

Amendments to provisions of the Code of Commercial Procedure



Russian version

Amendments to the Code of Commercial Procedure of the Russian Federation (hereinafter the “**Russian Code of Commercial Procedure**”) entered into legal force from 5 January 2014 [\[1\]](#).

We would like to point out here that the following key amendments should be duly considered in your work. They concern the filing of a statement of claim, the reimbursement of court costs, the calculation of procedural timeframes and other issues arising during the hearing of a case in a commercial court.

Amendments to the lists of mandatory annexes to a statement of claim, an appeal and a cassation appeal

Amendments have been introduced to the lists of documents which must be attached to a statement of claim and a cassation appeal to the Judicial Panel of the Supreme Court of the Russian Federation:

- It is no longer necessary to attach to a statement of claim a copy of the certificate of state registration as a legal entity, as information from the certificate is contained in the excerpt from the Unified State Register of Legal Entities (USRLE).
- Regular copies of the appealed court order and other court orders adopted in the case must be attached to the cassation appeal to the Judicial Panel of the Supreme Court of the Russian Federation. Certified court orders only have to be attached if the case is being heard in a closed court session.

When filing a statement of claim, an appeal, a cassation or supervisory appeal, a copy of a document on the legal education (university or equivalent) of the representative, a document certifying their status as an attorney, patent attorney, court-appointed bankruptcy manager or chief executive officer of the organisation must be attached.

Procedural timeframes

The following key procedural timeframes have been increased by the amendments to the Russian Commercial Code of Procedure:

- Timeframe for preparing the decision of the commercial court in full from five to ten business days.
- Timeframe during which the recess of a court session may be announced, from five to ten business days.
- Timeframes for hearing an appeal and a commercial appeal from two to three months.

Procedure for considering a petition for the recovery of court costs, petition for the indexation of awarded monetary funds

In order to reduce the burden on the commercial court system, petitions for the reimbursement of court costs will be considered according to the rules of simplified proceedings, in other words, without summoning the parties to a commercial court.

Another innovation allows the parties to a dispute being considered according to the rules of simplified proceedings to present their positions orally in the court session. This is an exception to the rule in instances when a commercial court is entitled on its initiative or further to a motion of the parties in the case, owing to the nature and complexity of a case, to conduct a court session, summoning the parties to the case, without moving to a hearing of the case according to the general rules of claims proceedings.

A similar amendment is stipulated for petitions for an indexation of awarded monetary amounts which will now be considered by a commercial court without the holding of a court session and without the notification of the parties in the case. Where necessary, a commercial court will be able to summon the parties in the case to the court session, after notifying them of the time and venue of the session.

Maximum claims for the hearing of a case in simplified and summary proceedings

The maximum claims to be considered according to the rules of simplified and summary proceedings have been increased:

- Statements of claim will be considered in simplified proceedings for the recovery of funds with the value of the claim in the case of organisations of up to RUB 1,200,000 (previously RUB 800,000), and in the case of individual entrepreneurs – up to RUB 600,000 (previously 400,000).
- Claims will be considered in summary proceedings if the value of the claim does not exceed RUB 750,000 (previously RUB 500,000).

Appeals against the rulings of a commercial court

Key amendments that should be considered:

- If a party in a case disagrees with the ruling of the commercial court on interim relief, the party should submit a motion with the commercial court considering the case on revoking the interim relief. Previously the ruling of a commercial court on interim relief could be appealed with a court of appeal separately from the final decision in the case.
- A ruling on setting aside an appeal may not be appealed.

Participation in an online court session

A commercial court may send the information required to participate in an online court session electronically well in advance to the parties in a case (through the use of a web conferencing system).

If a commercial court dismisses a motion on participating in the online court session, the court must send information on such a dismissal, indicating the grounds for the decision.

The indicated amendment aims to incentivise the indicated method for participation in court sessions and expand its use.

[1]. Federal Law No. 667-FZ dated 25 December 2023 "On the Introduction of Amendments to the Code of Commercial Procedure of the Russian Federation"

(<http://publication.pravo.gov.ru/document/0001202312250069?index=1>).

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Imprint

This publication is issued by Beiten Burkhardt Rechtsanwalts-gesellschaft mbH

Ganghoferstrasse 33, 80339 Munich, Germany

Registered under HR B 155350 at the Regional Court Munich / VAT Reg. No.: DE811218811

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