs, which shall be pointed out in the protocol of the court session.

2. After an additional investigation of the proofs is completed, the judicial pleadings shall go on in the general order, established by this Code.

Article 166. Completing the Case Investigation on the Merits

After the proofs on the case and the judicial pleadings is investigated, the presiding justice of the court session shall announce the consideration of the case on merit to be completed, and the arbitration court shall retire for taking the decision, of which shall be announced to those present in the courtroom.

Chapter 20. Decision of the Arbitration Court

Article 167. Adoption of a Decision

1. When resolving a dispute on merit, the arbitration court of the first instance shall adopt a decision. The decision shall be passed on behalf of the Russian Federation.

2. The arbitration court may adopt a separate decision on each of the claims combined into one case.

3. The decision shall be taken by the judges taking part in the court session, under the condition that guarantee the secrecy of the judges' conference.

4. In the premises where the arbitration court is holding a conference and is adopting a judicial act, may be present only the persons, included into the composition of the court examining the case. Access to these premises by other persons, as well as other ways of communication with the persons included into the composition of the court, shall be prohibited.

5. The judges of the arbitration court shall have no right to inform anyone at all about the content of the conference when the judicial decision is being taken or about the position taken by the individual judges, included into the composition of the court, or to betray the secrecy of the judges' conference in any other way.

Article 168. Questions Resolved When Taking the Decision

1. When taking the decision, the arbitration court shall assess the proofs and arguments supplied and set forth by the persons taking part in

the case, in substantiation of their own claims and objections; it shall determine what particular circumstances of importance for the case have been, and have not been established, and what laws and other legal normative acts shall be applied in the given case; it shall establish the rights and duties of the persons, taking part in the case, and shall decide whether the claim is subject to satisfaction.

2. When taking the decision the arbitration court shall resolve the questions of retaining the validity of measures, aimed at providing for the claim or at cancelling the provision for the claim, or of providing for the execution of the decision; if necessary, it shall establish the procedure and fix the time term for the execution of the decision; it shall determine the further fate of the material proofs and distribute the court expenses; it shall also resolve other questions that have arisen during the court investigation.

3. Having found it necessary in the course of adopting the decision to additionally investigate the proofs or to continue the clarification of the circumstances of importance to the case, the arbitration court shall resume the court proceedings, about which it shall issue a ruling.

Article 169. Presentation of the Decision

1. The decision of the arbitration court shall be expounded in the form of a separate document and shall be either written by hand or made out with the use of technical devices.

2. In the decision shall be indicated the motives behind its adoption; it shall be rendered in a language comprehensible to the persons taking part in the case as well as to other persons.

3. The decision shall be signed by the justice, and if the case was considered collegiately - by all the judges who have taken part in adopting the decision among them also the judge who expressed a special opinion.

4. The corrections made in the decision shall be referred to and certified by the signatures of all the judges in the conference room before the decision is announced.

5. The decision of the arbitration court shall be made out in a single copy and shall be enclosed to the case file.

Article 170. Content of the Decision

1. The decision of the arbitration court shall consist of introductory, descriptive, motivation and substantive parts.

2. 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 surname of the person who kept the protocol of the court session; the number of the case, the date and place of taking the decision; the object of the dispute, the names of the persons taking part in the case, and the surnames of the persons who were present in the court session, with an indication of their authorities.

3. The descriptive part of the decision shall contain a brief description of the made statements of claim and of the objections, explanations, applications and requests of the persons taking part in the case.

4. In the motivation part of the decision shall be pointed out:

1) the factual and the other circumstances of the case established by the arbitration court;

2) the proofs, on which the conclusion of the court about the circumstances of the case and the arguments in favour of the adopted decision are based; the motives due to which the court has rejected certain proofs, has accepted or has declined the arguments, set forth by the persons, taking part in the case, in support of their claims and objections;

3) the laws and other legal normative acts, on which the court relied in adopting the decision and the motives, due to which the court has not applied the laws and other legal normative acts, to which the persons, taking part in the case, referred.

In the motivation part of the decision shall also be contained the reasons behind the decisions, adopted by the court, and the substantiations for other questions, mentioned in the fifth part of this Article.

If the claim is recognized by the defendant, in the motivation part of the decision may be pointed out only the recognition of the claim by the defendant and its acceptance by the court.

In the motivation part of the decision may be contained references to the decisions of the Plenary Session of the Higher Arbitration Court of the Russian Federation on the issues of court practice.

5. The substantive part of the decision shall contain conclusions on the satisfaction or on the refusal to satisfy, fully or in part, each of the presented claims, an indication of the distribution of the court expenses between the parties, as well as the time term and the procedure for filing an appeal against the decision.

If an initial claim and counter claims are satisfied, fully or in part, in the substantive part of the decision shall be pointed out the sum of money subject to exaction as a result of the offsetting.

If the arbitration court has laid down the procedure for the execution of the decision or has taken measures to provide for its execution, this shall be indicated in the substantive part of the decision.

Article 171. Decision on an Exaction of Monetary Funds and on an Adjudgement of Property

1. If the claim for an exaction of the monetary funds is satisfied, in the substantive part of the decision the arbitration court shall name the total size of the monetary sums subject to an exaction, with a separate definition of the principal indebtedness, of the losses, of the arrears (the fine and the sanctions) and of the interest.

2. In an adjudgement of the property, the arbitration court shall indicate the name of the property which is to be handed over to the plaintiff, its cost and its place of location.

Article 172. Decision on Recognizing a Writ of Execution or Another Document as Not Subject to Execution

If the claim in the dispute for recognizing a writ of execution or another document, by which an exaction shall be carried out in an indisputable way (without acceptance), including on the ground of a notary's inscription on the execution, is not satisfied, in the substantive part of the decision the arbitration court shall indicate the name, number and date of issue of the document not subject to execution, as well as the monetary sum not subject to writing off.

Article 173. Decision on the Conclusion or on an Amendment of the Agreement

On a dispute that has arisen in the course of the conclusion or of an amendment of the agreement, in the substantive part of the decision shall be provided the conclusion of the arbitration court on every disputable term of the agreement, and on a dispute concerning the compulsion to conclude an agreement, the terms shall be indicated on which the parties are obliged to conclude the agreement.

Article 174. Decision Obliging the Defendant to Perform Certain Actions

1. If a decision is adopted that obliges the defendant to perform certain actions not involved in an exaction of the monetary funds or in handing over the property, the arbitration court shall name in the substantive part of its decision the person, obliged to perform these actions, as well as the place and the time term, fixed for the performance thereof.

2. If a decision is passed that obliges an organization to perform certain actions not involved in an exaction of the monetary funds or in handing over property, the arbitration court may name in the substantive part of its decision the manager or another person, upon whom the execution of the decision is imposed, as well as the time term fixed for the execution.

3. The arbitration court may point out in the decision that the plaintiff has the right to perform corresponding actions at the expense of the defendant, with an exaction from the latter of the necessary expenses, if the defendant fails to execute the decision in the course of the fixed term.

Article 175. Decision in Favour of Several Plaintiffs or Against Several Defendants

1. If a decision is adopted in favour of several plaintiffs, the arbitration court shall indicate, in what part (share) it concerns each of them, or it shall point out that the right of claim is combined.

2. When adopting a decision against several defendants, the arbitration court shall point out in what part (share) each of the defendants is obliged to execute the decision, or it shall point out that their liability is joint.

Article 176. Pronouncement of the Decision

1. The decision of the arbitration court shall be pronounced by the presiding justice of that court session, in which the consideration of the case on merit is completed, after the decision of the arbitration court is adopted.

2. In the court session in which the examination of the case on merit is completed may be pronounced only the substantive part of the adopted decision. In this case, the arbitration court shall announce the date, when the decision will be formulated in full volume, and shall explain the procedure for bringing it to the knowledge of the persons, taking part in the case.

The formulation of the decision in full volume may be put off for a term not exceeding five days. The date of the formulation of the decision in full volume shall be seen as the date of adoption of the decision.

3. The pronounced substantive part of the decision shall be signed by all the judges who have taken part in the case consideration and in the adoption of the decision, and shall be enclosed to the case file.

4. After the pronouncement of the decision, the justice presiding in the court session shall explain the procedure for filing an appeal against it.

Article 177. Forwarding the Decision to Persons Taking Part in the Case

1. The arbitration court shall forward copies of the decision to the persons, taking part in the case, within a five-day term as from the day of adopting the decision, in a registered letter with notification on handing it in, or shall hand it in against receipt.

2. In the cases and in the order stipulated by this Code, the arbitration court shall forward copies of the decision to other persons as well.

3. For a repeated issue of the copies of the decision and of other judicial acts to the persons who have taken part in the case state duty shall be collected.

Article 178. Additional Decision

1. The arbitration court which adopted the decision, shall have the right before this decision comes into legal force, at its own initiative or upon the application from a person taking part in the case to pass an additional decision, if:

1) the court has not adopted any decision on any one of the claims for which the persons, taking part in the case, have supplied proofs;

2) having resolved the question of the right, the court has not indicated in the decision the size of the awarded monetary sum or the adjudged property subject to handing over, or has not pointed out the actions which the defendant is obliged to perform;

3) the court has not resolved the question of court expenses.

2. The question of the adoption by the arbitration court of an additional decision shall be resolved in the court session. The persons taking part in the case shall be notified about the time and place of the court session. The failure of the duly notified persons to appear shall not be seen as an obstacle to considering the question about the adoption of an additional decision.

3. An additional decision shall be taken in accordance with the rules established in the present Chapter.

4. If the adoption of an additional decision is refused, a ruling shall be passed.

5. An additional decision of the arbitration court and a ruling of the arbitration court on the refusal to adopt an additional decision may be appealed against.

Article 179. Explanation of the Decision. Correction of Mistakes, Misprints and Arithmetical Errors

1. If the decision appears vague, the arbitration court which adopted this decision shall have the right, at an application from a person, taking part in the case, from an officer of the law or from another body or organization executing the decision of the arbitration court, to explain the decision without changing its content.

2. An explanation of the decision shall be admissible, if it is not yet executed and if the time term, in the course of which the decision may be forcibly executed, has not expired.

3. The arbitration court, which has adopted the decision, shall have the right to correct the mistakes, misprints and arithmetical errors, committed in the decision, while not changing its content, at an application from a person, taking part in the case, from an officer of the law or from another body or organization executing the decision of the arbitration court, or at its own initiative.

4. On the questions involved in the explanation of the decision, in the correction of the mistakes, misprints and arithmetical errors, the arbitration court shall issue, within a ten-day term as from the day of arrival of the relevant application to the court, a ruling which may be appealed.

Article 180. Entry of the Decision into Legal Force

1. The decision of the first instance arbitration court, with the exception of decisions mentioned in the second and in the third part of the

present Article, shall enter into legal force upon the expiry of one month's term as from the day of its adoption, unless an appeal is filed against it. If an appeal is filed, the decision, if it is not cancelled and not amended, shall come into legal force as from the day of adoption of the decision of the arbitration court of the appeals instance.

2. Decisions of the Higher Arbitration Court of the Russian Federation and decisions on the cases on disputing legal normative acts, shall enter into legal force immediately after their adoption.

3. Decisions of the arbitration court on cases on administrative law offences, and if stipulated by the present Code or by another federal law, on the other cases as well, shall enter into legal force within the time terms and in accordance with the procedure established in this Code or in another federal law.

Article 181. Filing Appeals Against a Decision of the Arbitration Court

1. A decision of an arbitration court which has not yet entered into legal force may be appealed against in the arbitration court of the appeals instance.

2. A decision of an arbitration court which has come into legal force, with the exception of a decision of the Higher Arbitration Court of the Russian Federation, may be appealed against in the arbitration court of the cassation instance.

Article 182. Execution of a Decision

1. A decision of the arbitration court shall be executed after it enters into legal force, with the exception of the cases of an immediate execution in accordance with the procedure laid down by this Code and by other federal laws, regulating the questions of the executive procedure.

2. Decisions of the arbitration court on the cases of disputing non-normative legal acts of the state power bodies, of the local self-government bodies and of other bodies, as well as decisions on the cases on disputing decisions and actions (inaction) of said bodies, shall be subject to immediate execution.

3. The arbitration court shall have the right at an application from the plaintiff to make the decision one of immediate execution, if on account of special circumstances the retardation of its execution may lead to a substantial loss for the exactor or may make the execution impossible. Immediate execution of the decision shall be admissible, if the exactor supplies a provision for the turnin back of the execution in case of the repeal of the court decision (the counter provision) by the entry into the deposit account of the arbitration court of monetary funds in the amount of the adjudged sum, or by the presentation of a bank guarantee, a surety or some other kind of financial provision for the same sum.

4. The question of turning the decision into one of immediate execution shall be considered in a court session. The persons taking part in

the case, shall be notified about the time and the place of the court session. Failure to appear on the part of the persons, duly notified about the time and the place of the court session shall not be seen as an obstacle to resolving the question of an immediate execution of a decision of the arbitration court.

5. The arbitration court shall pass a ruling, which may be appealed, on the results of consideration of the question about turning the decision into one of immediate execution.

The copies of the ruling shall be forwarded to the persons, taking part in the case, no later than on the day after its issue.

6. The ruling on turning the decision to an immediate execution is subject to immediate execution. Filing an appeal against the ruling shall not suspend its execution.

7. At an application from the persons, taking part in the case, the arbitration court may take measures to provide for the execution of the decision, not turned into one of immediate execution, in accordance with the rules laid down in Chapter 8 of this Code.

Article 183. Indexation of the Adjudged Monetary Sums

1. The arbitration court of the first instance, which has examined the case, shall effect at an application from the exactor an indexation of the monetary funds, adjudged by the court, as on the day of execution of the court decision in the cases and in the amount envisaged by a federal law or in the agreement.

2. The application mentioned in the first part of the present Article, shall be considered in the court session within a ten-day term as from the day of arrival of the application to the court. The persons, taking part in the case, shall be notified about the time and place of the court session. Failure to appear on the part of the duly notified persons, taking part in the case, shall not be seen as an obstacle to examining an application for an indexation of the adjudged monetary sums.

On the results of examining the application shall be passed a ruling.

3. The ruling of the arbitration court on the indexation of the adjudged monetary funds or on the refusal to make an indexation, may be appealed.

Chapter 21. Ruling of the Arbitration Court

Article 184. Issue of Rulings by the Arbitration Court

1. The arbitration court shall issue rulings in the cases envisaged in this Code, and also in other cases, on the questions requiring resolution in the course of an action at law.

2. A ruling shall be passed by the arbitration court in writing, as a separate judicial act or as a protocol ruling.

3. The arbitration court shall issue a ruling in the form of a separate judicial act in all cases if this Code stipulates the possibility to appeal

against the ruling, apart from lodging an appeal against the judicial act in which the examination of the case on merit has ended.

In other cases, the arbitration court has the right to issue a ruling both in the form of a separate judicial act and in the form of a protocol ruling.

4. The arbitration court shall issue a ruling in the form of a separate judicial act under the conditions ensuring the secrecy of the judges' conference, in accordance with the rules established for the adoption of a decision.

5. A protocol ruling may be passed by the arbitration court without retirement from the courtroom. If the case is investigated in the collegiate composition, the judges shall confer on the questions involved in the issue of such ruling, on the spot in the courtroom. A protocol ruling shall be announced orally and shall be entered into the protocol of the court session.

Article 185. Content of a Ruling

1. In a ruling shall be indicated:

- 1) the date and place of the issue of the ruling;
- 2) the name of the arbitration court and its composition, and the surname of the person, who kept the protocol of the court session;
- 3) the name and the number of the case;
- 4) the names of the persons, taking part in the case;
- 5) the question on which the ruling is issued;
- 6) the motives because of which the court has arrived at its conclusions and has accepted or rejected the arguments of the persons, taking part in the case, with a reference to the laws and to other legal normative acts;
- 7) the conclusion on the results of the investigation of the question by the court;
- 8) the procedure and the time term for lodging an appeal against the ruling.

A ruling, issued in the form of a separate judicial act, shall be signed by the justice or by the composition of the arbitration court, who has (have) passed the ruling.

2. In a protocol ruling shall be indicated the question on which the ruling is issued, the motives on the ground of which the court has arrived at its conclusions, and the conclusion made in accordance with the results of the investigation of the question.

Article 186. Forwarding of a Ruling

1. The copies of a ruling issued in the form of a separate judicial act, shall be forwarded to the persons, taking part in the case, and to other interested persons in a registered letter with a notification, or shall be handed in to them against receipt.

2. Copies of a ruling shall be forwarded within a five-day term as from the day of its issue, unless a different time term is fixed by this Code.

Article 187. Execution of a Ruling

A ruling issued by the arbitration court, shall be executed immediately, unless otherwise is established in this Code or by the arbitration court.

Article 188. Procedure and Time Terms for Lodging an Appeal Against Rulings

1. A ruling of the arbitration court may be appealed against separately from the appellation against the judicial act, in which the investigation of the case on merit has ended, if in conformity with the present Code, lodging an appeal against this ruling is envisaged and also if this ruling interferes with the further progress of the case.

2. With respect to a ruling, lodging an appeal against which is not envisaged in this Code, and with respect to a protocol ruling, objections may be raised in an appeal, lodged against the judicial act, in which the investigation of the case on merit has ended.

3. The appeal against a ruling may be handed in within a term, not exceeding one month as from the day of issue of the ruling, unless a different term is established in this Code.

Section III. Proceedings in the First Instance Arbitration Court on Cases, Arising from Administrative and Other Public Legal Relations

Chapter 22. Specifics in the Investigation of Cases Arising from Administrative and Other Public Legal Relations

Article 189. Procedure for the Investigation of Cases Arising from Administrative and Other Public Legal Relations

1. The cases arising from the administrative and other public legal relations, shall be investigated in accordance with the general rules for claim proceedings stipulated by this Code, with the specifics established in the present Section, unless the federal law has stipulated other rules for administrative proceedings.

2. Applications on the cases, arising from administrative and other public legal relations, shall be filed to the arbitration court in accordance with the general rules of the jurisdiction stipulated by this Code, unless otherwise established in the present Section.

3. The duty to prove the circumstances which have served as a ground for passing the disputed act, and the legality of the disputed decisions and actions (inaction) on the part of the state bodies, of the local self-government bodies, of the other bodies and of the official persons,

shall be imposed upon the bodies and the persons, who have adopted the disputed act or decision, or have performed the disputed actions (inaction).

Article 190. Reconciliation of the Parties

Economic conflicts arising from administrative and other public legal relations, may be regulated by the parties in accordance with the rules, established in Chapter 15 of this Code, by concluding an agreement or with the use of other conciliatory procedures, unless otherwise established in the federal law.

Chapter 23. Investigation of Cases on Disputing Legal Normative Acts

Article 191. Procedure for Examining Cases on Disputing Legal Normative Acts

1. The cases on disputing legal normative acts, which infringe upon the rights and lawful interests of persons in the sphere of business and other economic activity, shall be investigated by the arbitration court in accordance with the general rules for contentious proceedings stipulated by this Code, with the specifics established in the present Chapter.

2. Proceedings on the cases on disputing legal normative acts shall be initiated on the ground of applications from interested persons who have filed a claim for recognizing such acts as invalidated.

3. Cases on disputing legal normative acts shall be examined in the arbitration court if their investigation is referred to the competence of arbitration courts in conformity with federal law.

Article 192. Right to File to the Arbitration Court an Application for Recognizing a Legal Act as Invalidated

1. Citizens, organizations and other persons shall have the right to file to the arbitration court an application for recognizing as invalidated a legal normative act, passed by a state body, by a local self-government body, by another body or by an official person, if they believe that the disputed legal normative act or its individual provisions do not correspond to the law or to another legal normative act of profound legal force and infringe upon their rights and lawful interests in the sphere of business and other economic activity, that they illegally impose upon them any kind of duties or create other obstacles for the performance of business or other economic activity.

2. The public prosecutor, as well as state bodies, local self-government bodies and other bodies, shall have the right to turn to the arbitration court in the cases, stipulated by this Code, with applications for recognizing legal normative acts as invalidated, if they believe that such disputed act or its individual provisions do not correspond to the law or to another legal normative act of profound legal force and infringe upon the

rights and lawful interests of citizens, organizations or other persons in the sphere of business or another economic activity.

3. Turning by an interested person to a higher placed body in accordance with the order of subordination or to an official person is not an obligatory condition for filing an application to the arbitration court, unless otherwise is established in the federal law.

Article 193. Demands on an Application for Recognizing a Legal Normative Act as Invalidated

1. An application for recognizing a legal normative act as invalidated shall satisfy the demands envisaged in the first part, in Items 1, 2 and 10 of the second part, and in the third part of Article 125 of this Code.

In the application shall also be indicated:

1) the name of the state power body, of the local self-government body, of another body or of the official person, which (who) have (has) adopted the disputed legal normative act;

2) the name, number and date of adoption, the name of the publication and other data on the disputed legal normative act;

3) the rights and lawful interests of the applicant, which in his opinion are violated by this disputed act or by its individual provisions;

4) the name of the legal normative act of profound legal force, for the correspondence to which the disputed act or its individual provisions shall be checked;

5) the applicant's demand on recognizing the disputed act as invalidated;

6) the list of the enclosed documents.

2. To the application shall be enclosed the documents, named in Items 1-5 of Article 126 of this Code, as well as the text of the disputed legal normative act.

3. Filing an application to the arbitration court shall not suspend the validity of the disputed legal normative act.

Article 194. Investigation of the Cases on Disputing Legal Normative Acts

1. A case on disputing a legal normative act shall be investigated by a collegiate composition of judges within a time term not exceeding two months as from the day of arrival of the application at the court, including the time required for preparing the case to the judicial proceedings and for the adoption of the decision on the case.

2. The arbitration court shall notify of the time and the place of the court session the applicant, the body which has adopted the disputed legal normative act, and other interested persons. Non-appearance of the above-said persons, duly notified about the time and the place of the court session, shall not be seen as an obstacle to the investigation of the case, unless the court has recognized their appearance as obligatory.

3. The arbitration court may recognize as obligatory the appearance in the court session of the representatives of state bodies, of local self-government bodies, of other bodies or of official persons, which (who) have passed the disputed act, and summon them to the court session to give explanations.

Non-appearance of these persons summoned to the court session, shall be seen as a ground for imposing a fine in the order and in the amount, established in Chapter 11 of this Code.

4. When investigating cases on disputing legal normative acts, the arbitration court shall check in a court session the disputed act or its individual provision, shall establish its correspondence to federal constitutional law, to federal law and to other legal normative acts of profound legal force, as well as the powers of the body or of the person, which (who) has adopted the disputed legal normative act.

5. The arbitration court shall not be bound by the arguments contained in an application for disputing a legal normative act, and shall check the disputed provision in full volume.

6. The duty of proving the correspondence of the disputed act to the federal constitutional law, to the federal law and to another legal normative act of profound legal importance, the possession by the body or by the official person of the proper powers for the adoption of the disputed act, as well as the circumstances, which have served as a ground for its adoption, shall be imposed upon the body or upon the official person, which (who) has adopted this act.

7. If there exists a legally enforced decision on an earlier considered case of the court which has checked on the same grounds the correspondence of the disputed act to another legal normative act of profound legal force, the arbitration court shall cease the proceedings on the case.

8. The refusal of a claim of an interested person who has turned to the arbitration court with an application for disputing a legal normative act, or refusal of recognition of the claim by the body or by the person, which (who) has adopted the disputed act, shall not be seen as an obstacle for the arbitration court to examine the case on merit.

Article 195. Court Decision on a Case on Disputing a Legal Normative Act

1. The arbitration court shall take a decision on a case on disputing a legal normative act in accordance with the rules established in Chapter 20 of this Code.

2. On the results of the examination of a case on disputing a legal normative act, the arbitration court shall take one of the following decisions:

1) on recognizing the disputed act or its individual provisions as corresponding to another legal normative act of profound legal force;

2) on recognizing the disputed act or its individual provisions as not corresponding to another legal normative act of profound legal force and as invalidated fully or in part.

3. In the substantive part of the decision on a case on disputing a legal normative act shall be contained:

1) the name of the body or of the person, which (who) has passed the disputed act, the name and the number, as well as the date of adoption of the act;

2) the name of the legal normative act of profound legal force, for the correspondence to which the disputed act is checked;

3) an indication of the fact that the disputed act is recognized as corresponding to the legal normative act of profound legal importance and of the refusal to satisfy the presented claim, or of the fact that the disputed act is recognized as not corresponding to the legal normative act of profound legal force and as invalidated, fully or in part.

4. The arbitration court's decision on a case on disputing a legal normative act shall enter into legal force immediately after it is taken.

5. A legal normative act or its individual provisions recognized by the arbitration court as invalidated, shall not be subject to application as from the moment of the entry of the court decision into legal force and shall be adjusted by the body or by the person, which (who) has adopted the disputed act, to the law or to another legal normative act of profound legal force.

6. The copies of the arbitration court's decision shall be forwarded, within a term of no longer than ten days as from the day of its adoption, to the persons, taking part in the case, to the arbitration courts of the Russian Federation, to the Constitutional Court of the Russian Federation, to the Supreme Court of the Russian Federation, to the President of the Russian Federation, to the Government of the Russian Federation, to the Procurator-General of the Russian Federation, to the Authorized Person for Human Rights in the Russian Federation and to the Ministry of Justice of the Russian Federation. The copies of the decision may also be forwarded to other bodies and to other persons.

7. The arbitration court's decision on a case on disputing a legal normative act, with the exception of the decision of the Higher Arbitration Court of the Russian Federation, may be appealed against in the arbitration court of the cassation instance in the course of one month as from the day of its coming into legal force.

Article 196. Publication of the Arbitration Court's Decision on a Case on Disputing a Legal Normative Act

1. The arbitration court's decision which has entered into legal force on a case on disputing a legal normative act shall be forwarded by the arbitration court to the official publications of the state bodies, of the local

self-government bodies and of the other bodies, where the disputed act was published, and it shall be immediately printed in said publications.

2. The arbitration court's decision on a case on disputing a legal normative act shall be published in the Bulletin of the Higher Arbitration Court of the Russian Federation and, if necessary, in other publications as well.

Chapter 24. Investigation of Cases on Disputing Non-Normative Legal Acts, Decisions and Actions (Inaction) of State Bodies, of Local Self-Government Bodies, of Other Bodies, and of Official Persons

Article 197. Procedure for an Investigation of Cases on Disputing Non-Normative Legal Acts, Decisions and Actions (Inaction) of the State Bodies, of Local Self-Government Bodies, Other Bodies, and Official Persons

1. The cases on disputing non-normative legal acts, decisions and actions (inaction) of the state bodies of the local self-government bodies, of the other bodies and of the official persons, including of officers of the law, which infringe upon the rights and the lawful interests of persons in the sphere of business and other economic activity, shall be investigated by the arbitration court in accordance with the general rules for contentious proceedings, stipulated in this Code, with the specifics established in the present Chapter.

2. The court proceedings on the cases on disputing the non-normative legal acts, decisions and actions (inaction) of state bodies, of local self-government bodies, of other bodies or of official persons, shall be initiated on the ground of an application from an interested person, who has lodged to the arbitration court a claim for recognizing as invalidated the non-normative legal acts or for recognizing as unlawful the decisions and actions (inaction) of said bodies and persons.

Article 198. Right to File to the Arbitration Court an Application for Recognizing Non-Normative Legal Acts as Invalidated and the Decisions and Actions (Inaction) as Unlawful

1. Citizens, organizations and other persons shall have the right to file to the arbitration court applications for recognizing as invalidated the non-normative legal acts and as unlawful the decisions and the actions (inaction) of state bodies, of local self-government bodies, of other bodies and of official persons, if they believe that the disputed non-normative legal act, the decision and the action (inaction) do not correspond to the law or to another legal normative act and infringe upon their rights and lawful interests in the sphere of business and other economic activity, that they unlawfully impose upon them any kind of duties and create other obstacles to the performance of the business and other economic activity.

2. The public prosecutor, as well as the state bodies, the local self-government bodies and the other bodies shall have the right to lodge to the

arbitration court an application for recognizing as invalidated the non-normative legal acts and as unlawful the decisions and the actions (inaction) of state bodies, of local self-government bodies, of other bodies, and of the official persons, if they believe that the disputed non-normative legal act, the decision and the action (inaction) do not correspond to the law or to another legal normative act and violate the rights and the lawful interests of citizens, organizations and other persons in the sphere of the business and other economic activity, that they unlawfully impose upon them any kind of duties and create other obstacles to the performance of business and other economic activity.

3. The applications for recognizing as invalidated non-normative legal acts, and as unlawful the decisions and actions (inaction) shall be examined in the arbitration court, if their examination is not referred, in conformity with the federal law, to the competence of other courts.

4. The application may be filed to the arbitration court in the course of three months as from the day, when the citizen or the organization has become aware of the violation of their rights and lawful interests, unless otherwise laid down in the federal law. The time term for lodging an application, missed because of a valid reason, may be restored by the court.

Article 199. Requirements for an Application for Recognizing a Non-Normative Legal Act as Invalidated and Decisions and Actions (Inaction) as Unlawful

1. An application for recognizing a non-normative legal act as invalidated and decisions and actions (inaction) as unlawful shall meet the demands stipulated in the first part, in Items 1, 2 and 10 of the second part and in the third part of Article 125 of this Code.

In the application shall also be indicated:

1) the name of the body or of the person, which (who) has adopted the disputed act or decision, or has performed the disputed actions (inaction);

2) the name, the number and the date of adoption of the disputed act or decision, and the time of performing the actions;

3) the rights and lawful interests, which in the applicant's opinion are infringed upon by the disputed act, decision or action (inaction);

4) the laws and the other legal normative acts which in the applicant's opinion do not correspond to the disputed act, decision or action (inaction);

5) the applicant's demand that the non-normative legal act be recognized as invalidated, and the decision and the action (inaction) as unlawful.

In the application for disputing the decisions and actions (inaction) of the official of the service of bailiffs it is also necessary to indicate information about a court order, in connection with whose execution the applicant disputes the decisions and actions (inaction) of the said official.

2. To the application shall be enclosed the documents, named in Article 126 of this Code, as well as the text of the disputed act or decision.

It is also necessary to append to the application for contesting the decisions and actions (inaction) of the official of the service of bailiffs the notice of service or any other documents confirming the dispatch of a copy the application and of the necessary evidence to the said official or to the other side of the court enforcement action.

3. At the applicant's request, the arbitration court may suspend the operation of the disputed act or decision.

Article 200. Investigation of the Cases on Disputing Non-Normative Legal Acts, Decisions and Actions (Inaction) of State Bodies, of the Local Self-Government Bodies, of Other Bodies or of Official Persons

1. Cases on disputing non-normative legal acts, decisions and actions (inaction) of state bodies, of local self-government bodies, of other bodies or of official persons shall be investigated by a judge on his own within a term not exceeding two months as from the day of arrival of the corresponding application to the arbitration court, including the time term for preparing the case to the court trial and for adopting a decision on the case, unless a different term is fixed by federal law.

The cases on disputing the decisions and actions (inaction) of the official of the service of bailiffs shall be examined within a time term not exceeding ten days as from the day of the application coming in to the arbitration court, including the time term for preparing the case for the court hearings and for the adoption of a decision on the case.

2. The arbitration court shall notify of the time and place of the court session the applicant, as well as the body or official person, which (who) has adopted the disputed act or decision, or which (who) has performed the disputed actions (inaction), and other interested persons. The failure of the above-said persons, duly informed about the time and place of the court session, to appear shall not be seen as an obstacle to the trial of the case, unless the court has recognized their appearance as obligatory.

3. The arbitration court may recognize as obligatory the appearance in the court session of representatives of the state bodies, of the local self-government bodies, of the other bodies and of official persons, which (who) have adopted the disputed act or decision, or which (who) have performed the disputed actions (inaction), and to summon them to the court session. Non-appearance of said persons, duly notified about the time and place of the court session, shall be seen as a ground for imposing a fine in the order and in the amount established in Chapter 11 of this Code.

4. As it investigates cases on disputing non-normative legal acts, decisions and actions (inaction) of state bodies, of the local self-government bodies, of the other bodies or of the official persons, the arbitration court shall check in the court session the disputed act or its

individual provisions, the disputed decisions and actions (inaction), and shall establish their correspondence to the law or to another legal normative act and the possession of powers by the body or by the person, which (who) has adopted the disputed act or decision, or which (who) has performed the disputed actions (inaction), and shall also verify whether the disputed act, decision and actions (inaction) infringe upon the applicant's rights and lawful interests in sphere of the business or other economic activity.

5. The duty of proving the correspondence of the disputed non-normative legal act to the law or to another legal normative act, the legality of the adoption of the disputed decision or of performing the disputed actions (inaction) and the possession by the body or by the person of the proper powers for the adoption of the disputed act or decision or for the performance of disputed actions (inaction), as well as the circumstances which have served as a ground for the adoption of the disputed act or for the performance of disputed actions (inaction), shall be imposed upon the body or upon the person, which (who) has adopted the act and the decision, or which (who) has performed the actions (inaction).

6. If the body or the person, which (who) has adopted the disputed act or decision or which (who) has performed the disputed actions (inaction), fails to supply the proofs necessary for the investigation of the case and for the adoption of the decision, the arbitration court may obtain such at its own initiative.

Article 201. An Arbitration Court's Decision on a Case on Disputing Non-Normative Legal Acts, Decisions or Actions (Inaction) of State Bodies, of Local Self-Government Bodies, of Other Bodies or of Official Persons

1. The decision on a case on disputing non-normative legal acts, decisions or actions (inaction) of state bodies, of local self-government bodies, of other bodies or of official persons shall be taken by the arbitration court in accordance with the rules established in Chapter 20 of this Code.

2. Having established that a disputed non-normative legal act, decision or actions (inaction) of the state bodies, of the local self-government bodies, of the other bodies and of the official persons do not correspond to the law or to another legal normative act and infringe upon the rights and the lawful interests of the applicant in the sphere of business and other economic activity, the arbitration court shall take a decision on recognizing the non-normative legal act as invalidated, and the decisions and the actions (inaction) as unlawful.

3. If the arbitration court establishes that the disputed non-normative legal act, the decisions and the actions (inaction) of the state bodies, of the local self-government bodies, of the other bodies and of the official persons correspond to the law or to another legal normative act and do not infringe

upon the applicant's rights and lawful interests, the court shall adopt a decision on the refusal to satisfy the filed claim.

4. In the substantive part of the decision on a case on disputing the non-normative legal acts and the decisions of the state bodies, of the local self-government bodies, of the other bodies and of the official persons, shall be contained:

1) the name of the body or of the person, which (who) has adopted the disputed act; the name, the number and the date of adoption of the disputed act or decision;

2) the name of the law or of the other legal normative act, for the correspondence to which the disputed act or decision is checked;

3) an indication of the recognition of the disputed act as invalidated or of the decision as unlawful, fully or in part, and the liability to eliminate the admitted violations of the applicant's rights and lawful interests, or the refusal to satisfy the applicant's claim, fully or in part.

5. In the substantive part of the decision on a case on disputing the actions (inaction) of the state bodies, of the local self-government bodies, of other bodies and of the official persons, and in the refusal to perform the actions or to adopt the decisions, shall be contained:

1) the name of the body or of the person, which (who) has performed the disputed actions (inaction) and which (who) has refused the performance of the actions and the adoption of decisions; information on the actions (inaction) and on the decisions;

2) the name of the law or of another legal normative act, for the correspondence to which the disputed actions (inaction) and decisions are checked;

3) an indication of recognizing the disputed actions (inaction) as unlawful and the liability of the corresponding state bodies, of the local self-government bodies, of the other bodies and of the official persons to perform definite actions, to adopt decisions, or in a different way to eliminate the admitted violations of the applicant's rights and lawful interests within the time term fixed by the court, or of the refusal to satisfy the applicant's claim, fully or in part.

6. In the substantive part of the decision, the arbitration court may point out the necessity to inform the court about the execution of the court decision by the corresponding body or person.

7. The arbitration court's decisions on the cases on disputing the non-normative legal acts, decisions and actions (inaction) of the state bodies, of the local self-government bodies, of other bodies and of the official persons, are subject to immediate execution, unless other time terms are fixed in the court's decision.

8. As from the day of adoption of the arbitration court's decision on recognizing as invalidated a non-normative legal act, fully or in part, the said act or its individual provisions are not subject to application.

9. A copy of the arbitration court's decision shall be forwarded within a five-day term as from the day of its adoption to the applicant, to the state body, to the local self-government body, to other bodies or to the official persons, which (who) have adopted the disputed act or decision or which (who) have performed the disputed actions (inaction). The court may also forward a copy of the decision to body higher placed in the order of subordination, to a person higher placed in the order of subordination, to the public prosecutor or to other interested persons.

Chapter 25. Investigation of Cases on Administrative Law Offences

§1. Investigation of Cases on Making one to Administratively Liable

Article 202. Procedure for Investigation of Cases on Making one to Administratively Liable

1. The cases on bringing to administrative responsibility legal entities and individual businessmen in connection with the performance by them of business and other economic activity, referred by federal law to the jurisdiction of arbitration courts, shall be investigated in accordance with the general rules for claim proceedings, stipulated by this Code, with the specifics established in the present Chapter and in the federal law on administrative law offences.

2. The legal proceedings on the cases on bringing to administrative responsibility shall be initiated on the basis of applications from the bodies and the official persons, authorized in conformity with the federal law to compile protocols on administrative law offences (hereinafter in Paragraph 1 of Chapter 25 of this Code referred to as the administrative bodies), which (who) have filed a claim for making administratively liable the persons engaged in business or other economic activity who are mentioned in the first part of this Article.

Article 203. Filing an Application for Bringing to Administrative Responsibility

An application for bringing to administrative responsibility shall be filed to the arbitration court at the place of stay or at the place of residence of the persons with respect to whom the protocol on an administrative law offence is compiled.

Article 204. Demands Made on an Application for Bringing to Administrative Responsibility

1. An application for bringing to administrative responsibility the persons engaged in business or other economic activity shall satisfy the demands envisaged in the first part, in Items 1, 2 and 10 of the second part, and in the third part of Article 125 of this Code.

In the application shall also be pointed out:

1) the date and the place of performance of the actions which have served as a ground for compiling a protocol on an administrative law offence;

2) the post, surname and initials of the person who has compiled the protocol on an administrative law offence;

3) information on the person with respect to whom the protocol on an administrative law offence is compiled;

4) the norms of the law envisaging administrative liability for actions which have served as a ground for compiling the protocol on an administrative law offence;

5) the applicant's claim for bringing to administrative responsibility.

2. To the application shall be added the protocol on the administrative law offence and the documents enclosed to the protocol, as well as the notification on handing in, or another document confirming that a copy of the application is forwarded to the person, with respect to whom the protocol on an administrative law offence is compiled.

Article 205. Legal Proceedings on Cases on Bringing to Administrative Responsibility

1. The cases on bringing to administrative responsibility of the persons engaged in business and another economic activity shall be investigated in a court session by a judge on his own within a time term, not exceeding fifteen days as from the day of the arrival at the arbitration court of an application for bringing to administrative responsibility, including the time term for preparing the case for the action at law and for the adoption of the decision on the case, unless a different time term is fixed in the federal law on administrative law offences.

2. The arbitration court may extend the time term for an investigation of the case on bringing to administrative responsibility by no more than one month at a request from the persons taking part in the case, or if there is a need for an additional investigation of the case circumstances. The arbitration court shall issue a ruling on an extension of the time term for examining the case.

3. The arbitration court shall notify of the time and place of the court session the persons taking part in the case. Non-appearance of persons duly notified about the time and place of the court session, shall not be seen as an obstacle to an investigation of the case, unless the court has recognized their appearance as obligatory.

4. The arbitration court may recognize as obligatory the appearance in a court session of the representative of the administrative body, as well as of the person, with respect to which (to whom) the protocol on an administrative law offence is compiled, and to summon them to the court session for giving explanations. Non-appearance of said persons, summoned to the court session, is a ground for levying a fine in the order and in the amount established in Chapter 11 of this Code.

5. The duty to prove the circumstances that have served as a ground for compiling a protocol on an administrative law offence in the cases on bringing to administrative responsibility cannot be imposed upon a person who is being brought to administrative responsibility.

If the administrative body which compiled the protocol has not supplied the proof, necessary for the consideration of the case and for the adoption of the decision, the arbitration court may obtain the proofs from said body at its own initiative.

6. When it investigates a case on bringing to administrative responsibility, the arbitration court shall establish in the court session whether the event of an administrative law offence has actually taken place, whether it was actually committed by the person with respect to whom the protocol on an administrative law offence is compiled, and whether there have existed grounds for compiling the protocol on an administrative law offence, as well as the powers of the administrative body, which has compiled the protocol; it shall also establish whether the law envisages administrative responsibility for committing the given law offence and whether there exist grounds for bringing to administrative responsibility the person with respect to whom the protocol is compiled, and shall determine the measures of administrative responsibility.

Article 206. Arbitration Court's Decision on a Case on Making Administratively Liable

1. The arbitration court shall take a decision on a case on bringing to administrative responsibility in accordance with the rules established in Chapter 20 of this Code.

2. The arbitration court shall adopt a decision on bringing to administrative responsibility or on the refusal to satisfy the demand of the administrative body for bringing to administrative responsibility in accordance with the results of examining the application for bringing to administrative responsibility.

3. In the substantive part of the decision on bringing to administrative responsibility shall be contained:

1) the name of the person made administratively liable, the place of his stay or of his residence and information on his state registration in the capacity of a legal entity or of an individual businessman;

2) the norms of the law, on the basis of which the given person is brought to administrative responsibility;

3) the kind of administrative punishment and the sanctions imposed upon the person brought to administrative responsibility.

4. The decision on bringing to administrative responsibility shall enter into legal force after the expiry of ten days as from the day of its adoption, unless an appeal is lodged.

If an appeal is lodged, the decision, unless it is amended or cancelled, shall come into legal force as from the day of adoption of the decision by the arbitration court of the appeals instance.

5. A copy of the arbitration court's decision on a case on bringing to administrative responsibility shall be directed by the arbitration court to the persons taking part in the case within a three-day term as from the day of its adoption. The arbitration court may also forward a copy of the decision to an administrative body higher placed in the order of subordination.

\$2. Investigation of Cases on Disputing Administrative Bodies' Decisions on Making Administratively Liable

Article 207. Procedure for an Investigation of Cases on Disputing Administrative Bodies' Decisions on Making Administratively Liable

1. Cases on disputing decisions of the state bodies, of other bodies and of the official persons authorized in conformity with federal law to investigate cases on administrative law offences (hereinafter in Paragraph 2 of Chapter 25 of this Code referred to as administrative bodies), and on bringing to administrative responsibility persons engaged in the business or other economic activities, shall be examined by the arbitration court in accordance with the general rules for contentious proceedings, as stipulated by this Code, with the specifics established in the present Chapter and in the federal law on administrative law offences.

2. Legal proceedings on cases on disputing decisions of administrative bodies shall be initiated on the ground of applications from the legal entities and from the individual businessmen, brought to administrative responsibility in connection with the performance of business and other economic activity, and for disputing administrative bodies' decisions on bringing to administrative responsibility.

Article 208. Filing an Application for Disputing an Administrative Body's Decision on Bringing to Administrative Responsibility

1. An application for disputing an administrative body's decision on bringing to administrative responsibility shall be filed with the arbitration court at the applicant's place of stay or of residence.

2. The application may be filed with the arbitration court within ten days as from the day of receiving a copy of the disputed decision, unless a different term is established by a federal law.

If the said term is missed, it may be restored by the court at the applicant's request.

3. The arbitration court may suspend the execution of the disputed decision at the applicant's request.

4. An application for disputing an administrative body's decision on bringing to administrative responsibility shall not be levied with state duty.

Article 209. Requirements for an Application for Disputing an Administrative Body's Decision on Bringing to Administrative Responsibility

1. An application for disputing an administrative body's decision on bringing to administrative responsibility shall meet the demands stipulated in the first part 1, in Items 1, 2 and 10 of the second part, and in the third part of Article 125 of this Code.

In the application shall also be indicated:

1) the name of the administrative body which has taken the disputed decision;

2) the name, number and date of adoption of the disputed decision, and other information on it;

3) the applicant's rights and lawful interests, which are in his opinion violated by the disputed decision;

4) the applicant's claim and the grounds on which he is disputing the decision of the administrative body.

2. With an application for disputing an administrative body's decision shall be enclosed the text of the disputed decision, as well as the notification on handing in or another document confirming that the copies of the application for disputing the decision have been forwarded to the administrative body that has adopted it.

Article 210. Legal Proceedings on Cases on Disputing Administrative Bodies' Decisions

1. The cases on disputing decisions of administrative bodies shall be investigated by a judge on his own within a time term not exceeding ten days as from the day of arrival of the application at the arbitration court, including the time term for preparing the case for the action at law and for the adoption of the decision on the case, unless different time terms are fixed by a federal law.

2. The arbitration court shall inform about the time and place of the court session the persons taking part in the case, and other interested persons. Non-appearance of said persons, duly notified about the time and place of the court session, shall not be seen as an obstacle to an investigation of the case, unless the court has recognized their appearance as obligatory.

3. The arbitration court may recognize as obligatory the appearance of a representative of the administrative body which adopted the disputed decision, and of the person who has filed the application to the court, and to summon them to the court session to give explanations. Non-appearance of said persons summoned to the court session, shall be seen as a ground for levying a fine in the order and in the amount, established in Chapter 11 of this Code.

4. The duty of proving the circumstances that have served as a ground for bringing to administrative responsibility in cases on disputing administrative bodies' decisions on bringing to administrative responsibility,

shall be imposed upon the administrative body which has adopted the disputed decision.

5. If the administrative bodies do not supply the proof necessary for an investigation of the case and for passing a decision, the arbitration court may obtain the proof from said bodies at its own initiative.

6. When considering a case on disputing an administrative body's decision on bringing to administrative responsibility, the arbitration court shall check in the court session the legality and the substantiation of the disputed decision, shall establish the possession of the corresponding powers by the administrative body which adopted the disputed decision, and shall verify whether there existed legal grounds for bringing to administrative responsibility, whether the established procedure for bringing to administrative responsibility has been observed and whether the term of limitation for bringing to administrative responsibility has not elapsed, as well as other circumstances of importance for the case.

7. When examining a case on disputing an administrative body's decision, the arbitration court shall not be bound by the arguments contained in the application, and shall check the disputed decision in full volume.

Article 211. Arbitration Court's Decision on a Case on Disputing an Administrative Body's Decision on Bringing to Administrative Responsibility

1. The decision on a case on disputing an administrative body's decision on bringing to administrative responsibility shall be adopted by the arbitration court in accordance with the rules established in Chapter 20 of this Code.

2. If, when considering an application for disputing an administrative body's decision on bringing to administrative responsibility, the arbitration court establishes that the disputed decision or the procedure for its adoption does not correspond to the law, or that the grounds for bringing to administrative responsibility or for an application of a specific measure of responsibility are absent, or that the disputed decision is passed by a body or by an official person in excess of their powers, the court shall take a decision on recognizing the disputed decision as illegal and on cancelling the disputed decision, fully or in part, or on amending the decision.

3. If, when examining an application for disputing an administrative body's decision on bringing to administrative responsibility, the arbitration court establishes that the administrative body's decision on bringing to administrative responsibility is legal and well substantiated, the court shall adopt a decision on the refusal in satisfaction of the applicant's claim.

4. In the substantive part of the decision on a case on disputing an administrative body's decision shall be contained:

1) the name, number and date of adoption, and other necessary information on the disputed decision;

2) the name of the person brought to administrative responsibility, the place of his stay or of his residence, and information on his state registration in the capacity of a legal entity or of an individual businessman;

3) an indication of recognizing the decision as illegal and of its cancellation, fully or in part, or of the refusal to satisfy the applicant's claim, fully or in part, or of the measure of responsibility, unless it is amended by the court.

5. The arbitration court's decision shall enter into legal force after the expiry of ten days as from the day of its adoption, unless an appeal is lodged.

If an appeal is lodged, the decision, unless it is amended or repealed, shall come into legal force as from the day of adoption of the resolution by the arbitration court of the appeals instance.

6. A copy of the decision shall be forwarded by the arbitration court within a three-day term as from the day of its adoption to the persons taking part in the case. The arbitration court may also forward a copy of the decision to an administrative body placed higher in the order of subordination.

Chapter 26. Investigation of Cases on the Exaction of Obligatory Payments and of Sanctions

Article 212. Procedure for Examining Cases on the Exaction of Obligatory Payments and of Sanctions

1. Cases on the exaction from persons engaged in business or other economic activity, of obligatory payments and of sanctions envisaged by the law shall be investigated by the court in accordance with the general rules of contentious proceedings, stipulated by this Code, with the specifics established in the present Chapter.

2. Legal proceedings on cases on the exaction of obligatory payments and of sanctions, shall be initiated in the arbitration court on the ground of applications from state bodies, local self-government bodies and other bodies exerting control functions, with a claim for the exaction from the persons having indebtedness on obligatory payments of monetary sums in offsetting the payment thereof and of sanctions.

Article 213. Right to File to the Arbitration Court an Application for the Exaction of Obligatory Payments and of Sanctions

1. State bodies, local self-government bodies and other bodies endowed with control functions in conformity with federal law (hereinafter referred to as "controlling bodies"), shall have the right to turn to the arbitration court with an application for the extraction from persons carrying out business or other economic activity, of law-established obligatory payments and of sanctions, unless the federal law has stipulated another procedure for their exaction.

2. An application for an exaction shall be filed to the arbitration court, if the applicant's claim for the payment of the exacted sum in a voluntary way is not executed, or if the time term, fixed in such claim, is missed.

Article 214. Requirements for an Application for the Exaction of Obligatory Payments and of Sanctions

1. An application for the exaction of obligatory payments and of sanctions shall satisfy the demands envisaged in the first part, in Items 1, 2 and 10 of the second part, and in the third part of Article 125 of this Code.

In the application shall also be indicated:

1) the name of the payment subject to exaction, the size and the calculations of its sum;

2) the norms of the federal law and of other legal normative acts envisaging the making of the payment;

3) information on the direction of the demand for making the payment in a voluntary way.

2. With an application for the exaction of obligatory payments and of sanctions shall be enclosed the documents mentioned in Items 1-5 of Article 126 of this Code, as well as a document confirming that the applicant has directed the demand on making the exacted payment in a voluntary way.

Article 215. Legal Proceedings on Cases on the Exaction of Obligatory Payments and of Sanctions

1. Cases on an exaction of obligatory payments and of sanctions shall be investigated by the judge on his own within a time term, not exceeding two months as from the day of arrival of the corresponding application at the arbitration court, including the time term for preparing the case for the hearing and for adopting the decision on the case.

2. The arbitration court shall inform of the time and place of the court session the persons taking part in the case.

Non-appearance of the above-said persons, duly notified about the time and place of the court session, shall not be seen as an obstacle to examining the case, unless the court has recognized their appearance as obligatory.

3. The arbitration court may recognize as obligatory the appearance in the court session of the persons, taking part in the case, and to summon them to the court session to provide explanations.

Non-appearance of said persons summoned to the court session, shall be seen as a ground for levying a fine in the order and in the amount established in Chapter 11 of this Code.

4. The duty of proving the circumstances which have served as a ground for the exaction of obligatory payments and of sanctions shall be imposed upon the applicant.

5. If the applicant does not supply the proof necessary for an investigation of the case and for the adoption of the decision, the arbitration court may obtain them at its own initiative.

6. When considering cases on the exaction of obligatory payments and of sanctions, the arbitration court shall establish in the court session whether there exist grounds for the exaction of the sum of indebtedness, shall verify the powers of the body which has filed a claim for exaction, and shall check the correctness of the computation and of the size of the exacted sum.

Article 216. Arbitration Court's Decision on a Case on the Exaction of Obligatory Payments and Sanctions

1. The arbitration court's decision on a case on the exaction of obligatory payments and of sanctions shall be passed in accordance with the rules established in Chapter 20 of this Code.

2. If the claim on the exaction of obligatory payments and of sanctions is satisfied, in the substantive part of the decision shall be pointed out:

1) the name of the person obliged to pay the sum of the indebtedness, the place of his stay or of his residence, and information on his state registration;

2) the total size of the monetary sum subject to exaction, with a separate definition of the principal debt and of the sanctions.

Section IV. Specifics in Arbitration Court Proceedings on Individual Categories of Cases

Chapter 27. Investigation of Cases on Establishing Facts of Legal Importance

Article 217. Procedure for an Investigation of Cases on Establishing Facts of Legal Importance

1. Cases on the establishment of facts of legal importance shall be investigated by the arbitration court in accordance with the general rules for action proceedings, established in this Code with the specifics stipulated in the present Chapter.

2. Legal proceedings on cases on establishing the facts of legal importance shall be initiated in the arbitration court on the ground of applications for an establishment of the facts of legal importance.

3. If, when examining a case on the establishment of the facts of legal importance, it is found out that a dispute of a right has arisen, the arbitration court shall leave the application for the establishment of the facts of legal importance without consideration, about which it shall issue a ruling. In the ruling, the applicant and the other interested persons shall be

explained their right to resolve the dispute by way of contentious proceedings.

Article 218. Cases on Establishing Facts of Legal Importance

1. The arbitration court shall establish the facts of legal importance for the appearance, the amendment or termination of the rights of legal entities and of individual businessmen in the sphere of business and other economic activity.

2. The arbitration court shall consider the cases upon the establishment of:

1) the fact of the possession and of the use by a legal entity or by an individual businessman of the immovable property as its (his) own;

2) the fact of state registration of a legal entity or of an individual businessman at a specific time and a specific place;

3) the fact of a right-establishing document, operating in the sphere of business or other economic activity, belonging to a legal entity or to an individual businessman, if the name of the legal entity or the surname, name and patronymic of the individual businessman, given in the document, do not coincide with the name of the legal entity in accordance with its constituent document, or with the surname, name and patronymic of the individual businessman in accordance with his passport or with his birth certificate;

4) other facts giving rise to legal consequences in the sphere of business or other economic activity.

Article 219. Right to File to the Arbitration Court an Application for Establishing Facts of Legal Importance

1. A legal entity or an individual businessman shall have the right to lodge to the arbitration court an application for establishing facts of legal importance only if the applicant has no opportunity to receive or to restore the relevant documents certifying these facts, and unless a federal law or other legal normative act has stipulated a different extra-judicial procedure for the establishment of the corresponding facts.

2. An application for the establishment of the facts of legal importance shall be filed with the arbitration court at the applicant's place of stay or of residence, with the exception of applications for the establishment of facts of possession, the use and disposal of immovable property, and of other facts of legal importance for the appearance, amendment or termination of rights to immovable property, to be filed to the arbitration court at the place of location of the immovable property.

Article 220. Requirements for an Application for Establishing Facts of Legal Importance

1. An application for the establishment of facts of legal importance shall correspond to the demands envisaged in the first part and in Items 1, 2 and 10 of the second part of Article 125 of this Code.

In an application shall also be indicated:

- 1) the fact for the establishment of which the applicant applies;
- 2) the norms of the law stipulating that the given fact gives rise to legal consequences in the sphere of business or other economic activity;
- 3) the substantiation of the need for the establishment of the given fact;
- 4) the proof confirming that it is impossible for the applicant to receive the proper proof or to restore the lost documents.

2. To an application for the establishment of the facts of legal importance shall be enclosed the documents envisaged in Items 2-5 of Article 126 of this Code.

Article 221. Legal Proceedings on Cases on Establishing Facts of Legal Importance

1. The cases on the establishment of facts of legal importance shall be investigated by the judge on his own in a court session, with the participation of the applicant and of other interested persons. To the consideration thereof may also be invited arbitration assessors.

2. When preparing a case for a court hearing, the judge shall delineate the circle of the persons interested in the case whose rights may be infringed upon by a decision on the establishment of facts of legal importance; he shall notify these persons about the legal proceedings on the case, consider the question of inviting them to take part in the case and inform them about the time and place of the court session.

3. When examining a case on the establishment of a fact of legal importance, the arbitration court shall check in the court session whether a law or other legal normative act stipulates a different extra-judicial procedure for the establishment of the given fact and whether the applicant has had another opportunity to receive or to restore the necessary documents; it shall establish if the fact at hand gives birth to legally significant consequences for the applicant in connection with the performance by him of business or other economic activity, and shall find out whether the establishment of the claimed fact infringes upon the rights of other persons and whether a dispute on the right has arisen.

4. If in the course of a court hearing on a case on the establishment of a fact of legal importance, it is found out that a dispute on the right has arisen, the arbitration court shall leave the application for the establishment of the fact of legal importance without consideration, and shall issue a ruling to this effect.

In the ruling, the applicant and other persons, interested in the case, shall be explained their right to resolve the dispute by way of action proceedings.

Article 222. Arbitration Court's Decision on a Case on Establishing a Fact of Legal Importance

1. The decision on a case on the establishment of a fact of legal importance shall be adopted by the arbitration court in accordance with the rules, established in Chapter 20 of this Code.

2. If the court satisfies an application for the establishment of a fact of legal importance, in the substantive part of the decision shall be pointed out the existence of the fact of legal importance, and the established fact shall be described.

3. The arbitration court's decision on the establishment of a fact of legal importance shall be seen as a ground for the registration of this fact or for the formalization of the rights which arise in connection with the established fact by the corresponding bodies, and shall not substitute the documents issued by these bodies.

Chapter 28. Investigation of Cases on Bankruptcy (Insolvency)

Article 223. Procedure for an Investigation of Cases on Bankruptcy (Insolvency)

1. Cases on bankruptcy (insolvency) shall be considered by the arbitration court in accordance with the rules laid down in this Code, with the specifics established in federal laws regulating the question of insolvency (bankruptcy).

2. Cases on insolvency (bankruptcy) shall be investigated in the collegiate composition of judges, unless otherwise is stipulated by the federal law regulating the question of the insolvency (bankruptcy). Arbitration assessors shall not be invited to take part in an investigation of such cases.

3. Rulings issued by the arbitration court when examining cases on insolvency (bankruptcy), the lodging of appeals against which is not stipulated by this Code or by other federal laws regulating questions of insolvency (bankruptcy), apart from a judicial act in which the examination of the case on the merits has ended, may be appealed against to the arbitration court of the appeals instance within ten days from the day of their issue.

Article 224. Right to Turn to an Arbitration Court on Cases of Insolvency (Bankruptcy)

The right to lodge an application for recognizing the debtor as bankrupt to the arbitration court at the place of the debtor's stay shall belong to the debtor, to the creditors and to other interested persons in conformity with the federal law regulating questions on insolvency (bankruptcy).

Article 225. Reconciliation on Cases on Insolvency (Bankruptcy)

An amicable agreement can be concluded in the cases on insolvency (bankruptcy) in conformity with federal law; other kinds of conciliation procedures envisaged in Chapter 15 of this Code and in other federal laws, regulating questions of insolvency (bankruptcy) are also admissible.

Chapter 29. Investigation of Cases by Way of Simplified Proceedings

Article 226. Terms and Conditions for an Investigation of Cases by Way of Simplified Proceedings

1. If the plaintiff's claims are indisputable and are recognized by the defendant, or if the claim is presented for an inconsiderable sum of money the case may be considered by way of simplified proceedings.

2. The case shall be considered by way of simplified proceedings at the plaintiff's request if no objections are raised by the defendant, or at the proposal of the arbitration court with the parties' consent.

Article 227. Cases Considered by Way of Simplified Proceedings.

By way of the simplified proceedings may be examined the following cases:

1) on property claims based on documents confirming the existence of indebtedness on the payment for consumed electricity, gas and water, for heat supply and for communication services, on the rentals and on the other expenses, involved in the operation of premises used for the purposes of the business and other economic activity;

2) on claims based on the documents submitted by the plaintiff, which establish the defendant's property liabilities, and which he recognizes but does not fulfil;

3) on claims of legal entities for a sum of up to two hundred minimum wages, fixed by federal law, and on claims presented by individual businessmen for a sum of up to twenty minimum sizes of the remuneration of labour fixed by federal law;

4) on the other claims, if there exist the conditions envisaged in Article 226 of this Code.

Article 228. Court Investigation on the Cases of the Simplified Legal Proceedings

1. The cases of the simplified legal proceedings shall be investigated by the arbitration court in accordance with the general rules for the contentious proceedings, stipulated by this Code, with the specifics established in the present Chapter.

2. The cases of the simplified proceedings shall be examined by the judge on his own within a time term not exceeding one month as from the day of arrival of the statement of claim at the arbitration court, including the

time term for preparing the case for the action at law and for taking the decision on the case.

3. In the ruling on the acceptance of a statement of claim for the legal proceedings the arbitration court shall point out the possibility of an investigation of the case by way of the simplified proceedings, and shall fix a fifteen-day term for the parties to raise objections with respect to the case consideration by way of simplified proceedings and to submit a response to the presented claims, or other proof.

4. If cases are investigated by way of the simplified proceedings, the court session shall be held without summoning the parties. The court shall examine only the written proof, as well as the response and explanations on the merit of the presented claims submitted in written form, and other documents.

5. If the debtor raises objections against the presented claims, and also if a party objects to the court trial of the case by way of simplified proceedings, the arbitration court shall issue a ruling on the examination of this case in accordance with the general rules for the contentious proceedings established in this Code.

Article 229. Decision on a Case, Investigated by Way of the Simplified Proceedings

1. Decision may be adopted in accordance with the results of examining a case by way of the simplified proceedings only if the debtor has not raised objections on the merits of the presented claims within the term fixed by the court.

2. A decision on a case which has been investigated by way of the simplified proceedings shall be adopted in accordance with the rules, established in Chapter 20 of this Code.

3. A copy of the decision shall be forwarded to persons taking part in the case, not later than on the day after its adoption.

4. A decision may be appealed against within one month as from the day of its adoption, directed to the arbitration court of the appeals instance.

Chapter 30. Legal Proceedings on Cases on Disputing Decisions of Reference Tribunals and on the Issue of Writs of Execution for the Forcible Execution of Decisions of Reference Tribunals

§1. Proceedings on Cases on Disputing Decisions of Reference Tribunals

Article 230. Disputing Decisions of Reference Tribunals

1. The rules established in the present paragraph shall be applied in an investigation by an arbitration court of applications for disputing the decisions of reference tribunals and of international commercial arbitrage, accepted on the territory of the Russian Federation (reference tribunals).

2. Contesting in an arbitration court decisions of reference tribunals on disputes, arising from the civil law relations in the performance of business and other economic activity, may be effected by persons taking part in a reference tribunal investigation, by filing an application to the arbitration court for the repeal of the decision of the reference tribunal in conformity with Article 233 of this Code.

3. A claim for the repeal of a decision of a reference tribunal shall be filed to the arbitration court of the subject of the Russian Federation on whose territory the decision of the reference tribunal is passed, within a term not exceeding three months as from the day of receipt of the disputed decision by the party which lodged the application, unless otherwise is established in an international treaty of the Russian Federation or in a federal law.

4. An application for the repeal of a decision of reference tribunal shall be paid for with the state duty in the amount, fixed by the federal law for the collection for an application for the issue of a writ of execution for a forcible execution of the tribunal's decision.

5. In cases envisaged in an international treaty of the Russian Federation, in conformity with the present paragraph may be disputed a foreign arbitration decision, in the adoption of which are applied norms of the legislation of the Russian Federation, by filing an application for the cancellation of such decision to the arbitration court of the subject of the Russian Federation at the place of the debtor's stay or residence or, if the place of the debtor's stay or residence is unknown, at the location of the property of the debtor party in the legal proceedings of the reference tribunal.

Article 231. Demands Made on an Application for the Repeal of the Decision of a Reference Tribunal

1. An application for the repeal of the decision of a reference tribunal shall be filed in writing and shall be signed by the person, disputing the decision, or by his representative.

2. In an application for the repeal of the decision of a reference tribunal shall be indicated:

- 1) the name of the arbitration court to which the application is filed;
- 2) the name and composition of the reference tribunal which has adopted the decision, and the place of its location;
- 3) the names of the parties in the reference tribunal procedure, the place of their stay or of their residence;
- 4) the date and place of passing the reference tribunal's decision, and its number;
- 5) the date of receiving the disputed decision of the reference tribunal by the party which has filed an application for the cancellation of said decision;

6) the applicant's demand that the decision of the reference tribunal be cancelled, and the grounds on which it is disputed.

In the application may be supplied the numbers of the telephones and faxes, e-mail addresses and other information.

3. To an application for the repeal of the decision of a reference tribunal shall be enclosed:

1) the duly certified original of the reference tribunal's decision, or a properly certified copy thereof. A copy of the decision of a permanently operating reference tribunal may be certified by the chairman of the reference tribunal; a copy of the decision of an ad hoc reference tribunal for the resolution of a specific dispute shall be certified by a notary;

2) the original of an agreement on the reference tribunal procedure, or a properly certified copy thereof;

3) documents submitted in substantiation of the demand for the repeal of the reference tribunal's decision;

4) a document confirming the payment of state duty in the order and in the amount established by the federal law;

5) the notification on handing in or another document confirming that a copy of the application for the repeal of the reference tribunal's decision was forwarded to the other party in the reference tribunal's procedure;

6) a warrant or another document confirming the powers of the person for signing the application.

4. An application for the cancellation of the reference tribunal's decision, filed with a violation of the demands, envisaged in Article 230 of this Code or in the present Article, shall be left without progress or shall be returned to the person who has filed it, in accordance with the rules established in Articles 128 and 129 of this Code.

Article 232. Procedure for Examining an Application for Cancelling a Reference Tribunal's Decision

1. An application for the cancellation of the reference tribunal's decision shall be examined by the judge on his own within one month as from the day of its arrival at the arbitration court, including the time term for preparing the case for the action at law and for passing a ruling, in accordance with the rules stipulated by this Code.

2. When the case is prepared for legal proceedings, the judge may obtain from the reference tribunal, at the request of both parties of the tribunal procedure, the case materials, the decision on which is disputed in the arbitration court, in accordance with the rules this Code stipulates for obtaining proof.

3. The parties of the tribunal proceedings shall be notified by the arbitration court about the time and place of the court session. Non-appearance of the said persons, duly informed about the time and the place of the court session, shall not be seen as an obstacle to an investigation of the case.

4. When examining the case, the arbitration court shall establish in the court session either the existence or the absence of the grounds for the cancellation of the reference tribunal's decision, stipulated by Article 233 of this Code, by way of an investigation of the proof, submitted to the court in substantiation of the presented claims and of the raised objections.

Article 233. Grounds for the Repeal of a Reference Tribunal's Decision

1. The decision of a reference tribunal may be repealed by the arbitration court only in cases mentioned in the present Article.

2. A decision of the reference tribunal may be cancelled if the party, which has filed to the arbitration court an application for the cancellation of the reference tribunal's decision, supplies to the arbitration court proofs that:

1) the tribunal agreement is invalid on the grounds envisaged in the federal law;

2) the party was not duly notified about the selection (appointment) of the referees, or about the reference tribunal proceedings, including about the time and place of the tribunal's session, or that it could not have given to the tribunal its explanations because of other valid reasons;

3) the reference tribunal's decision was adopted on a dispute not stipulated by the tribunal agreement or not falling under its terms, or contains resolutions on issues going outside the framework of the tribunal agreement. If the resolutions on issues embraced by the tribunal agreement can be separated from those that are not embraced by it, the arbitration court may repeal only that part of the reference tribunal's decision which contains resolutions on issues, not embraced by the agreement on handing over the dispute for consideration to the reference tribunal;

4) the composition of the reference tribunal or the procedure for the reference tribunal investigation does not correspond to the parties' agreement, or to federal law.

3. The arbitration court shall cancel the reference tribunal's decision if it establishes that:

1) the dispute considered by the tribunal cannot be an object of the tribunal procedure in conformity with federal law;

2) the reference tribunal's decision violates the fundamental principles of Russian law.

4. A decision of the international commercial arbitrage may be repealed by the arbitration court on the grounds, which are laid down in the international treaty of the Russian Federation and in the federal law on international commercial arbitrage.

Article 234. Arbitration Court's Ruling on a Case on Disputing a Tribunal's Decision

1. In accordance with the results of the examination of an application for the repeal of a reference tribunal's decision, the arbitration court shall issue a ruling being guided by the rules, established for adopting a decision in Chapter 20 of this Code.

2. In the arbitration court's ruling on a case on disputing a reference tribunal's decision, shall be contained:

1) information on the disputed decision of the reference tribunal and on the place of its adoption;

2) information on the name and on the composition of the reference tribunal which has adopted the disputed decision;

3) the name of the parties of the tribunal procedure;

4) an indication of the cancellation of the reference tribunal's decision, fully or in part, or of the refusal to satisfy the applicant's claim, fully or in part.

3. The repeal of a reference tribunal's decision shall not interfere with the right of the parties of the tribunal procedure to turn to the reference tribunal again, if the possibility of turning to the reference tribunal is not lost, or to the arbitration court, in accordance with the general rules stipulated by this Code.

4. If the reference tribunal's decision is cancelled by an arbitration court, fully or in part, because of the invalidity of the agreement on the tribunal procedure, or if it was adopted on a dispute, not envisaged in the tribunal agreement, or if it does not fall under its terms or contains resolutions on the issues, not embraced by the agreement on the tribunal procedure, the parties of the reference tribunal proceedings may turn for the resolution of such dispute to the arbitration court in accordance with the general rules stipulated by this Code.

5. A ruling of the arbitration court on a case on disputing a reference tribunal's decision may be appealed against in the arbitration court of the cassation instance, within one month as from the day of issue of the ruling.

Article 235. Examining an Application on the Question of a Reference Tribunal's Competence

1. In cases envisaged in an international treaty of the Russian Federation or in federal laws, any party in the reference tribunal procedure may file to the arbitration court an application for the repeal of the reference tribunal's preliminary resolution on its possession of the relevant competence.

2. An application on the question of the reference tribunal's competence may be lodged in the course of one month after the party receives notification of the reference tribunal's resolution, mentioned in the first part of the present Article.

3. The arbitration court shall investigate an application on the question of the reference tribunal's competence in accordance with the rules, envisaged in the present Paragraph.

4. The court shall issue a ruling on the repeal of the reference tribunal's resolution concerning its possession of the proper competence in accordance with the results of the study of the application, or on the refusal to satisfy the applicant's claim.

§2. Proceedings on Cases on the Issue of a Writ of Execution for the Forcible Execution of a Reference Tribunal's Decision

Article 236. Issue of a Writ of Execution for the Forcible Execution of a Reference Tribunal's Decision

1. The rules laid down in the present Paragraph shall be applied by the arbitration court in an investigation of applications for the issue of writs of execution for the forcible execution of decisions of reference tribunals and of international commercial arbitrages (the tribunals), passed on the territory of the Russian Federation.

2. The question of the issue of a writ of execution for the forcible execution of a reference tribunal's decision on a dispute that has arisen from civil law relations in the performance of business or other economic activity, shall be examined by the arbitration court upon an application filed by a party in the reference tribunal's procedure, in whose favour the reference tribunal's decision is adopted.

3. An application for the issue of a writ of execution for a forcible execution of a reference court's decision shall be filed to the arbitration court of the subject of the Russian Federation at the place of the debtor's stay or residence or, if the place of his stay or residence is unknown - at the location of the property of the debtor - the party in the reference tribunal's procedure.

Article 237. Requirements for an Application for the Issue of a Writ of Execution for the Forcible Execution of a Reference Tribunal's Decision

1. An application for the issue of a writ of execution for a forcible execution of a reference tribunal's decision should be filed in writing and shall be signed by the person in whose favour the decision is passed, or by his representative.

2. In an application for the issue of a writ of execution for a forcible execution of a reference tribunal's decision shall be pointed out:

- 1) the name of the arbitration court to which the application is filed;
- 2) the name and the composition of the reference tribunal, which has adopted the decision, and the place of its location;
- 3) the names of the parties of the reference tribunal procedure, their place of stay or of residence;
- 4) the date and place of adoption of the reference tribunal's decision;
- 5) the applicant's claim for the issue of a writ of execution for a forcible execution of the reference tribunal's decision.

To the application may be enclosed the numbers of the telephones and of faxes, e-mail addresses and other information.

3. To an application for the issue of a writ of execution for a forcible execution of a reference tribunal's decision shall be enclosed:

1) the properly certified original of the reference tribunal's decision, or a properly certified copy thereof. A copy of the decision of a permanently operating reference tribunal may be certified by the chairman of the reference tribunal; a copy of an ad hoc reference tribunal's decision for the resolution of a specific dispute shall be certified by a notary;

2) the original of an agreement on reference tribunal proceedings or a properly certified copy thereof;

3) a document confirming the payment of state duty in the order and in the amount established by federal law;

4) a notification on handing in, or another document, confirming that a copy of the application for the issue of a writ of execution for forcible execution of the reference tribunal's decision is duly forwarded to the other party in the reference tribunal procedure;

5) a warrant or another document confirming the powers of the person for signing the application.

4. An application for the issue of a writ of execution for a forcible execution of the reference tribunal's decision, filed with a violation of the requirements set out in Article 236 of this Code or in the present Article, shall be left without progress, or shall be returned to the person who has filed it, in accordance with the rules established in Articles 128 and 129 of this Code.

Article 238. Procedure for Considering Applications for the Issue of a Writ of Execution for a Forcible Execution of a Reference Tribunal's Decision

1. An application for the issue of a writ of execution for a forcible execution of the reference tribunal's decision shall be examined by the judge on his own one month as from the day of its arrival at the arbitration court, including the time term for preparing the case to the action at law and for passing a ruling, in accordance with the rules envisaged in this Code.

2. When preparing a case for legal proceedings, the judge may obtain, at the request from persons taking part in the case, the materials of the case, with respect to which the writ of execution is claimed, in accordance with the rules established in this Code for obtaining proof.

3. The parties in the reference tribunal procedure shall be notified by the arbitration court about the time and place of the court session. Non-appearance of the above-said persons, duly informed about the time and place of the court session, shall not be seen as an obstacle to an investigation of the case.

4. While examining the case, the arbitration court shall establish in the court session the existence or the absence of the grounds envisaged in Article 239 of this Code, for the issue of a writ of execution for the forcible

execution of the reference tribunal's decision, by way of the study of proof of the substantiation of the presented claims and of the raised objections submitted to the court.

5. If in the court, referred to in Item 5 of the second part of Article 239 of this Code, in the process of examination is an application for the cancellation or for the suspension of the execution of a reference tribunal's decision, the arbitration court in which the application for the issue of a writ of execution for a forcible execution of this decision is under consideration, may, if it finds it expedient, put off the examination of the application on the issue of a writ of execution and, at the request from the party which has filed the application for the issue of a writ of execution, may also oblige the other party to present the proper provision in accordance with the rules envisaged in this Code.

Article 239. Grounds for the Issue of a Writ of Execution for a Forcible Execution of a Reference Tribunal's Decision

1. An arbitration court may refuse the issue of a writ of execution for forcible execution of the reference tribunal's decision only in the cases stipulated by the present Article.

2. The arbitration court may refuse the issue of a writ of execution, only if the party in the reference tribunal's procedure, against which the decision of the reference tribunal is adopted, supplies proof that:

1) the tribunal agreement is invalid on the grounds stipulated by federal law;

2) the party was not properly notified about the selection (appointment) of the referees or about the reference tribunal's investigation, including about the time and place of the reference tribunal's session, or that it could not have given its explanations to the reference tribunal because of the other valid reasons;

3) the reference tribunal's decision is adopted in a dispute not stipulated by the reference tribunal agreement or not falling under its terms, or contains resolutions on the issues, going outside the framework of the reference tribunal agreement. If the resolutions in the reference tribunal's decision on the questions, embraced by the tribunal agreement, can be set apart from those that are not embraced by such agreement, the arbitration court may issue a writ of execution only for that part of the reference tribunal's decision which contains resolutions on questions that are embraced by the reference tribunal's agreement;

4) the composition of the reference tribunal or the legal proceedings of the reference tribunal do not correspond to the parties' agreement, or to federal law;

5) the decision has not yet become obligatory for the parties of the reference tribunal procedure, or has been cancelled, or its execution is suspended by the arbitration court or by another court in the Russian

Federation, or by the court of another state, on whose territory this decision was adopted, or of the state whose law is applied.

3. The arbitration court shall refuse to issue a writ of execution for a forcible execution of a reference tribunal's decision, if it establishes that:

1) the dispute investigated by the reference tribunal, cannot be an object of the reference tribunal procedure in conformity with federal law;

2) the reference tribunal's decision violates the fundamental principles of the Russian law.

4. The arbitration court may refuse to issue a writ of execution for a forcible execution of the decision of an international commercial arbitrage on the grounds stipulated by an international treaty of the Russian Federation or by federal law on international commercial arbitrage.

Article 240. Arbitration Court's Ruling on a Case on the Issue of a Writ of Execution for a Forcible Execution of the Reference Tribunal's Decision

1. In accordance with the results of the examination of an application for the issue of a writ of execution for forcible execution of the reference tribunal's decision, the arbitration court shall pass a ruling while relying on the rules established in Chapter 20 of this Code for the adoption of the decision.

2. In the ruling on a case of the issue of a writ of execution for a forcible execution of the reference tribunal's decision, shall be contained:

1) information on the name and on the composition of the reference tribunal;

2) the name of the parties of the reference tribunal's hearing;

3) information on the reference tribunal's decision on the issue of a writ of execution for a forcible execution of which the applicant claims;

4) an indication of the issue of a writ of execution for a forcible execution of the reference tribunal's decision, or of the refusal to issue a writ of execution.

3. The refusal to issue a writ of execution for a forcible execution of a reference tribunal's decision shall not be seen as an obstacle to filing an application to the reference tribunal once again, if the possibility of turning to the reference tribunal is not lost, or to the arbitration court, in accordance with the rules, envisaged in this Code.

4. If the issue of a writ of execution for a forcible execution of the reference tribunal's decision is refused by the arbitration court, fully or in part, because of the invalidity of the agreement on the tribunal procedure, or if the decision was passed on a dispute, not stipulated by the tribunal agreement, or if the decision does not fall under the terms of the tribunal agreement or contains resolutions on the questions, not embraced by the tribunal agreement, the parties of the reference tribunal's procedure may apply for the resolution of the dispute to the arbitration court, in accordance with the general rules envisaged in this Code.

5. An arbitration court's ruling on a case on the issue of a writ of execution for a forcible execution of the reference tribunal's decision may be appealed to the arbitration court of the cassation instance in the course of one month as from the day of issue of the ruling.

Chapter 31. Proceedings on Cases on the Recognition and Execution of Decisions of Foreign Courts and of Foreign Arbitrage Decisions

Article 241. Recognition and Execution of the Decisions of Foreign Courts and of Foreign Arbitrage Decisions

1. The decisions of courts of foreign states passed on disputes and on other cases arising in the performance of business or other economic activity (foreign courts), the decisions of reference tribunals and of international commercial arbitrages adopted on the territory of foreign states on disputes or on other cases, arising on the territory of foreign states during the performance of business or other economic activity (foreign arbitrage decisions), shall be recognized and executed in the Russian Federation by the arbitration courts, if the recognition and the execution of such decisions is envisaged in an international treaty of the Russian Federation or in federal law.

2. The questions involved in the recognition and in the execution of a decision of a foreign court and of the foreign arbitrage decision shall be resolved by the arbitration court at the application from a party in the dispute considered by the foreign court, or from a party in the reference tribunal procedure.

Article 242. Application for the Recognition and the Execution of the Decision of a Foreign Court or of a Foreign Arbitrage Decision

1. An application for the recognition and execution of a decision of a foreign court or of a foreign arbitrage decision shall be filed by the party in the dispute, in favour of which the decision was taken (hereinafter referred to as the "exactor"), to the arbitration court of the subject of the Russian Federation at the debtor's place of stay or of residence or, if the debtor's place of stay or of residence is unknown, at the location of the debtor's property.

2. An application for the recognition and execution of a decision of a foreign court or of a foreign arbitrage decision shall be filed in writing and shall be signed by the exactor or by his representative.

In the application shall be indicated:

- 1) the name of the arbitration court to which the application is lodged;
- 2) the name and location of the foreign court, or the name and composition of the reference tribunal or of the international commercial arbitrage, and its location;
- 3) the name of the exactor and his place of stay or of residence;
- 4) the name of the debtor and his place of stay or of residence;

5) information on the decision of the foreign court or on the foreign arbitration decision, for the recognition and execution of which the exactor applies;

6) the exactor's application for the recognition and execution of the decision of the foreign court or of the foreign arbitration decision;

7) the list of enclosed documents.

In the application for the recognition and execution of a decision of a foreign court or of a foreign arbitration decision, may also be supplied the numbers of the telephones and of faxes, and the e-mail addresses of the exactor, of the debtor and of their representatives, as well as other information.

3. With an application for the recognition and execution of decision of a foreign court shall be enclosed:

1) a properly certified copy of the decision of a foreign court or of the foreign arbitration decision, for the recognition and execution of which the exactor applies;

2) a properly certified document, confirming the entry of the decision of a foreign court into legal force, unless this is indicated in the text of the decision itself;

3) a properly certified document confirming that the debtor was duly and in the proper form notified about the case investigation in the foreign court, for the recognition and the execution of whose decision the exactor applies;

4) a warrant or another document, duly certified and confirming the powers of the person who has signed the application to the arbitration court;

5) a document confirming that a copy of the application for the recognition and the execution of the decision of the foreign court is forwarded to the debtor;

6) a properly certified translation into the Russian language of the documents mentioned in Items 1-5 of the present part.

4. With an application for the recognition and execution of a foreign arbitration decision, unless otherwise stipulated by an international treaty of the Russian Federation, shall be enclosed:

1) a properly certified original of the foreign arbitration decision or its properly certified copy;

2) the original of the agreement on the tribunal procedure, or its properly certified copy;

3) a properly certified translation into the Russian language of the documents mentioned in Items 1 and 2 of the present part.

5. To an application for the recognition and for the execution of the decision of a foreign court and of the foreign arbitration decision shall also be enclosed a document confirming the payment of state duty in the order and in the amount established in the federal law for the payment of the

state duty when filing to the arbitration court an application for the issue of a writ of execution for forcible execution of a reference tribunal's decision.

6. The documents mentioned in the present Article shall be recognized as properly certified if they meet the demands of Article 255 of this Code.

Article 243. Procedure for an Investigation of an Application for the Recognition and the Execution of the Decision of a Foreign Court or of a Foreign Arbitrage Decision

1. An application for the recognition and execution of the decision of a foreign court and of the foreign arbitrage decision shall be considered in the court session by the judge on his own within a time term, not exceeding one month as from the day of its arrival at the arbitration court, in accordance with the rules of this Code and with the specifics, established in the present Chapter, unless otherwise envisaged in an international treaty of the Russian Federation.

2. The arbitration court shall notify the persons taking part in the case about the time and place of the court session. Non-appearance of the said persons, duly notified about the time and place of the court session shall not be seen as an obstacle to an examination of the case.

3. When investigating a case, the arbitration court shall establish in the court session either the existence or the absence of the grounds for the recognition and the execution of the decision of a foreign court or of a foreign arbitrage decision, envisaged in Article 244 of this Code, by way study of the proof submitted to the arbitration court, and of substantiation of the presented claims and of the raised objections.

4. When considering the case, the arbitration court shall have no right to revise the decision of the foreign court.

Article 244. Grounds for the Refusal in the Recognition and the Execution of a Decision of a Foreign Court of a Foreign Arbitrage Decision

1. The arbitration court shall refuse to recognise or execute a decision of a foreign court, fully or in part, if:

1) the decision has not entered into force in conformity with the law of the state on whose territory it is adopted;

2) the party against which the decision is adopted has not been timely and properly notified about the time and place of the case consideration, or could not have given its explanations to the court because of the other reasons;

3) in conformity with an international treaty of the Russian Federation or with a federal law, the investigation of the case is referred to the exclusive competence of the court in the Russian Federation;

4) there exists an enforced decision of a court in the Russian Federation passed on a dispute between the same persons on the same object and on the same grounds;

5) under consideration of a court in the Russian Federation there is a case on a dispute between the same persons, on the same object and on the same grounds, the legal proceedings on which were initiated before the institution of the action at law on the case in the foreign court, if the court in the Russian Federation was the first to accept for its proceedings an application on the dispute between the same persons, on the same object and on the same grounds;

6) the term of limitation for the execution of the decision of the foreign court for a forcible execution has expired, and this term was not restored by the arbitration court;

7) the execution of the decision of the foreign court would contradict the public order in the Russian Federation.

2. The arbitration court shall refuse to recognise and execute, fully or in part, the foreign arbitrage decision on the grounds envisaged in Item 7 of the first part of the present Article and in the fourth part of Article 239 of this Code for refusal in the issue of a writ of execution for the forcible execution of the decision of the international commercial arbitrage, unless otherwise is ruled by the international treaty of the Russian Federation.

Article 245. Arbitration Court's Ruling on a Case on the Recognition and the Execution of a Decision of a Foreign Court or of a Foreign Arbitrage Decision

1. In accordance with the results of consideration of an application for the recognition or for the execution of a decision of a foreign court or of a foreign arbitrage decision, the arbitration court shall issue a ruling, being guided by the rules laid down in Chapter 20 of this Code for the adoption of the decision.

2. In the ruling on a case on the recognition and execution of a decision of a foreign court or of a foreign arbitrage decision, shall be contained:

1) the name and the place of location of the foreign court, or the name and composition of the reference tribunal or of the international commercial arbitrage, which adopted the decision;

2) the names of the exactor and of the debtor;

3) information on the decision of a foreign court or on the foreign arbitrage decision, for the recognition and the execution of which the exactor has applied;

4) an indication of the recognition and of the execution of the decision of a foreign court or of a foreign arbitrage decision, or of the refusal to recognise and execute the decision of the foreign court or foreign arbitrage decision.

3. The arbitration court's ruling on the recognition and execution of a decision of a foreign court or of a foreign arbitrage decision may be appealed against to the arbitration court of the cassation instance in the course of one month as from the day of issue of the ruling.

Article 246. Forcible Execution of a Decision of a Foreign Court or a Foreign Arbitrage Decision

1. The forcible execution of a decision of a foreign court or of a foreign arbitrage decision shall be effected on the ground of a writ of execution, issued by the arbitration court which has passed the ruling on the recognition and the execution of the decision of a foreign court or of the foreign arbitrage decision, in the order stipulated by this Code and by the federal law on the executive procedure.

2. A decision of a foreign court or of a foreign arbitrage decision may be presented for forcible execution within a time term, not exceeding three years as from the day of its entry into legal force. If this time term is missed, it may be restored by the arbitration court at the request from the exactor in accordance with the rules envisaged in Chapter 10 of this Code.

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

Chapter 32. The Competence of Arbitration Courts in the Russian Federation on an Investigation of Cases with the Participation of Foreign Persons

Article 247. Competence of Arbitration Courts in the Russian Federation on Cases with the Participation of Foreign Persons

1. The arbitration courts in the Russian Federation shall investigate cases on economic disputes and the other cases involved in the performance of business and other economic activity with the participation of foreign organizations, of international organizations, of foreign citizens or of stateless persons engaged in business and other economic activity (hereinafter referred to as foreign persons), if:

1) the defendant stays or resides on the territory of the Russian Federation, or the defendant's property is located on the territory of the Russian Federation;

2) the management body, affiliate or representation of the foreign person is situated on the territory of the Russian Federation;

3) the dispute has arisen from an agreement whose execution shall take place or has taken place on the territory of the Russian Federation;

4) the claim has arisen from the infliction of damage upon property by an action or other circumstance which has taken place on the territory of the Russian Federation;

5) the dispute has arisen from an unjust enrichment, which has taken place on the territory of the Russian Federation;

6) the plaintiff, in a case on the protection of business reputation, is situated on the territory of the Russian Federation;

7) the dispute has arisen from relations involved in the circulation of securities, the emission of which has taken place on the territory of the Russian Federation;

8) the applicant, in a case on the establishment of a fact of legal importance, points out the existence of this fact on the territory of the Russian Federation;

9) the dispute has arisen from relations involved in the state registration of the names and of the other objects, and in rendering services on World Wide Web - the Internet - on the territory of the Russian Federation;

10) in the other cases, if there exists a close relation between the disputed legal relation and the territory of the Russian Federation.

2. Arbitration courts in the Russian Federation shall also investigate economic disputes and other cases connected with business and other economic activity with the participation of foreign persons and referred to their exclusive competence in conformity with Article 248 of this Code.

3. Arbitration courts in the Russian Federation shall also consider cases in conformity with the parties' agreement, concluded in accordance with the rules established in Article 249 of this Code.

4. A case accepted by the arbitration court for its consideration, with the observation of the rules formulated in the present Article, shall be investigated by it on merit, even if in the course of the action at law on the case in connection with a change of the place of stay or of the place of residence of the persons, taking part in the cases, or with other circumstances, it will be referred to the competence of a foreign court.

Article 248. Exclusive Competence of Arbitration Courts in the Russian Federation in Cases with the Participation of Foreign Persons

1. To the exclusive competence of the arbitration courts in the Russian Federation in cases with the participation of foreign persons shall be referred the following causes:

1) those on the disputes concerning property in state ownership of the Russian Federation, including disputes involved in the privatisation of state property and in the forcible alienation of the property for state needs;

2) those on disputes whose object is immovable property, if this property is located on the territory of the Russian Federation, or the rights to it;

3) those on disputes involved in the registration or in the issue of patents, in the registration and issue of certificates on trademarks, industrial samples and useful models, or in the registration of other rights to results of intellectual activity, which require the registration or issue of a patent or of a certificate in the Russian Federation;

4) those on disputes on recognizing as invalid entries in state registers (in books of records or in cadastres), made by a competent body

of the Russian Federation which is keeping such state register (book of records or cadastre);

5) those on the disputes concerning the institution, liquidation or registration on the territory of the Russian Federation of legal entities or of individual businessmen, as well as questioning the decisions of these legal entities's bodies.

2. To the exclusive competence of the arbitration courts in the Russian Federation are also referred the cases with the participation of foreign persons stipulated in Section III of this Code which arise from administrative or other public legal relations.

Article 249. Agreement on Delineating the Competence of Arbitration Courts in the Russian Federation

1. If the parties, if only a single one of which is a foreign person, have concluded an agreement, while laying down in it that an arbitration court in the Russian Federation possesses competence for the investigation of a dispute involved in the performance by them of business or other economic activity, that has already arisen or that may arise, the arbitration court in the Russian Federation shall possess the exclusive competence for an investigation of the given dispute on the condition that such agreement does not modify the exclusive competence of a foreign court.

2. The agreement on an exclusive competence shall be concluded in written form.

Article 250. Competence of the Arbitration Courts in the Russian Federation for the Application of Security Measures in Cases with the Participation of Foreign Persons

An arbitration court may apply security measures in accordance with the rules, described in Chapter 8 of this Code, in cases with the participation of foreign persons, referred to the competence of arbitration courts in the Russian Federation, in conformity with Chapter 32 of this Code.

Article 251. Legal Immunity

1. A foreign state, coming forward in the capacity of the carrier of power, shall enjoy legal immunity with respect to a claim presented to it in an arbitration court in the Russian Federation, as regards its involvement in a case in the capacity of a third person, as regards putting under arrest property belonging to the foreign state and located on the territory of the Russian Federation, and as regards the court taking measures against it to provide for the claim and for property interests. Turning an exaction onto this property by way of forcible execution of a judicial act of the arbitration court shall be admissible only with the consent of the competent bodies of the corresponding state, unless otherwise stipulated by an international treaty of the Russian Federation or by a federal law.

2. The legal immunity of international organizations shall be determined by an international treaty of the Russian Federation and by federal law.

3. Refusal of legal immunity shall be effected in the order, stipulated by the law of the foreign state or by the rules of the international organization. In this case, the arbitration court shall consider the case in accordance with the procedure established in the present Code.

Article 252. Procedural Consequences of Consideration by a Foreign Court of a Case on a Dispute Between the Same Persons, on the Same Object and on the Same Grounds

1. The arbitration court in the Russian Federation shall leave a claim without consideration in accordance with the rules of Chapter 27 of this Code if a case on the dispute between same persons, on the same object and on the same grounds is under examination in a foreign court, on the condition that an investigation of the given case is not referred to the exclusive competence of an arbitration court in the Russian Federation in conformity with Article 248 of this Code.

2. The arbitration court in the Russian Federation shall cease proceedings on a case in conformity with the rules of Chapter 18 of this Code, if there exists an enforced decision of a foreign court adopted on the dispute between the same persons, on the same object and on the same grounds, on the condition that an investigation of the given case is not referred to the exclusive competence of the arbitration court in the Russian Federation or that the said decision is not subject to recognition and execution in conformity with Article 244 of this Code.

Chapter 33. Specifics in an Investigation of Cases with the Participation of Foreign Persons

Article 253. Procedure for an Investigation of Cases with the Participation of Foreign Persons

1. The cases with the participation of foreign persons shall be examined by the arbitration court in accordance with the rules of this Code, and with the specifics described in the present Chapter, unless otherwise stipulated by an international treaty of the Russian Federation.

2. Cases with the participation of foreign persons, if these persons or their management bodies, representations or representatives, authorized for carrying out business, stay or reside on the territory of the Russian Federation, shall be investigated within the time terms fixed in this Code.

3. If foreign persons taking part in cases examined by an arbitration court in the Russian Federation, stay or reside outside the boundaries of the Russian Federation, such persons shall be notified about the legal proceedings with an arbitration court's ruling by forwarding the corresponding commission to a juridical institution or to another competent

body of the foreign state. In these cases, the arbitration court shall extend the time term for an investigation of the case by the term, established in the agreement on legal assistance for directing commissions to a juridical institution or to another competent body of the foreign state, and if such term is not fixed in the agreement, or if such an agreement does not exist - by no more than six months.

Article 254. Foreign Persons' Procedural Rights and Duties

1. Foreign persons enjoy procedural rights and discharge procedural duties on a par with Russian organizations and citizens. Procedural privileges shall be granted to foreign persons if they are stipulated by an international treaty of the Russian Federation.

2. Foreign persons have the right to apply to the arbitration courts in the Russian Federation in accordance with the rules for competence and for the jurisdiction, established in this Code, for the protection of their violated or disputed rights and lawful interests in the sphere of the business and other economic activity.

3. Foreign persons taking part in a case shall present to the arbitration court proof of their legal status and the right to perform business or other economic activity.

If such proof is not supplied, the arbitration court has the right to obtain it at its own initiative.

4. The Government of the Russian Federation may establish reciprocal restrictions (retortions) with respect to the nationals of those foreign states in which restrictions with respect to Russian organizations or citizens are introduced.

Article 255. Requirements Regarding Documents of a Foreign Origin

1. Documents, issued, compiled or certified in accordance with the established form by the competent bodies of foreign states out of the boundaries of the Russian Federation in conformity with the norms of foreign law with respect to Russian organizations and citizens, or to foreign persons, shall be accepted by arbitration courts in the Russian Federation, if said documents are legalized, or if an apostille is placed on them, unless otherwise is established by an international treaty of the Russian Federation.

2. When they are presented to the arbitration court in the Russian Federation, documents compiled in a foreign language shall be accompanied with a properly certified translation thereof into the Russian language.

Article 256. Commissions for the Performance of the Individual Procedural Actions

1. The arbitration court shall execute commissions of foreign courts and of competent bodies of foreign states for the performance of the

individual procedural actions (such as handing in the summons and the other documents, obtaining written-proof, carrying out an expert examination or inspection on the spot, etc.) passed to it in accordance with the procedure established by an international treaty of the Russian Federation or by the federal law.

2. A commission of the foreign court or of the competent body of a foreign state shall not be executed, if:

1) the execution of the commission violates the fundamental principles of Russian law or in any other way goes against the public order of the Russian Federation;

2) the execution of the commission is not referred to the competence of the arbitration court in the Russian Federation;

3) the authenticity of the document containing the permission for the performance of individual procedural actions, is not established.

3. The arbitration court shall execute commissions for the performance of individual procedural actions in accordance with the procedure laid down in this Code unless a international treaty of the Russian Federation stipulates otherwise.

4. The arbitration courts may turn to foreign courts or to the competent bodies of foreign states with commissions for the performance of individual procedural actions in the order established by an international treaty of the Russian Federation or by a federal law.

Section VI. Proceedings for Revising Judicial Acts of the Arbitration Courts

Chapter 34. Proceedings in the Arbitration Court of the Appeals Instance

Article 257. Right to File an Appeal

1. Persons taking part in a case, as well as the other persons in cases stipulated by this Code, shall have the right to file by way of an appeals procedure a complaint against a decision of an arbitration court of the first instance which has not yet come into legal force.

2. A complaint shall be filed through the arbitration court which has passed the decision in the first instance and which is obliged to forward it, together with the case file, to the corresponding arbitration court of the appeal instance within a three-day term as from the day of arrival of the complaint at the court.

3. In the complaint shall not be presented new claims which have not been an object of investigation in the arbitration court of the first instance.

Article 258. Arbitration Court of the Appeals Instance

Complaints shall be considered by way of the appeal procedure by the arbitration court of the appeals instance, set up in conformity with the Federal Constitutional Law on Arbitration Courts in the Russian Federation.

Article 259. Time Term for Filing a Complaint

1. A complaint may be filed within one month after the adoption by the first instance arbitration court of the decision appealed against, unless a different time term is fixed in this Code.

2. At the request from the person who has filed an appeal, a missed time term for filing a complaint may be restored by an arbitration court of the appeals instance on the condition that the request is filed no later than six months from the day of adoption of the decision and that the arbitration court has recognized the reasons behind missing the time term as valid.

3. Request for the restoration of the missed term for filing an appeal shall be considered by an arbitration court of the appeals instance in the order, described in Article 117 of this Code.

4. The restoration of the time term for lodging an appeal shall be pointed out in the arbitration court's ruling on the acceptance of the appeal for legal proceedings.

5. The case file cannot be obtained on demand from the arbitration court until the expiry of the time term, fixed for filing a complaint by this Code.

Article 260. Form and Content of an Appeal

1. An appeal shall be filed to the arbitration court in writing. An appeal shall be signed by the person filing the appeal, or by his representative authorized for signing the appeal.

2. In an appeal shall be supplied:

1) the name of the arbitration court to which the appeal is filed;
2) the name of the person lodging the appeal, and of other persons taking part in the case;

3) the name of the arbitration court which passed the decision complained against, the number of the case and the date of adoption of the decision, as well as the object of the dispute;

4) the claims of the person who has filed the appeal, and the grounds, on which the person filing the appeal complains against the decision, with a reference to the laws and other legal normative acts, as well as to the circumstances of the case and to the proof contained in the case;

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

In an appeal may also be pointed out the numbers of the telephones and faxes, e-mail addresses and other information necessary for examining the case; the submitted requests may also be presented.

3. The person filing an appeal, is obliged to forward to other persons taking part in the case, copies of the appeal and of the documents

enclosed with which they do not possess, in a registered letter with the notification on handing in, or to hand them over to other persons taking part in the case, or to their representatives in person against receipt.

4. To an appeal shall be enclosed:

1) a copy of the disputed decision;
2) documents confirming the payment of state duty in the established order and amount, or the right to a privilege in the payment of the state duty, or the request for granting a delay or an instalment principle in its payment or for reducing the size of state duty;

3) a document confirming that copies of the appeal and the documents they do not possess have been forwarded or handed in to other persons taking part in the case;

4) a warrant or another document confirming the powers for signing the appeal.

To an appeal against the ruling of the arbitration court on the return of the statement of claim shall also be enclosed the returned statement of claim and the documents enclosed with it when it was lodged to the arbitration court.

Article 261. Acceptance of an Appeal for Arbitration Court Proceedings

1. An appeal filed with the observation of the demands, made by this Code on its form and content, shall be accepted for proceedings of the arbitration court of the appeals instance. If the above-mentioned demands are violated, the arbitration court shall either leave the appeal without progress or return it in accordance with the procedure, laid down in Articles 263 and 264 of this Code.

2. The question of the acceptance of an appeal for the proceedings shall be resolved by the judge of the arbitration court of the appeals instance on his own within a term of five days as from the day of its arrival at the arbitration court of the appeals instance.

The arbitration court of the appeals instance shall issue a ruling on the acceptance of the appeal with which the legal proceedings on the appeal are instituted.

In the ruling shall be pointed out the time and place of holding a court session for the investigation of the appeal.

3. Copies of the ruling shall be forwarded to the persons taking part in the case within a five-day term as from the day of arrival of the appeal at the arbitration court of the appeals instance.

Article 262. Response to an Appeal

1. A person taking part in the case shall direct a response to the appeal with an enclosure of documents confirming the objections against the appeal to the other persons taking part in the case and to the arbitration court.

To the response forwarded to the arbitration court, shall also be enclosed the document, confirming that the response is also directed to the other persons, taking part in the case.

2. The response shall be sent in a registered letter with a notification on handing in, within a term ensuring the possibility of getting acquainted with it before the start of the court session.

3. The response shall be signed by the person taking part in the case, or by his representative. To the response signed by the representative, shall be enclosed a warrant or other document confirming his powers for signing the response.

Article 263. Leaving an Appeal Without Progress

1. The arbitration court of the appeals instance, having established when examining the question of the acceptance of an appeal for consideration that it was filed with a violation of the demands pointed out in Article 260 of this Code, shall pass a ruling on leaving the appeal without progress.

This ruling may be complained against.

2. In the ruling the arbitration court shall indicate the grounds for leaving the appeal without progress and the time term within which the person who has filed the appeal, shall eliminate the circumstances that have served as a ground for leaving the appeal without progress.

3. A copy of the ruling on leaving an appeal without progress shall be forwarded to the person, who has filed the appeal no later than on the day after the day of its issue.

4. If the circumstances that have served as a ground for leaving an appeal without progress are eliminated within the time term fixed in the court's ruling, the appeal shall be seen as filed on the day of its initial arrival at the court and shall be accepted for legal proceedings of the arbitration court of the appeals instance.

5. If the above-mentioned circumstances are not eliminated within the time term, pointed out in the ruling, the arbitration court shall return the appeal and the documents enclosed to it to the person who has lodged it, in accordance with the procedure established in Article 264 of this Code.

Article 264. Return of an Appeal

1. The arbitration court of the appeals instance shall return the appeal, if when examining the question of the acceptance of the appeal for the legal proceedings it establishes that:

1) the appeal is filed by a person who has no right to complain against the judicial act by way of the arbitration procedure;

2) the appeal is filed against a judicial act which is not to be appealed against by way of the arbitration procedure in conformity with this Code;

3) the appeal is filed after the expiry of the time term fixed for filing an appeal in this Code, and does not contain a request for its restoration, or

that the restoration of the missed term for filing the appeal has been refused;

4) a request for its return came from the person, who has filed the appeal before the issue of the ruling on the acceptance of the appeal for the legal proceedings;

5) the circumstances that have served as a ground for leaving the appeal without progress have not been eliminated within the time term fixed in the court ruling.

The arbitration court of the appeals instance shall also return the appeal if the request for granting a delay or the instalment principle in the payment of state duty, or for the reduction of its size has been rejected.

2. The arbitration court shall issue a ruling on the return of an appeal.

3. In the ruling shall be indicated the grounds for the return of the appeal and shall be resolved the question of the return of state duty from the federal budget.

A copy of the ruling on the return of an appeal shall be forwarded to the person who has filed the appeal, together with the appeal and with the enclosed documents no later than on the day after the day of its issue, or after the expiry of the time term fixed by the court for eliminating the circumstances that have served as a ground for leaving the appeal without progress.

4. The arbitration court's ruling on the return of a complaint may be appealed against.

If the ruling is cancelled, the appeal shall be seen as filed on the day of the initial turning to the arbitration court.

5. The return of a complaint shall not be seen as an obstacle to lodging the appeal to the arbitration court once again in the general order, after the circumstances that have served as a ground for its return are eliminated.

Article 265. Termination of the Proceedings on an Appeal

1. The arbitration court of the appeals instance shall stop the legal proceedings on an appeal, if, after the appeal is accepted for the arbitration court proceedings, a request comes in from the person who has filed it for a refusal from the appeal, and if the refusal is accepted by the arbitration court in conformity with Article 49 of this Code.

2. If in the appeal are presented new claims which were not an object of investigation in the arbitration court of the first instance that has adopted the disputed decision, the arbitration court of the appeals instance shall cease the legal proceedings on the appeal in the part of these claims.

3. The arbitration court of the appeals instance shall issue a ruling on the termination of the legal proceedings on an appeal.

Copies of the ruling on the termination of the legal proceedings on an appeal shall be forwarded to persons taking part in the case no later than on the next day after the day of its issue.

4. The arbitration court's ruling on the termination of legal proceedings on an appeal may be complained against.

5. If the legal proceedings on an appeal are terminated, a repeated filing of an appeal by the same person on the same grounds to the arbitration court of the appeals instance shall be seen as inadmissible.

Article 266. Procedure for the Investigation of a Case by an Arbitration Court of the Appeals Instance

1. The arbitration court of the appeals instance shall examine the case in a court session by the collegiate composition of judges in accordance with the rules for the consideration of a case in the first instance arbitration court, with the specifics envisaged in the present Chapter. The arbitration assessors shall not be invited to take part in an investigation of a case by way of appeal procedure.

2. In the course of every court session of the arbitration court of the appeals instance, as well as when performing individual procedural actions out of court session, a protocol shall be kept in accordance with the rules formulated in Article 155 of this Code.

3. In an arbitration court of the appeals instance shall not be applied the rules for combining and for setting apart several claims for changing the object or the grounds of the claim, for modifying the size of the plaintiff's claims, for making a counter-claim, for replacement of an improper defendant or for inviting third persons to take part in the case, as well as other rules established in this Code solely for an investigation of a case in an arbitration court of the first instance.

Article 267. Time Term for an Examination of the Appeal

The arbitration court of the appeals instance shall examine a complaint against the decision of the arbitration court of the first instance within the time term, not exceeding one month as from the day of arrival of the appeal at the arbitration court of the appeals instance, including the time term for preparing the case for the action at law and for the adoption of the judicial act.

Article 268. Limits for the Examination of a Case by an Arbitration Court of the Appeals Instance

1. When examining a case by way of the appeal procedure, the arbitration court shall investigate the case once again in accordance with the documents already contained in the case, and with those additionally supplied.

2. Additionally supplied documents shall be accepted by the arbitration court of the appeals instance if a person taking part in the case, has substantiated the impossibility to have them submitted to the first instance court because of reasons beyond his power, and if the court recognizes these reasons as valid.

The documents submitted for the substantiation of the objections against an appeal in conformity with Article 262 of this Code, shall be accepted and examined by the arbitration court of the appeals instance on merit.

3. When a case is considered in the arbitration court of the appeals instance, the persons taking part in the case shall have the right to submit requests for the summons of new witnesses, for carrying out an expertise, for the enclosure to the case, or for the exaction of, written and material proof in the investigation or in the exaction of which they were refused by the court of the first instance. The court of the appeals instance has no right to refuse in satisfaction of the above-said requests on the ground that they were rejected by the court of the first instance.

4. The circumstances of the case which are recognized and certified by persons taking part in the case, in the order established in Article 70 of this Code, and which are also accepted by the arbitration court of the first instance, shall not be checked by the court of the appeals instance.

5. If only a part of the decision is complained against by way of the appeal procedure, the arbitration court of the first instance shall check the legality and substantiation of the decision only in the part, appealed against, unless persons taking part in the case raise objections.

6. Regardless of the arguments contained in an appeal, the arbitration court of the appeals instance shall ascertain that the court of the first instance has not violated the norms of the procedural law, which are a ground for the repeal of the decision of the arbitration court of the first instance in conformity with the fourth part of Article 270 of this Code.

7. New claims which have not been an object of investigation in the arbitration court of the first instance, shall not be accepted and shall not be examined by the arbitration court of the appeals instance.

Article 269. Powers of an Arbitration Court of the Appeals Instance

In accordance with the results of an investigation of a complaint, the arbitration court of the appeals instance shall have the right:

- 1) to leave the decision of the arbitration court of the first instance without change, and the complaint - without satisfaction;
- 2) to cancel or to change the decision of the court of the first instance, fully or in part, and to pass a new judicial act on the case;
- 3) to repeal the decision, fully or in part, and to stop the legal proceedings on the case, or to leave the statement of claim without consideration, fully or in part.

Article 270. Grounds for a Change or for the Repeal of a Decision of an Arbitration Court of the First Instance

1. Seen as the grounds for a change or for the repeal of a decision of the arbitration court of the first instance shall be:

1) incomplete clarification of the circumstances of importance to the case;

2) failure to prove the circumstances of importance to the case, which the court believed to be established;

3) non-correspondence of the conclusions, presented in the decision, to the circumstances of the case;

4) a violation or incorrect application of the norms of substantive law or of the norms of the procedural law.

2. Seen as an incorrect application of the norms of substantive law shall be:

1) non-application of law subject to application;

2) application of law not subject to application;

3) an erroneous interpretation of the law.

3. The violation or an incorrect application of the norms of procedural law shall be seen as a ground for a change or for the repeal of the decision of an arbitration court of the first instance if this violation has caused or could have caused the adoption of an incorrect decision.

4. Seen as a ground for the repeal of a decision of the first instance arbitration court shall in all cases be:

1) investigation of a case by an arbitration court in an illegal composition;

2) investigation of the case in the absence of any one of the persons taking part in the case who have not been duly notified about the time and place of the court session;

3) violation of the rules concerning the language to be used in the investigation of the case;

4) the court's adoption of the decision on the rights and duties of persons not invited to take part in the case;

5) non-signing of the decision by the justice or by one of the judges, if the case was investigated in a collegiate composition, or signing the decision by the judges other than those named in the decision;

6) an absence in the case file of the protocol of the court session or its being signed by persons other than those named in Article 155 of this Code;

7) violation of the rule of secrecy of the judges' conference when adopting decision.

5. If the decision is cancelled on the grounds mentioned in the fourth part of the present Article, the arbitration court of the appeals instance shall examine the case in accordance with the rules, established in this Code for the investigation of a case in the arbitration court of the first instance.

Article 271. Resolution of an Arbitration Court of the Appeals Instance

1. In accordance with the results of an examination of an appeal, an arbitration court of the appeals instance shall adopt a judicial act, called a

resolution, which shall be signed by the judges who have investigated the case.

2. In the resolution of an arbitration court of the appeals instance shall be pointed out:

1) the name of the arbitration court of the appeals instance and the composition of the court which has adopted the resolution; the surname of the person who has kept the protocol of the court session;

2) the number, date, and place of adoption of the resolution;

3) the name of the person who has lodged the appeal, and his procedural status;

4) the names of the persons taking part in the case;

5) the object of the dispute;

6) the surnames of the persons who attended the court session, with an indication of their powers;

7) the date of adoption of the disputed decision by the arbitration court of the first instance and the surnames of the judges who have adopted it;

8) a brief exposition of the content of the adopted decision;

9) the grounds on which a claim is made in the appeal for the verification of the legality and of the substantiation of the decision;

10) the arguments put forth in the response to the appeal;

11) the explanations of the persons taking part in the case and attending the court session;

12) the circumstances of the case established by the arbitration court of the appeals instance; the proof on which the conclusions of the court on these circumstances are based; the laws and other legal normative acts by which the court was guided in the adoption of the resolution; the motives, due to which the court has rejected certain proof and has not applied the laws and the legal normative acts to which the persons, taking part in the case, referred;

13) the motives, because of which the court of the appeals instance has not agreed with the conclusions of the court of the first instance, if the latter's decision was cancelled, fully or in part;

14) the conclusions on the results of an examination of the appeal.

3. In the resolution of the arbitration court of the appeals instance shall be indicated the distribution between the parties of the court expenses, including the court expenses, sustained in connection with filing the appeal.

4. The copies of the arbitration court's resolution shall be forwarded to the persons, taking part in the case, within five days as from the day of adoption of the resolution.

5. The resolution of the arbitration court of the appeals instance shall enter into legal force as from the day of its adoption.

6. The resolution of the arbitration court of the appeals instance may be appealed against to the arbitration court of the cassation instance.

Article 272. Appeals Against Rulings of the First Instance Arbitration Court

1. The rulings of the arbitration court of the first instance shall be appealed against to the arbitration court of the appeals instance in conformity with Article 188 of this Code.

2. Appeals against the rulings of the arbitration court of the first instance shall be filed to the arbitration court of the appeals instance and shall be examined by the latter in accordance with the rules, stipulated for filing and for considering appeals against decisions of the arbitration court of the first instance, with the specifics envisaged in the third part of the present Article.

3. Appeals against the rulings of the first instance arbitration court on the return of a statement of claim and on other rulings, which interfere with the further progress of the case, shall be considered by the arbitration court of the appeals instance within a time term, not exceeding ten days as from the day of arrival of such appeal at the court.

4. The arbitration court shall have the right, in accordance with the results of considering an appeal against the ruling of the arbitration court of the first instance:

1) to leave the ruling without amendment, and the appeal - without satisfaction;

2) to cancel the ruling of the arbitration court of the first instance and to send the question over to the first instance arbitration court for new consideration;

3) to repeal the ruling, fully or in part, and to resolve the question on merit.

Chapter 35. Proceedings in the Arbitration Court of the Cassation Instance

Article 273. Right to File a Cassational Appeal

The persons, taking part in the case, as well as other persons in the situations, envisaged in this Code, have the right to complain against a decision of the first instance arbitration court, which has entered into legal force, by lodging a cassational appeal, with the exception of decisions of the Higher Arbitration Court of the Russian Federation, and (or) against a resolution of the arbitration court of the appeals instance, fully or in part.

Article 274. Arbitration Court of the Cassation Instance

Cassational appeals shall be examined by way of the cassational proceedings by the arbitration court of the cassation instance, set up in conformity with the Federal Constitutional Law on Arbitration Courts in the Russian Federation.

Article 275. Procedure for Filing a Cassational Appeal

1. A cassational appeal shall be filed to the arbitration court of the cassation instance, endowed with the powers for considering it, through the arbitration court which has passed the decision.

2. The arbitration court which passed the decision shall be obliged to forward the cassational appeal, together with the case file, to the corresponding arbitration court of the cassation instance within three days from the day of arrival of the appeal at the court.

Article 276. Time Term for Filing an Appeal

1. A cassational appeal may be filed within two months as from the day of entry of the decision or of the resolution of the arbitration court complained against, unless otherwise stipulated in this Code.

2. At the request of the person who has filed the cassational appeal, missed term for filing a cassational appeal may be restored by the arbitration court of the cassation instance on the condition that the request is lodged no later than six months from the day of entry into legal force of the judicial act complained against, and that the arbitration court of the cassation instance has recognized the reasons for missing the time term as valid.

3. A request for the restoration of a missed term for filing a cassational appeal shall be considered by the arbitration court of the cassation instance in accordance with the procedure described in Article 117 of this Code.

4. The arbitration court shall point out that the missed term for filing a cassational appeal is restored in a ruling on the acceptance of the cassational appeal for the proceedings.

5. The case file cannot be obtained on demand from the arbitration court until the expiry of the time term fixed by this Code for filing a cassational appeal.

Article 277. Form and Content of a Cassational Appeal

1. A cassational appeal shall be lodged to the arbitration court in writing. The cassational appeal shall be signed by the person, who is filing the appeal, or by his representative authorized to sign the appeal.

2. In a cassational appeal shall be pointed out:

1) the name of the arbitration court, to which the cassational appeal is lodged;

2) the name of the person, lodging the appeal with an indication of his procedural status, and of other persons taking part in the case, as well as the place of their stay or residence;

3) the name of the arbitration court which has accepted the decision or the resolution, complained against the number of the case and the date of adoption of the decision or of the resolution, and the object of the dispute;

4) the claims of the person lodging the appeal for verifying the legality of the appealed judicial act, and the grounds on which the person lodging the appeal complains against the decision or the resolution, with a reference to laws and other legal normative acts, to the circumstances of the case and to the proof contained in the case;

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

In a cassational appeal may also be provided the numbers of the telephones and the faxes, the e-mail addresses and other information, necessary for an examination of the case; the submitted requests may also be mentioned.

3. The person lodging a cassational appeal, shall be obliged to direct to other persons taking part in the case, copies of the cassational appeal and of documents enclosed to it, which these persons do not possess, in a registered letter with a notification on handing in, or to hand them over to other persons taking part in the case, or to their representatives, in person against receipt.

4. To a cassational appeal shall be enclosed:

1) a copy of the judicial act appealed against;

2) the documents confirming the payment of the state duty in the established order and in the fixed amount or the right to be granted a privilege in the payment of state duty, or a request for being granted a delay or instalment plan in the payment of the state duty, or for reducing its amount;

3) documents confirming that the copies of the cassational appeal and of the documents which they do not possess, have been forwarded or handed in to other persons taking part in the case;

4) a warrant or another document confirming the powers for signing the cassational appeal.

Article 278. Acceptance of a Cassational Appeal for Arbitration Court Proceedings

1. A cassational appeal filed meeting the demands made by this Code as regards its form and content shall be accepted for proceedings of the arbitration court of the cassation instance. If these demands are not met, the arbitration court of the cassation instance shall either leave the cassational appeal without progress, or return it in accordance with the procedure envisaged in Articles 280 and 281 of this Code.

2. The question about the acceptance of the cassational court for the proceedings of the arbitration court shall be resolved by the judge on his own within a five-day term as from the day of its arrival at the arbitration court of the cassation instance.

3. The arbitration court shall issue on the acceptance of the cassational appeal for proceedings a ruling by which the court procedure on the cassational appeal is instituted.

In the ruling shall be indicated the time and place of holding a court session on the examination of the cassational appeal.

Copies of the ruling on the acceptance of the cassational appeal shall be forwarded to the persons, taking part in the case, no later than on the next day after the day of its issue.

Article 279. Response to a Cassational Appeal

1. The person taking part in the case, shall direct a response to the cassational appeal, with an enclosure of documents confirming the objections concerning the appeal, to other persons taking part in the case, and to the arbitration court.

To the response directed to the arbitration court shall also be enclosed a document confirming that the response has also been forwarded to other persons taking part in the case.

2. The response shall be forwarded in a registered letter with a notification about handing it in within a time term ensuring the possibility to get acquainted with the response before the start of the court session.

3. The response shall be signed by the person, taking part in the case, or by his representative. To the response, signed by the representative, shall also be enclosed a warrant or another document confirming his powers to sign the response.

Article 280. Leaving a Cassational Appeal Without Progress

1. The arbitration court of the cassation instance, having established when considering the question about the acceptance of the cassational appeal for the proceedings, that it was lodged with a violation of the demands, described in Article 277 of this Code, shall issue a ruling on leaving the cassational appeal without progress.

2. In the ruling, the arbitration court shall point out the grounds for leaving the cassational appeal without progress and the time term, in the course of which the person, who has lodged the cassational appeal, is obliged to eliminate the circumstances that have served as a ground for leaving the cassational appeal without progress.

3. A copy of the ruling on leaving the cassational appeal without progress shall be directed to the person who has filed the cassational appeal not later than on the next day after its issue.

4. If the circumstances that have served as a ground for leaving the cassational appeal without progress are eliminated within the time term indicated in the court's ruling, the cassational appeal shall be seen as lodged on the day of its initial arrival at the court and shall be accepted for the proceedings of the arbitration court of the cassation instance.

5. If the above-said circumstances are not eliminated within the time term fixed in the ruling, the arbitration court shall return the cassational appeal and the documents enclosed to it to the person who has lodged the

appeal, in accordance with the procedure established in Article 281 of this Code.

Article 281. Return of a Cassational Appeal

1. The arbitration court of the cassation instance shall return the cassational appeal if, while examining the question about accepting the cassational appeal, it establishes that:

1) the cassational appeal is lodged by a person, who does not possess the right to appeal against a judicial act by way of the cassation proceedings, or that it is filed against a judicial act which is not to be appealed against by way of cassation proceedings in conformity with this Code;

2) the cassational appeal is lodged after expiry of the time term for filing a cassational appeal, fixed in this Code, and does not contain a request for its restoration, or that the restoration of the missed term has been refused;

3) before the issue of a ruling on the acceptance of the cassational appeal for the proceedings of the arbitration court of the cassation instance, a request for its return has come in from the person who lodged the cassational appeal;

4) the circumstances which comprised the ground for leaving the cassational appeal without progress have not been eliminated within the time term established in the court's ruling.

The arbitration court of the cassation instance shall also return the cassational appeal if the request for granting a delay or an instalment principle in the payment of the state duty, or for reducing its size, has been rejected.

2. The arbitration court of the cassation instance shall issue a ruling on the return of a cassational appeal.

A copy of the ruling on the return of a cassational appeal shall be forwarded to the person who has filed it, together with the cassational appeal and with the documents enclosed to it, not later than on the next day after its issue or after the expiry of the term fixed by the court for the elimination of the circumstances that have served as the ground for leaving the cassational appeal without progress.

3. A ruling on the return of a cassational appeal may be applied against to the arbitration court of the cassation instance in the order established in Article 291 of this Code.

If the ruling is cancelled, the cassational appeal shall be seen as lodged as on the day of the initial turning to the arbitration court.

4. The return of a cassational appeal shall not be seen as an obstacle to lodging the cassational appeal to the arbitration court once again in the general order after the elimination of the circumstances that have served as a ground for its return.

Article 282. Termination of the Proceedings on a Cassational Appeal

1. The arbitration court of the cassation instance shall stop the proceedings on a cassational appeal, if after the cassational appeal was accepted for the court proceedings a request came in from the person, who has filed it, with the refusal from the cassational appeal, and if the refusal was accepted by the court in conformity with Article 49 of this Code.

2. The arbitration court shall issue a ruling on the termination of the proceedings on a cassational appeal.

In the ruling may be resolved questions, concerning the distribution between the parties of the court expenses and the return of the state duty from the federal budget.

The copies of the ruling on the termination of the proceedings on a cassational appeal shall be forwarded to the persons taking part in the case.

3. If the proceedings on a cassational appeal are terminated, repeatedly filing a cassational appeal by the same person on the same grounds to the arbitration court shall be inadmissible.

4. The arbitration court's ruling on the termination of the proceedings on a cassational appeal may be appealed against to the arbitration court of the cassation instance in accordance with the procedure laid down in Article 291 of this Code.

Article 283. Suspension of the Execution of Judicial Acts by an Arbitration Court of the Cassation Instance

1. The arbitration court of the cassation instance has the right to suspend the execution of judicial acts, passed by the arbitration court of the first and appeals instance, at a request from the persons taking part in the case, under the condition that the applicant has substantiated the fact that the reversion of the execution is impossible or difficult, or if he has provided the security envisaged in the second part of the present Article.

2. The execution of the decision or the resolution of the arbitration court shall be suspended by the arbitration court of the cassation instance, if the person requesting for such suspension provides for the recompense to the other party in the case of probable losses (counter-security), by way of an entry onto the deposit account of the arbitration court of the cassation instance of the monetary funds in the amount of the disputed sum, or by presenting a bank guarantee or a surety, or by making another kind of financial provision for the same sum.

3. The arbitration court of the cassation instance shall pass a ruling on the suspension of the execution of a judicial act or on the refusal to suspend the execution, within a three-day term as from the day of arrival of the request at the court. The ruling may be complained against to the arbitration court of the appeals instance. The content of this ruling may be expounded in the ruling on the acceptance of the cassational appeal for the court's proceedings.

A copy of the ruling shall be forwarded to the persons taking part in the case.

4. The execution of a judicial act shall be suspended until the arbitration court of the cassation instance issues a ruling on the results of examining the cassational appeal, unless a different time term for the suspension is established by the court.

Article 284. Procedure for the Examination of a Case by an Arbitration Court of the Cassation Instance

1. The arbitration court of the cassation instance shall investigate a case in a court session with the composition of judges in accordance with the rules for consideration of a case by the arbitration court of the first instance laid down in this Code, with the specifics established in the present Chapter.

2. The rules laid down in this Code only for an investigation of a case in the arbitration court of the first instance shall not be applied in the examination of a case in the arbitration court of the cassation instance, unless otherwise stipulated in the present Chapter.

3. Non-appearance in the court session of the arbitration court of the cassation instance of the person who has lodged the cassational appeal, and of other persons taking part in the case, shall not serve as an obstacle for considering the case in their absence, if they were duly notified about the time and place of the judicial proceedings.

Article 285. Time Term for the Consideration of a Cassational Appeal

The arbitration court of the cassation instance shall examine a cassational appeal lodged against the decision of the arbitration court of the first instance and (or) against the resolution of the arbitration court of the appeals instance within a time term not exceeding one month as from the day of arrival of the cassational appeal, together with the case file at the arbitration court of the cassation instance, including the time term for preparing the case for the action at law and for the adoption of the judicial act.

Article 286. Limits for the Examination of a Case in a Arbitration Court of the Cassation Instance

1. The arbitration court of the cassation instance shall check the legality of the decisions and resolutions passed by the arbitration court of the first and appeals instance, by checking the correctness of the application of the norms of substantive law and of the norms of procedural law as it investigates the case and adopts the judicial act, appealed against, while proceeding from the arguments contained in the cassational appeal and in the objections to the appeal, unless otherwise is stipulated in this Code.

2. Regardless of the arguments contained in the cassational appeal, the arbitration court of the cassation instance shall verify whether the arbitration court of the first and of the appeals instance has violated the norms of procedural law, which are, in conformity with the fourth part of Article 288 of this Code, a ground for the cancellation of the decision of the arbitration court of the first instance or of the resolution of the arbitration court of the appeals instance.

3. While investigating a case, the arbitration court of the cassation instance shall verify whether the conclusions of the arbitration court of the first and of the appeals instance on the application of the legal norm correspond to the circumstances of the case they have established and to the proofs contained in the case.

Article 287. Powers of an Arbitration Court of the Cassation Instance

1. The arbitration court of the cassation instance has the right, in accordance with the results of an examination of the cassational appeal:

1) to leave the decision of the arbitration court of the first instance and (or) the resolution of the court of the appeals instance without amendment and to leave the cassational appeal without satisfaction;

2) to repeal or to amend the decision of the court of the first instance and (or) the resolution of the court of the appeals instance fully or in part and, while not sending the case for a new investigation, to pass a new judicial act, if the actual circumstances of importance to the case have been established by the arbitration court of the first or of the appeals instance on the basis of a scrupulous and comprehensive study of the proof contained in the case, but this court has incorrectly applied the legal norm, or if the legality of the decision or the resolution of the arbitration court of the first and of the appeals instance is once again verified by the arbitration court of the cassation instance in the absence of the grounds envisaged in Item 3 of the first part of the present Article;

3) to cancel or to amend the decision of the court of the first instance and (or) the resolution of the court of the appeals instance fully or in part, and to send over the case for new consideration to the corresponding arbitration court whose decision or resolution is cancelled or amended, if this court has violated the norms of procedural law, comprising, in conformity with the fourth part of Article 288 of this Code, a ground for the repeal of the decision or of the resolution, and if the conclusions (contained in the decision or in the resolution) complained against, do not correspond to the actual circumstances, established in the case, or to the proof, contained in the case. When sending a case for new consideration, the court may point out that the case needs to be considered by the collegiate composition of judges and (or) in a different composition of the court;

4) to cancel or to amend the decision of the court of the first instance and (or) the resolution of the court of the appeals instance fully or in part, and to send the case over for consideration to another arbitration court of

the first or appeals instance within the boundaries of one and the same circuit, if said judicial acts are once again checked by the arbitration court of the cassation instance and if the conclusions contained in them do not correspond to the actual circumstances established in the case, or to the proof contained in the case;

5) to leave in force one of the decisions or resolutions, adopted earlier on the case;

6) to cancel a decision of the court of the first instance and (or) a resolution of the court of the appeals instance fully or in part, and to terminate the proceedings on the case, or to leave the statement of claim without consideration, fully or in part.

2. The arbitration court, investigating a case in the cassation instance, shall have no right to establish or to see as proven circumstances which were not established in the decision or in the resolution, or which were rejected by the court of the first or of the appeals instance, or to pre-determine the issues of the authenticity or inauthenticity of this or that proof, or of an advantage of certain proof as compared with other proofs, or of what particular norm of substantive law shall be applied and what particular decision or resolution shall be adopted when the case is considered anew.

Article 288. Grounds for a Change or Repeal of the Decision or Resolution of the Arbitration Court of the First or Appeals Instance

1. Seen as a ground for an amendment or for the repeal of a decision or resolution of an arbitration court of the first or appeals instance shall be the lack of correspondence between the conclusions of the court, contained in the decision or in the resolution, and the actual circumstances of the case established by the arbitration court of the first or the appeals instance, and the proof contained in the case, and also a violation or an incorrect application of the norms of substantive law or of the norms of procedural law.

2. Seen as an incorrect application of the norms of substantive law shall be:

- 1) non-application of law subject to application;
- 2) application of law not subject to application;
- 3) incorrect interpretation of law.

3. A violation or an incorrect application of the norms of procedural law shall be seen as a ground for the alteration or repeal of a decision or of the resolution of the arbitration court, if this violation has caused or could have caused the adoption of an incorrect decision or resolution.

4. Seen as a ground for the cancellation of the decision or resolution of the arbitration court shall in any case be the following:

1) examination of the case by the arbitration court in an illegal composition;

2) consideration of the case in the absence of any one of the persons, taking part in the case, who were not duly notified about the time and the place of the court session;

3) violation of the rule concerning the language to be used in the examination of the case;

4) adoption by the court of the decision or of the resolution on the rights and duties of the persons who were not invited to take part in the case;

5) non-signing the decision or the resolution by the judge or by one of the court, or the signing of the decision or resolution by judges other than those named in the decision or in the resolution;

6) absence in the case file of the protocol of the court session, or its being signed by persons other than those named in Article 155 of this Code;

7) violation of the rule of secrecy of the judges' conference when taking the decision or the resolution.

Article 289. Resolution of the Arbitration Court of the Cassation Instance

1. On the results of consideration of a cassational appeal, the arbitration court of the cassation instance shall issue a judicial act, called a resolution, which shall be signed by the judges who have investigated the case.

2. In the resolution of the arbitration court of the cassation instance shall be pointed out:

1) the name of the arbitration court of the cassation instance and the composition of the court which has adopted the resolution;

2) the number of the case, the date and place of adoption of the resolution;

3) the name of the person who has filed the cassational appeal, and his procedural status;

4) the names of the persons taking part in the case;

5) the object of the dispute;

6) the surnames of the persons who have attended the court session, with an indication of their powers;

7) the names of the arbitration courts which have investigated the case in the first and in appeals instance; the date of adoption of the decision or resolution appealed against; the surnames of the judges who have adopted them;

8) a brief exposition of the content of the decision or the resolution, adopted on the case;

9) the grounds on which in the cassational appeal are presented claims for verifying the legality of the decision or resolution;

10) the arguments, put forth in the response to the cassational appeal;

11) the explanations of the persons, taking part in the case who have attended the court session;

12) the laws and the other legal normative acts, on which the court of the cassation instance relied in passing the resolution; the motives for the adopted resolution; the motives, because of which the court has not applied laws and other legal normative acts to which the persons taking part in the case referred;

13) the motives, because of which the court of the cassation instance has not agreed with the conclusions of the court of the first and appeals instance, if their decision or resolution has been repealed fully or in part;

14) the conclusions on the results of the investigation of the cassational appeal;

15) the actions which shall be performed by the persons; taking part in the case, and by the arbitration court of the first or appeals instance, if the case is sent over for new consideration.

Directions of the arbitration court of the cassation instance, including those for an interpretation of law, rendered in its resolution on the cancellation of the decision or of the resolution of the court of the first and of the appeals instance, are obligatory for the arbitration court which is investigating the given case anew.

3. In the resolution of the arbitration court of the cassation instance shall be indicated the distribution between the parties of the court expenses sustained in connection with filing the cassational appeal.

If the judicial act is cancelled and the case is sent for a new consideration, the question on the distribution of court expenses shall be resolved by the arbitration court which is considering the case anew.

4. The copies of the resolution of the arbitration court of the cassation instance shall be forwarded to the persons taking part in the case, within a five-day term as from the day of adoption of the resolution.

5. The resolution of the arbitration court of the cassation instance shall come into legal force as from the day of its adoption.

Article 290. Cassational Appeals Against Rulings of Arbitration Courts First and Appeals Instance

Cassational appeals against rulings of arbitration courts of the first and of the appeals instance, lodged in accordance with the rules laid down in this Code, shall be investigated by an arbitration court of the cassation instance in the order established in the present Chapter for examining cassational appeals against the decisions and the resolutions of the corresponding arbitration court.

Article 291. Appeals Against a Ruling of an Arbitration Court of the First Instance

1. Appeals against a ruling of an arbitration court of the cassation instance on the return of a cassational appeal, filed to the arbitration court

of the cassation instance that has passed such ruling, shall be examined by the collegiate composition of judges of the same court within ten days as from the day of arrival of the complaint at the court, without notifying the parties.

2. Complaints filed against the other rulings of the arbitration court of the cassation instance, appealing against which is envisaged in this Code, shall be examined by the same arbitration court of the cassation instance in a different composition of the court in accordance with the procedure, stipulated in the present Chapter.

3. On the results of consideration of a complaint against a ruling of the arbitration court of the cassation instance, a ruling shall be issued.

Chapter 36. Legal Proceedings on the Revision of Judicial Acts by Way of Supervision

Article 292. Revising Judicial Acts by Way of Supervision

1. Judicial acts of arbitration courts in the Russian Federation, which have entered into legal force, may be revised by way of supervision in accordance with the rules of the present Chapter by the Higher Arbitration Court of the Russian Federation upon applications from persons taking part in the case, and from the other persons, mentioned in Article 42 of this Code, and as concerns the cases indicated in Article 52 of this Code - upon the presentation of the public prosecutor.

2. The persons, taking part in the case, and other persons in the situations envisaged in this Code, have the right to dispute a judicial act by way of supervision if they believe that this act has essentially infringed upon their rights and lawful interests in the sphere of business or other economic activity as a result of a violation or of an incorrect application by the arbitration court which has passed the disputed judicial act, of the norms of substantive law or of the norms of procedural law.

3. An application or a representation for revising a judicial act by way of supervision may be filed to the Higher Arbitration Court of the Russian Federation within a time term, not exceeding three months as from the day of the entry into legal force of the last contested judicial act passed on the given case, if other opportunities for verifying the legality of said act in the court have been exhausted.

4. The period for the filing of an application or presentation for reconsideration, in the procedure of supervision, of a judicial act missed for reasons not depending on the person who has filed the application or presentation, including due to the absence with him of information about the judicial act being contested, by a solicitation of the applicant may be restored by a judge of the Higher Arbitration Court of the Russian Federation on condition that the solicitation is filed within six months from the day of the entry into legal force of the last contested judicial act or, if the solicitation has been filed by a person indicated in Article 42 of this Code,

from the day when the person became aware or had to become aware of the violation of his rights or legitimate interests by the judicial act being contested.

The restoration of the missed period shall be stated in the ruling on the acceptance of the application or presentation for proceedings and the refusal of restoration of the missed period - in the ruling on the return of the application or presentation.

Article 293. Proceedings of the Supervisory Procedure

1. The supervisory procedure shall be instituted on the ground of an application from a person taking part in the case, or of a presentation from the public prosecutor, and in the situations envisaged in this Code, also from other persons requesting to revise by way of supervision a judicial act of an arbitration court that has entered into legal force.

2. The question about accepting an application or a presentation for the proceedings shall be considered by the judge of the Higher Arbitration Court of the Russian Federation in conformity with Article 295 of this Code.

3. After it is accepted for the proceedings, the application or the presentation shall be examined in conformity with Article 299 of this Code in a court session by the collegiate composition of judges of the Higher Arbitration Court of the Russian Federation, which shall resolve the question of directing the case to the Presidium of the Higher Arbitration Court of the Russian Federation for it to revise the judicial act by way of supervision.

4. The Presidium of the Higher Arbitration Court of the Russian Federation, set up in conformity with the Federal Constitutional Law on Arbitration Courts in the Russian Federation, shall revise judicial acts by way of supervision in accordance with Article 303 of this Code.

Article 294. Demands Made on an Application to the Higher Arbitration Court of the Russian Federation

1. An application or a presentation for revising a judicial act by way of supervision shall be forwarded directly to the Higher Arbitration Court of the Russian Federation in writing. The application or the presentation shall be signed by the person requesting to revise the judicial act, or by his representative.

2. In the application or in the presentation shall be pointed out:

1) the name of the person filing the application or the presentation, with an indication of his procedural status, and the names of the other persons taking part in the case, as well as their place of stay or residence;

2) the data on the disputed judicial act and the name of the arbitration court, which has adopted it; data on other judicial acts passed on the given case; the object of the dispute;

3) the arguments of the person lodging the application or the presentation, with an indication of the grounds for revising the judicial act

and with a reference to the laws and the other legal normative acts confirming, in the applicant's opinion, a violation or an incorrect application of the norms of substantive law and (or) of the norms of procedural law that have entailed essential infringements upon his rights and lawful interests in the sphere of business and other economic activity;

4) a list of the documents enclosed to the application or the presentation.

In the application or the presentation may be supplied the numbers of the telephones and faxes, and e-mail addresses of the persons, taking part in the cases, and of their representatives, as well as other information necessary for the examination of the case.

3. To the application or the presentation shall be enclosed copies of the disputed judicial act and other judicial acts, passed on the case.

With the application or the presentation, signed by the representative, shall also be enclosed a warrant of another document, confirming his powers for signing it.

4. The application or presentation and the documents enclosed with it in conformity with the present Article, shall be forwarded to the Higher Arbitration Court of the Russian Federation with copies in the number corresponding to the number of persons, taking part in the case.

Article 295. Accepting an Application or a Presentation for the Proceedings

1. The question of acceptance of an application or of a presentation for the proceedings shall be examined of the Higher Arbitration Court of the Russian Federation on his own by the judge within a five-day term as from the day of its arrival at the Higher Arbitration Court of the Russian Federation.

2. An application or a presentation for revising a judicial act by way of supervision, filed with the observation of demands stipulated in the present Chapter, shall be accepted for the proceedings of the Higher Arbitration Court of the Russian Federation.

3. On the acceptance of an application or a presentation for the proceedings, a ruling shall be issued by which the supervisory procedure is initiated. A copy of the ruling shall be forwarded to the person, who has filed the application or the presentation.

4. In the ruling on the acceptance of an application or of a presentation for the proceedings may be pointed out the obtainment of the case file on demand from the arbitration court. In this case, a copy of the ruling shall be forwarded to the arbitration court, which shall forward the obtained case file to the Higher Arbitration Court of the Russian Federation within a five-day term as from the day of receiving a copy of the ruling.

Article 296. Return of an Application or a Presentation

1. The Higher Arbitration Court of the Russian Federation shall return an application or a presentation for revising a judicial act by way of supervision, if while resolving the question of its acceptance for the proceedings it establishes that:

1) the demands, stipulated in Articles 292 and 294 of this Code, have not been satisfied;

2) before an application or a presentation was accepted for consideration, a request for its return came in from the applicant.

3) the application or presentation is filed upon the expiry of the period established by paragraph 3 of Article 292 of this Code and does not contain a solicitation for its restoration or it has been refused to restore the missed period.

2. On the return of an application or of a presentation shall be passed a ruling, a copy of which shall be forwarded to the person who has filed the application or representation, together with the application or the presentation and with the documents enclosed to them.

3. The return of an application or of a presentation shall not be seen as an obstacle to turning to the Higher Arbitration Court of the Russian Federation once again with the same application or presentation in the general order after the elimination of the circumstances that have served as a ground for its return.

Article 297. Response to an Application or a Presentation for Revising a Judicial Act

1. The person taking part in the case, shall forward a response to an application or a presentation for revising a judicial act by way of supervision with an enclosure of documents, confirming the objections to the revision, to other persons taking part in the case, and to the Higher Arbitration Court of the Russian Federation.

To the response directed to the Higher Arbitration Court of the Russian Federation shall also be enclosed a document confirming that the copies of the response have been forwarded to other persons taking part in the case.

2. The response shall be sent in a registered letter with a notification on handing it in within a time term fixed by the court, which shall ensure the possibility to get acquainted with the response before the start of an examination of the application or of the presentation by the Presidium of the Higher Arbitration Court of the Russian Federation.

3. The response shall be signed by the person taking part in the case, or by his representative. To the response, signed by the representative, shall also be enclosed a warrant or another document confirming his powers for signing the response.

Article 298. Suspension of the Execution of a Judicial Act by the Higher Arbitration Court of the Russian Federation

1. The execution of a judicial act may be suspended by the Higher Arbitration Code of the Russian Federation at a request from the person who has filed an application or a presentation for revising the judicial act by way of supervision, under the condition that the applicant has substantiated the impossibility of the reversion of its execution or has provided a counter-security to the other party against probable losses by an entry onto the deposit account of the arbitration court which considered the case in the first instance, of monetary funds in the amount of the disputed sum, and if the court recognizes it as necessary to suspend the execution of the judicial act in order to guarantee a balance of the parties' reciprocal rights and duties.

2. The question of suspending the execution of a judicial act shall be resolved in a court session by the collegiate composition of judges of the Higher Arbitration Court of the Russian Federation. On the results of this consideration shall be issued a ruling.

Copies of the ruling shall be forwarded to the persons taking part in the case.

3. The execution of a judicial act may be suspended until the end of the supervisory procedure, unless a different time term is fixed by the court.

4. The suspension of the execution of a judicial act shall be cancelled by the composition of judges which passed the ruling on the refusal to hand over the case to the Presidium of the Higher Arbitration Court of the Russian Federation, or by the Presidium of the Higher Arbitration Court of the Russian Federation which issued the ruling on the refusal to satisfy the application or the presentation.

5. On cancelling the suspension of the execution of a judicial act shall be passed a ruling, or this shall be pointed out in the ruling on the refusal to hand over the case to the Presidium of the Higher Arbitration Court of the Russian Federation, or in the resolution on the refusal to satisfy the application or presentation.

The copies of the ruling or of the resolution shall be forwarded to the persons taking part in the case.

Article 299. Examining an Application or a Presentation by Way of Supervision

1. An application or a presentation for revising a judicial act by way of supervision shall be examined by the collegiate composition of judges of the Higher Arbitration Court of the Russian Federation in a court session without notifying the persons taking part in the case within a time term, not exceeding one month as from the day of arrival of the application or of the presentation at the Higher Arbitration Court of the Russian Federation, or as from the day of arrival of the case at the Higher Arbitration Court of the Russian Federation, if it was obtained on demand from the arbitration court.

2. The composition of judges for examining an application or a presentation for revising a judicial act by way of supervision shall be set up

in accordance with the rules, envisaged in Article 18 of the present Code while taking into account the order of priority in the distribution between the judges of the applications arriving at the Higher Arbitration Court of the Russian Federation.

3. When examining an application or a presentation for revising a judicial act by way of supervision, the arbitration court shall determine, whether there exist grounds for revising the disputed act, proceeding from the arguments contained in the application or in the presentation, as well as from the content of the disputed judicial act.

To resolve the question about the existence of the grounds for revising a judicial act by way of supervision, the court may obtain the case on demand from the arbitration court, about which a ruling shall be passed.

4. If there exist the grounds, envisaged in Article 304 of this Code, the court shall issue a ruling on handing over the case for revising the disputed judicial act by way of supervision and shall direct it to the Presidium of the Higher Arbitration Court of the Russian Federation together with the application or the presentation and with the case file, obtained on demand from the arbitration court within a five-day term as from the issue of the ruling.

5. The copies of the ruling shall be forwarded within the same term to the persons taking part in the case, with an enclosure of the application or the presentation and of the documents enclosed with it.

In the ruling the court shall fix the term within which the persons, taking part in the case may submit a response to the application or the presentation for revising the judicial act by way of supervision.

6. If during an examination of the application or of the presentation it is established that in the absence of the grounds envisaged in Article 304 of this Code, there still exist other grounds for verifying the correctness of the application of the norms of substantive law or of the norms of procedural law, the court may hand over the case for consideration to the arbitration court of the cassation instance, on the condition that the given judicial act has not been revised by way of the cassation procedure.

7. On forwarding the case to the arbitration court of the cassation instance shall be issued a ruling. The content of this ruling may be expounded in the ruling on the refusal to hand over the case to the Presidium of the Higher Arbitration Court of the Russian Federation.

The copies of the ruling shall be forwarded to the persons taking part in the case.

8. If the grounds envisaged in Article 304 of this Code, are absent, the court shall pass a ruling on the refusal to hand over the case for revising the judicial act by way of supervision to the Presidium of the Higher Arbitration Court of the Russian Federation.

A copy of the ruling shall be forwarded to the person requesting that the judicial act be revised by way of supervision not later than on the day after it is passed.

9. Repeatedly filing by the same person on the same grounds an application or a presentation for revising the judicial act by way of supervision shall be inadmissible.

Article 300. Content of a Ruling on Handing Over the Case to the Presidium of the Higher Arbitration Court in the Russian Federation

The court's ruling on handing over the case to the Presidium of the Higher Arbitration Court of the Russian Federation for revising the judicial act by way of supervision shall contain:

- 1) the date of issue of the ruling;
- 2) the composition of the judges of the Higher Arbitration Court of the Russian Federation which has issued the ruling;
- 3) the name of the person, who has submitted a request for revising the judicial act by way of supervision, his procedural status and the place of stay or of residence; the names of other persons taking part in the case, and their place of stay or of residence;
- 4) information on the disputed judicial act, the date of its adoption and of its entry into legal force; information on other judicial acts passed on the case;
- 5) the name of the arbitration court which has adopted the judicial act, and the object of the dispute;
- 6) the grounds for handing over the case to the Presidium of the Higher Arbitration Court of the Russian Federation, envisaged in Article 304 of this Code, and the motives for such handing over, with an indication of the norms of substantive law or of the norms of procedural law, which were violated, in the court's opinion, when the disputed judicial act was passed;
- 7) proposals of the court, which issued the ruling.

Article 301. Content of a Ruling on the Refusal to Hand Over the Case to the Presidium of the Higher Arbitration Court of the Russian Federation

A ruling of the court on the refusal to hand over the case to the Presidium of the Higher Arbitration Court of the Russian Federation for revising the judicial act by way of supervision, shall contain:

- 1) the date of passing the ruling;
- 2) the composition of judges of the Higher Arbitration Court of the Russian Federation which passed the ruling;
- 3) the name of the person requesting for a revision of the judicial act by way of supervision, his procedural status and the place of his stay or residence; the names of the other persons taking part in the case, and the place of their stay or residence;
- 4) information on the disputed judicial act, the date of its adoption and of its entry into legal force; information on the other judicial acts passed on the case;
- 5) the name of the arbitration court which has accepted the disputed judicial act, and the object of the dispute;

6) the motives behind the refusal to hand over the case to the Presidium of the Higher Arbitration Court of the Russian Federation for revising the judicial act by way of supervision;

7) the motives behind forwarding the case to the arbitration court of the cassation instance in conformity with the sixth part of Article 299 of this Code.

Article 302. Notification on the Examination of a Case in the Presidium of the Higher Arbitration Court of the Russian Federation

The persons taking part in the case, shall be notified about the time and place of an examination of the case on revising the judicial act by way of supervision by the Presidium of the Higher Arbitration Court of the Russian Federation in accordance with the rules envisaged in Chapter 12 of this Code. Non-appearance of the persons taking part in the case and duly notified about the time and place of an examination of the case by the Presidium of the Higher Arbitration Court of the Russian Federation, shall not be seen as an obstacle to an investigation of the case by way of supervision.

Article 303. Procedure for the Consideration of a Case in the Presidium of the Higher Arbitration Court of the Russian Federation

1. The Presidium of the Higher Arbitration Court of the Russian Federation shall accept a case for its consideration on the ground of a ruling of the court, passed in conformity with Article 299 of this Code, on handing over the case to the Presidium.

2. The Presidium of the Higher Arbitration Court of the Russian Federation shall examine the cases in the order of their arrival at the Presidium, but not later than within a time term not exceeding three months as from the day of adoption of the ruling on handing over the case to the Presidium.

3. The Presidium of the Higher Arbitration Court of the Russian Federation has the right to consider cases by way of supervision if the majority of the Presidium members are in attendance.

4. The person who has submitted an application or a presentation for revising a judicial act by way of supervision and other persons taking part in the case, may participate in the session of the Presidium of the Higher Arbitration Court of the Russian Federation.

5. The case shall be reported by the judge of the Higher Arbitration Court of the Russian Federation - the reporter on the given case.

The reporter shall describe the circumstances of the case, the content of the disputed judicial act and of other judicial acts, passed on the given case, the arguments contained in the application or the presentation for revising the judicial act by way of supervision, and the grounds for revising the judicial act, as well as the motives, contained in the court's

ruling on handing over the case for consideration to the Presidium of the Higher Arbitration Court of the Russian Federation.

6. The persons taking part in the case if they have come to the session of the Presidium of the Higher Arbitration Court of the Russian Federation, shall have the right to give their oral explanations after the statement of the reporting judge.

The first to give his explanations shall be the person who has filed the application or the presentation for revising the judicial act by way of supervision.

7. After the statement of the person who has filed a request for revising the judicial act by way of supervision, and of the other persons, taking part in the case and attending the session, the Presidium of the Higher Arbitration Court of the Russian Federation shall adopt the resolution in camera.

8. The resolution of the Presidium of the Higher Arbitration Court of the Russian Federation shall be adopted by a majority vote of the judges. The presiding justice of the court session shall be the last to vote. If the votes of the judges fall equally, the application or the presentation shall be left without satisfaction, and the judicial act - without amendment.

Article 304. Grounds for an Amendment or for the Repeal of the Judicial Acts Which Have Entered into Legal Force by Way of Supervision

Judicial acts of the arbitration courts which have entered into legal force are subject to amendment or repeal if the Presidium of the Higher Arbitration Court of the Russian Federation establishes, while investigating the case by way of supervision, that the disputed legal act:

- 1) violates uniformity in the interpretation and in the application of the norms of law by the arbitration courts;
- 2) violates the rights and freedoms of man and citizen according to the generally accepted principles and norms of international law and international treaties of the Russian Federation;
- 3) violates the rights and the lawful interests of an indefinite circle of persons, or other public interests.

Article 305. Resolution of the Presidium of the Higher Arbitration Court of the Russian Federation

1. In accordance with the results of the consideration of a case on revising a judicial act by way of supervision, the Presidium of the Higher Arbitration Court of the Russian Federation has the right:

- 1) to leave the disputed judicial act without alteration, and the application or presentation - without satisfaction;
- 2) to repeal the judicial act, fully or in part, and to hand over the case for a new consideration to the arbitration court whose judicial act is cancelled or amended. As it hands over a case for new consideration, the Presidium of the Higher Arbitration Court of the Russian Federation may

point out that the case is to be investigated in a different composition of the court;

3) to cancel the judicial act fully or in part, and to adopt a new judicial act, while not handing over the case for new consideration;

4) to repeal the judicial act, fully or in part, and to terminate the proceedings on the case, or to leave the claim without consideration, fully or in part;

5) to leave intact one of the earlier adopted judicial acts.

2. In the cases, envisaged in Items 2-5 of the first part of the present Article, the Presidium of the Higher Arbitration Court of the Russian Federation shall indicate concrete grounds for an amendment or repeal of the judicial act in conformity with Article 304 of this Code.

3. Directions of the Presidium of the Higher Arbitration Court of the Russian Federation, among other things, on the interpretation of the law presented in the resolution on the repeal of the decision or of the resolution of the court are obligatory for the arbitration court examining the given case anew.

4. The Presidium of the Higher Arbitration Court of the Russian Federation has no right to establish or to see as proven any circumstances which have not been established or proved by the above-said judicial acts, or to predetermine the questions about the authenticity or inauthenticity of this or that proof, about the advantage of certain proof over the others, and about what particular decision or resolution shall be passed in a new consideration of the case.

5. The resolution of the Presidium of the Higher Arbitration Court of the Russian Federation shall satisfy the demands envisaged in Article 306 of this Code.

6. The resolution of the Presidium of the Higher Arbitration Court of the Russian Federation shall be signed by the judge presiding over the court session of the Presidium.

Article 306. Content of a Resolution of the Presidium of the Higher Arbitration Court of the Russian Federation

In the resolution of the Presidium of the Higher Arbitration Court of the Russian Federation shall be pointed out:

1) the number, date and place of adoption of the resolution; the composition of the court which adopted the resolution;

2) the name of the person, who has filed an application or a presentation for revising the judicial act by way of supervision, and his procedural status;

3) the names of the persons, taking part in the case; the object of the dispute; the surnames of the persons attending the court session, with an indication of their powers;

4) the names of the arbitration courts which have examined the case in the first, appeals and cassation instances; information on the judicial acts, passed on the case; a brief content of the disputed judicial act;

5) the arguments contained in the application or in the presentation for revising the judicial act by way of supervision, and the applicant's claims;

6) the objections contained in the response to the application or the presentation for revising the case by way of supervision;

7) the explanations of the persons taking part in the case and attending the court session;

8) the grounds for an amendment or for the repeal of the judicial act, established by the court with a reference to the laws and to other legal normative acts;

9) the motives behind the adopted resolution;

10) the conclusions and decisions on the results of the examination of the application or of the presentation;

11) the actions to be performed by the persons taking part in the case, and by the arbitration court when the case is sent over for new consideration.

Article 307. Entry into Legal Force of a Resolution of the Presidium of the Higher Arbitration Court of the Russian Federation, and Its Publication

1. The resolution of the Presidium of the Higher Arbitration Court of the Russian Federation shall come into legal force as from the day of its adoption.

2. The copies of the resolution shall be forwarded to the persons taking part in the case, as well as to other interested persons, within a five-day term as from the day of passing the resolution.

3. The resolution of the Presidium of the Higher Arbitration Court of the Russian Federation shall be published in the Bulletin of the Higher Arbitration Court of the Russian Federation.

Article 308. Revising by Way of Supervision the Arbitration Courts' Rulings

1. The rules for revising judicial acts by way of supervision, laid down in the present Chapter, shall also be applied when revising the rulings of the arbitration courts, if in conformity with the present Code their appeal is envisaged separately from the decisions and resolutions, and if they interfere with the further progress of the case.

2. Other rulings of the arbitration courts may be revised by way of supervision together with revising by way of supervision the decisions and the resolutions of the arbitration courts.

Chapter 37. Proceedings on Revising Judicial Acts Which Have Come into Legal Force, in Accordance with Newly Revealed Circumstances

Article 309. Right of the Arbitration Court to Revise a Judicial Act in Accordance with the Newly Revealed Circumstances

1. The arbitration court may revise a judicial act it has adopted which has come into legal force in accordance with the newly revealed circumstances on the grounds and in the order, envisaged in the present Chapter.

Article 310. Arbitration Courts Revising Judicial Acts in Accordance with the Newly Revealed Circumstances

1. The decision or the resolution adopted by the arbitration court of the first instance and put into legal force, shall be revised in accordance with the newly revealed circumstances by the court which adopted this decision or resolution.

2. Revision, in accordance with the newly revealed circumstances, of the resolutions and rulings of the arbitration court of the appeals and of the cassation instance, and of the resolutions and rulings of the Higher Arbitration Court of the Russian Federation, passed by way of supervision, by which is amended a judicial act of the arbitration court of the first, of the appeals and of the cassation instance or a new judicial act is adopted, shall be effected by that court which has amended the judicial act or has adopted a new judicial act.

Article 311. Grounds for Revising Judicial Acts in Accordance with Newly Revealed Circumstances

The following shall be seen as grounds for revising judicial acts in accordance with the newly revealed circumstances:

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

2) falsification of proof or a deliberately wrong conclusion of the expert, or a deliberately falsified testimony of the witness, or a deliberately incorrect translation, which has entailed the adoption of an illegal or unsubstantiated judicial act in the given case, established by the court sentence that has come into legal force;

3) criminal actions of the person taking part in the case, or of his representative, established by the court sentence that has come into legal force, or the criminal actions of the judge committed in considering the given case;

4) the repeal of the judicial act of the arbitration court or of the court of general jurisdiction, or of the resolution of another body, which has served as a ground for the adoption of the judicial act on the given case;

5) a transaction, recognized as invalid by the judicial act of the arbitration court or of the court of general jurisdiction, which has come into legal force, and which has entailed the adoption of an illegal or of an unsubstantiated judicial act on the given case;

6) recognition by the Constitutional Court of the Russian Federation as not corresponding to the Constitution of the Russian Federation the law applied by the arbitration court in the particular case, in connection with the adoption of the decision on which the applicant has applied to the Constitutional Court of the Russian Federation;

7) a violation, established by the European Court for Human Rights, of the provisions of the Convention on the Protection of Human Rights and of Basic Freedoms when considering a concrete case by the arbitration court, in connection with the adoption of the decision on which the applicant has applied to the European Court for Human Rights.

Article 312. Procedure and Time Term for Filing an Application for Revising a Legal Act in Accordance with Newly Revealed Circumstances

1. An application for revising a judicial act in accordance with newly revealed circumstances, which has come into legal force, shall be submitted to the arbitration court that has adopted the given judicial act, by the persons taking part in the case, no later than in three months as from the day when the circumstances, comprising a ground for the revision of the judicial act, were revealed.

2. At a request from the person who has filed the application, a missed time term for filing the application may be restored by the arbitration court, on the condition that the request is submitted not later than in six months as from the day of revealing the circumstances, which comprise a ground for the revision, and that the arbitration court recognizes the reasons behind missing the time term as valid.

The request for the restoration of the time term for filing an application for revising a judicial act in accordance with newly revealed circumstances shall be considered by the arbitration court in the order envisaged in Article 117 of this Code.

Article 313. Form and Content of the Application

1. The application for revising a judicial act in accordance with newly revealed circumstances shall be filed to the arbitration court in writing. The application shall be signed by the person, filing the application, or by his representative, authorized to sign it.

2. In the application for revising the judicial act in accordance with the newly revealed circumstances shall be pointed out:

1) the name of the arbitration court, to which the application is lodged;

2) the name of the person, filing the application, and of the other persons, taking part in the case, and their place of stay or of residence;

3) the name of the arbitration court, which has passed the judicial act, for the revision of which in accordance with the newly revealed circumstances the applicant claims; the number of the case and the date of adoption of the judicial act; the object of the dispute;

4) the claim of the person, filing the application; the newly revealed circumstance, envisaged in Article 311 of this Code, which is, in the applicant's opinion, a ground for raising the question about revising the judicial act in accordance with the newly revealed circumstances, with a reference to the documents, confirming the revelation or the establishment of this circumstance;

5) a list of the enclosed documents.

In the application may also be supplied the numbers of the telephones and of the faxes, the e-mail addresses of the persons, taking part in the case, and other information.

3. The person, filing the application, shall be obliged to forward to the other persons, taking part in the case, the copies of the application and of the enclosed documents, which the latter do not possess, in a registered letter with a notification on handing in.

4. To the application may be enclosed:

1) the copies of the documents, confirming the newly revealed circumstances;

2) a copy of the judicial act, for the revision of which the applicant claims;

3) a document, confirming that the copies of the application and of the documents they do not possess, have been forwarded to the other persons, taking part in the case;

4) a warrant or another document, confirming the person's powers for signing the application.

Article 314. Acceptance of an Application for the Proceedings of the Arbitration Court

1. An application on revising a judicial act in accordance with newly revealed circumstances, filed with the observation of the demands made by this Code to its form and content, shall be accepted for the proceedings of the corresponding arbitration court.

If the above-said demands are violated, the arbitration court shall return the application in the order stipulated in Article 315 of this Code.

2. The question of accepting an application for the proceedings of the arbitration court shall be resolved by the judge on his own within a five-day term as from the day of its arrival at the arbitration court.

The arbitration court shall pass a ruling on accepting an application for the proceedings of the arbitration court.

In the ruling shall be pointed out the time and place of holding a court session on examining the application.

The copies of the ruling shall be forwarded to the persons taking part in the case.

Article 315. Return of an Application for Revising a Judicial Act in Accordance with Newly Revealed Circumstances

1. The arbitration court shall return to an applicant the application he has filed for revising the judicial act in accordance with newly revealed circumstances, if while examining the question about its acceptance for the proceedings it establishes that:

1) the application is filed with a violation of the rules, established in Article 310 of this Code;

2) the application is filed after the expiry of the fixed time term and no request has been filed for its restoration, or that the restoration of the missed term for filing an application has been refused;

3) the demands made by this Code on the form and content of the application have not been satisfied.

2. On the return of the application shall be issued a ruling.

A copy of the ruling shall be forwarded to the applicant together with his application and with the documents enclosed to it not later than on the day after it is passed.

3. The ruling of the arbitration court on the return of the application may be appealed against.

Article 316. Examination of an Application for Revising a Judicial Act in Accordance with Newly Revealed Circumstances

1. The arbitration court shall examine an application for revising a judicial act, which has come into legal force in accordance with newly revealed circumstances in a court session within a time term not exceeding one month as from the day of its arrival at the arbitration court.

2. The applicant and the other persons, taking part in the case, shall be informed about the time and place of the court session. Non-appearance of the duly notified persons shall not be seen as an obstacle to the examination of the application.

Article 317. Judicial Acts Adopted by the Arbitration Court in Accordance with the Results of an Examination of an Application for Revising a Judicial Act in Connection with Newly Revealed Circumstances

1. In accordance with the results of an examination of a application for revising a decision or resolution of the ruling that has come into legal force, in accordance with the newly revealed circumstances, the arbitration court shall either take the decision or the resolution on the satisfaction of the application and on the repeal of the judicial act it has passed earlier in accordance with newly revealed circumstances, or it shall issue a ruling on the refusal of the satisfaction of said application.

2. If the judicial act is cancelled in accordance with newly revealed circumstances the case shall be once again investigated by the same arbitration court which has repealed the judicial act it has earlier passed, in the general order established by this Code.

3. The arbitration court has the right to once again consider the case immediately after the repeal of the judicial act in the same court session, if

the persons, taking part in the case, or their representatives are present in the court session and have not raised objections to an examination of the case on merit in the same court session.

4. Copies of the ruling on the refusal to satisfy an application for revising a judicial act in accordance with the newly revealed circumstances shall be forwarded to the persons taking part in the case.

5. The decision or the resolution of the arbitration court on the cancellation of the judicial act in connection with the newly revealed circumstances and the ruling on the refusal to satisfy an application for revising the judicial act in accordance with the newly revealed circumstances, may be appealed against.

Section VII. Proceedings on Cases Connected with the Execution of Judicial Acts of Arbitration Courts

Article 318. Procedure for the Execution of Judicial Acts of the Arbitration Courts

1. Judicial acts of the arbitration courts shall be executed after they come into legal force, with the exception of the cases of immediate execution, in accordance with the procedure established in this Code and in other federal laws regulating the questions of the executive procedure.

2. The forcible execution of a judicial act shall be effected on the ground of a writ of execution issued by the arbitration court, unless otherwise stipulated in this Code.

Federal Law No. 225-FZ of October 2, 2007 supplemented Article 318 of this Code with Part 3. The Part shall enter into force from February 1, 2008

3. The forms of the slips of garnishments, the procedure for their manufacture, registration, storage and destruction shall be approved by the Government of the Russian Federation.

Article 319. Issue of a Writ of Execution

1. A writ of execution shall be issued on the ground of a judicial act adopted by the arbitration court of the first or of the appeals instance, by that court which has adopted the corresponding judicial act.

2. A writ of execution shall be issued on the ground of a judicial act passed by the arbitration court of the cassation instance or by the Higher Arbitration Court of the Russian Federation, by the corresponding arbitration court which investigated the case in the first instance.

3. A writ of execution shall be issued after the judicial act comes into legal force, with the exception of cases of immediate execution. In the latter cases, a writ of execution shall be issued directly after the adoption of such judicial act, or after it is turned to immediate execution. A writ of execution shall be issued to the exactor or shall be forwarded at his request for

execution directly by the arbitration court. A writ of execution for the exaction of monetary funds into the revenue of the budget shall be forwarded by the arbitration court to the tax body or other authorized state body at the place of the debtor's stay.

3.1. If a court judgement requires levy of execution on funds of budgets of the budgetary system of the Russian Federation the writ of execution sent by the court on the collector's petition must be accompanied with a copy of the court judgement for the execution of which the writ of execution is issued, the copy being attested to by the court in the established procedure.

4. On every judicial act shall be issued one writ of execution, unless otherwise ruled by the present Article.

5. In cases when the judicial act is adopted in favour of several plaintiffs or against several defendants, or if the execution is to be effected in different places, the arbitration court shall issue at the exactor's request several writs of execution, with a precise indication in each of them of the place of execution or of that part of the judicial act, which shall be executed under the given writ of execution.

6. On the ground of the judicial act on the exaction of monetary sums from joint defendants, the arbitration court may issue at the exactor's request several writs of execution in accordance with the number of joint defendants, with an indication in each of them of the total sum of the exaction, of the names of all the defendants and of their joint liability.

7. The garnishment issued before the entry of the judicial act into force, except for the cases of immediate execution, shall be null and void and shall be recalled by the judge who passed the judicial act.

Article 320. Content of a Writ of Execution

1. In a writ of execution shall be pointed out:

1) the name of the arbitration court which issued the writ of execution; the name and place of location of the foreign court, of the reference tribunal or of the international commercial arbitrage if the writ of execution is issued by the arbitration court on the ground of a decision of this court;

2) the case on which the writ of execution is issued, and the number of the case;

3) the date of adoption of the judicial act subject to execution;

4) the name of the exactor organization and the debtor organization, and the place of their location; the surname, name and patronymic of the exactor (citizen) and of the debtor (citizen), their place of residence, the date and place of birth; the place of work of the debtor (citizen) or the date and place of his state registration in the capacity of an individual businessman;

5) the substantive part of the judicial act;

6) the date of the judicial act's entry into legal force or demand for its immediate execution;

7) the date of issue of the writ of execution and the time of its presentation for fulfilment.

If the arbitration court has granted a delay or the instalment principle in the execution of the judicial act before the issue of the writ of execution, in the writ of execution shall be pointed out the time from which the course of the term of validity of the writ of execution started.

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

Article 321. Time Terms for the Presentation of a Writ of Execution for Fulfilment

1. A writ of execution may be presented for fulfilment within the following time terms:

1) in the course of three years as from the day of the judicial act entering into legal force, or as from the day after the day of adoption of the judicial act, subject to immediate execution, or as from the day of expiry of the time term fixed for the fulfilment of the writ of execution in accordance with the granted delay or the instalment principle for the execution of the judicial act;

2) in the course of three months as from the day of passing a ruling on the restoration of the missed time term for the presentation of a writ of execution for fulfilment in conformity with Article 322 of this Code;

2. If the execution of the judicial act is suspended, the time term for which the execution is suspended shall not be included into the time term fixed for the presentation of a writ of execution for fulfilment.

3. The time term for the presentation of a writ of execution for fulfilment shall be interrupted by its presentation for fulfilment, unless otherwise established by federal law, by a partial execution of the judicial act.

4. If a writ of execution is returned to the exactor in connection with the impossibility executing it, a new time term for the presentation of the writ of execution for fulfilment shall be counted as from the day of its return.

Article 322. Restoration of the Missed Term for the Presentation of a Writ of Execution for Fulfilment

1. An exactor who has missed the time term for the presentation of a writ of execution for fulfilment, shall have the right to turn to the arbitration court of the first instance which considered the case, with an application for the restoration of the missed term if the restoration of the missed term is stipulated by federal law.

2. An exactor's application for the restoration of the missed term shall be considered in the order envisaged in Article 117 of the present Code. On the results of an examination of the application shall be passed a ruling.

Copies of the ruling shall be forwarded to the exactor and to the debtor.

3. A ruling of the arbitration court on the question of the restoration of the missed term for the presentation of a writ of execution for fulfilment, may be appealed against.

Article 323. Issue of a Duplicate of a Writ of Execution

1. If a writ of execution is lost, the arbitration court which adopted the judicial act may issue a duplicate of the writ of execution at the request from the exactor.

2. An application for the issue of a duplicate of the writ of execution may be lodged before the expiry of the time term fixed for the presentation of the writ of execution for fulfilment, with the exception of cases when the writ of execution was lost by an officer of the law or by another person carrying out the execution, and if the exactor has learned about this after the expiry of the term established for the presentation of the writ of execution for fulfilment. In these cases, an application for the issue of a duplicate of the writ of execution may be filed in the course of one month as from the day when the exactor learned about the loss of the writ of execution.

3. An exactor's writ of execution for the issue of a duplicate of the writ of execution shall be considered by the arbitration court in a court session within ten days as from the day of arrival of the application at the court. The persons taking part in the case shall be notified about the time and place of the court session. Non-appearance of said persons, duly notified about the time and the place of the court session, shall not be seen as an obstacle to examining the case.

4. The ruling of the arbitration court on the issue of a duplicate of the writ of execution or on the refusal to issue the duplicate, may be appealed against.

Article 324. Delay or the Instalment Principle in the Execution of a Judicial Act, and a Change of the Method and Procedure for Its Execution

1. If there exist circumstances interfering with the execution of a judicial act, the arbitration court which issued the writ of execution has the right, at the request from the exactor, from the debtor or from an officer of the law, to put off or to shift to an instalment principle the judicial act, or to alter the method and the procedure for its execution.

2. An application for the delay or for an instalment principle in the execution of a judicial act shall be considered by the arbitration court within a month's term as from the day of arrival of the application at the arbitration court, in a court session, with the notification of the exactor, the debtor and the officer of law. Non-appearance of said persons, duly notified about the time and the place of the court session, shall not be seen as an obstacle to an examination of the application.

In accordance with the results of examining an application, a ruling shall be passed.

Copies of the ruling shall be forwarded to the exactor, to the debtor and to the officer of the law.

3. If the debtor is granted a delay or the instalment principle in the execution of a judicial act, the arbitration court shall have the right to take measures in accordance with an application from the exactor, to provide for the execution of the judicial act in accordance with the rules established in Chapter 8 of this Code.

4. A ruling of the arbitration court on granting a delay or an instalment principle in the execution of the judicial act, on an amendment of the method and of the procedure for its execution, or on the refusal to satisfy the application for a delay or for an instalment principle in the execution of the judicial act, or for altering the method and the procedure for its execution, may be appealed against.

Article 325. Reversion in the Execution of a Judicial Act

1. If an executed judicial act is fully or in part cancelled and a new judicial act is accepted on the full or partial refusal in the claim, or if the claim is left without consideration, or if the proceedings on the case are stopped, the defendant shall be returned everything that was exacted from him in favour of the plaintiff in accordance with the judicial act, repealed or amended in the corresponding part.

2. If a non-executed judicial act is repealed fully or in part and a new judicial act is passed on the full or partial refusal in the claim, or if the claim is left without consideration, fully or in part, or if the proceedings on the case are stopped, the arbitration court shall adopt a judicial act on the full or partial termination of the exaction under the judicial act cancelled in the corresponding part.

Article 326. Resolution of the Question of Reversion in the Execution of a Judicial Act

1. The question of reversion in the execution of a judicial act shall be resolved by the arbitration court which adopted a new judicial act, by which the earlier passed judicial act is either repealed or amended.

2. If in the resolution on the repeal or on an amendment of the judicial act are not contained any directions for a reversion of its execution, the defendant has the right to lodge the corresponding application to the arbitration court of the first instance.

3. An application for reversion in the execution of a judicial act shall be examined in the order stipulated in Article 324 of this Code.

4. The ruling of the arbitration court on the reversion in the execution of a judicial act or on the refusal of its execution may be appealed against.

5. The arbitration court of the first instance shall issue a writ of execution for the return of exacted monetary funds, of property, or of its cost upon the application from organization or citizen. To the application

shall be enclosed a document confirming the execution of the earlier passed judicial act.

Article 327. Suspension, Resumption and Termination of Executive Proceedings

1. The arbitration court may suspend or terminate, upon an application from the exactor, debtor or officer of the law, the executive proceedings, initiated by the officer of the law on the ground of a writ of execution issued by the arbitration court, in the cases stipulated in the federal law on executive proceedings.

2. Executive proceedings shall be suspended or terminated by the arbitration court which issued the writ of execution, or by the arbitration court at the place of stay of the officer of the law.

3. An application for the suspension or the termination of the executive proceedings shall be examined within a ten-day term in accordance with the procedure, envisaged in Article 324 of this Code.

4. The ruling of the arbitration court on the suspension or on the termination of the executive proceedings, or on the refusal to suspend or terminate executive proceedings, may be appealed against.

5. The executive proceedings shall be resumed upon the application from the exactor, debtor or officer of the law by the arbitration court which suspended the executive proceedings, after the elimination of reasons or circumstances which have served as a ground for the suspension thereof.

On the resumption of the executive proceedings shall be issued a ruling.

Article 328. Postponing Executive Actions

1. If there exist the circumstances interfering with the performance of individual executive actions, the arbitration court may put off, upon the application from the exactor, debtor or officer of the law, the executive actions on the executive proceedings initiated on the ground of a writ of execution issued by the arbitration court.

2. The executive actions shall be put off by the arbitration court, which issued the writ of execution, or by the arbitration court at the place of stay of the officer of the law.

3. An application for postponing the executive actions shall be considered by the arbitration court within a ten-day term in the order, stipulated in Article 324 of this Code.

On the results of considering the application shall be passed a ruling.

4. In the ruling on putting off executive actions shall be pointed out the date, until which the executive actions are put off, or an event, whose setting in shall be seen as a ground for the resumption of executive actions by the officer of the law.

Copies of the ruling on postponing the executive actions shall be forwarded to the exactor, debtor and officer of the law.

Article 329. The Challenge of the Decisions of the Officials of the Service of Bailiffs, of Their Actions or Inaction

1. Decisions of the Chief Bailiff of the Russian Federation, the Chief Bailiff of a constituent of the Russian Federation, the senior bailiff, their deputies, the bailiff-executor, their actions or inaction may be disputed in a court of arbitration in cases stipulated by the present Code and other federal laws according to the rules introduced by Chapter 24 of the present Code.

2. No state duty is imposed on an application for disputing the decisions of the officials of the service of bailiffs, their actions or inaction.

Article 330. Liability the Non-Execution or Improper Execution of Duties of the Officer of the Law

1. Harm inflicted by the officer of the law as a result of his non-execution or improper execution of his duties involved in the fulfilment of a writ of execution issued by the arbitration court, shall be subject to recompense in the order envisaged in the civil legislation.

2. The demand for the recompense of the harm shall be considered by the arbitration court in accordance with the general rules for contentious proceedings stipulated in this Code.

Article 331. Responsibility for the Loss of a Writ of Execution

The arbitration court has the right to impose a court fine in the order and in the amount, fixed in Chapter 11 of this Code, upon a person guilty of the loss of a writ of execution handed in to him for fulfilment, which was issued by this arbitration court.

Article 332. Responsibility for Non-Execution of a Judicial Act by a Bank or by Other Credit Institution or by Other Persons

1. The arbitration court may impose a court fine in accordance with the rules laid down in Chapter 11 of this Code, for the non-execution of the arbitration court's judicial act on an exaction of monetary funds from the debtor, if there are monetary funds on his accounts, upon the bank or upon another credit institution which performs the servicing of this debtor's accounts and to which a writ of execution was presented for fulfilment by the exactor or by the officer of the law, in the amount, established by federal law.

2. The arbitration court which issued a writ of execution may levy a court fine for the non-execution of the actions pointed out in the writ of execution, by the person upon whom the performance of these actions is imposed, in the order and in the amount established in Chapter 11 of this Code.

3. The payment of the court fine does not relieve one from the duty to execute the judicial act.

4. The question of levying a court fine shall be considered by the arbitration court upon an application from the exactor or officer of the law in accordance with the procedure laid down in this Code.

President of the Russian Federation

V. Putin

Moscow, the Kremlin