

## QUESTIONNAIRE

### **Section I – RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS**

1. Is your state a party to any bilateral or multilateral agreements and/or conventions governing the recognition and enforcement of foreign judgments?

**YES**

**Comments:**

The Russian Federation is a party to bilateral and multilateral international agreements on legal assistance governing the recognition and enforcement of foreign judgments.

1. Multilateral international agreements:

Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated January 22, 1993 (within the CIS) (as amended by the Protocol dated March 28, 1997);

Convention on the Recognition and Enforcement of Foreign Arbitral Awards dated June 10, 1958.

2. Bilateral international agreements:

Agreement between the Union of Soviet Socialist Republics and the People's Republic of Albania on Legal Assistance in Civil, Family and Criminal Matters dated June 30, 1958;

Agreement between the Union of Soviet Socialist Republics and the People's Democratic Republic of Algeria on Mutual Legal Assistance dated February 23, 1982;

Agreement between the Union of Soviet Socialist Republics and the People's Republic of Bulgaria on Legal Assistance in Civil, Family and Criminal Matters dated February 19, 1975;

Agreement between the Union of Soviet Socialist Republics and the People's Republic of Hungary on Legal Assistance in Civil, Family and Criminal Matters dated July 15, 1958, with the Protocol dated October 19, 1971;

Agreement between the Russian Federation and the Socialist Republic of Vietnam on Legal Assistance and Legal Relations in Civil and Criminal Matters dated August 25, 1998;

Agreement between the Union of Soviet Socialist Republics and the Hellenic Republic on Legal Assistance in Civil and Criminal Matters dated May 21, 1981;

Agreement between the Russian Federation and the Arab Republic of Egypt on Mutual Legal Assistance and Legal Relations in Civil, Commercial and Family Matters dated September 23, 1997; Agreement between the Union of Soviet Socialist Republics and the Republic of Iraq on Mutual Legal Assistance dated June 22, 1973;

Agreement between the Union of Soviet Socialist Republics and the Kingdom of Spain on Legal Assistance in Civil Matters dated October 26, 1990;

Agreement between the Russian Federation and the Islamic Republic of Iran on Legal Assistance and Legal Relations in Civil and Criminal Matters dated March 5, 1996;

Convention between the Union of Soviet Socialist Republics and the Italian Republic on Legal Assistance in Civil Matters dated January 25, 1979;

Agreement between the Union of Soviet Socialist Republics and the People's Democratic Republic of Yemen on Legal Assistance in Civil and Criminal Matters dated December 6, 1985;

Agreement between the Union of Soviet Socialist Republics and the Republic of Cyprus on Legal Assistance in Civil and Criminal Matters dated January 19, 1984;

Agreement between the Russian Federation and the People's Republic of China on Legal Assistance in Civil and Criminal Matters dated June 19, 1992;

Agreement between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea on Legal Assistance in Civil, Family and Criminal Matters dated December 16, 1957;

Agreement between the Union of Soviet Socialist Republics and the Republic of Cuba on Legal Assistance in Civil, Family and Criminal Matters dated November 28, 1984;

Agreement between the Russian Federation and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated February 3, 1993;

Agreement between the Russian Federation and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated July 21, 1992;

Agreement between the Russian Federation and the Republic of Moldova on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated February 25, 1993;

Agreement between the Russian Federation and Mongolia on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated April 20, 1999, with the Protocol dated September 12, 2002;

Agreement between the Russian Federation and the Republic of Poland on Legal Assistance and Legal Relations in Civil and Criminal Matters dated September 16, 1996;

Agreement between the Union of Soviet Socialist Republics and the People's Republic of Romania on Legal Assistance in Civil, Family and Criminal Matters dated April 3, 1958;

Agreement between the Russian Federation and the United States of America on Mutual Legal Assistance in Criminal Matters dated June 17, 1999;

Agreement between the Union of Soviet Socialist Republics and the Tunisian Republic on Legal Assistance in Civil and Criminal Matters dated June 26, 1984;

Agreement between the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated August 12, 1982;

Agreement between the Russian Federation and the Republic of Estonia on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated January 26, 1993;

Agreement between the Union of Soviet Socialist Republics and the People's Federal Republic of Yugoslavia on Legal Assistance in Civil, Family and Criminal Matters dated February 24, 1962.

2. Does your state have national statutory provisions governing the recognition and enforcement of foreign judgments in its territory? (e.g., legislation or case law)

**YES** Comment:

In Russia, the regulations governing the recognition and enforcement of foreign judgments include:

Civil Procedure Code of the Russian Federation (Chapter 45. Recognition and Enforcement of Foreign Judgments and Foreign Arbitral Awards);

Arbitration Procedure Code of the Russian Federation (Chapter 31. Proceedings on the Recognition and Enforcement of Foreign Judgments and Foreign Arbitral Awards); Federal Law dated October 02, 2007 No. 229-FZ On Enforcement Proceedings.

3. Which courts in your state have jurisdiction to hear the application for recognition and enforcement of foreign judgments?

Comment:

In accordance with Article 410 of the Civil Procedure Code of the Russian Federation, the claimant's petition for enforcement of a foreign judgment is considered by the supreme

court of the republic, territorial or district court, court of the cities with federal status, autonomous region court or autonomous district court at the place of residence or location of the debtor in the Russian Federation, and if the debtor has no place of residence or location in the Russian Federation, or, if its location is unknown, at the location of its property.

According to article 242 of the Arbitration Procedure Code of the Russian Federation, application (petition) for the recognition and enforcement of a foreign judgment and a foreign arbitral award is filed by party to the dispute, in whose favor the judgment was made (the claimant), with the arbitration court of the constituent entity of the Russian Federation at the debtor's place of residence or location or, if the debtor's place of residence or location is unknown, at the location of the debtor's property.

4. Are there any special conditions to be met for a judgment to be recognized and enforced by a court in your state?

**NO**

5. Can a court in your state refuse to recognize and enforce a foreign judgment, which meets special conditions set out in Section I question 4?

**YES** Comment:

In accordance with Article 412 of the Civil Procedure Code of the Russian Federation, enforcement of a foreign judgment can be refused if:

- 1) pursuant to the law of the state where the judgment was made, it has not entered into force or is unenforceable;
- 2) a party against which a judgment was made was deprived of an opportunity to participate in the proceedings due to the fact that it had not been timely and properly served a notice of the time and venue of the hearing;
- 3) consideration of the case falls within the exclusive jurisdiction of the courts in the Russian Federation;
- 4) effective judgment of the court of the Russian Federation is available, made in respect of the dispute between the same parties on the same subject and on the same grounds, or the court of the Russian Federation is hearing a case has been brought in respect of a dispute between the same parties, on the same subject and on the same grounds prior to instituting proceedings in a foreign court;
- 5) judgment enforcement might affect the sovereignty of the Russian Federation or threatens the security of the Russian Federation, or is contrary to the public policy of the Russian Federation;
- 6) the term for judgment enforcement has expired and failed to be restored by the court in the Russian Federation at the claimant's request.

According to Article 244 of the Arbitration Procedure Code of the Russian Federation, enforcement of a foreign judgment can be refused by the arbitration court in whole or in part, if:

- 1) pursuant to the law of the state, where the judgment was made, it has not entered into force or is unenforceable;
- 2) a party against which a judgment was made had not been timely and properly served a notice of the time and venue of the hearing or was otherwise unable to present a case in court;
- 3) in accordance with international agreement of the Russian Federation or federal law, consideration of the case falls within the exclusive jurisdiction of the courts in the Russian Federation;
- 4) effective judgment of the court of the Russian Federation is available, made in respect of the dispute between the same parties on the same subject and on the same grounds;
- 5) the court of the Russian Federation is hearing a case has been brought in respect of a dispute between the same parties, on the same subject and on the same grounds prior to instituting proceedings in a foreign court, or a court of the Russian Federation was the first to initiate proceedings in respect of the dispute between the same parties, on the same subject and on the same grounds;
- 6) the statute of limitations for foreign judgment has expired and failed to be renewed by the arbitration court;
- 7) the enforcement of a foreign judgment would be contrary to the public policy of the Russian Federation.

Additional grounds for refusing recognition and enforcement of foreign judgments are provided for by bilateral and multilateral international agreements on legal assistance.

6. Are the recognition and enforcement of foreign judgments subject to particular judicial procedure in your state?

**YES** Comment:

The procedure for recognition and enforcement of foreign judgments is governed by Chapter 45 of the Civil Procedure Code of the Russian Federation and Chapter 31 of the Arbitration Procedure Code of the Russian Federation.

**Civil Procedure Code of the Russian Federation**

**Chapter 45. Recognition and Enforcement of Foreign Judgments and Foreign Arbitral Awards**

**Article 409. Recognition and Enforcement of Foreign Judgments**

1. Foreign judgments, including those regarding approval of peaceful agreements, shall be recognized and enforced in the Russian Federation if so stipulated by the international agreement, to which the Russian Federation is a party.

2. Foreign judgments shall mean the judgments, which have been rendered under the civil cases, except for the cases on economic disputes and other cases related to entrepreneurial and other economic activity, sentences on the cases regarding compensation for the damage caused by crime.

3. A judgment, rendered by foreign court, may be submitted for compulsory enforcement within three years of coming into legal force thereof. The term, missed on a valid reason, may be restored by the Russian Federation court in the manner, stipulated by Article 112 hereof.

## **Article 410. Petition for Enforcement of a Foreign Judgment**

A petition filed by the claimant for compulsory enforcement of a foreign judgment shall be examined by the Supreme Court of a republic, territorial or regional court, a court of a city of federal status, by court of autonomous region, autonomous district at the place of residence or location of a debtor in the Russian Federation, but, in case, the debtor has no place of residence or location in the Russian Federation, or his/her/its place of residence is unknown, at the location of his/her/its property.

## **Article 411. Contents of the Petition for Compulsory Enforcement of a Judgment Rendered by Foreign Court**

1. A petition for compulsory enforcement of a foreign judgment must contain the following:

1) claimant's name, name of his/her/its representative, if the petition is filed by the latter, place of their residence, and, in case the claimant is represented by an entity, its location;

2) debtor's name, his/her place of residence, and, in case the debtor is represented by an entity, its location;

3) claimant's request to permit compulsory enforcement of the judgment or to specify the time of enforcement thereof.

A petition may contain also other information, including telephone numbers, faxes, e-mails, if those are necessary for correct and timely examination of the case.

2. The documents, stipulated by the international agreement, to which the Russian Federation is a party, shall be enclosed to the petition, and, unless stipulated by the agreement, the following documents shall be enclosed:

1) at certified copy of foreign judgment, compulsory enforcement of which is petitioned for;

2) the official document confirming the validity of the judgment, if this follows from the text of the judgment;

3) the document regarding judgment enforcement, if it had been earlier enforced on the territory of an appropriate foreign state;

4) the document evidencing that a party, against which the judgment has been rendered and which failed to participate in the process, was timely and properly notified of the time and venue of hearing;

5) certified translation into Russian of the documents, referred to in Clauses 1 to 3 of this Part.

3. A petition on compulsory enforcement of a foreign judgment shall be considered in open court session with the debtor's notification of the time and the venue of such consideration. The debtor's failure to appear without a valid reason, if the court is aware that he/she/it was served a notice, shall not prevent the petition from consideration thereof. In case, the debtor requested the court to adjourn consideration of the petition, and the request has been recognized valid, the court shall adjourn the consideration and notify the debtor thereof.

4. Having listened to the debtor's explanations and examined the evidence submitted the court shall render a ruling either on the compulsory enforcement of the foreign judgment or on refusal thereof.

5. On the basis of a foreign judgment and a valid ruling regarding compulsory enforcement of this judgment, the writ of execution shall be issued to be sent to the court at the place of enforcement of a foreign judgment.

6. In case a court has any doubts while considering the issue of compulsory enforcement, it may request explanations from a person, having petitioned for compulsory enforcement of foreign judgment, and interrogate the debtor on the merit of the petition, and, if appropriate, request the explanations from the foreign court having rendered the aforesaid judgment.

## **Article 412. Refusal of Compulsory Enforcement of Foreign Judgment**

1. Compulsory enforcement of a foreign judgment may be refused if:
  - 1) pursuant to the law of the state where the judgment was made, it has not entered into force or is unenforceable;
  - 2) a party against which a judgment was made was deprived of an opportunity to participate in the proceedings due to the fact that it had not been timely and properly served a notice of the time and venue of the hearing;
  - 3) consideration of the case falls within the exclusive jurisdiction of the courts in the Russian Federation;
  - 4) effective judgment of the court of the Russian Federation is available, made in respect of the dispute between the same parties on the same subject and on the same grounds, or the court of the Russian Federation is hearing a case has been brought in respect of a dispute between the same parties, on the same subject and on the same grounds prior to instituting proceedings in a foreign court;
  - 5) judgment enforcement might affect the sovereignty of the Russian Federation or threatens the security of the Russian Federation, or is contrary to the public policy of the Russian Federation;
  - 6) the term for judgment enforcement has expired and failed to be restored by the court in the Russian Federation at the claimant's request.
2. A court shall send the copies of the court ruling, rendered according to Article 411 Part 4 hereof, to claimant and a debtor within three days of court ruling. The ruling may be appealed against to the higher court pursuant to the procedure and within the period, stipulated hereby.

#### Article 413. Recognition of Foreign Judgments

1. Foreign judgments, which do not require compulsory enforcement, shall be recognized without any further proceedings, unless relevant objections are filed by the party concerned.
2. The party concerned may file objections against recognition of this judgment with Supreme Court of a republic, territorial or regional court, a court of a city of federal status, by court of autonomous region or autonomous district at the place of residence or location within a month of becoming aware of a foreign judgment.
3. Objections of a party concerned regarding recognition of foreign judgment shall be considered in the open court session with such party notification of the date and the venue of consideration of the objections. The failure of a party concerned to appear without a valid reason, if the court is aware that he/she/it was served a notice, shall not prevent the objections from consideration thereof. In case a party concerned requested the court to adjourn consideration of the objection, and the request has been recognized valid, the court shall adjourn the consideration and notify a party concerned thereof.
4. A court shall render the appropriate ruling after considering the objections regarding recognition of a foreign judgment.

5. A court shall send a copy of the ruling to a person, under whose application the foreign judgment has been rendered, to his/her representative and a person, having filed the objections against recognition of the judgment, within three days of the ruling. The court ruling may be appealed against to the higher court in accordance with the procedure and in the period, established hereby.

#### Article 414. Refusal to Recognize Foreign Judgment

A foreign judgment, which is not subject to compulsory enforcement, can be refused of the grounds, stipulated by Article 412 Part 1 Clauses 1 to 5 hereof.

#### Article 415. Recognition of Foreign Judgments Requiring no Further Proceedings

The following foreign judgments, requiring no further proceedings due to their content, shall be recognized in the Russian Federation:

regarding the status of a citizen of the state, the court of which has rendered a judgment;

on dissolution or invalidation of marriage between a Russian citizen and a foreign citizen, if at least one spouse was residing beyond the Russian Federation during case hearing; on dissolution or invalidation

of marriage between the Russian citizens, if both of them were residing

beyond the Russian Federation during case hearing; in

other cases, stipulated by federal law.

#### **Article 416. Recognition and Enforcement of Foreign Arbitral Awards**

1. The rules of Articles 411 to 413 hereof, except for Article 411 Part 1, Article 412 Part 1 Clauses 1 to 4 and 6 hereof shall be applied also to foreign arbitral awards.

2. A party, petitioning for recognition or enforcement of foreign arbitral award, must submit an original of foreign arbitral award, or properly certified copy thereof, and also an original arbitration agreement or a properly certified copy thereof. In case, the arbitral award or arbitration agreement is in foreign language, a party must present acertified Russian translation of these documents.

#### **Article 417. Refusal to Recognize and Enforce Foreign Arbitral Awards**

1. The recognition and enforcement of foreign arbitral awards may be refused on the following grounds:

1) at request of a party, against which such award is rendered, if the party provides the competent court, where the recognition and enforcement are requested, with the following evidence:

one of the parties of the arbitration agreement was legally incapable or the aforesaid agreement was invalidated under the law, to which the agreement was subordinated, and in absence of such evidence – under the law of the country where the arbitral award has been rendered; a party, against which the award has been rendered, failed to be properly notified of appointment of the arbitrator or of arbitration proceedings, or was not able to submit evidence for other reasons, or the arbitral award has been rendered on the dispute not stipulated by the arbitration agreement or beyond the scope thereof, or contains the decisions on the issues beyond the scope of the arbitration agreement. In case the decisions on the issues within the scope of the arbitration agreement may be separated from those on the issues beyond the scope of such agreement, a part of the arbitral award, containing the decisions on the issues within the scope of arbitration agreement, may be recognized and enforced; the composition of the arbitral court or arbitration procedure did not comply with the arbitration

agreement or with law of the country, where the foreign arbitration procedure took place; the award has not

become binding upon both parties, or wasrecalled, or its execution was suspended  
by a court of the country, where or according to law of which it has been rendered;

2) if a court establishes that a dispute cannot be subject to arbitration according to federal law, or recognition and enforcement of this foreign arbitral award contradicts public policy in the Russian Federation;

2. If the petition for refusal or suspension of foreign arbitral award has been filed with court, a court, where recognition and enforcement are requested for, may postpone a new award, if deems it adequate.

### **Arbitration Procedure Code of the Russian Federation**

## **Chapter 31. Proceedings on Recognition and Enforcement of Foreign Judgments and Foreign Arbitral Awards**

## Article 241. Recognition and Enforcement of Foreign Judgments and Foreign Arbitral Awards

1. Foreign judgments rendered on disputes and on other cases arising in the performance of business or other economic activity, arbitral awards and awards of international commercial courts rendered on the territory of foreign states on disputes or on other cases, arising in the performance of business or other economic activity, shall be recognized and enforced in the Russian Federation by the arbitration courts, if the recognition and the enforcement of such judgments is envisaged in an international agreement of the Russian Federation or in federal law.

2. The issues of recognition and the enforcement of foreign judgments or international arbitral awards shall be resolved by the arbitration court upon the application of a party to a dispute considered by the foreign court, or of a party to the arbitration proceedings.

## Article 242. Petition for the Recognition and Enforcement of Foreign Judgment and a Foreign Arbitral Award

1. A petition for the recognition and enforcement of foreign judgment and a foreign arbitral award shall be filed by a party to the dispute, in whose favor a judgment or an award was rendered (hereinafter, the claimant), with the arbitration court of the constituent entity of the Russian Federation at the debtor's location or place of residence or, if the debtor's location or place of residence is unknown, at the location of the debtor's property.

2. A petition for the recognition and enforcement of foreign judgment and a foreign arbitral award shall be filed in writing and must be signed by the claimant or his/her/its representative. The said petition can also be filed by filling out a form available on the official website of the arbitration court.

The petition shall include:

- 1) the name of the arbitration court, where the application is filed;
- 2) the name and location of the foreign court or the name and composition of the arbitration court or international commercial arbitration, its location;
- 3) claimant's name, place of residence or location; 4) debtor's name, place of residence or location;
- 5) information on a foreign judgment or a foreign arbitral award, recognition and enforcement of which the claimant seeks;
- 6) the claimant's petition for recognition and enforcement of a foreign judgment or foreign arbitral award;
- 7) a list of the documents attached.

A petition for recognition and enforcement of a foreign judgment and a foreign arbitral award may also contain phone numbers, fax numbers and emails of a claimant, a debtor, and their representatives, and other information.

3. The following documents shall be attached to the petition for recognition and enforcement of a foreign judgment:

- 1) a copy of a foreign judgment or a foreign arbitral award, recognition and enforcement of which is petitioned for by the claimant;
- 2) duly certified document confirming the effectiveness of the foreign judgment, unless this follows from the text of the judgment;
- 3) duly certified document confirming that the debtor was timely and properly notified of the proceedings before the foreign court, the recognition and enforcement of judgment on which the claimant seeks;
- 4) duly certified power of attorney or other document confirming the authority of a person signing the petition to the arbitration court;
- 5) a document confirming that a debtor was submitted a copy of petition for recognition and enforcement of a foreign judgment;

6) duly certified translation into Russian of the documents referred to in Clauses 1 - 5 of this Part.

4. A petition for recognition and enforcement of a foreign arbitral award, unless otherwise stipulated by an international agreement of the Russian Federation, shall have attached:

1) duly certified original foreign arbitral award or a duly certified copy thereof;

2) the original agreement on arbitration or a duly certified copy thereof;

3) duly certified translation into Russian of the documents referred to in Clauses 1 and 2 of this Part.

5. A petition for recognition and enforcement of a foreign judgment and a foreign arbitral award shall have attached a document confirming payment of state fee in the manner and in the amount stipulated by the federal law for state fees upon filing with an arbitration court of a petition for a writ of execution for enforcement of arbitral awards.

6. The documents referred to in this article are recognized duly certified if they comply with the requirements of Article 255 hereof.

7. The documents attached to the petition for recognition and enforcement of a foreign judgment and a foreign arbitral award may be submitted to the arbitration court in electronic form.

#### Article 243. Procedure for Consideration of the Petition for Recognition and Enforcement of a Foreign Judgment and a Foreign Arbitral Award

1. A petition for recognition and enforcement of a foreign judgment and a foreign arbitral award is considered at the hearing by a single judge in a period not exceeding three months of receipt thereof by the arbitration court according to the rules hereof with due regard to the provision of this chapter, unless otherwise stipulated by an international agreement of the Russian Federation.

2. Arbitration court shall notify the persons involved in the case of the time and venue of the hearing. The failure of the said persons, having been properly notified of the time and venue of the hearing, to appear in the court shall not prevent the petition from consideration thereof.

3. In proceedings, the arbitration court shall establish the availability or absence of the grounds for the recognition and enforcement of a foreign judgment and a foreign arbitral award provided for in Article 244 hereof by studying the evidence and substantiations of the stated requirements and objections submitted to the arbitration court.

4. In proceedings, the arbitration court may not review a foreign judgment on the merits.

#### Article 244. Grounds for Refusing Recognition and Enforcement of a Foreign Judgment and a Foreign Arbitral Award

1. Arbitration court shall refuse recognition and enforcement of a foreign judgment in whole or in part, if:

1) pursuant to the law of the state where it was made, the judgment has not entered into force;

2) the party against which the judgment was made, failed to be timely and properly notified of the time and venue of the hearing or was otherwise unable to present its case in court;

3) in accordance with international agreement of the Russian Federation or federal law, consideration of the case falls within the exclusive jurisdiction of a court in the Russian Federation;

4) effective judgment of the court of the Russian Federation is available, made in respect of the dispute between the same parties, on the same subject and on the same grounds;

5) the court of the Russian Federation is hearing a case has been brought in respect of a dispute between the same parties, on the same subject and on the same grounds prior to instituting proceedings in a foreign court, or a court of the Russian Federation was the first to initiate proceedings in respect of the dispute between the same parties, on the same subject and on the same grounds;

6) the statute of limitations for foreign judgment has expired and failed to be renewed by the arbitration court;

7) the enforcement of a foreign judgment would be contrary to the public policy of the Russian Federation.

2. Arbitration court refuses the recognition and enforcement of a foreign arbitral award in a whole or in part on the grounds provided for in Part 1 Clause 7 of this Article and Article 239 Clause 4 hereof for refusing to issue a writ of execution to enforce international commercial arbitral awards, unless otherwise provided by international agreement of the Russian Federation.

#### Article 245. Ruling of the Arbitration Court on Recognition and Enforcement of a Foreign Judgment and a Foreign Arbitral Award

1. Following the consideration of the petition for recognition and enforcement of a foreign judgment and foreign arbitral award, the arbitration court shall render a ruling pursuant to the rules set out in Chapter 20 hereof when rendered a judgment.

2. The ruling on recognition and enforcement of a foreign judgment and a foreign arbitral award shall contain:

1) the name and location of a foreign court or the name and composition of the arbitral tribunal or international commercial arbitration, having rendered a judgment;

2) the names of the claimant and the debtor;

3) information on a foreign judgment or a foreign arbitral award, recognition and enforcement of which was petitioned by the claimant;

4) an indication of the recognition and enforcement of a foreign judgment or foreign arbitral award or refusal of recognition and enforcement of a foreign judgment or foreign arbitral award.

3. Ruling of the arbitration court on recognition and enforcement of a foreign judgment or foreign arbitral award may be appealed to the arbitration court of appeal within one month of the ruling.

#### Article 246. Compulsory Enforcement of a Foreign Judgment or a Foreign Arbitral Award

1. Compulsory enforcement of a foreign judgment or a foreign arbitral award is made on the basis of a writ of execution issued by an arbitration court having rendered a ruling on the recognition and enforcement of a foreign judgment or foreign arbitral award in the manner prescribed hereby and by the federal law on enforcement proceedings.

2. Foreign judgment or a foreign arbitral award may be submitted for enforcement within a period not exceeding three years of its entry into force. In case the term is missed, it can be restored by the arbitration court at the request of the claimant under the rules provided for in Chapter 10 hereof.

#### 7. What types of judgments can be recognized and enforced in your state?

##### **Other**

##### Comments:

In accordance with the provisions of bilateral and multilateral international agreements on legal aid, judgment on civil, family, commercial, commercial and labour matters, as well as court verdicts in criminal cases relating to compensation of the damages caused by the crime shall be subject to recognition and enforcement in the territory of the Russian Federation.

#### 8. Is it possible in your state to appeal the judgment on the recognition and enforcement of foreign judgments?

##### **YES** Comment:

Pursuant to Article 331 Clauses 1 and 2, Article 332 and Article 412 Part 2 of the Civil Procedure Code of the Russian Federation, judgment (ruling) on the enforcement of a foreign judgment rendered by the supreme court of the republic, territorial or district court, court of the cities with federal status, autonomous region court or autonomous district court may be appealed to the appellate court of the supreme court of the republic, territorial or district court, court of the cities with federal status, autonomous region court or autonomous district court by the parties and other persons involved in the case (private complaint), and the prosecutor can make a recommendation if it is provided for hereby, or a court ruling excludes the possibility of further movement of the case.

Private complaint and the prosecutor's recommendation may be filed within 15 (fifteen) days of the ruling by the court of first instance.

In accordance with Article 245 Part 3 of the Arbitration Procedure Code of the Russian Federation, a judgment (ruling) of the arbitration award on recognition and enforcement of a foreign judgment or a foreign arbitral award may be appealed to the arbitration court of appeal within one month of the ruling.

9. How often are the petitions for recognition and enforcement of foreign judgments filed annually?

Comment:

Federal Bailiffs Service is not competent to receive and consider the petitions for recognition and enforcement of foreign judgments.

In this regard, the Federal Bailiffs Service has no information about the frequency of submission of petitions for recognition and enforcement of foreign judgments annually.

10. How many petitions for recognition and enforcement of foreign judgments are granted in your state?

Comment:

In accordance with the provisions of the Civil Procedure Code of the Russian Federation and the Arbitration Procedure Code of the Russian Federation, an issue of granting the petitions for recognition and enforcement of foreign judgments falls within the competence of the courts of general jurisdiction and arbitration courts.

In this regard, the Federal Bailiffs Service has no information on the number of granted petitions for the recognition and enforcement of foreign judgments.

## **Section II – JURISDICTIONAL CRITERIA**

The issues referred to in this Section shall not fall within the competence of the Federal Bailiffs Service.