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Litigation: Enforcement of foreign judgments in Russia

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General framework

Domestic law

Which domestic laws and regulations govern the recognition and enforcement of foreign judgments in your jurisdiction?

The recognition and enforcement of foreign judgments in Russia are mainly governed by:

- the *Arbitrazh* Procedure Code (Federal Law 95-FZ, dated July 24 2002), which provides the procedure for the recognition and enforcement of foreign judgments issued in commercial disputes;
- the Civil Procedure Code (Federal Law 138-FZ, dated November 14 2002), which provides the procedure for the recognition and enforcement of foreign judgments issued in non-commercial disputes (eg, family, consumer and employment disputes);
- the Criminal Procedure Code (Federal Law 174-FZ, dated December 18 2001), which provides the procedure for the recognition and enforcement of foreign judgments issued in criminal matters; and
- Decree 9131-XI of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics (USSR), dated June 21 1988, On the Recognition and Enforcement of Foreign Judgments and Arbitral Awards in the USSR.

Other provisions governing the recognition and enforcement of foreign judgments in Russia are incorporated in other laws, including:

- the Law on Insolvency (Bankruptcy) (Federal Law 127-FZ, dated October 26 2002);
- the Law on Enforcement Proceedings (Federal Law 229-FZ, dated October 2 2007); and
- the Law on Combating Legalisation (Laundering) of the Proceeds from Crime and the Financing of Terrorism (Federal Law 115-FZ, dated August 7 2001).

Case law – including Informational Letters of the Presidium of the Russian Supreme *Arbitrazh* Court 96 (dated December 22 2005), 156 (dated February 26 2013) and 78 (dated July 7 2004) and Resolution 23 of the Plenum of the Supreme Court (dated June 27 2017) – may not be considered a source of law *de jure* in Russia, but still contains important clarifications on recognition and enforcement proceedings since it is mandatory for the lower courts.

In the event that international conventions and bilateral treaties ratified by Russia provide a procedure or rule that differs from the one prescribed by domestic law, the rules of international conventions and bilateral treaties will prevail over domestic law.

International conventions

Which international conventions and bilateral treaties relating to the recognition and enforcement of judgments apply in your jurisdiction?

The Russian Federation is party to numerous international conventions and bilateral treaties that govern the recognition and enforcement of judgments entered into by Russia and the USSR, to which Russia is a legal successor.

At present, Russia has more than 30 valid bilateral treaties on legal assistance in civil and criminal matters which provide the grounds for the mutual recognition and enforcement of judgments in different disputes, including treaties with:

- Argentina;
- Bulgaria;
- China;
- Cyprus;
- the Czech Republic;
- Egypt;
- Estonia;
- Greece;
- Hungary;
- India;
- Italy;
- Latvia;
- Lithuania;
- Poland;
- Romania;
- Slovakia;
- Slovenia;

- Spain;
- Vietnam; and
- Yemen.

The principal multi-party conventions were concluded between Commonwealth of Independent States (CIS) member states, including:

- the Convention on the Procedure for Settling Disputes Connected with Commercial Activity (signed in Kiev on March 20 1992 and known as the Kiev Convention); and
- the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (signed in Minsk on January 22 1993 and known as the Minsk Convention).

On October 7 2002 the CIS member states, including Russia, signed another convention in Chisinau, setting out, among other things, the grounds for recognition and enforcement of judgments issued in civil, family and criminal matters, restating provisions similar to those found in the Minsk Convention and making the latter obsolete between signatory states of the Chisinau Convention. To date, Russia has not ratified the Chisinau Convention and hence the Minsk Convention remains in effect.

Competent courts

Which courts are competent to hear cases on the recognition and enforcement of foreign judgments?

Depending on the subject matter of the dispute in question, a foreign judgment can be recognised and enforced in Russia by:

- the *arbitrazh* courts (on the basis of the *Arbitrazh* Procedure Code) when the foreign judgment pertains to commercial matters; or
- the courts of general jurisdiction on the basis of the Civil Procedure Code when the foreign judgment pertains to:
 - non-commercial matters (eg, family, consumer or employment disputes); and
 - criminal cases.

Applications for the enforcement and recognition of foreign judgments are submitted to the first-instance court in Russia where the losing party to the foreign judgment has assets or is located.

In commercial disputes, the first-instance court is an *arbitrazh* court of the respective region (ie, constituent territory) of the Russian Federation. In non-commercial disputes, the first-instance court is the supreme court of the respective region of the Russian Federation (usually acting as the second-instance court of general jurisdiction).

Distinction between recognition and enforcement

Is there a legal distinction between the recognition and enforcement of a judgment?

Russian law does not provide precise legal definitions of ‘recognition’ or ‘enforcement’ with regard to foreign judgments in Russia. As a matter of practice, the recognition of a foreign judgment means that the Russian courts make a foreign judgment equal to any other judgment produced by the Russian courts, whereas the enforcement of a foreign judgment in Russia means that the Russian courts and law enforcement bodies must use coercive measures against the losing party in the foreign judgment to force the latter to perform its obligations thereunder.

Declaratory foreign judgments, which do not require financial compensation or specific performance from the losing party or any other enforcement due to their nature, may be subject to a recognition-only procedure. Such foreign judgments may even be recognised in Russia without any approval from the Russian courts if provided for by the international conventions and bilateral treaties ratified by

Russia. In these circumstances, the losing party to the foreign judgment is entitled to oppose only the automatic recognition of such judgments by filing a petition with the Russian court.

Ease of enforcement

In general, how easy is it to secure recognition and enforcement of foreign judgments in your jurisdiction?

The likelihood of having a foreign judgment successfully recognised and enforced in Russia mainly depends on the existence of a ratified international convention or bilateral treaty between Russia and the respective foreign country. If such a treaty exists, the chances that the foreign judgment will be successfully recognised and enforced in Russia are relatively high.

Foreign judgments can also be enforced in Russia based on the principles of reciprocity and international comity. The Russian courts have recently recognised and enforced judgments of the English, Northern Irish, Dutch, Danish, Belgian, Finnish, BVI and Japanese courts on commercial matters in the absence of bilateral treaties between Russia and these states. In some of these cases, the winning party to the foreign judgment did not even prove mutual recognition of Russian judgments in the respective jurisdiction.

Based on joint statistics on commercial matters announced by the Supreme Court, 157 out of 231 attempts to enforce a foreign judgment or arbitral award were successful in Russia in 2016.

Belarusian court judgments on commercial matters do not need to be approved by the Russian courts and are considered equal to any other judgment made by the Russian courts following their execution by Belarusian courts.

Reform

Are any reforms to the framework on recognition and enforcement of judgments envisioned or underway?

At present, the State Duma (ie, the lower house of Russia's Federal Council) is considering a draft law to incorporate amendments to the Criminal Procedure Code which clarify the procedure for the recognition and enforcement of foreign judgments issued against individuals for the confiscation of proceeds and income obtained through criminal means.

Further, in July 2017 the Supreme Court approved a draft law to reform the courts of general jurisdiction, which are responsible for recognising and enforcing foreign judgments in non-commercial cases in Russia. If adopted, the proposed reform may change the location and jurisdiction of the cassation and appellate courts of general jurisdiction in Russia and influence the appeal stages within the procedure for the recognition and enforcement of foreign judgments on non-commercial matters.

The Ministry of Economic Development is also working on a draft law on cross-border insolvency, which may address the recognition and enforcement of foreign judgments in cross-border insolvency cases.

Conditions for recognition and enforcement

Enforceable judgments

Which types of judgment (eg, monetary judgments, mandatory or prohibitory orders) are enforceable in your jurisdiction and which (if any) are explicitly excluded from recognition and enforcement (eg, default judgments, judgments granting punitive damages)?

There is no exhaustive list of the types of foreign judgment enforceable in Russia. In order to be enforceable, a foreign judgment should:

- be final (ie, been issued on the merits of the case and entered into legal force); and
- not address matters that fall within the exclusive jurisdiction of the Russian state courts or violate public policy.

For this reason, the Russian courts tend to refuse to enforce foreign judgments that order any type of injunction (ie, interim measures), such as the seizure of assets or prohibition to act in a particular way. Therefore, any party to foreign proceedings that needs to obtain injunctions in Russia must solicit the relevant measures directly from a Russian court.

The Russian courts also tend to refuse to enforce foreign judgments on commercial matters that deal with the following types of dispute, which are considered to be within the exclusive jurisdiction of the Russian state courts:

- disputes over property owned by the Russian state;
- disputes over real property in Russia or related property rights;
- disputes over the issuance or registration of patents, trademark certificates, industrial designs, utility models or other IP rights which require the issuance or registration of patents or certificates in Russia;
- disputes concerning requests to invalidate entries in state registers made by the competent Russian agencies that maintain those registers;
- disputes connected with the establishment, liquidation or registration of legal entities in Russia and disputes connected with challenging the management bodies of these entities; and
- the bankruptcy of Russian legal entities and individuals.

In order to be enforceable in Russia, foreign judgments should not result from a public dispute involving the recovery of taxes, customs duties or administrative fines in favour of a foreign state.

Monetary judgments are probably the most widespread category of foreign judgment enforced in Russia. At the same time, Russian courts have recognised and enforced foreign judgments for specific performances and orders dealing with the invalidation of contracts and the recognition of foreign legal entities as bankrupt.

Default judgments of foreign courts are usually enforceable in Russia when they are final and the losing party has been duly notified of the proceedings before the foreign court.

Foreign judgments granting punitive damages are also usually enforceable in Russia when they are based on foreign law provisions (even in the absence of similar statutory provisions in Russian law) and do not violate Russian public policy.

How are foreign judgments subject to appeal treated?

In order to be enforceable in Russia, a foreign judgment should have entered into force according to the applicable procedural law of the foreign state from which it emanates. Therefore, in enforcement proceedings, the Russian courts tend to request documents confirming that a foreign judgment has entered into force or been appealed.

In the event that proceedings which aim to challenge the foreign judgment in question or stay the enforcement under this judgment in a foreign jurisdiction running in parallel with the enforcement proceedings in Russia, the Russian court is entitled to postpone enforcement proceedings in Russia and resume them following the end of the respective proceedings in a foreign jurisdiction.

Formal requirements

What are the formal and documentary requirements for recognition and enforcement of foreign judgments?

Russian law provides grounds for refusing to recognise and enforce foreign judgments, against which foreign judgments are tested during enforcement proceedings – either at the request of the losing party to the foreign judgment or on the initiative of the Russian courts.

Enforcement proceedings are usually initiated by the winning party in the foreign judgment by submitting an application for the recognition and enforcement of the judgment before the Russian courts (which can be submitted electronically).

This enforcement application should comply with the requirements set out by Russian law and be supported by:

- the duly certified foreign judgment (for non-commercial cases, the foreign judgment must be certified by the foreign court);
- documents confirming that the foreign judgment has entered into force (usually legal opinions provided by law firms or attorneys), if this does not follow from the text of the foreign judgment;
- documents confirming that the losing party was duly notified about the time and place of the foreign proceedings;
- documents proving that the foreign judgment was enforced in full or in part in foreign jurisdictions, where appropriate (for foreign judgments on non-commercial matters);
- documents proving the legal status of the winning and losing parties in the foreign judgment;
- documents confirming the address of the losing party or the location of assets belonging to the losing party in Russia;
- a power of attorney given to a counsel regarding representation before the Russian courts and documents confirming the authority to execute this power of attorney (where appropriate); and
- proof of payment of state duty (if applicable).

Foreign documents (including foreign judgments) must be presented to the Russian courts with a translation into Russian certified by a Russian notary and containing an apostille or consular legalisation, where appropriate.

In commercial cases, the winning party in the foreign judgment should send a copy of the enforcement application together with exhibits thereto to the losing party before submitting this application to the Russian court and enclose evidence of compliance with this requirement with the enforcement application. In non-commercial cases, the winning party in the foreign judgment should prepare an extra copy of the enforcement application together with exhibits thereto for the losing party, which will be sent to the latter by the Russian court.

Substantive requirements

What substantive requirements (if any) apply to the recognition and enforcement of foreign judgments? Are enforcing courts in your jurisdiction permitted to review the foreign judgment on the merits?

The Russian courts cannot review foreign judgments on their merits and usually test foreign judgments solely against the grounds for refusal for recognition and enforcement set out by Russian law.

However, the Russian courts are theoretically entitled to ask the foreign courts to provide clarifications on the judgments rendered.

Limitation period

What is the limitation period for enforcement of a foreign judgment?

The limitation period for the enforcement of a foreign judgment in Russia is three years from the moment when the foreign judgment enters into force. In theory, a Russian court may reinstate this period at the request of the winning party in the foreign judgment if it provides solid grounds for missing this deadline. However, the chances of having this limitation period reinstated are low.

Russian law also provides a limitation period for opposing the automatic recognition of declaratory foreign judgments, which may be recognised in Russia without any approval from the Russian courts if provided by international conventions and bilateral treaties ratified by Russia. This period is one month from the moment when the applicant for the recognition of a declaratory foreign judgment learned of the judgment.

Grounds for refusal

On what grounds can recognition and enforcement be refused?

Russian law provides the following grounds to deny the recognition and enforcement of a foreign judgment in Russia in commercial and non-commercial cases:

- the foreign judgment has not entered into legal force according to the applicable procedural law of the foreign state from which the judgment emanates;
- the losing party to the foreign judgment was not duly informed in a timely manner of the time and place of the foreign proceedings or could not present its case to the foreign court for another reason;
- the category of the dispute before the foreign court is subject to the exclusive jurisdiction of the Russian courts;
- a Russian court judgment involving the same parties and rendered on the same grounds and subject matter is in force;
- court proceedings involving the same parties which are based on the same grounds and subject matter, which were initiated before those in a foreign court, are pending in Russia;
- the limitation period for enforcement of a foreign judgment has expired and has not been reinstated; and
- enforcing the foreign judgment would contradict Russian public policy.

The Russian courts are entitled to refuse to recognise and enforce a foreign judgment on the grounds set out in the third to seventh bullet points above, even if the losing party to the foreign judgment does not raise them during enforcement proceedings.

*Service of process***To what extent does the enforcing court review the service of process in the original foreign proceedings?**

The Russian courts carefully review the service of process in foreign proceedings as far as the untimely and undue notification of the losing party of the time and place of the foreign proceedings is one of the grounds to refuse to recognise and enforce a foreign judgment in Russia. This ground is frequently raised by losing parties during enforcement proceedings in Russia.

The Russian courts may consider:

- the language of the notice of service;
- its ability to allow the losing party to participate in foreign proceedings; and
- the existence of the official procedure for serving notices, which can be established in international conventions (eg, the Kiev Convention, the Minsk Convention, the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (also known as the Hague Convention)) and bilateral treaties.

There is case law involving Russian legal entities which were losing parties in foreign judgments, in which the Russian courts recognised that the efficient service of process (eg, sending notice by email, post, courier or fax) to the Russian party was insufficient, since Russia has ratified a number of international conventions and bilateral treaties and made a reservation on the inadmissibility of alternative methods of notice under Article 10 of the Hague Convention.

In the event that a Russian party actively participated in foreign proceedings, the Russian courts usually believe that the losing party was duly notified of the foreign proceedings and was in a position to present its case before the foreign court.

Process agents (whether private or court appointed) are not used in Russia.

Public policy

What public policy issues are considered in the court's decision to grant recognition and enforcement? Is there any notable case law in this regard?

The violation of public policy is the only ground for refusal which could be invoked in order to block recognition and enforcement of a foreign judgment based on the merits and substance of the judgment.

Russian law provides no legal definition of 'public policy'. The Russian courts usually understand public policy to be the fundamental principles of supremacy, universality and superior public importance and to constitute the basis of Russia's economic, political and legal systems. These principles include a veto on violating super-mandatory norms if this results in a violation of Russia's sovereignty or security, affects large social groups or violates constitutional rights and freedoms.

Breaches of public policy are considered on a case-by-case basis and may relate to various aspects of a particular dispute. In the event that the losing party in a foreign judgment invokes the public policy defence, it must substantiate and prove that public policy has been violated. The absence of any foreign law provisions in Russian law, non-approval of major deals or a misprint which does not affect the substance of the judgment are not usually regarded by the Russian courts as a violation of public policy.

The Russian courts have recently refused to enforce foreign judgments and arbitral awards on the basis of violations of Russian public policy when:

- they were based on an agreement executed because of bribery;
- they were based on an agreement that a Russian court found to be invalid;
- they were executed against a Russian military unit, thus violating Russia's sovereign immunity; or
- a foreign law on fraudulent transactions was applied to a transaction executed in Russia between Russian companies.

Jurisdiction

What is the extent of the enforcing court's power to review the personal and subject-matter jurisdiction of the foreign court that issued the judgment?

During enforcement proceedings, the Russian courts are prohibited from reviewing a foreign judgment on the merits. This also means that the Russian courts are not allowed to question the personal and subject-matter jurisdiction of the foreign court, as long as it does not violate the exclusive jurisdiction of the Russian state courts, which is one of the grounds to refuse to recognise and enforce a foreign judgment in Russia.

However, the Russian courts sometimes interpret their right to test a foreign judgment more broadly and also review the foreign court's jurisdiction. There is case law where the Russian courts have refused to recognise and enforce foreign judgments referring to, for example, the fact that the foreign court did not have jurisdiction to consider the dispute due to the absence of a choice of law and jurisdiction clause in a contract or any other consent of the Russian party to the dispute to have the dispute considered by the foreign court.

Concurrent proceedings and conflicting judgments

How do the courts in your jurisdiction address applications for recognition and enforcement where there are concurrent proceedings (foreign or domestic) or conflicting judgments involving the same parties/dispute?

In order to prevent conflicting judgments coexisting, the Russian courts refuse to recognise and enforce a foreign judgment when:

- a Russian court judgment involving the same parties and rendered on the same grounds and subject matter is in force; and

- court proceedings involving the same parties which are based on the same grounds and subject matter, initiated before those in a foreign court, are pending in Russia.

In the event that proceedings which are aimed at challenging the foreign judgment in question or at staying the enforcement under this judgment in a foreign jurisdiction are running in parallel with the enforcement proceedings in Russia, the Russian court is entitled to postpone enforcement proceedings in Russia and resume them following the end of the respective proceedings in a foreign jurisdiction.

The Russian courts do not consider the existence of any other parallel proceedings or conflicting judgments in a foreign jurisdiction to be an obstacle to the recognition and enforcement of the foreign judgment *per se*.

The Russian courts must terminate proceedings in the event that a claimant files a claim with the Russian court when a foreign judgment involving the same parties and rendered on the same grounds and subject matter is in force, unless this claim falls within the exclusive jurisdiction of the Russian state courts.

Notably, the Russian courts must decline to consider a claim involving the same parties which is based on the same grounds and subject matter following its consideration by a foreign court (unless this claim falls within the exclusive jurisdiction of the Russian state courts) in the event that the proceedings before the foreign court have been initiated before those in Russia.

During enforcement proceedings, Russian parties tend to:

- invoke the public policy defence, arguing that the foreign judgment contradicts the facts established by the Russian courts or refers to agreements that have been quashed by the Russian courts (including in criminal cases); or
- ask to stay the enforcement proceedings pending consideration of parallel cases in Russia.

Opposition

Defences

What defences are available to the losing party to a foreign judgment that is sought to be recognised and enforced in your jurisdiction?

The defences on which losing parties to a foreign judgment rely during enforcement proceedings in Russia are usually fact specific, relate to various aspects of a particular dispute and are connected with grounds for refusal to recognise and enforce a foreign judgment, as provided by Russian law.

Russian parties frequently raise defences based on the violation of Russian public policy, undue service about foreign proceedings and the exclusive jurisdiction of the Russian courts.

At the same time, Russian parties sometimes use more sophisticated and cost-intensive defences (eg, by challenging foreign judgments in question and initiating parallel proceedings, including criminal cases) in Russia or foreign jurisdictions.

Injunctive relief

What injunctive relief is available to defendants (eg, anti-suit injunctions)?

The Russian courts do not issue anti-suit injunctions or recognise anti-suit injunctions issued by foreign courts. Only a winning party to a foreign judgment may voluntarily follow an anti-suit injunction issued by a foreign court and must face all consequences connected with non-initiation or non-continuation of enforcement proceedings in Russia.

At the same time, losing parties in foreign judgments are entitled to ask the Russian courts for a stay of the enforcement proceedings in Russia if:

- the foreign judgment is challenged;

- the enforcement under this judgment is stayed before the foreign courts; or
- there are parallel proceedings before the Russian courts, the results of which may affect the enforcement proceedings.

Recognition and enforcement procedure

Formal procedure

What is the formal procedure for seeking recognition and enforcement of a foreign judgment?

The procedure for recognition and enforcement in Russia starts with the submission of an application for recognition and enforcement of a foreign judgment before the relevant Russian court. The Russian court will consider whether this application meets the technical requirements and will then schedule a date for the hearing. The Russian court will notify the winning and losing parties in the foreign judgment about the date and place of the hearing and publish this information in one of the Russian public court databases on the Internet.

The failure of a party in the dispute to send a counsel to the court hearing, having been duly notified of its date and place, will not prevent the Russian court from satisfying or denying the application for the recognition and enforcement of a foreign judgment.

Any application for recognition and enforcement of a foreign judgment at the first-instance court will be considered by a single judge.

Losing parties to a foreign judgment are entitled to submit a response to the application with supporting documents. The number of submissions at the first-instance court in Russia is unlimited and parties to the enforcement proceedings are entitled to file motions and make further submissions until the Russian court has approved or denied this application.

Enforcement proceedings are conducted in Russian. Foreign documents (including foreign judgments) must be presented to the Russian courts with a translation into Russian certified by a Russian notary and containing an apostille or consular legalisation, where appropriate.

Enforcement proceedings are public. Proceedings can be kept confidential where necessary or be heard in private at the request of a party (eg, in cases involving commercial secrets). If proceedings are heard in private, the judgments of the Russian courts will not be made public.

When a Russian court issues a judgment recognising and enforcing a foreign judgment, it will immediately enter into legal force, but may be appealed to the high courts.

Once the Russian court's judgment has entered into legal force, a writ of execution is issued, which the winning party should send to the Russian bailiff service, if required, to enforce the foreign judgment (eg, by freezing the losing party's assets and accounts, recovering funds and foreclosing on the losing party's assets). Execution of the foreign judgment by the Russian bailiff service is subject to the same laws and procedures that are routinely applied to the execution of domestic judgments.

Timeframe

What is the typical timeframe for the proceedings to grant recognition and enforcement?

Under Russian law, an application for recognition and enforcement should be considered by a Russian first-instance court within one month for commercial matters and two months for non-commercial matters.

The Russian courts do not always meet procedural deadlines. Therefore, as a matter of practice and depending on the complexity of the dispute, enforcement proceedings usually last between three and nine months in the Russian first-instance court.

Fees

What fees apply to applications for recognition and enforcement of foreign judgments?

The winning party to a foreign judgment must pay a state fee of Rb3,000 (at present \$1 equates to approximately Rb60) to apply for the recognition and enforcement of a foreign judgment in Russia for commercial matters. An application for the recognition and enforcement of a foreign judgment in Russia for non-commercial matters is not subject to state fees.

The winning party in Russian enforcement proceedings may ask for the costs of the enforcement proceedings to be reclaimed from the losing party (including lawyers' fees, translation costs and travel and postal expenses). At the same time, recovering lawyers' fees in full can be problematic, because the Russian courts frequently view typical lawyers' fees in western jurisdictions as unreasonable and choose not to award them in full to the winning party.

Security

Must the applicant for recognition and enforcement provide security for costs?

Russian law does not require the winning party to a foreign judgment to provide any security for costs when applying to the Russian courts for the recognition and enforcement of a foreign judgment.

However, within enforcement proceedings, the Russian courts may request security of costs in the following instances:

- the Russian courts postpone enforcement proceedings in Russia due to parallel proceedings in a foreign jurisdiction aimed at challenging the foreign judgment in question or at staying the enforcement under this judgment. Security for costs may then be provided by the losing party to a foreign judgment; and
- the winning party to a foreign judgment requests an injunction (interim measures) in Russia in support of the future enforcement of this foreign judgment. Security for costs may then be provided by the winning party to a foreign judgment on its own initiative or at the request of the Russian court following the losing party's request.

Appeal

Are decisions on recognition and enforcement subject to appeal?

A Russian court's judgment recognising and enforcing a foreign judgment or refusing to do so may be appealed to the superior Russian courts.

Appeal proceedings in Russia vary depending on the subject matter of the dispute in question.

In commercial matters, first-instance court judgments may be appealed to the district *arbitrazh* courts (no request to grant an appeal is required) and the Supreme Court's Commercial Disputes Chamber (the right to appeal should be granted by a single judge of this court in *ex parte* proceedings).

For non-commercial matters, first-instance court judgments may be appealed to the appellate divisions of the supreme courts of the Russian regions (no request to grant an appeal is required). These judgments may be appealed to the presidium of the supreme courts of the Russian regions and the Civil Disputes Chamber of the Supreme Court (for both courts, the right to appeal should be granted in *ex parte* proceedings).

Judicial acts of the Commercial and Civil Disputes Chamber of the Supreme Court may theoretically be subject to a supervisory review by the Presidium of the Supreme Court.

Other costs

How does the enforcing court address other costs issues arising in relation to the foreign judgment (eg, calculation of interest, exchange rates)?

The Russian courts recognise and enforce foreign judgments as is. Therefore, court costs in foreign proceedings or interest accrued on any sums to be payable under the foreign judgment are recoverable in Russia only as long as they are indicated in the enforced judgment.

The Russian courts are not obliged to convert any sums indicated in the foreign judgment into roubles, although this is usually done by the Russian bailiff service, which recovers relevant funds from the losing party based on the Central Bank of Russia's exchange rates.

The Russian bailiff service also usually calculates the amount of interest indicated for recovery from the losing party in the foreign judgment. The winning party to the foreign judgment is entitled to:

- provide supporting calculations to this service;
- review the calculations; and
- challenge the actions (or omissions) of the Russian bailiff service before the Russian courts, if required.

Enforcement against third parties

To what extent can the courts enforce a foreign judgment against third parties?

Russian law does not recognise the concepts of agency or alter ego in enforcing foreign judgments. Therefore, a foreign judgment can be enforced only against the losing party named in the foreign judgment.

A violation of the rights of third parties by foreign judgments is not mentioned among grounds for refusing to recognise and enforce foreign judgments in Russia. However, Russian courts have treated the violation of rights of third parties as a violation of Russian public policy.

Partial recognition and enforcement

Can the courts grant partial recognition and enforcement of foreign judgments?

The Russian courts are entitled to recognise and enforce foreign judgments in full or in part and have granted only partial enforcement.

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