



YUST

LAW FIRM

INVESTMENT
PROTECTION
IN RUSSIA

Founded in 1992

RUSSIAN LEGAL AND JUDICIAL SYSTEMS.
MATTERS OF EXECUTION OF INTERNATIONAL
ARBITRATION AWARDS

JUDICIAL SYSTEM OF RUSSIA

Public courts

Constitutional Court of Russia
and constitutional (charter) courts of units of Russia

Check of compliance of normative legal acts of all levels to the current Constitution of Russia and the Constitutions (Charters) of the units of Russia

Supreme Court of Russia
And courts of general jurisdiction

Criminal, administrative, civil and other cases within the competence of the courts of general jurisdiction

Higher Court of Arbitration of Russia
and courts of arbitration

Commercial disputes, civil and other cases within the competence of the courts of arbitration

International commercial arbitration and private arbitration of Russia

Alternative non-jurisdictional institutions of protection of rights

Advantages and disadvantages of trials in different courts

- Courts of general jurisdiction

Advantages:

- + Wide network of courts in all regions and districts of Russia;
- + Lower state duty of filing the lawsuit (as compared to the courts of arbitration).

Disadvantages:

- Procrastination – the passing of the case through all instances, including appeal and cassation, takes 210-360 days since the moment of filing of the statement of claim;
- Risk of return of the cassation claim without consideration on its merits;
- Low level of informing of the parties to the trial of the progress of the proceedings.

- Courts of arbitration

Advantages:

- + Efficiency – 120-180 days between filing the statement of claim and the issue of the writ of execution, with all judicial instances involved;
- + Simple system of judicial instances;
- + Common law application practice;
- + High level of IT use;
- + Procedural documents may be submitted via Internet.

Disadvantages:

- The system of the courts of arbitration is undergoing reforms; its future uncertain.

Execution of international arbitration awards in Russia

High feasibility of international arbitration awards, public guarantees of execution of such awards

Internal legislation of Russia complies with the New York Convention of 1958. The law complies with the model UNCITRAL law on international commercial arbitration

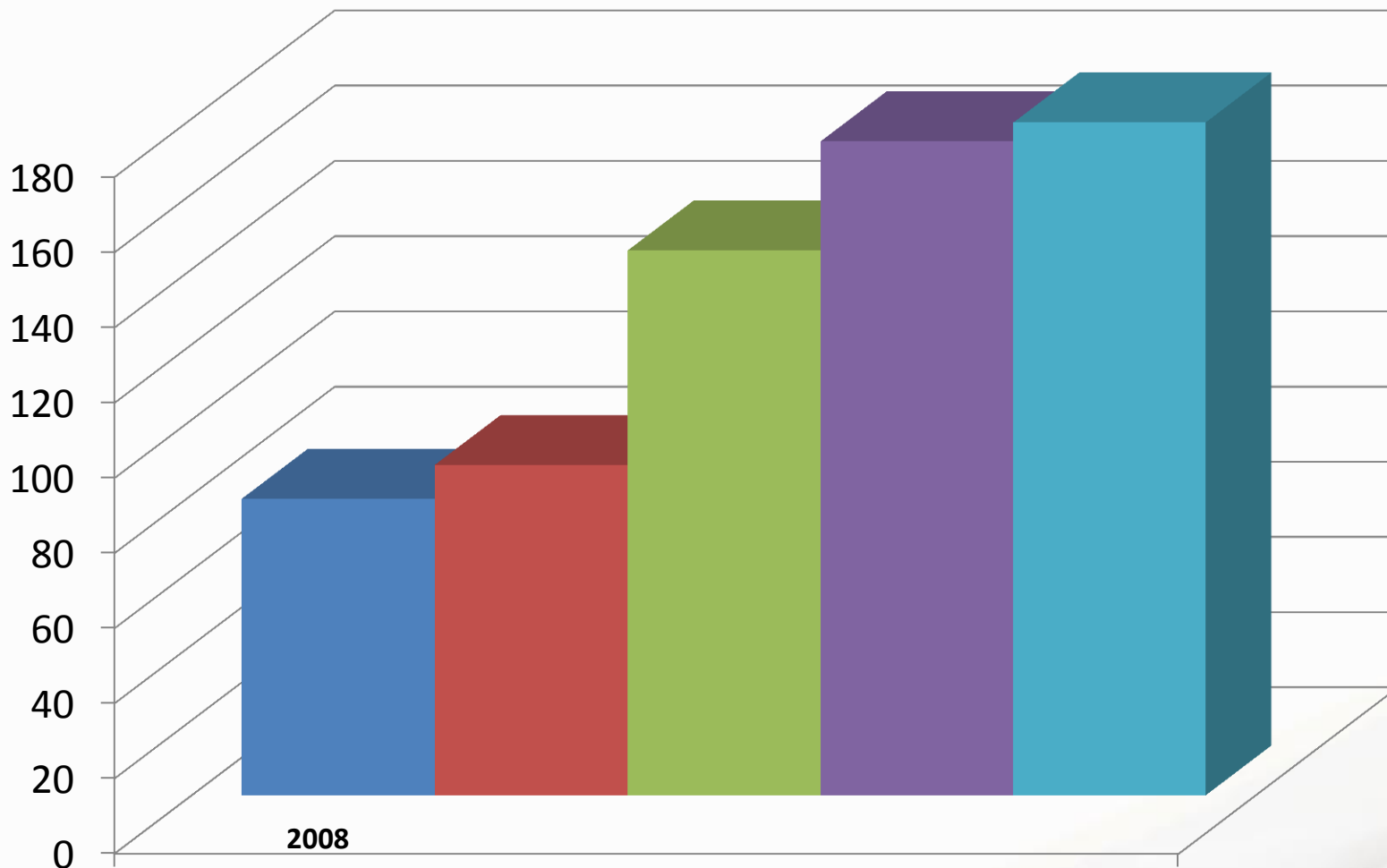
High level competition between the ICCA under the CCI of Russia and international commercial arbitration

High level competition between international arbitration, public courts and private arbitration courts

Ample practice of acknowledgement and enforcing of international arbitration awards. Insignificant practice of non-acknowledgement of such awards

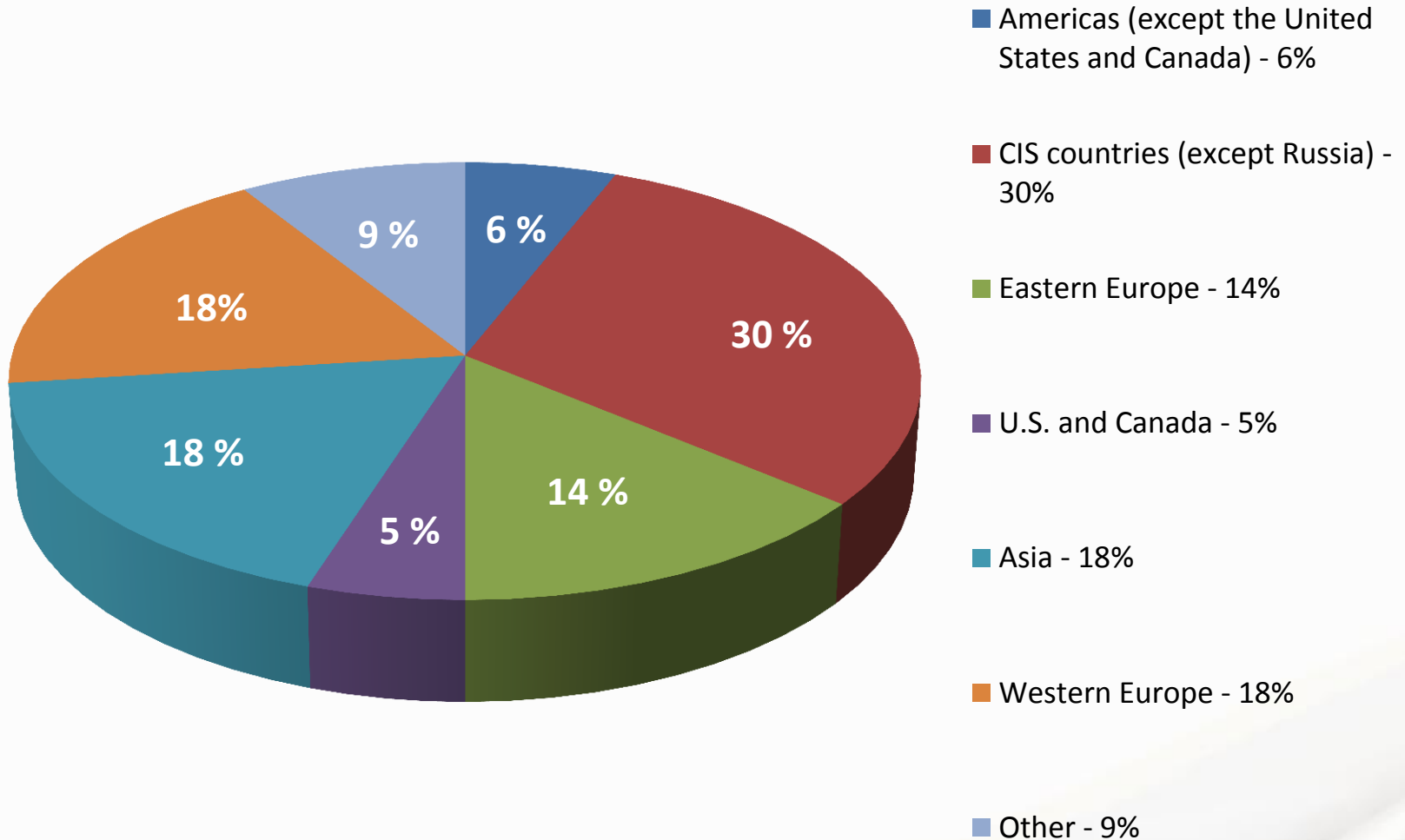
International arbitration awards are executed in the same manner as the public courts' judgments (in the case of enforcement in a court of arbitration)

Number of cases to acknowledge and execute judgments by foreign courts and foreign arbitration awards considered by the Russian courts of arbitration in 2008 till 2012 *



*** Increase in the number of requests during the five years to 2012 – 141,4 %**

Participation of foreign parties in the cases of the ICCA under the CCI of Russia *



*According to the ICCA under the CCI of Russia

**THANK YOU
FOR YOUR
ATTENTION!**