The Civil Procedural Code of the Russian Federation

(as amended on 4 December 2007)
(the wording valid as of 1 February 2008)

The document with the amendments made by:

Federal Act No.86-FZ of June 30, 2003 (Rossiyskaya Gazeta, No.126 of July 1, 2003 (has come into force since July 1, 2003);

Federal Act No.46-FZ of June 7, 2004 (Rossiyskaya Gazeta, No.120 of June 9, 2004;

Federal Act No.94-FZ of July 28, 2004 (Rossiyskaya Gazeta, No.162 of July 31, 2004;

Federal Act No.127-FZ of November 2, 2004 (Rossiyskaya Gazeta, No.246 of November 5, 2004 (shall come into force since January 1, 2005);

Federal Act No.194-FZ of December 29, 2004 (Rossiyskaya Gazeta, No.290 of December 30, 2004);

Federal Act N 93-FZ of July 21, 2005 (Rossiyskaya Gazeta, N 161 of July 26, 2005) (on procedure of enforcement see article 15 of the Federal Act N 93-FZ of July 21, 2005);

Federal Act N 197-FZ of 27 December 2005 (Rossiyskaya Gazeta, N 296, 30.12.2005) (is enforcing since 1 January 2006);

Federal Act N 225-FZ of 5 December 2006 (Rossiyskaya Gazeta, N 275, 07.12.2006);

Federal Act N 214-FZ of 24 July 2007 (Rossiyskaya Gazeta, N 165, 01.08.2007) (on procedure of enforcement see article 32 of the Federal Act N 214-FZ of 24 July 2007);

Federal Act N 225-FZ of 2 October 2007 (Rossiyskaya Gazeta, N 223, 06.10.2007) (on procedure of enforcement see article 14 of the Federal Act N 225-FZ of 2 October 2007).

Federal Act N 330-FZ of 4 December 2007 (Rossiyskaya Gazeta, N 276, 08.12.2007)

The following have been considered in the document:

The Decision of the Constitutional Court of the Russian Federation No.13-P of July 18, 2003;

The Decision of the Constitutional Court of the Russian Federation No.1-P of January 27, 2004;

The Order of the Constitutional Court of the Russian Federation No.73-O of March 4, 2004;

The Decree of the Constitutional Court of the Russian Federation N 14-P of 26 December 2005;

The Decree of the Constitutional Court of the Russian Federation N 1-P of 20 February 2006;

The Determination of the Constitutional Court of the Russian Federation N 272-O of 13 June 2006;

The Decree of the Constitutional Court of the Russian Federation N 10-P of 12 July 2007.

Adopted by the State Duma
October 23, 2002

Approved by the Soviet of Federation
October 30, 2002

Section I. General Provisions

Chapter 1. Fundamental Provisions

Article 1. The Law of Civil Judicial Proceedings

1.The civil judicial procedure through the federal courts of general jurisdiction shall be stipulated by the Constitution of the Russian federation, the Federal Constitutional Act “On the Judicial System in the Russian Federation”, this Code and by other federal acts adopted in compliance with the above said. The civil judicial

procedure through Justice of the Peace shall be stipulated by the Federal Act “On Justice of the Peace in the Russian Federation”, as well.

2.If the international agreement, which the Russian Federation is a party to, stipulates the rules of civil judicial procedure other than stipulated by law, those of international agreement shall be applied.

3.The civil judicial procedure shall be run in accordance with the federal acts effective within the timeframes of examination and settlement of the civil case, fulfillment of some procedural activity or execution of court decisions (court decisions, judgments, orders of the court, decisions of the supreme court with supervisory authority), other bodies’ decisions (the Part has been supplemented since August 11, 2004 according to the Federal Act N0.94-FZ of July 28, 2004).

4.For the lack of the procedural law norm regulating relations arisen in the course of civil judicial procedure, the federal courts of general jurisdiction and justice of the peace (hereinafter referred also - court), shall apply the norm regulating the similar relations (analogy by law), and for the lack of such a norm, shall act on the basis of general principles of administration of justice in the Russian Federation (analogy by right or inference from general principles of law).

Article 2. Tasks of the Civil Judicial Procedure

The civil judicial procedure is aimed to correct and timely examination and settlement of civil cases in order to protect the infringed or challenged rights, freedoms and legitimate interests of people, institutions, rights and interests of the Russian Federation, Russian Federation entities, municipal units, other entities being subjects to civil, labour or other legal relationship. The civil judicial procedure must provide for strengthening of the legality, law and order, prevention of law breaking, forming of the respectful attitude towards law and court.

Article 3. Right of Application to Court

1.The interested person has the right to apply to court in the procedure, established by law of civil judicial procedure, for defense of violated or contested rights or legitimate interests.

2.Refusla of right to apply to court is invalid.

3. Before making the court of first instance’s decision, which accomplishes examination of merits of the civil case, the parties may agree to transfer the dispute subject to the court’s jurisdiction, arisen from civil legal relationship, for examination of the arbitrary, unless otherwise stipulated by federal law.

Article 4. Initiation of the Civil Case in Court

1.The court shall initiate the civil case on the basis of application filed by the person petitioned fro defense of his rights, freedoms and legitimate interests.

2.When stipulated by this Code, by other federal acts, the civil case may be initiated by application of the person acting on own behalf in defense of rights, freedoms and legitimate interests of another person, indefinite circle of persons or in defense of the interests of the Russian Federation, Russian Federation entities, municipal units.

Article 5. Administration of Justice Solely by Courts

Justice regarding the civil cases in jurisdiction of general jurisdiction courts shall be administered solely by those courts according to the rules, stipulated by legislation on civil judicial procedure.

Article 6. Equal Protection by the Law and Court

Justice in civil cases shall be administered on the basis of equal law and court protection guaranteed to all the citizens, irrespectively their gender, ethnicity, nationality, language, origin, property and official capacity, place of residence, religiosity, beliefs, membership in non-governmental associations, and other circumstances, and to all the organizations, irrespectively their organizational-legal status, ownership, location, subordination and other circumstances.

Article 7. Individual and Collegial Examination of Civil Cases

1.Civil cases shall be either personally examined by judges of court of first instances or collegially, when stipulated by federal law.

2.In case this Code authorizes a judge with the right of personal examination of civil cases and performance of particular procedural activity, the judge shall act on behalf of the court.

3.The cases, initiated by the complaints against court decisions, made by Judges of the Peace, shall be examined through the appeal procedure personally by judges of the appropriate district courts.

4.Civil cases shall be examined collegially by the cassation and supervisory courts.

Article 8. Independence of Judiciary

1. While administering justice, judges are independent, and only subordinate to the Constitution of the Russian Federation and federal law.

2. Judges examine and settle civil cases under the conditions barring any irrelevant influence. Any interference with the judges' activity pertaining to administration of justice shall be forbidden and entail legal responsibility.

3.Guarantees for judiciary independence shall be established by the Constitution of the Russian Federation and by federal law.

Article 9. Language of Civil Judicial Procedure

1.Civil judicial procedure shall be run in Russian - the national language of the Russian Federation or in the national language of the republic in the structure of the Russian Federation, on which territory the appropriate court is situated. Civil judicial procedure in courts martial shall be hold in Russia.

2.Participants of the case, who do not know the language of the civil judicial procedure, shall be provided with explanations and rights to give explanations, to make decisions, to speak, to petition, to complaint in their native language or in any other freely chosen language of communication, and use the translator's services.

Article 10. Publicity of Court Examination

1.Cases shall be publicly heard in all courts.

2. The cases dealing with the state secrets, secrecy of child's adoption, and other cases, stipulated by federal law, shall be examined by closed court sessions. Examination by closed court sessions shall be admitted also to grant a petition filed by the participants in the case inquiring the necessity to keep commercial or other legitimate secrecy, citizen's private immunity and other circumstances, which open discussion can disturb the correct examination of case or entail disclosure of the specified secrecy or infringement of citizen's rights and legitimate interests.

3.Participants in the case, other persons attending the procedure, during which the information, specified in the second part of this Article, could be revealed, shall be warned by court of responsibility for disclosure of that.

4.The court shall make a motivated decision concerning the entire or the part of court examination of case fulfilled in the closed court session.

5.The closed court session shall be attended by the participants in the case, their representatives, and, if necessary, witnesses, experts, and interpreters.

6.The case in closed court session shall be examined and settled with all rules of civil judicial procedure observed.

7.The participants in case, and citizens attending the open court session, shall have the right to fix in writing or record by audio recorder the court trial. Making pictures, video recording, radio and TV broadcasting of court session shall be admitted by permission of court.

8.Decisions of courts shall be announced publicly, except for the cases when such announcement touches the rights and legitimate interests of minors.

Article 11. Governmental Legal Regulations Applied by the Court in Settlement of Civil Cases

1.The court is obliged to settle civil cases on the basis of the Constitution of the Russian Federation, international agreements, which the Russian Federation is a party to, federal constitutional acts, federal acts, legal regulations, issued by the President of the Russian Federation, governmental legal regulations of the Russian Federation, legal regulations, issued by federal authorities, constitutions (charters), acts, other legal regulations, issued by authorities of Russian Federation entities, legal regulations, issued by local self government bodies. The court shall settle civil cases on the basis of existing procedure of document circulation in the events, stipulated by legal regulations.

2.In the course of civil case settlement, the court shall apply the norms of the legal regulation having higher legal force.

3.For the lack of rules of law, regulating the challenged relationship, the court shall apply the rules of law, regulating the similar relationships (analogy by law), and for the lack of such rules, shall settle the case on general bases and general sense of legislation (inference from general principles of law).

4.If the international agreement, which the Russian Federation is a party to, stipulates the rules other than stipulated by law, the court, while solving the civil case, shall apply those of international agreement.

5.While solving the cases, the court in compliance with federal act or international agreement shall apply the rules of international law.

Article 12. Administration of Justice on the Basis of Parties' Competitiveness and Equality

1.The justice on civil cases shall be administered on the basis of competitiveness and equality of the parties.

2.The court, while preserving independence, objectivity and indifference shall govern the process, explain the rights of the participants of the case, warns about consequences of either fulfillment or non-fulfillment of procedural activity, assists to the participants of the case in realization of their rights, creates the conditions for comprehensive and thorough investigation of evidence, ascertainment of actual circumstances and the correct application of legislation while examining and solving civil cases.

Article 13. Obligation of Judicial Decisions

1.The courts shall make judicial decisions in the form of court orders, court decisions, court rulings, decrees of the Presidium of the Supervisory Court (the Part has been added since August 11, 2004 according to the Federal Act No.94-FZ of July 28, 2004).

2.Court decisions, which came into legal force, and legal directives, demands, instructions, summons and requests of courts are binding for all, without exception, authorities, local self government bodies, non-governmental associations, officials, citizens, organizations and are subject to mandatory enforcement on the entire territory of the Russian Federation.

3.Failure to execute a judicial decision or display of other contempt of court shall entail the responsibility stipulated by federal law.

4.Obligation of judicial decisions shall not deprive the interested persons, non participating in the cases, of their right to apply to court, if made decision infringes their rights, freedoms and legitimate interests.

5. The decisions made by foreign courts, foreign arbitrary courts (arbitrages) shall be acknowledged and enforced on the Russian Federation territory by international agreements, which the Russian Federation is a party to, and by this Code.

Chapter 2. Constitution of the Court. Challenges.

Article 14. Constitution of Court.

1.Cases shall be examined by judges of court of first instances solely. In the events, stipulated by federal law, the cases in the court of first instances shall be examined by three professional judges collegially.

2.Examination of cases in the cassation procedure shall be performed by the court, consisting of the judge-chairman and two judges, in the supervisory procedure - by the court consisting of the judge-chairman and two judges, at least.

Article 15. Procedure of Solution of Issues by Full Court

1.1.The issues arising during examination of the case by full court, shall be solved by majority of votes of judges. None of judges shall have the right to abstain of voting. The chairman shall vote the last.

2.The judge, who disagrees with the majority opinion, may state in writing his individual opinion, which is to be enclosed to the case, but shall not be announced while stating the court decision.

Article 16. Grounds for Judge Disqualification

1.Jusitice of the Peace, and the judge , as well, may not to examine the case and is subject to disqualification in the following case:

1)participated in examination of the preceding case in the capacity of prosecutor, secretary of the court sitting, representative, witness, expert, specialist, interpreter;

2)is a relative or a relative by marriage of any of the participants in the case, or their representatives;

3)is personally, directly or indirectly interested in the result of the case, or other circumstances are available causing doubts in his objectivity and impartiality.

2.The court examining the case, may consist of the persons being relatives to each other.

Article 17. Inadmissibility of the Repeated Participation of the Judge in Case Examination

1.Jusitice of the Peace, who was examining the case, may not participate in examination of this case in neither appellate, cassation nor supervisory court.

2.The judge, participated in examination of the case in court of first instance, may not participate in examination of this case in cassation or supervisory court.

3.The judge, participated in examination of the case by the cassation court, may participate in examination of this case neither by lower nor supervisory court.

4.The judge, participated in examination of the case by supervisory court, may participate in examination of the case neither by lower nor by cassation court.

Article 18. The Grounds for Disqualification of Prosecutor, Secretary of Court Sitting, Expert, Specialist, Interpreter

1.The grounds for judge's disqualification, specified in Article 16 of this Code, shall extend also to prosecutor, secretary of the court sitting, expert, specialist, and interpreter.

An expert or a specialist, moreover, may not participate in examination of the case, if he was or is in official or other subordination to any of participants in the case, or their representatives.

2.Participation of prosecutor, secretary of the court sitting, expert, specialist or interpreter in the previous examination of this case in the capacity of prosecutor, secretary of the court sitting, expert, specialist or interpreter, respectively, is not the ground for their disqualification.

Article 19. Applications for Self-Rejections or Disqualifications

1.At availability of the grounds for disqualification, specified in Articles 16 to 18 of this Code, a justice of the Peace, a judge, a secretary of the court sitting, an expert, a specialist, or an interpreter is obliged to claim self rejection. Under the same grounds, self rejection could be claimed by the participants in the case, or examined by the initiative of the court.

2.Self rejection or a rejection must be motivated and declared prior to the beginning of examination of merits of the case. Self rejection or rejection in the course of examination of case could be only admitted, if the ground for either self rejection or rejection became known to a declarant, or to the court after beginning of examination of the merits of the case.

3.The procedure of settlement of the declaration on self rejection and consequences of such settlement shall be determined according to the rules, stipulated by Articles 20 and 21 of this Code.

Article 20. Procedure of settlement of the Application of Self Rejection

1.In case, disqualification has been applied for, the court shall listen to opinion of the participants in the case, and also of the person, whose disqualification has been applied for, if the person aforesaid is willing to give explanations. The issue on disqualification shall be settled by the court decision made in the consultative room.

2.The issue of disqualification of the judge, examining the case solely, shall be settled by the same judge. When the case is examined by the collegiate court, the issue on disqualification of a judge shall be settled by the same

composition of the court in absence of disqualified judge. Subject to equal number of votes, given for disqualification and against disqualification, the judge shall be acknowledged disqualified. The issue on disqualification of several judges or entire composition of the court shall be settled by the entire composition of the same court by simple majority of votes.

The issue of disqualification of a prosecutor, a secretary of the court sitting, an expert, a specialist, an interpreter shall be settled by the court examining the case.

Article 21. Consequences of Settlement of the Application of Disqualification

1.In case the justice of the Peace, examining the case, has been disqualified, the district court shall transfer the case to another justice of the Peace acting on the territory of the same territorial district, or, for impossibility of such transfer, the higher court shall transfer the case to justice of
the Peace of another district.

2.In case the judge or the entire composition of court are disqualified, while examining the case in the district court, another judge or another composition of the court shall examine the case, otherwise, for impossibility to replace the judge in the district court examining the case, the higher court shall transfer the case to another district court.

3.In case either judge or the entire composition of court have been disqualified while examining the case in the supreme republican court, in regional, provincial court, in the court of the city of federal significance, in the court of autonomous district, in the Supreme Court of the Russian Federation, the case shall be examined in the same court by other judge or other composition of court.

4.For impossibility to form the new composition of court for examination of this case supreme republican court, provincial, district courts, court of the city of federal significance, autonomous district or autonomous circuit courts on the reasons, specified in Article 17 of this Code, the case should be transferred to the Supreme Court of the Russian Federation for determination of the court, where it shall be examined.

Chapter 3. Jurisdiction

Article 22. Jurisdiction of Courts over Civil Cases

1.Courts shall examine and solve the following:

1)The adversary proceedings referred to defense of infringed or challenged rights, freedoms and legitimate interests, the disputes, arising from civil, family, labour, housing, land, ecological and other legal relations, with the participation of citizens, organizations, state authorities, local self government bodies;

2)the cases under the claims, specified in Article 122 of this Code, to be solved in the mandative procedure;

3)the cases arising from public legal relations and those, specified in Article 245 of this Code;

4)the cases of special proceedings, specified in Article 262 of this Code;

5)the cases on challenge of arbitral awards and on issue of acts for compulsory execution of arbitral awards;

6)the cases on acknowledgement and enforcement of judgments made by foreign courts and foreign arbitral awards.

2.Courts shall examine and solve the cases with participation of foreign citizens, people without citizenship, foreign organizations, organizations with foreign investments, and international organizations.

3.Courts shall examine and solve the cases, stipulated by first and second parts of this Article, except for economical disputes, and other cases, attributed by the federal constitutional law and federal law to arbitral jurisdiction.

4.When application to court consists of several interconnected inseparable claims, a part of which referred to the court of general jurisdiction, and another part - to arbitral court, the case shall be examined and solved by the court of general jurisdiction.

In case the claims are separable, the judge shall make a decision to accept the claims referred to the court of general jurisdiction, and to refuse of acceptance of those referred to arbitral court.

Article 23. Civil Cases in Jurisdiction of Justice of the Peace

1.Justice of the peace in the capacity of court of first instance shall examine the following:

1)the cases on issue of court order;

2)the cases on dissolution of marriage in absence of the dispute on children between the spouses;

3)the cases concerned with division of the common property acquired during marriage irrespectively amount of the claim;

4)other cases arising from matrimonial law, except for the cases on challenge of paternity (maternity), on establishment of paternity, on deprivation of parental rights, on adoption of a child;

5)the cases on the property disputes at the amount of claim not exceeding five hundred minimal monthly wage, fixed by federal law as of the day of filing of the application;

6)the cases arising from labour relations, except for those on restitution at work and settlement of the collective labour disputes;

7)the cases on ruling of the property using procedure.

2.Other cases could also be referred to jurisdiction of justice of the peace by federal acts.

3.Upon joining of several interrelated claims, making change in a subject of claim or bringing of the counter claim, making so a part of the claims dependent of the district court, but leaving another part in jurisdiction of justice of the peace, all the claims shall be examined in the district court. In such a case, when jurisdiction of the case has been changed in the process of justice of the peace examination, the latter shall transfer the case to examination by the district court.

4.The disputes concerning jurisdiction between justice of the peace and district court shall not be admitted.

Article 24. Civil Cases in District Court Jurisdiction

The civil cases in jurisdiction of courts, except for those, stipulated by Articles 23, 25, 26 and 27 of this Code, shall be examined by district courts in the capacity of court of first instance.

Article 25. Civil Cases in Jurisdiction of Courts Martial and Other Specialized Courts

When stipulated by federal constitutional law, civil cases shall be examined by courts martial and other specialized courts.

Article 26. Civil Cases in Jurisdiction of Supreme Republican Court, Provincial, Regional Courts, Court of the City of federal Significance, Court of Autonomous Province and Court of Autonomous Circuit

1.Supreme republican court, regional court, provincial court, a court of the city of federal significance, a court of autonomous province and a court of autonomous circuit in the capacity of court of first instance shall examine the following civil cases:

1)those related to state secrets;

2)those on impugnment of the normative legal acts, issued by state authorities of Russian Federation subjects, and infringing the rights, freedoms and legitimate interests of citizens and organizations;

The norm, contained in interrelated Clause 2 of Article 115and Clause 2 of Article 231 of the Civil Procedural Code of the Russian Federation, and in interrelated Clause 2 of the first Part of Article 26, the first, second and fourth of Article 251, second and third parts of Article 253 of this Code, which authorizes the court of general jurisdiction to solve the cases on impugnment of the normative legal acts of Russian Federation subjects, has been acknowledged out of line with the Constitution of the Russian Federation, its Articles 66 (parts 1 and 2), 76 (parts 3,4,5, and 6), 118 (part 2), 125 (parts 2,3, and 5), 126 and 128 (part 3), to the extent that the given norm admits settlement by court of general jurisdiction of the cases on impugnment of constitutions and charters of Russian Federation subjects - Clause 1 of the Decree of the Constitutional Court of the Russian Federation No. 13-P of July 18, 2003.

The norm, contained in interrelated Clause 2 of Article 1, Clause 1 of Article 21 and Clause 3 of Article 22 of the Federal Act “On Office of Public Prosecutor in the Russian Federation”, Clause 2 of the first Part of Article 26, first Part of Article 251 of this Code, which authorizes the Public Prosecutor to apply to court for acknowledgement of the normative legal acts of Russian Federation entities being out of line with the Constitution of the Russian Federation, its Articles 66 (parts 1 and 2), 76 (parts 3,4,5, and 6), 118 (part 2), 125 (parts 2,3, and 5), 126 and 128 (part 3) to the extent that the given norm admits application of the prosecutor to the court of general jurisdiction for acknowledgement of the provisions of constitutions and charters being out of line with Federal Act - Clause 2 of the Decree of the Constitution Court of the Russian Federation No.13-P of July 18, 2003).

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3)on suspension of the activity or liquidation of regional department or other structural subdivision of a political party, interregional and regional non-governmental associations; on liquidation of local religious organizations, centralized religious organizations consisting of local religious organizations, located within the limits of the same entity of the Russian Federation; on the ban of the activity of interregional and regional non-governmental associations and local religious organizations, centralized religious organizations, consisting of local religious organizations, being not legal entities and located within the limits of the same entity of the Russian Federation; on suspension or termination of the activity of mass media, distributed predominantly on the territory of one subject of the Russian Federation;

4)on impugnment of the decisions (evasion of making decisions) made by the elective commissions of Russian Federation subjects (irrespective of election or referendum level), circuit elective commissions for elections to legislative (representative) authorities of Russian Federation subjects, except for the decisions leaving valid those made by lower elective commissions or the appropriate commissions for referendum (the Clause is in the wording effective since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005, - see the previous wording).

5)on breaking up of the elective commissions of Russian Federation subjects, circuit elective commissions for elections to legislative (representative) authorities of Russian Federation subjects (the Clause has been added since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005,).

2.Other cases may be referred to jurisdiction of supreme republican court, provincial, regional courts, a court of the city of federal significance, a court of an autonomous province and a court of an autonomous circuit.

Article 27. Civil Cases within Jurisdiction of the Supreme Court of the Russian Federation

1.Supreme Court of the Russian Federation in the capacity of court of first instance shall examine the following civil cases:

1)on impugnment of non-normative legal acts of the President of the Russian Federation, non-normative legal acts of Chambers of Federal Assembly, non-normative legal acts of the Government of the Russian Federation;

2)on impugnment of the normative legal acts of the President of the Russian Federation, normative legal acts of the Government of the Russian Federation and normative legal acts of other federal authorities infringing rights, freedoms and legitimate interests of citizens and organizations;

The normative provision, included in the second and third Parts of Article 253 of this Code interrelated to Clause 2 of the first Part of Article 27, the first, second and fourth Parts of Article 251 of this Code, under which the acknowledgement of a normative legal act being out of line with federal law since the day of adoption or other day, specified by the court, leads to invalidation of this normative legal act or a part of this, has no legal force since the day of adoption and is not subject to application in the part, referred to inspection of the normative legal acts, which according to Article 125 of the Constitution of the Russian Federation can be inspected during constitutional judicial proceedings, as stated by the Decree of the Constitutional Court of the Russian Federation No. 1-P of January 27, 2004.

As to this matter, see also the Decree of the Constitutional Court of the Russian Federation No.37-O of March 4, 2004.

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3)on impugnment of the decrees on suspension or termination of judges' authority or on termination of their dismissal;

4)on suspension of the activity or liquidation of political parties, all-Russia and international non-governmental associations, on liquidation of centralized religious organizations possessing of local religious organizations on territories of two and more subjects of the Russian Federation;

5)on appeal against decisions (evasion of making decisions) by the Central Elective Commission of the Russian Federation (irrespective of election or referendum level), except for the decisions leaving valid those made by subordinate elective commissions or appropriate commissions for referendum (the Clause is in the wording effective since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005, - see the previous wording);

6)for settlement of the disputes arisen between federal authorities and authorities of Russian Federation subjects, between authorities of different Russian Federation subjects, which have been transferred by the President of the Russian Federation for examination of the Supreme Court of the Russian Federation according to Article 85 of the Constitution of the Russian Federation;

7)on breaking up of the Central Elective Commission of the Russian Federation (the Clause has been added since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005).

2.Other cases may be also referred to jurisdiction of the Supreme Court of the Russian Federation by federal acts.

Article 28. Bringing a Claim at the Place of Residence or Whereabouts of Defendant

A claim shall be brought at the defendant's place of residence. A claim to organization shall be brought to court at the organization's whereabouts.

Article 29. Jurisdiction at the Plaintiff's Option

1.A claim against the defendant, whose place of residence is unknown or who is non-resident of the Russian Federation, may be brought to court at the location of his property or at his last known place of residence in the Russian Federation.

2.A claim against organization, resulted from the activity of its branch or representative office, may be brought to court at the location of its branch or the representative office.

3.A plaintiff may bring claims to court on collection of alimonies and the paternity affiliation at his place of residence.

4.The actions on dissolution of marriage may be brought also to court at the plaintiff's location in the events, that a minor lives alongside of him, or the plaintiff's travel to the defendant's location is hindered.

5.The claims for compensation of a damage caused by severe injury, or other physical injury or death of the bread winner, may be brought by the plaintiff to court at the place of his residence or at the place of the damage caused.

6.The claims for restoration of labour, pension and housing rights, return of a property or its value, related to compensation for losses, caused to a citizen due to illegal conviction, illegal bringing to criminal account, illegal application of the custodial placement, or written undertaking not to leave a place, as a preventive punishment, or illegal administrative punishment as an arrest, may be brought to court also at the place of the plaintiff's residence.

7.The claims for protection of the consumer's rights may be also brought to court at the place of plaintiff's residence or whereabouts, or at the place of conclusion or execution of the contract.

8.The claims for compensation for losses, caused by ships collision, collection of rewards for rendering assistance and rescue on the sea may also be brought to court at the location of the defendant's ship or a home port of the ship.

9.The claims, resulted from contracts, in which the place of execution is specified, may be also brought to court at the place of execution of such a contract.

10.A plaintiff shall have the right to select of several courts the one, to which jurisdiction the case is referred according to this Article.

Article 30. Exclusive Jurisdiction

1.The claims for the rights of land plots, areas of the interior of the Earth, detached water reservoirs, forests, perennial plants, buildings, including habitable and non-habitable rooms, structures, erections, other projects tightly connected with land, and also against the property sequestration shall be brought to court either at their location or at the location of the distrained property.

2.The testator creditors' claims brought before the inheritance has been accepted by heirs, shall fall under jurisdiction at the place of opening of the inheritance.

3.Claims against carriers, resulting from the contracts of carriage, shall be brought to court at the location of the carrier, against whom the claim has been brought in the established procedure.

Article 31. Jurisdiction of Several Interrelated Cases

2.A counter claim shall be brought at the place of examination of the primary one.

3.A civil claim, resulting from the criminal case, if has not been brought or settled in the course of criminal proceedings, shall be brought for examination in civil judicial proceedings according to rules of jurisdiction, stipulated by this Code.

Article 32. Agreed Jurisdiction

The parties on the basis of reciprocal agreement may change territorial jurisdiction of this case before it was accepted by court to judicial proceedings. The jurisdiction, defined by Articles 26, 27 and 30 of this Code, is not subject to variation by parties' agreement.

Article 33. Transfer of the Case, Accepted by Court to Judicial Proceedings, to Another Court

1.A case, accepted by court to judicial proceedings according to rules of jurisdiction, must be settled by one court on the merits, though, it will come further to jurisdiction of another court.

2.The court shall transfer a case for examination of another one, if:

1)a defendant, whose place of residence or whereabouts was not known before, is petitioning for transfer the case to a court local to his place of residence or whereabouts;

2)both parties petitioned for examination of a case at the location of the majority of evidence;

3)examination of a case in the given court revealed that the case has been accepted to the proceedings in defiance of rules of jurisdiction;

4)Substitution of judges or examination of the case in this court becomes impossible after demurrer to one or several judges or on other reasons. If so, a higher court shall refer the case.

3.The decision of court on either transfer or on refusal of transfer of a case to another court shall be made, which may be appealed in separate procedure. The case shall be transferred to another court upon the deadline of appeal against this decision, but when a complaint is to be brought - after taking the court decision on passing over the complaint.

4.The case transferred from one to another court must be accepted to judicial proceedings by the competence court, to which it was sent. Disputes on jurisdiction between courts in the Russian Federation are not admitted.

Chapter 4. Persons Participating in a Case

Article 34. The Participants of a Case

The parties, third persons, a prosecutor, the persons, applying to court for protection of rights, freedoms and legitimate interests of other persons or those entering the process in order to give a conclusion under the grounds, stipulated by Articles 4, 46 and 47 of this Code, applicants and other persons concerned in the cases of special proceedings and in the cases originating from public legal relations, shall be participants in the case.

Article 35. Rights and Duties of the Participants in a Case

1.The participants in a case have the right to acquaint with materials of the case, make extracts from those, to copy those, to demur, to submit evidence and participate in their investigation, to put questions to other participants in the case, to witnesses, experts, and specialists; to petition, including demand evidence; to give verbal and written explanations to court; to give own reasons per any issues arising during judicial investigation, to object against petitions and reasons given by other participants in the case; to appeal against court decisions and use other procedural rights, given by legislation on the civil judicial proceedings. The persons participating in a case must bona fide use all procedural rights own by them.

2.The persons participating in a case bear procedural duties, stipulated by this Code, other federal acts. Failure to execute the procedural duties entails the consequences, stipulated by legislation on civil judicial proceedings.

Article 36. Civil Standing

The equal civil standing of all the citizens and organizations vested with the right of legal protection of their rights, freedoms and legitimate interests is acknowledged.

Article 37. Legal Capacity to Sue

1.A capacity to fulfill procedural rights, to perform procedural duties through one own activity and to commission an agent to lead a case in court (legal capacity to sue) belongs in a full volume to the citizens attained their eighteen, and organizations.

2.A minor person may personally fulfill his/her procedural rights and perform his/her procedural duties in the court after marriage or after acknowledged fully capable (emancipation).

3.Rights, freedoms and legitimate interests of minors from their fourteen to eighteen years, and also citizens of restricted capability shall be protected in the proceedings by their legitimate representatives. The court, however, is obliged to attract to participation in such cases the minors themselves, and also citizens of the restricted capability.

4.When stipulated by federal law, within the framework of the cases arising from civil, family, labour, public and other legal relationships, minors at their fourteen to eighteen years have the right to defend in court their rights, freedoms and legitimate interests. The court is authorized, however, to attract to participation in such cases legal representatives of the minors.

5.Rights, freedoms and legitimate interests of the minors under fourteen years old, and also the citizens acknowledged incapable, shall be protected during the proceedings by their legal representatives - parents, adoptive parents, tutors, guardians or other persons, who was so authorized by federal law.

Article 38. The Parties

1.The Parties in the judicial civil proceedings shall be a plaintiff and a defendant.

2.A person, in whose interest a case has been initiated by the application filed by the persons applying for protection of rights, freedoms and legitimate interests of other persons, shall be notified by the court of the proceedings initiated and participate in this.

3.The parties shall have equal procedural rights and bear equal procedural duties.

Article 39. Alteration of a Claim, Renunciation of a Claim, Confession of an Action, Peaceful Agreement

1.A plaintiff is empowered to change a ground or a subject of claim, to increase or reduce the amount of plaintiff's claim, otherwise to renounce of a claim, the defendant is empowered to recognize a claim, the parties are empowered to end the case by peaceful agreement.

2.Court shall not accept the plaintiff's renunciation of a claim, recognition of a claim by the defendant and shall not approve peaceful agreement, if this is illegal or infringes rights and legitimate interests of other persons.

3.Upon alteration of a claim's ground or a claim's subject, increase in the amount of the plaintiff's claim, the period, stipulated by this Code for examination of a case, shall begin since the day of performance of an appropriate procedural action.

Article 40. Participation of Several Plaintiffs or Several Defendants in a Case

1.A claim may be brought to court jointly by several plaintiffs or against several defendants (co-parties in the proceedings).

2.Co-participation in the proceedings shall be admitted in the following cases:

1)common rights or duties of several plaintiffs or defendants are subject to dispute;

2)rights and duties of several plaintiffs have one ground;

3)similar rights and duties are subject to dispute.

3.Each of the plaintiffs or defendants in the proceedings shall act independently regarding another party. Co-parties may commission one or several co-parties to plead the case.

For impossibility to examine a case in absence of a co-defendant or co-defendants because of disputable legal relations, court on its own initiative shall bring him or them to participation in a case. After attraction of a co-defendant or co-defendants, the preparation and examination of a case shall start from the very beginning.

Article 41. Substitution of Inappropriate Defendant

1.While preparing or examining a case in the court of first instance, substitution of an inappropriate defendant with an appropriate one can be admitted under the plaintiff's petition or consent. Upon substitution of an inappropriate defendant with an appropriate one, the preparation and examination of a case shall start from the very beginning.

2.In case a plaintiff disagrees with substitution of an inappropriate defendant with another person, court shall examine the case initiated by the claim filed.

Article 42. Third Persons Independently Claiming Regarding a Subject-Matter of Case

1.Third persons presenting independent claims regarding a subject-matter of case may enter the case before the court of first instance rendered a decision. They will have all rights and perform all duties of a plaintiff.

As to the persons presenting independent claims regarding a subject-matter of case, a judge shall make a decision to acknowledge them by third persons in the examined case or to refuse of acknowledgement them by third persons that could be appealed against in a private procedure.

2.After third person, presenting independent claims regarding a subject-matter of case, entered a case, examination of the case shall start from the very beginning.

Article 43. Third Persons Non-Claiming Independently on a Subject-Matter of Case

1.Third persons, non-claiming independently on a subject-matter of case, may enter the case either at a plaintiff's or a defendant's side before the court of first instance rendered a decision on the case, if the latter can influence their rights or duties with respect to one of the parties. They also can be attracted to participation in a case under petition of the persons, participating in a case, or by court initiative. Third persons, non-claiming independently on a subject-matter of case, shall have procedural rights and perform procedural duties of a party, except for the right to change the ground or a subject of a claim, to increase or reduce the amount of the plaintiff's claim, renounce the claim, to acknowledge a claim or to sign peaceful agreement, as well as to bring a counter-claim and to demand compulsory execution of the court judgment.

Court shall make a decision on entering to the case of third persons, who have not claimed independently on a subject-matter.

2.Upon the third persons, non-claiming independently regarding a subject matter, have entered the case, the court trial shall start from the very beginning.

Article 44. Succession in Chose in Action

1.In the events, when one of the parties drops out of a disputable or established by court decision legal relationship (citizen's death, reorganization of a legal entity, chose in action, assignment of a debt and other replacement of persons in liabilities), the court admits substitution of this party with its assignee. Succession is possible at any stage of civil judicial proceedings.

2.All actions, fulfilled before the assignee has entered the procedure, are binding for him to the extent they were binding for a person substituted by the latter.

3.A private complaint could be lodged against the court's decision on substitution or on refusal of substitution of the assignee.

Article 45. Prosecutor's Participation in a Case

1.Prosecutor has the right to apply to court in defense of rights, freedoms and legitimate interests of citizens, indefinite circle of persons or interests of the Russian Federation, subjects of the Russian Federation, municipal formations. Prosecutor may file the application in defense of rights, freedoms and legitimate interest of a citizen only in the event that a citizen can not apply to court personally because of state of health, age, incapacity and on other good reasons.

2.The prosecutor, who filed an application, shall have all procedural rights and perform all procedural duties of a plaintiff, except for the right to sign peaceful agreement and duty to pay cost. In case, a prosecutor refuses of the application filed in defense of legitimate interests of another person, examination of the merits of case is proceeding unless the person or his legal representative declared refusal of a claim. Upon plaintiff refused of a claim, the court shall stop the proceedings unless this conflicted law or infringed the rights and legitimate interests of other persons.

3.Prosecutor shall enter the proceedings and make a conclusion under the cases regarding eviction, restitution at work, on indemnification of a harm caused to life or health, and also in other cases, stipulated by this Code and other federal acts, in order to fulfill the given authorities.

Failure of the prosecutor, notified of the time and place of examination of the case, is not an obstacle to case hearing.

Article 46. Application to Court for Protection of Rights, Freedoms and Legitimate Interests of other Persons

1.In the events, stipulated by law, authorities, local self government bodies, organizations or citizens have the right to apply to court for protection of rights, freedoms and legitimate interests of other persons by request of those, or for protection of rights, freedoms and legitimate interest of indefinite circle of persons. If that's the case, an application for protection of legitimate interests of incapable or under age citizen may be filed irrespectively the request of the person concerned or his legal representative.

2.The persons, applied for protection of legitimate interests of others, shall have all procedural rights and perform all procedural duties of plaintiff, except for the right to conclude peaceful agreement and the duty to pay costs. In case, bodies, organizations or citizens refused to support the claim, which they brought in interests of another person, and also, in case, the plaintiff withdrew a claim, the procedural consequences shall ensue, as stipulated by second Part of Article 45 of this Code.

Article 47. Participation of the Authorities, Local Self Government Bodies in the Case in Order to Make an Opinion

1.In the cases, stipulated by federal law, authorities, local self government bodies in order to fulfill their powers and to protect rights, freedoms and legitimate interests of other persons or interests of the Russian Federation, subjects of the Russian Federation, or municipal formations shall enter the proceedings on their own initiative or on the initiative

of the participants in the case, to make a conclusion on a case before the court of first instance rendered the judgment.

2.In the cases, stipulated by federal law, and in other cases, if need be, the court on its own initiative may attract an authority or a local self government body to participation in the case in order to achieve the goals, specified in the first part of this Article.

Chapter 5. Representatives in Court

Article 48. Conducting the Case through Representatives

1.Citizens have the right to conduct their cases in court personally or through representatives. Citizen's personal participation in a case shall not deprive him/her of the right to have a representative in the case.

2.Cases for organizations shall be conducted by the bodies, operating within the powers vested by federal law, other legislative acts or constituent documents, or by their representatives.

Powers of the bodies, conducting the cases for organizations, shall be proved by the documents, identifying official status of their representatives, and, if necessary, by constituent documents.

An authorized representative of the liquidation commission shall act on behalf of an organization under liquidation.

Article 49. Persons Empowered as Representatives in Court

Capable persons, who are accordingly empowered to conduct a case, except for those, specified in Article 51 of this Code, may be representatives in court. The persons, specified in Article 52 of this Code, have powers of representatives by law.

Article 50. Representatives Appointed by Court

Court appoints a lawyer (barrister) as a representative in absence of the representative of the defendant, whose place of residence is unknown, and also in other cases, stipulated by federal law.

Article 51. The Persons Unable to be Representatives in Court

Judges, investigators, prosecutors may not be representatives in court except for the cases when they participate in the legal proceedings as representatives of appropriate bodies or legal representatives.

Article 52. Legal Representatives

1.Rights, freedoms and legitimate interests of incapables or partly capable citizens shall be defended in court by their parents, adoptive parents, tutors, guardians and other persons empowered appropriately by federal law.

2.As an agent (a representative) of a citizen, legally acknowledged missing, the trustee of his property shall act in the proceedings.

3.Legal representatives perform on behalf of the represented ones all procedural activity, for which the represented persons are authorized, yet, with the restrictions, stipulated by law.

Legal representatives may commission another persons elected by them as the representative to conduct a case in court.

Article 53. Registration of Representative's Authority

1.Representative's authorities must be expressed in the power of attorney, issued and registered according to law.

2.Powers of attorney, being issued by citizens, may be certified by notary or by the organization, where the principal works or studies, by housing service organization at the place of principal's residence, administration of the institution for social security of the population, where the principal stays, and also by administration of the hospital, where the principal undergoes medical treatment, by the commander officer (chief) of an appropriate military unit, body of troops, institution, military education institute, if powers of attorney are issued by servicemen, staff of these units, bodies of troops, institutions, military education institutes or their family members. Powers of attorney, issued by people staying at the institutions of confinement, shall be certified by the chief of an appropriate institution.

3.The power of attorney on behalf of the organization shall be provided with signature of manager or other persons accordingly authorized by constituent documents, and a stamp of this organization.

4. Legal representatives shall provide the court with the documents identifying their status and authority.

5.The lawyer's right to speak before the court as a representative shall be certified by a writ, issued by an appropriate lawyer's formation.

6.The representative's authorities may also be defined by verbal announcement, recorded into the minutes of court sitting, or by written application of the principal to court.

Article 54. Representative's Authorities

A representative shall have the right to perform on behalf of the person he acts for all procedural activity. The right of the representative to sign a writ, to present it to court, to transfer a dispute for arbitration, to bring a counter claim, to withdraw partly or fully a claim, to reduce claims, to recognize a claim, to change a subject matter or the grounds of a claim, to sign peaceful agreement, to assign powers to another persons (transfer of a power of attorney), to appeal against court decision, to submit an execution document for collecting, to receive an adjudicated property or money should be, however, specially stipulated by power of attorney, issued by the person, whom a representative acts for.

Chapter 6. Evidence and Proof of Evidence

Article 55. Evidence

1.Information on facts, received in legally established procedure, on which basis the court establishes either presence or absence of the circumstances substantiating claims and objections of the parties, and also other circumstances significant for the correct examination and settlement of the case, shall be evidence in the case.

These information may be obtained from explanation of the parties and third persons, witness evidence, written and material evidence, audio- and video records, expert conclusions.

2.Evidence, obtained in defiance of law, are illegal and can not be the ground for court decision.

Article 56. Duty to Proof

1.Each party must proof the circumstance, which it referred to as the grounds of claims and objections, unless otherwise stipulated by federal law.

2.Court shall define which of the circumstances are significant for the case, which of the parties should proof them, shall bring the circumstances for discussion if even the parties have not referred to some of those.

Article 57. Submission and Demanding of Evidence

1.The parties and other persons, participating in the case, shall submit evidence. Court is empowered to offer them to submit additional evidence. In case, these persons have difficulties in submission of necessary evidence, the court by their petition shall assist in collection and demanding of evidence.

2.The evidence per se, the significant circumstances for correct examination and settlement of a case, which can be proved or controverted by this evidence, and the reasons preventing obtainment of evidence and location of that shall be specified in the inquiry for evidence. Court shall provide a party with inquiry for obtainment of evidence or directly inquire the evidence. The person holding the evidence, inquired by court, shall send it to the court or hand it over to a person having an appropriate inquiry for submission to court.

3.Officials or citizens totally unable to submit inquired evidence or within the period fixed by court, must notify of that court within five days since receipt of the inquiry and indicate the reasons. For failure to notify the court, and for non-fulfillment of court demand to submit evidence on unreasonable excuse, the guilty officials or citizens non-participating in case shall be penalized as follows: officials - at a rate of up to 10 legal monthly wage, citizens - up to five minimal legal monthly wages.

4.Penalizing shall not exempt the respective officials and citizens, possessing of the demanded evidence, from submission thereof to court.

Article 58. Review and Investigation of Evidence on Site

1.Court may review and investigate written or material evidence at their place of storage or location for impossibility or difficulty to submit those to court.

2.Court shall review and investigate evidence while notifying the participants in the case, whose default (failure to appear), however, does not prevent the review and investigation. If need be, experts, specialists, and witnesses can be drawn to participation in review and investigation.

3.The review and investigation on site shall be made up by the report.

Article 59. Relevance of Evidence

Court accepts only the evidence, which is significant for examination and settlement of the case.

Article 60. Admissibility of Evidence

The facts of the case, which in accordance with law must be supported by certain evidence, can not be proved by any other evidence.

Article 61. Grounds for Exemption from Substantiation

1.The facts recognized by court as broadly known should not be proved.

2.The facts, ascertained by enforced court decision rendered in earlier tried case are mandatory for the court. The specified facts shall not be proved again and shall not be challenged while examining another case, in which the same persons participate.

3.In the course of examination of the civil case, the facts, established by enforced arbitral award, should not be proved and may not to be challenged by the participants in the case, which has been settled by the arbitration.

4.The enforced court judgment on criminal case is mandatory for the court examining the case on civil and legal consequences of the actions, committed by a sentenced person, regarding the questions whether these actions have been committed, and, if so, whether they have been committed by the given person.

Article 62. Judicial Commission

1.The court, examining the case, if needs to obtain the evidence, located in other city or region, shall commission an appropriate court to perform a certain procedural activity.

2.In a prejudication referred to judicial commission, the content of the case under trial is briefly stated, and information on parties, their places of residence or whereabouts shall be specified; the facts to be elucidated and evidence to be collected by the commissioned court shall be specified. This prejudication is obligatory for the court, which is addressed to, and must be fulfilled within one month upon receipt.

3.Judicial proceedings could be adjourned for the period of fulfillment of judicial commission.

Article 63. Procedure of Judicial Commission

1.Judicial commission shall be performed during court sitting according to the rules, stipulated by this Code. The persons, participating in a case, shall be notified of the time and the place of court sitting, however, their default is not an obstacle to fulfill a commission. The minutes and all evidence, collected during commission, shall be immediately sent to the court examining the case.

2.In case, the persons participating in a case, witnesses or experts, who have given explanations, depositions, or conclusions to the commissioned court, appear in court examining the case, they give explanations, depositions, and conclusions in general procedure.

Article 64. Security of Evidence

The persons, participating in a case, who have the reasons to suppose that submission of necessary evidence shall be subsequently impossible or difficult, may ask the court to secure these evidence.

Article 65. Application for Security of Evidence

1.The application for security of evidence shall be filed to the court examining the case or the one, in which judicial circuit the procedural actions in security of evidence should be performed. In the application the following shall be specified: the contents of a case under the trial; information on the parties and place of their residence or whereabouts; the evidence to be secured; the circumstances, for which substantiation the evidence is required; the reasons forced the applicant to petition for security of evidence.

2.A separate complaint could be lodged against the court ruling on refusal of security of evidence.

Article 66. Procedure of Security of Evidence

1.A judge shall secure evidence according to the rules, stipulated by this Code.

2.The minutes and all the materials, collected in security of evidence, shall be transferred to the court examining the case, of what the participants of the case shall be notified.

3.In case, the evidence have been secured in other court than that, examining the case, the rules, stipulated by Articles 62 and 63 of this Code, shall be applied.

Article 67. Evaluation of Evidence

1.Court shall evaluate evidence on the basis of own internal convictions based on comprehensive, thorough, overall, unbiased and direct investigation.

2.None of evidence have predetermined force for the court.

3.Court shall evaluate relevance, admissibility, authenticity of each the evidence individually, and also a sufficiency and interrelation of evidence in aggregate.

4.Court is obliged to reflect the results of evidence's evaluation in the judgment, in which the motifs of acceptance of these evidence in substantiation of court conclusions, the reasons of refusal of other evidence, and also the reasons of preference given to a certain evidence, shall be specified.

5.While evaluating the instruments or other written evidence, the court is obliged, taking into account other evidence, to make sure that such instruments or another written evidence originate from the body accordingly authorized to submit such type of evidence, have been signed by an authorized person, contain all other essential parts of such type evidence.

6.While evaluating a copy of the instrument or another written evidence, the court shall verify whether the contents of the instrument was modified by copying as compared to its original, by what technique the copy was made, whether copying guarantees an authenticity of the copy to the original instrument, by what means the copy of the instrument has been maintained.

7.Court can not consider proved the circumstances substantiated by only a copy of the instrument or another written evidence, if the original instrument was lost and was not transferred to court, and the copies of the instrument submitted by each litigant are not identical with each other, and if it is impossible to establish original content of an original instrument by means of other evidence.

Article 68. Pleadings of Parties and Interveners

1.Explanations of parties in the case and interveners concerning known by them circumstances significant for a correct trial of the case, are subject to examination and evaluation along with other evidence. In case, the party, which is obliged to prove its claims or objections, retains the evidence in its disposition not submitting them to court, the court is empowered to substantiate its conclusions by explanation given by another party.

2.Recognition by a party of the circumstances, on which the other party substantiates its claims or objections, shall exempt the latter from the necessity to further prove these circumstances. Recognition shall be brought into the minutes of court sitting. The recognition stated in written application shall be enclosed to the case papers.

3.In case court has the reasons to suggest that recognition was aimed to cover actual facts of the case or under influence of fraud, constraint, threat, bona fide ignorance, the court shall not accept the recognition and make of this a court ruling. If this is the case, the given facts are subject to proof on general grounds.

Article 69. Testimony

1.A witness is the person, who might know some data relevant to the important facts for examination and settlement of the case. The data, reported by witness, shall not be considered evidence if the latter can not indicate the source of his knowledge.

2.A person petitioning on summon of a witness is obliged to specify, what significant facts for examination and settlement of the case the witness in able to prove, and to inform the court of the witness's given name, patronymic, family name, and place of residence.

3.The following persons are not subject to examination in court in the capacity of witnesses:

1)representatives in a civil case or defense lawyers in a criminal case, in the case on administrative violation - as to the facts which became known by them during performance of their duties as the representatives or defense lawyers;

2)judges, jurymen, people court and arbitral assessors - as to the issues arising in the decision room during discussion of the facts of the case, while rendering a judgment or a sentence;

3)clergymen of religious organizations passed the state registration - as to the facts, which became known by them as the result of confession.

4. The following persons have the right to refuse of giving testimony:

1)a citizen against himself;

2)spouses against each other, children, including adopted ones, against parents, or adoptive parents, parents, adoptive parents against children, including adopted children;

3)brothers, sisters against each other, grandfather, grandmother against grandchildren and vice versa;

4)deputies of legislative bodies - as to the data became known by them due to performance of deputy's powers;

5)Commissioner for human rights in the Russian Federation - as to information became known by him due to performance of his duties.

Article 70. Obligations and Rights of Witness

1.A person, called as a witness to court, is obliged to come to the court at a fixed time and to give true testimony. A witness may be examined by court at his whereabouts if unable to appear to court due to illness, age, disability or other good reasons.

2.A witness shall be responsible according to Criminal Code of the Russian Federation for giving knowingly false testimony and for failure to give testimony on the reasons unstipulated by federal law.

3.A witness has the right of compensation for costs related to call to the court and of cash indemnity for loss of time.

Article 71. Documentary Evidence

1.Documentary evidence encompasses statements, agreements, certificates, business correspondence, other documents and instruments in digital form or in a hard-copy plot, including those received by fax, electronic and other means of communication or by another way allowing authentication of the document. Sentences and court judgments, other court decrees, minutes of legal proceedings, annexes to the minutes of legal proceedings (drafts, maps, plans, drawings) shall be referred to documentary evidence.

2.Documentary evidence shall be submitted in original or in appropriately certified copy.

Original instruments shall be submitted when the facts of the case should be proved by such instruments only, according to acts or other normative legal provisions, or the case could not be settled without original instruments, or when the different by contents copies of an instrument have been submitted.

3.Copies of documentary evidence, submitted to court by a participant in a case, or those inquired by court shall be sent to other participants in a case.

4.A document, obtained in a foreign state, shall be recognized by documentary evidence in court, unless its authenticity disproved, and provided that it was legalized in the established procedure.

5.Foreign official instruments shall be recognized by documentary evidence in court without their legalization in the events, stipulated by the international agreement, which the Russian Federation is a party to.

Article 72. Return of Documentary Evidence

1.The documentary evidence available in a case, shall be returned by request of the persons, submitted those, upon enforcement of the court judgment. Thereunto, the copies of documentary evidence, certified by judge, shall be retained in a file.

2.At discretion of court, the documentary evidence could be returned to the persons, submitted them, prior to enforcement of court judgment.

Article 73. Material Evidence

Material evidence are the items, which appearance, properties, location or other signs may serve the instrument for establishing significant facts in examination and settlement of a case.

Article 74. Storage of Material Evidence

1.Material evidence shall be kept in court, except for the cases, stipulated by federal law.

2.The material evidence, which can not be delivered to court, shall be stored at their location or at another place defined by court. They should be examined by court, thoroughly described, and if need be, photographed and sealed up. Court and custodian shall take measures to keep the material evidence in stable condition.

3.Storage cost of material evidence shall be divided between the parties according to Article 98 of this Code.

Article 75. Examination and Investigation of Perishable Material Evidence

1.Court shall examine and investigate perishable material evidence immediately on a site or at another place, determined by court, whereupon, shall return them to a person, submitted them for examination and investigation, or shall transfer them to the organizations, which may use them according to destination. In the last case, items of similar type and quality or their cost could be returned to the owner of material evidence.

2.The persons, participating in a case, shall be notified of the time and the place of examination of such material evidence. Default of the appropriately notified participants in a case is not an obstacle to examine and investigate the material evidence.

3.Data of examination and investigation of perishable material evidence shall be entered to the protocol.

Article 76. Disposal of Material Evidence

1.Upon enforcement of court judgment, material evidence shall be returned to the persons, of whom they were obtained, or handed over to the persons, entitled by court to these items, or sold in the procedure, determined by court.

2.The items, which according to federal law may not be in citizen's property or ownership, shall be transferred to appropriate organizations.

3.Material evidence, after have been examined and investigated by court, may be returned before the completion of the proceedings to the persons, of whom they have been obtained, provided that the latter requested for that, and such a request does not prevent correct settlement of a case.

4. On the issues relevant to disposal of material evidence, court shall make a ruling, against which a private complaint could be lodged.

Article 77. Audio and Video Records

A person submitting audio and (or) video records on electronic or other media, or the one inquiring such records, is obliged to specify, when, who and under what conditions has made the records.

Article 78. Storage and Return of Media for Audio and Video Records

1.Media for audio and video records shall be kept in court. The court shall take measures to maintain them in stable condition.

2.In an exceptional cases after enforcement of court judgment, media for audio and video records may be returned to the person or the organization, of whom they have been obtained. A participant in a case, by his request, could be provided with the copies of records made for his own account.

Court shall make a court ruling concerning the return of audio and video records media, against which a separate complaint may be lodged.

Article 79. Appointment of Expert Examination

1.If the issues, requiring special knowledge in various fields of science, technique, arts, craft, arise within the framework of judicial proceedings, court shall appoint the expert examination. Judicial expert institution, a particular expert or several experts may be authorized to run the expert examination.

2.Each of the parties and other persons, participating in a case, have the right to submit to court the issues to be solved by the expert examination. The final circle of issues, demanding the expert opinion, shall be determined by court. Court is obliged to justify refusal of the proposed issues.

The parties and other participants in a case have the right to request the court to appoint the expert examination at the particular judicial expert institution or to commission a particular expert; to deny an expert; to formulate the questions for an expert; to acquaint with the court ruling regarding appointment of the expert examination and with the questions, formulated therein; to acquaint with the expert's conclusion; to petition to court for the appointment of the follow-up, additional, integrated or commission expert examination.

3.If the party evades from participation in expert examination, fails to provide experts with the necessary materials and instruments for investigation and in other cases, provided that the facts of the case require participation of the party in expert examination, the court is empowered to recognize the fact, for which elucidation the expert examination has been appointed, either proved or rejected, depending on what a party is avoiding the expert examination, and how important is it for the latter.

Article 80. The Contents of the Court Ruling on Appointment of Expert Examination

1.In the court ruling on appointment of expert examination, court shall specify the name of the court, the date of appointment of expert examination; names of the parties in the examined case; name of the expert examination; the facts, for approval or rejection of which the expert examination is appointed; the questions put before an expert; family name, given name and patronymic of an expert or the name of expert institution commissioned to perform the expert examination; the materials and documents, submitted to the expert for comparative investigation; special requirements of handling those, while investigating, if necessary; the name of the party to pay for expert examination.

2.The court ruling shall also specify, that an expert shall be warned by court or the head of judicial expert institution on responsibility, stipulated by Criminal Code of the Russian Federation for issue of knowingly false conclusion, if the expert from this institution is carrying out expert examination.

Article 81. Obtaining of Signature Specimen for Comparative Investigation of an Instrument and Signature on the Instrument

1.In case the authenticity of signature on an instrument or on other documentary evidence is contested by a person, whose signature presents on those, court is empowered to obtain signature specimens for further comparative investigation. Necessity of obtaining of a signature specimen shall be stated in the court ruling.

2.A judge or court may obtain signature specimens with the expert's assistance.

3.Obtaining of signature specimens shall be made up by a protocol, reflecting the time, place and conditions of obtaining of signature specimens. The protocol shall be signed by a judge, a person, whose signature's specimens have been obtained, and by expert, if participated in this procedural action.

Article 82. Integrated Expert Examination

1.Court shall appoint an integrated expert examination, if establishment of facts of the case requires simultaneous researches in various fields of knowledge or using different scientific trends in the same area of knowledge.

2.Integrated expert examination shall be commissioned to several experts. On the basis of the completed researches, experts shall formulate general conclusion on the facts and state this in the opinion to be signed by all the experts.

The experts, who have not participated in formulating of general conclusion or disagree with this, shall sign only their investigative part of the conclusion.

Article 83. Commission Expert Examination

1.Commission expert examination shall be appointed by court for establishing the facts by two and more experts in the same area of knowledge.

2. Experts confer with each other and, after coming to general opinion, formulate and sign the opinion.

The expert, who disagrees with one another or several experts, is empowered to give a separate opinion by all or individual issues caused disagreement.

Article 84. Procedure of Expert Examination

1.Experts from judicial expert institutions, entrusted by heads of these institutions or other experts, entrusted by court, shall fulfill expert examination.

2.The expert examination shall be fulfilled during court session or beyond the court session, if it is imposed by type of investigation, or for impossibility or difficulties to deliver materials or instruments for investigation in court session.

3.Participants in a case have the right to attend at expert examination, except for the events, when their attendance can hinder the investigation, experts' consulting and making up of expert witnesses' opinion.

Article 85. Expert's Duties and Rights

1.Expert is obliged to initiate the expert examination, he was charged with by court, and to execute a comprehensive investigation of submitted materials and instruments; to give substantiated and unbiased opinion as to the questions put to him and to send it to court appointed the expert examination; to appear in court when summoned for personal participation in the court session and to answer the questions related to executed investigation and the given opinion.

In case the disputable matters go beyond the expert's special knowledge, or the materials and the instruments are unclaimable or insufficient for execution of investigation and making opinion, the expert is obliged to send to court, which appointed the expert examination, a substantiated written notification of impossibility to give the expert witnesses' opinion.

Expert shall secure safety of the materials and the instruments, submitted for investigation, and shall return them to court along with the opinion or the notification of impossibility to give an opinion.

2.Expert has no right to independently collect the materials for execution of the expert examination; to contact personally with participants in a process, if this prejudices his neutrality to the issue of claim; to disclose the data, which became known to him due to execution of the expert examination, or to report to somebody the results of the expert examination except for the court, which appointed the one.

3.As long as it is necessary for making opinion, the expert is empowered to acquaint with the materials of the case relevant to the matter of expertise; to request the court of additional materials and instruments for research; to put questions during court session to the participants in the case and to witnesses; to petition on attraction of other experts to expert examination.

Article 86. Expert's Opinion

1.Expert shall give written opinion.

2.The expert's opinion must contain a detailed description of the research completed, the conclusions, resulted from this research, and the answers on disputable questions. In case, an expert, while executing the expert examination, established the facts of importance for examination and settlement of the case, regarding to which, however, he was not questioned, he is empowered to include the conclusions concerning these facts into his opinion.

3.The expert's opinion is not binding for court and is evaluated by court according to the rules, stipulated by Article 67 of this Code. Court's disagreement with the opinion must be substantiated either in court judgment or court ruling.

4.The court proceedings may be adjourned for the period of expert examination.

Article 87. Additional and Follow-Up Expert Examination

1.In case an expert conclusion is not clear or complete enough, the court can appoint the same or different expert to fulfill either additional or follow up expert examination.

2.If doubts have arisen in correctness or validity of earlier given opinion, or opinions of several experts are conflicting, the court can appoint a different expert (experts) to fulfill the additional expert examination of the same issues.

3.The court ruling on appointment of the additional or follow up expert examination must state the reasons of court's disagreement with earlier given expert's (experts') opinion.

Chapter 7. Costs

Article 88. Costs

1.The costs consist of the state fee and expenses related to examination of the case.

2.The amount and the procedure of the state fee payment shall be established by federal acts on taxes and duties.

Article 89. Benefits in State Duty Payment

The benefits in state duty payment shall be granted in the events and in the procedure, stipulated by legislation of the Russian Federation on taxes and duties (the Article is stated in the wording effective since January 1, 2005 according to the Federal Act No.127-FZ of November 2, 2004, - see the previous wording).

Normative provisions concluding in article 333_36 of the Tax Code of the Russian Federation in interconnection with clause 2 of article 333_20 of this Code and in article 89 of the present Code, that are not allowing to court of general jurisdiction and justice of the peas to make decisions on exemption from payment of the state duty on application of natural persons, if other reduction of size of the state duty, delay of its payment (installments) not secure free access to administration of justice, shall lost their force and can not be applied by courts, other bodies and officials due to legal positions expressed by the Constitutional Court of the Russian Federation in the Decrees N 4-P of 3 May 1995, 20-P of 2 July 1998, 9-P of 4 April 1996, 4-P of 12 March 2001, the Determinations N 244-O of 12 May 2005 and N 272-O of 13 June 2006 as not corresponding to articles 19 (part 1 and 2) and 46 (part 1 and 2) of the Constitution of the Russian Federation - the Determination of the Constitutional Court of the Russian Federation N 272-O of 13 June 2006.

Article 90. The Grounds and the Procedure of Adjournment or Respite of State Duty Payment

The grounds and the procedure of granting of the adjournment or respite of the state duty payment shall be established according to legislation of the Russian Federation on taxes and duties (the Article is stated in the wording effective since January 1, 2005 according to the Federal Act No.127-FZ of November 2, 2004, - see the previous wording).

Article 91. Amount of Claim

1.The amount of claim shall be determined:

1)of the claims for collection of monetary resources - on the basis of the monetary resources to be collected;

2)of the claims for demanding of the property - on the basis of value of the property demanded;

3)of the claims for collecting of alimonies - on the basis of aggregate annual payments;

4)of the claims on fixed-date payments - on the basis of the aggregate of all payments for three years, at the most;

5)of the claims for term-less or life long payments - on the basis of the aggregate payments for three year period;

6)of the claims for reduction or increase in payments - on the basis of the amount by which the payments shall be either decreased or increased, but for a year at the most;

7)of the claims for termination of payments and issues - on the basis of the rest of those for one year, at the most;

8)of the claims for early termination of the contract of the property hire - on the basis of the aggregate payments for using of the property within the remaining period of contract validity, but for three years at the most;

9)of the claims for the right of ownership of the real estate project own by a citizen on the right of ownership, - on the basis of the project's value, and not less than its inventory evaluation, and for the lack of the latter, not less than the project's value according to the insurance contract; if the real estate project is in the organization's ownership, - not less than the balance valuation of the one;

10)of the claims consisting of several independent claims - on the basis of each the claim individually.

2.The amount of claim shall be specified by the plaintiff. In case the specified price obviously differs from actual cost of the demanded property, the amount of claim shall be determined by judge when accepting the writ.

Article 92. The Additional State Duty Payment

1.The grounds and the procedure of the additional state duty payment shall be established according to legislation of the Russian Federation on taxes and duties.

2.Upon increase in the amount of claim, examination of case shall be continued after the plaintiff proved state duty payment or the court settled an issue on adjournment or respite of the state duty payment or on its reduction according to Article 90 of this Code.

(The Article is stated in the wording effective since January 1, 2005 according to the Federal Act No.127-FZ of November 2, 2004, - see the previous wording).

Article 93. The Grounds and the Procedure of Pay Back or Offset of the State Duty

The grounds and the procedure of the return or pay back or offset of the state duty shall be established according to legislation of the Russian Federation on taxes and duties (the Article is stated in the wording effective since January 1, 2005 according to the Federal Act No.127-FZ of November 2, 2004, - see the previous wording).

Article 94. Costs of Investigation

Costs of investigation shall cover the following:

Amounts due to witnesses, experts, specialists and interpreters (translators);

Expenses caused by remuneration of the interpreter's labour, those incurred by foreign citizens and people without citizenship, unless otherwise stipulated by international agreement, which the Russian Federation is a party to;

Travel and accommodation costs incurred by parties in a case and third parties due to their appearance in court;

Expenses on payment of representatives' services;

Costs of on-site review;

Compensation for an actual wasting of time according to Article 99 of this Code;

Postal costs incurred by parties in connection with investigation of case;

Other necessary costs recognized by court.

Article 95. Amounts of Money due to Witnesses, Experts, Specialists and Translators (Interpreters)

1.Witnesses, experts, specialists and interpreters (translators) shall be compensated for travel and accommodation expenses incurred due to appearance to court, and shall also be provided with daily allowance.

2.The working citizens, called to court in the capacity of witnesses, shall reserve their average monthly wage at a working place for the period of absence. The witnesses, being out of working relationships, shall be compensated for actually wasted time and a federal minimal legal monthly wage.

3.Experts, and specialists shall be given remuneration for the job commissioned by court, unless the job was beyond their official duties as the staff of governmental institution. Amount of remuneration to pay to experts, specialists shall be determined by court as agreed with parties and experts and specialists.

Article 96. Parties Depositing Amounts of Money due to Witnesses, Experts and Specialists

1.The amounts of money to be paid to witnesses, experts and specialists, or other expenses related to legal proceedings, recognized necessary by court, shall be preliminary deposited by the party, filed the appropriate request, to the bank account of the administration (department) of a Court department in Russian Federation subjects. In case the request aforesaid has been filed by both parties, they shall deposit the requested amounts in equal parts.

2.In case, call of witnesses, appointment of experts, attraction of specialists and other payable activity are fulfilled by court's initiative, appropriate costs shall be compensated for the account of federal budget.

In case summons to witnesses, appointment of experts, attraction of specialists and other payable actions are fulfilled by initiative of the justice of the peace, the appropriate costs shall be compensated for the account of the budgetary funds of the Russian Federation subject, on whose territory the justice of the peace is operating.

3.Court and justice of the peace can either exempt a citizen, depending on his status, from payment of the costs, stipulated by first part of this Article, or reduce the amount of those. In such a case, the costs shall be compensated for the account of an appropriate budget.

Article 97. Cash Payments due to Witnesses and Interpreters (Translators)

1.The amounts of money due to witnesses and translators (interpreters) shall be paid upon completion of their duties. Remuneration of the translators' (interpreters') labour and indemnification of the expenses caused by their appearance to court shall be fulfilled for the account of the appropriate budget.

2.The procedure and rates of cash payments due to witnesses and translators (interpreters) shall be fixed by the Government of the Russian Federation.

Article 98. Allocation of Costs to Parties

1.Court awards the defeated party to compensate for all the costs, incurred by the prevailing one, except for the cases, stipulated by second part of Article 96 of this Code. In case, the claim is partly satisfied, the costs, specified in this Article, shall be awarded to the plaintiff pro rata amount of claim, satisfied by court, and to the defendant - pro rata the part of amount of claim, of which the plaintiff has been refused.

2.The rules, stated in the first part of this Article, are also referred to allotment of the costs, incurred by parties in appellate court of both instances.

3.In case, the next higher court, not transferring case for a new investigation, yet, either changes the decision rendered by the court of first instance or renders a new decision, it shall accordingly change allocation of cost. If the next higher court has not changed, therefore, the court judgment concerning allocation of cost, the issue should be solved by the court of first instance on the basis of application filed by the person concerned.

Article 99. Collecting of Indemnity for Loss of Time

Court may collect the indemnity from the party, which unfairly brought a groundless claim or a dispute referred to the claim, or which systematically prevents the correct and timely investigation and settlement of the case, for actual loss of time to the benefit of another party. Amount of the indemnity shall be established by court depending on specific circumstances.

Article 100. Compensation for Expenses on Payment of Agent's Services

1.By the request of the prevailing party, court shall award compensation within reasonable limits for its agent's services for the account of the defeated party.

2.In case, free attorney's services have been rendered to the prevailing party, the expenses for payment of agent's services, specified in the first part of this Article, shall be collected from the defeated party to the benefit of an appropriate law firm.

Article 101. Allocation of Costs upon Withdrawal of Claims and Conclusion of Peaceful Agreement

1.Upon the plaintiff has withdrawn the claims, the defendant shall not compensate him for the costs incurred. The plaintiff shall compensate the defendant for the costs referred to conducting of a case. If the plaintiff does not confirm his demands, which have been voluntarily satisfied by the defendant after bringing a claim, all the costs incurred by the plaintiff, including payment of agent's services, shall be collected from the defendant by the plaintiff's request.

2.While concluding the peaceful agreement, the parties must stipulate a procedure of allocation of costs, including expenses on agents' remuneration.

In case, the parties, while concluding the peaceful agreement, have not stipulated such a procedure of allocation of costs, court shall solve the issue in conformity with Articles 95, 97, 99 and 100 of this Code.

Article 102. Compensation for the Costs Incurred by Parties

1.Upon partial or full denial of a claim of the person, who legally applied to court in defense of rights, freedoms and legitimate interests of plaintiff, the defendant shall be compensated for costs referred to investigation of case, for the account of an appropriate budget, fully or pro rata the part of claims, of which the plaintiff has been denied.

2.In case a claim for release the property of seizure has been satisfied, the plaintiff shall be compensated for the incurred costs for the account of an appropriate budget.

Article 103. Compensation for Costs Incurred by Court During Investigation of Case

1.The costs incurred by court in connection with case trial, and the state duty, of which the plaintiff has been exempted, shall be collected from the defendant, who was not exempted from payment of cost, to the federal budget proportionally satisfied part of the plaintiff's claims.

2.Upon non-claim, the costs, incurred by court in connection with case trial, shall be collected from the plaintiff, who was not exempted from payment of costs, to the federal budget.

3.In case the claim is partially satisfied, and the defendant is exempted from payment of cost, the costs, incurred by court in connection with case trial, shall be collected to the federal budget from the plaintiff, who was not exempted from payment of cost, in proportion to that part of the plaintiff's claims, which satisfaction he was refused of.

4.In case, both parties are exempted from payment of cost, those incurred by court in connection with case trial, shall be compensated for the account of federal budgetary resources.

5.A procedure and amount of compensation for the cost, incurred by court in conformity with this Article, shall be established by the Government of the Russian Federation.

Article 104. Appeal Against Court Ruling on the Issues Related to Cost

A private complaint could be brought against the court ruling concerning the issues related to costs.

Chapter 8. Fines Imposed by Court

Article 105. Imposition of Fines by Court

1.Court imposes fines in the events and at the rates, stipulated by this Code.

2.The fines, imposed by court to the officials of state structures, local self-government bodies, and organizations, who do not participate in the case trial, for infringement of the duties, stipulated by federal law, shall be collected from their personal funds.

3.A copy of the court ruling on imposition of fine by court shall be addressed to penalized person.

Article 106. Acquittal or Reduction of the Fine Imposed by Court

1.Within 10 days since receipt of a copy of court ruling concerning imposition of fine by court, a penalized person, may apply to court, imposed the fine, for either acquittal or reduction of fine. This application shall be examined by court session within ten days. A penalized person shall be notified of the time and the place of court session, however, his failure is not an obstacle for examination of the application.

2.A separate appeal may be lodged against the court ruling on refusal of acquittal or reduction of fine.

Chapter 9. Procedural Time Limits

Article 107. Calculation of Procedural Time Limits

1.Procedural actions are performed within procedural time limits, stipulated by federal law. When the time limits are not fixed by federal law, those shall be appointed by court. Court should appoint the time limits based on principle of rationality.

2.Procedural time limits shall be defined either by date, indication of unavoidable event, or by the period. If the last is the case, a procedural action could be performed within the entire period.

3.Running of the procedural period, counted in years, months or days, shall start on the day following the due date or occurrence of the event determining the beginning of this period.

Article 108. Expiration of Procedural Period

1.The procedural period, counted in years, shall expire in the corresponding month and day of the last year of the period. The period, counted in months, shall expire on the appropriate day of the last month of the period. In case, expiration of the period counted in months falls to such a month which has no appropriate day, the period shall expire on the last day of this month.

2.In case, the last day of the procedural period falls to day off, the first working day following this day off, shall be considered by expiring date.

3.A procedural action, for which fulfillment a procedural period has been fixed, may be fulfilled up to 12 p.m. of the last day of the period. In case, a complaint, documents or amounts of money have been handed over to the postal office before 12 p.m. of the last day of the period, the deadline is not considered missed.

4.In case, a procedural action should be fulfilled directly in court or other organization, the period shall expire upon the prescribed expiration of working hours or upon completion of appropriate transactions in this court or this organization.

Article 109. Consequences of Omission of Procedural Time Limits

1.The right to perform procedural actions shall be cancelled upon expiration of the procedural period, fixed by federal law or appointed by court.

2.Complaints and documents, filed upon expiration of the procedural period, shall not be examined by court, but returned to an applicant, unless the petition on restitution of missed procedural time limits has been filed.

Article 110. Suspension of Procedural Time Limits

1.Running of all non-expired time limits shall be suspended simultaneously with adjournment of the proceedings.

2.Running of procedural time limits shall be renewed since the day of renewal the proceedings.

Article 11. Extension of Procedural Time Limits

Court may extend fixed procedural time limits.

Article 112. Restitution of Procedural Time Limits

1.Procedural time limits missed on a good reason, recognized by federal law, could be restituted.

2.An application for restitution of procedural time limits shall be filed to the court, which is authorized for a procedural action, and shall be examined by court session. The persons, participating in a case, shall be notified of the time and the place of court session, yet, their failure to appear is not an obstacle for solution of the issue.

3.The necessary procedural action (lodging of a complaint, submission of documents), which deadline has been missed, shall be fulfilled simultaneously with application on restitution of missed procedural time limits.

4.An application on restitution of missed procedural time limits, fixed by the second part of Article 376 and part one of article 389 of this Code, shall be submitted to the court of first instance, which has investigated the case. This time limit may be restituted only in exceptional cases when the court recognizes sound reasons for missing due to circumstances objectively excluding a possibility of submission of a supervisory complaint within the established period (a serious disease of the person who submits the supervisory complaint, his disability etc.), and these circumstances took place within one year from the date of enforcement of the court resolution (the part is in the wording enforced from 8 January 2008 by the Federal Act N 330-FZ of 4 December 2007, - see the previous wording).

5.A separate complaint could be lodged against the court ruling on either restitution or refusal of restitution of missed procedural time limits. (The Article is stated in the wording effective since August 11, 2004 according to the Federal Act No.94-FZ of July 28, 2004, - see the previous wording).

Chapter 10. Court Summons and Subpoenas

Article 113. Court Summons and Subpoenas

1.The persons, participating in a case, and witnesses, experts, specialists and translators (interpreters) shall be notified or called to court by registered letter with notification of receipt, by court summons with notification of receipt, by telephone message or telegram, by fax or using other means of communication and delivery guaranteeing fixing of the court summons or subpoena and its service to an addressee.

2.A court summons is one of the forms of court notices and subpoenas. The persons, participating in a case, shall be notified by court summons of the time and the place of court session or performance of individual procedural actions. Along with the notice in the form of court summons or a registered letter, the person, participating in a case, shall be provided with the copies of procedural documents. Witnesses, experts, specialists and translators (interpreters) shall be also called to court by means of court summons.

3.The persons, participating in a case, shall be served with the court notices and subpoenas on the assumption that the specified persons would have sufficient time to prepare to a case and to timely appear to court.

4.The court notice addressed to a person, participating in a case, shall be sent to the address, specified by the person aforesaid or by his agent. In case, a citizen does not actually live at the specified address, the notice could be sent to his place of work.

5.The court notice, addressed to organization, shall be sent to its location.

The court notice, addressed to organization, could be sent to the location of its representative or branch, if those are specified in its constituent documents.

6.The forms of court notices and subpoenas, stipulated by this Article, shall be applied to foreign individuals and foreign legal entities, unless other procedure has been stipulated by the international agreement, which the Russian Federation is a party to.

Article 114. The Contents of Summons and other Court Notices

1.Court summons and other court notices should contain the following:

1)the name and address of court;

2)indication of time and place of court session;

3)name of addressee - a person to be notified or summoned by court;

4)indication in what a capacity the addressee is notified or summoned;

5)the name of the case, for which a notification or summons is served.

2.In the court summons or other court notices, the participants in the case are offered to provide court with all available evidence relevant to the case, the consequences of non-submission of evidence and failure to appear to court of all the persons, notified or summoned, are specified, and a duty to inform the court of the reason of failure is explained.

3.A judge shall send to the defendant a court summons or other court notice simultaneously with a copy of writ, and shall send to the plaintiff a summons or other court notice simultaneously with a copy of defendant's written explanations, if those have been submitted to court.

Article 115. Delivery of Court Summons and other Court Notices

1.Court summons and other court notices shall be mailed or delivered by a messenger commissioned by judge. Time of their actual service to an addressee shall be recorded by a special manner, established by postal offices, or on the document to be returned to court.

2.By the consent of a participant in a case, judge may serve on a court summons or other court notice intended to notify or summon another person. The person, commissioned to serve a court summons or other court notice, must return a summons' counterfoil or a copy of another summons provided with the receipt of addressee.

Article 116. Service of a Summons

1.A summons addressed to a citizen, shall be served to him personally under the receipt put on a summons' counterfoil, which is to be returned to court. A summons, addressed to organization, shall be served to an appropriate official, who will sign for its receipt on a summons' counterfoil.

2.In case, a messenger, while serving a summons, has not found a person to notify at the place of residence, a summons shall be served on by approbation of any adult family member, residing together with him, on assumption that the latter will further serve on the court notice to the addressee.

3.For temporarily absence of an addresses, the messenger serving a summons will put a note on the summons' counterfoil, where the addressee left to, and when his return is expected.

4.If the addressee's location is unknown, this shall be noted on the summons to be served with indication of date and time of the action performed and a source of obtained information.

Article 117. Consequences of Refusal to Receive a Summons or Other Court Notice

1.If the addressee refused to receive a summons or other court notice, a messenger, delivering or serving those, shall make an appropriate note on the summons or other court notice, which are returned to court.

2.The addressee, refused of receipt of a summons or other court notice, shall be considered notified of the time and the place of court hearing or of execution of an individual procedural action.

Article 118. Change in Address during Judicial Proceedings

The persons, participating in a case, are obliged to inform court of change in their address during judicial proceedings. For lack of such a report, a summons or other court notice shall be sent to the last known by court place of residence or whereabouts of the addressee, and shall be considered delivered regardless whether the addressee lives or stays at this place.

Article 119. Unknown Whereabouts of Defendant

If the defendant's whereabouts is unknown, court shall commence on examination of a case after arrival of such information from the last known place of residence of the defendant.

Article 120. Search for a Defendant

1.At unknown whereabouts of the defendant under the claims, brought in defense of interests of the Russian Federation, Russian Federation subjects, municipal units, and also under the claims for collection of alimonies, claim for damage caused by severe injury, other health injury or other health damage or by loss of family provider, a judge is obliged to render a decision to declare search for the a defendant.

2.Charges for search of a defendant shall be collected on the basis of the application filed by the body of internal affairs by way of issue of court order in the procedure, stipulated by Chapter 11 of this Code (the Part is stated in the wording effective since July 1, 2003, according to the Federal Act No. 86-FZ of June 30, 2003).

Section II. Proceedings at Court of First Instance

Subsection I. Mandative Proceedings

Chapter 11. Order of Court

Article 121. Order of Court

1.Order of court - is a court decree, rendered solely by judge on the basis of the application for collection of the amounts of money or demand of movable property from the defendant under the claims, stipulated by Article 122 of this Code.

2.Court order is at the same time an executive instrument to be fulfilled in the procedure, established for execution of court decrees.

Article 122. The Claims which Entail a Court Order Issue

A court order shall be issued in the following cases:

A claim is based on notarized deal;

A claim is based on a deal signed in a simple written from;

A claim is based on a notarized protest of nonpayment, non-acceptance and non-dating of acceptance of a bill;

A claim has been filed for collection of alimonies for minor children irrelative of affiliation, challenge of paternity (maternity) or a necessity to attract other persons concerned;

A claim has been filed for collection from citizens of arrears under taxes, fees and other obligatory payments;

A claim has been filed for collection of charged but non-paid salary of an employee;

A body of internal affairs have claimed for collection of the expenses incurred in search of the defendant, or the debtor, or a child taken from the debtor on the basis of court judgment (the Subparagraph is stated in the wording effective since July 1, 2003, according to the Federal Act No. 86-FZ of June 30, 2003; is in the wording enforced since October 6, 2007 by the Federal Act N 225-FZ of October 2, 2007)

Article 123. Application for Rendition of a Court Order

1.Application for rendition of a court order shall be filed to court according to general rules of jurisdiction established by this Code.

2.Application for rendition of a court order is subject to state fee in the amount of 50 per cent of the rate fixed for writs.

Article 124. The Form and the Contents of the Application for Rendition of Court Order

1.The application for rendition of a court order shall be filed in writing.

2.The following should be specified in the application for rendition of a court order:

1)the name of the court, the application is filed to;

2)the name of a judgment creditor, his place of residence or whereabouts;

3)the name of the debtor, his place of residence or whereabouts;

4)the claim of a judgment creditor and grounds of this;

5)the documents substantiating the claim of a judgment creditor;

6)the list of the documents enclosed.

The application should specify the value of demanded movable property, if applicable.

3.The application for rendition of a court order shall be signed by a judgment creditor or his authorized representative. The document, filed by a representative, should be supplemented with the document confirming his powers.

Article 125. The Grounds for Refusal of Acceptance of the Application

for Rendition of Court Order

1.Judge shall refuse of acceptance of the application for rendition of a court order on the reasons, stipulated by Articles 134 and 135 of this Code.

Above that, the judge shall refuse of acceptance of the application in the following cases:

1)the claim other than stipulated by Article 122 of this Code has been presented;

2)the place of debtor's residence or whereabouts is beyond the Russian Federation;

3)no documents have been submitted in support of the claim;

4)the application and submitted documents suggest a law dispute available;

5)a state fee is not paid for the claim presented.

2.A judge shall make a decision on refusal to accept the application for rendition of a court order within three days since the delivery day of the application to court.

Article 126. Rendition of Court Order

1.A court order on the merits of a claim shall be rendered within five days since the delivery day of the application for rendering of the court order.

Article 127. The Contents of a Court Order

1.The following shall be specified in the court order:

1)file number of a procedure and the day of rendering of the court order;

2)court name, family name and initials of the judge, who has rendered the order;

3)name, place of residence or whereabouts of a judgment creditor;

4)name, place of residence or whereabouts of a debtor;

5)the act, on which basis the claim has been satisfied;

6)the amounts of money to be collected or designation of movable property to be demanded, with indication of its value;

7)the rate of forfeit, if this should be collected according to federal act or an agreement, as well as amount of fines, if those are due;

8)the amount of state fee to be collected from the debtor to the benefit of a judgment creditor or to the income of an appropriate budget;

9) the requisites of the bank account of the collector, where the funds to be collected should be transferred, of the penalty is applied to the funds of the budgets of the budget system of the Russian Federation (clause has been additionally included since 1 January 2006 by the Federal Act N 197-FZ of 27 December 2005).

2.The court order on collection of alimonies for minor children along with the data, stipulated by Clauses 1 to 5 of the first part of this Article, shall specify the date and the place of debtor's birth, his place of work, name and date of birth of each the child, for whose support the alimonies have been awarded, amount of monthly payment, and period of their collection.

3.The court order shall be made up on a special form in two copies, which are to be signed by the judge. One copy of the court order shall be kept in court proceedings. The debtor shall be provided with a copy of the court order.

Article 128. Notification of a Debtor of Rendition of the Court Order

The judge shall send a copy of the court order to the debtor, who has the right to submit objections regarding execution thereof, within ten days since the day of receipt of the order.

Article 129. Reversal of the Court Order

Judge shall reverse the court order, if the debtor's objections regarding its execution came in within fixed period. In the ruling on reversal of the court order, the judge shall explain to a judgment creditor, that he may put the claim in action proceeding. The copies of court ruling shall be sent to the parties in three days upon rendition, at the latest.

Article 130. Issue of Court Order to a Judgment Creditor

1.In case, the debtor's objections have not came in the court within fixed period, the judge shall provide a judgment creditor with the second copy of court order, certified by official stamp of the court, for presentation to execution. By request of a judgment creditor, the court can send the order for execution to the court officer (marshal of the court).

2.In case the state fee is to be collected from the debtor to income of an appropriate budget according to the court order, the list of execution, certified by official stamp of court, shall be issued and sent for execution of this part to the marshal of the court.

Subsection II. Action Proceedings

Chapter 12. Bringing of Claim

Article 131. The Form and the Contents of a Statement of Claim

1.A statement of claim shall be filed to court in writing.

2.The following must be specified in the statement of claim:

1)the name of the court, which the statement is addressed to;

2)the plaintiff's name, his place of residence or whereabouts, if organization is acting in the capacity of plaintiff, and also name and address of a representative, if the latter filed the statement;

3)the defendants' name, his place of residence or whereabouts, if organization is acting in the capacity of defendant;

4)the actual violation or threat of violation of rights, freedoms or legitimate interests of the plaintiff and his claims;

5)the facts, on which the plaintiff grounds his claims, and evidence proving these facts;

6)the amount of claim, if it is valuable, and also the calculation of the collected or challenged amounts of money;

7)data on observance of prejudicial procedure of addressing to the defendant if established by federal act or stipulated by bilateral contract;

8)list of the documents enclosed to the statement.

The statement may specify telephone numbers, fax numbers, e-mail addresses of the plaintiff, his representative, defendant, other data significant for examination and settlement of a case, and state the plaintiff's petitions, as well.

3.The statement of claim, filed by a prosecutor in defense of interests of the Russian Federation, Russian Federation subjects, municipal formations or in defense of rights, freedoms and legitimate interests of indefinite circle of people, must specify, what namely are their interests, what a right has been violated, and refer to the act or another legal regulation, stipulating the ways of protection of these interests.

In case the prosecutor applies in defense of citizen's legitimate interests, the statement of claim must prove citizen's inability to bring the claim on his own.

4.The statement of claim shall be signed by a plaintiff or by his representative, if authorized for signing a statement and submission this to court.

Article 132. The Documents to Enclose to the Statement of Claim

The following shall be enclosed to the statement of claim:

Its copies in the number corresponding number of defendants and third persons;

A document confirming payment of state fee;

Power of attorney or other documents certifying powers of the plaintiff's representative;

The documents, confirming the facts, on which the plaintiff grounds his claims, copies of these documents, intended for defendants and third persons, if the latter has no such copies;

The text of the published legislative instrument in case this is under a dispute;

The evidence proving observance of prejudicial procedure of dispute settlement, if such a procedure is stipulated by federal act or an agreement;

The calculation of the collected or disputable amount of money, signed by the plaintiff, his representative, with the number of copies corresponding to the number of defendants and third persons.

Article 133. Acceptance of the Statement of Claim

A judge has to consider the matter of acceptance to judicial proceedings of the statement of claim in five days since the day that the statement came in the court. A judge shall make a ruling regarding acceptance of the statement to judicial proceedings, on which basis a civil case shall be initiated in the court of first instance.

Article 134. Refusal of Acceptance of the Statement of Claim

1.Judge shall refuse of acceptance of the statement of claim in the event, that:

1)the statement is not subject to examination and settlement in civil judicial proceedings, as the statement is examined and settled in other judicial procedure; the statement has been filed by state authority, local self government body, organization or a citizen, who were not authorized properly by this Code or by other federal acts, in defense of

rights, freedoms or legitimate interests of another person; in the statement filed on one's own behalf the acts are contested, which do not affect the applicant's rights, freedoms or legitimate interests;

2)the enforced judgment exists concerning the dispute between the same parties, on the same subject and on the same grounds, or court ruling exists on dismissal of the proceedings in a case caused by receipt of plaintiff's withdrawal of claims or by approval of peaceful agreement between the parties;

3)the binding arbitral award exists, which was rendered in the dispute between the same parties, on the same subject and on the same grounds, except when the court refused of issue of the act for compulsory execution of the arbitral award.

2.Judge shall make motivated ruling on refusal of acceptance of the statement of claim, which should be served or sent to an applicant along with the statement and all the documents enclosed in five days since the statement has entered the court.

3.Refusal of acceptance of the statement of claim prevents the plaintiff to bring the repeated claim against the same defendant, on the same subject and on the same grounds. A separate complaint may be lodged against the judge's ruling on refusal of acceptance of the statement.

Article 135. Return of the Statement of Claim

1.Judge shall return a statement of claim in the following cases:

1)the plaintiff has not kept a procedure, established by federal law for this category of disputes, or a prejudicial procedure of settlement of dispute, stipulated by an agreement, or plaintiff has not submitted the documents confirming observance of a prejudicial procedure of settlement of the dispute with the defendant, if so is stipulated by federal law for the given category of disputes or by agreement;

2)the case does not fall in jurisdiction of this court;

3)the statement of claim has been filed by incapable person;

4)the statement of claim is not sighed, or signed and filed by a person non-authorized for its signing and submission to court;

5)the case on the dispute between the same parties, on the same subject and on the same grounds exists in the proceedings of this or another court, or in the arbitral proceedings;

6)the plaintiff's application for return of the statement of claim came in before the court ruling has been taken on acceptance of the statement of claim to judicial proceedings.

2.Judge shall make a motivated ruling on return of the statement of claim, specifying to which the court an application should apply, if the case is beyond jurisdiction of the given one, or how to eliminate the circumstances preventing initiating of the case. The court ruling should be rendered within five days since the statement entered the court, and served or sent to the applicant along with the statement and all the documents enclosed.

3.Return of the statement of claim is not an obstacle for the plaintiff to repeatedly bring the claim to court against the same defendant, on the same subject and on the same grounds, if the plaintiff eliminated the infringement committed. A separate complaint may be lodged against the judge's ruling on the statement's return.

Article 135. Dismissal of Statement of Claim

1.Judge, upon discovered the statement of claim filed non meeting requirements, stipulated by Article 131 and 132 of this Code, shall make a ruling on dismissal of the statement, of what he informs the declarant, and provides the latter with the reasonable time for elimination of defects.

2.In case the declarant has fulfilled in the established period the instructions of judge, listed in the ruling, the statement shall be considered filed on the day of its primary submission to court. Otherwise, the statement shall be considered non-filed and returned to the declarant with all the documents enclosed.

3.A separate complaint may be lodged against the court ruling on dismissal of the statement of claim.

Article 137. Bringing of Counter-Claim

Before making a court decision, a defendant has the right to bring against plaintiff a counter-claim for co-examination with the primary claim. A counter-claim shall be brought according to the general rules for bringing the claims.

Article 138. Requirements of Counter-Claims

Judge shall accept a counter-claim in the case, if:

The counter-claim is directed to reckoning of the primary claim;

Both a counter-claim and a primary claim are interrelated and their co-examination shall lead to speedy and correct examination of disputes.

Chapter 13. Security of Claim

Article 139. Grounds for Security of Claim

By application of the participants in a case, a judge or court may take measures to secure the claim. Security of claim is admitted at any status of the case, if non-taking of measures towards security can hamper or make impossible execution of court judgment.

Article 140. Claim Security Remedy

1.The following may be the claim security remedies :

1)attachment of the defendant's own property kept by him or other persons;

2)prohibition of some activity of the defendant;

3)prohibition of other persons' certain activity related to a disputable subject, including transfer of the property to the defendant or performance of other liabilities regarding him;

4)interruption of sale of the property in case the claim for release of the attached property (file out from the inventory) has been brought;

5)suspension of a collecting under the act of execution challenged by the defendant in the judicial procedure.

If need be, a judge or court may take other remedy to secure the claim, which meet the requirements, specified in Article 139 of this Code. A judge or court may admit several remedies to secure the claim.

2.For infringement of the bans, specified in Clauses 2 and 3 of the first part of this Article, guilty persons shall be penalized at a rate up to 10-fold minimal monthly legal wage. Above that, the plaintiff has the right to demand in

judicial procedure of these persons to compensate for the losses, caused by non-execution of the court ruling on security of claim.

3.Measures in security of claim should be proportional to the plaintiff's claim.

4.A judge or court shall immediately inform of taken measures to secure the claim the appropriate state authorities or local self government bodies in charge for registration of property or rights for that, restrictions (charges) to those, transfer and termination of those.

Article 141. Examination of the Application for Security of Claim

The application for security of claim shall be examined on the day it entered court without further notification of the defendant and other persons, participating in a case. A judge or court shall render the ruling on claim security remedy.

Article 142. Execution of the Court Ruling on Security of Claim

1.Court ruling on security of claim shall be executed immediately in the procedure, established for execution of court decrees.

2.A judge or court shall issue to the plaintiff the act of execution based on the court ruling, the copy of which shall be sent to the defendant.

Article 143. Commutation of Remedies in Security of Claim

1.The commutation of the claim security remedies by other ones shall be admitted by the application of a person, participating in a case, in the procedure, established by Article 141 of this Code.

2.A defendant, when securing the claim on collecting of the amounts of money, has the right to deposit the amount, demanded by the plaintiff, instead of the measures taken by court in security of the claim.

Article 144. Revocation of Security of Claim

1.Security of claim may be revoked by the same judge or the same court on the basis of the defendant's application or by initiative of the judge or the court.

2.The issue of revocation of the claim's security shall be solved in court session. The persons, participating in a case, shall be notified of the time and the place of court session, meanwhile, their default is not an obstacle for examination of the issue on revocation of the security of claim.

3.In case of non-claim, the measures taken in security of claim shall be reserved until enforcement of court judgment. However, the judge or court, simultaneously with making the court decision or after this, may take the court ruling on abolishment of the measures in action's security. The measures in security of claim shall be valid upon satisfaction of action till execution of court judgment.

4.The judge or court shall immediately notify the appropriate state authorities or local self government bodies in charge of registration of property or rights to this, restrictions to those (charges), transfer or termination of those, of abolishment of the measures in security of claim.

Article 145. Appeal of the Court Ruling on Security of Claim

1.Separate complaints may be lodged against all the rulings of court regarding security of claim.

2.In case the court ruling on security of claim has been made without notification of the complainant, the time limits for lodging a complaint shall be estimated since the day when the complainant became aware of this ruling.

3.A separate complaint lodged against court ruling on security of claim shall not suspend execution of this ruling. Lodging of a separate complaint for abolishment of security of claim or for substitution of measures in security of claim with other measures in security of claim shall adjourn execution of the court ruling.

Article 146. Indemnification for Defendant's Losses Caused by Security of Claim

A judge or court, while admitting security of claim, may demand of the plaintiff to provide a security for possible losses incurred by defendant. After enforcement of the court judgment, which dismisses a claim, the defendant has the right to bring a claim against the plaintiff for compensation for losses caused to him by the measures in security of claim, taken by the plaintiff's request.

Chapter 14. Preparation of a Case to Court Hearing

Article 147. The Court Ruling on Preparation of a Case to Court Hearing

1. To provide for correct and timely examination and settlement of the case, the judge
after accepted a statement shall make a ruling on preparation of a case to court hearing, and specify the activity to be fulfilled by the parties, other persons, participating in a case, and time limits for such the activity.

2. Preparation to court hearing shall be obligatory for every civil case and performed by a judge in cooperation with parties, other persons, participating in a case, and their representatives.

Article 148. Tasks in Preparation of a Case to Court Hearing

The following shall be the tasks in preparation of a case to court hearing:

Specification of the factual situation, which is significant for a correct settlement of a case;

Determination of the act to be guided with in settlement of a case, and establishment of legal relations between the parties;

Solution of an issue on membership of the participants in a case, and other participants in the process;

Submission of necessary evidence by the parties, other persons participating in a case;

Reconciliation of parties.

Article 149. Activity of Parties in Preparation of a Case to Court Hearing

1.While preparing the case to court hearing, the plaintiff or his representative:

1)transfers to the defendant the copies of evidence substantiating factual grounds of the claim;

2)petitions to a judge on demand of evidence, which he is unable to get without court's assistance.

2.The defendant or his representative:

1)specifies the plaintiff's claims and factual grounds of these claims;

2)provides the plaintiff or his representative with written objections regarding the plaintiff's claims;

3)transfers to the plaintiff or his representative and a judge the evidence substantiating objections against the claims;

4) petitions to a judge on demand of evidence, which he is unable to get without court's assistance.

Article 150. Judge's Activity in Preparation to Court Hearing

1.While preparing the case to court hearing, the judge:

1)explains to the parties their procedural rights and duties;

2)inquires the plaintiff or his representative on the merits of claims and suggests, if necessary, to submit additional evidence within certain time limits;

3)inquires the defendant as to the facts of a case, elucidates what objections exist against the claim and what evidence may support these objections;

4)solves an issue regarding co-plaintiffs, co-defendants and third parties entering the case without independent claims pertaining to a disputable subject, and also solves the issues regarding replacement of an inappropriate defendant, joining and separation of claims;

5)takes measures towards conclusion of peaceful agreement between the parties and elucidate the parties' right to apply to arbitration for settlement of the dispute, and also elucidates the consequences of such actions;

6)informs citizens or organization, interested in the outcome of the case, of the time and the place of case hearing;

7)solves the issue on summon of witnesses;

8)appoints an expert examination and the expert to run the examination, and solves an issue regarding drawing of a specialist and translator (interpreter) to participation in the procedure;

9)by the petition of parties, other persons, participating in a case, their representatives, he demands of organizations or citizens the evidence, which the parties or their representatives are unable to obtain independently;

10)in exigent cases, examines on site written and material evidence with notification of persons participating in a case;

11)sends court orders in;

12)takes measures in security of the claim;

13)in the events, stipulated by Article 152 of this Code, solves an issue on holding of the preliminary court session, on its time and place;

14)performs other necessary procedural activity.

2.A judge sends in or serves to the defendant the copies of a statement and the enclosed documents proving the plaintiff's claim, and offers to submit the evidence in substantiation of any objections. A judge explains that the defendant's failure to submit the evidence and objections within fixed period shall not hamper examination of case on the basis of the existing evidence.

3.In case the party systematically counteracts to timely preparation of a case to court hearing, a judge may collect to the benefit of another party a compensation for actual loss of time according to the rules, stipulated by Article 99 of this Code.

Article 151. Joining and Separation of Several Claims

1.A plaintiff has the right to join in one statement several interrelated claims.

2.A judge shall allocate one or several joined claims to separate proceedings, if assumes appropriate a separate examination of the claims.

3.If claims are brought by several plaintiffs or to several defendants, a judge is authorized to allocate one or several claims into separate proceedings, if acknowledged that separate examination of claims assists in correct and timely examination and settlement of a case.

4.When similar cases with the same participating parties, or several cases, initiated by the claims of the same plaintiff to different defendants, or claims of different plaintiffs to the same defendant exist in the same court proceedings, a judge is authorized, considering parties' opinion, to join these cases in one proceeding for joint examination and settlement, if finds such joining to assist the correct and timely examination and settlement of a case.

Article 152. Preliminary Court Hearing

1.The preliminary court hearing is aimed to procedurally secure the regulative activity of the parties in the course of case preparation to court hearing, to determine the facts, which are significant for correct examination and settlement of a case, to determine the sufficiency of evidence in a case, to investigate the facts of missing of time limits for application to court and missing of the period of limitation.

2.A judge shall individually run the preliminary court session. The parties are notified of the time and the place of the preliminary court session. During the preliminary court session, the parties are empowered to submit evidence, to advance reasons, and to petition.

3.In the complicated cases, considering the parties' opinions, a judge may appoint the time for preliminary court session beyond the time limits, stipulated by this Code for examination and settlement of a case.

4.In the presence of the circumstances, stipulated by Articles 215, 216, 220, second to sixth Subparagraphs of Article 222 of this Code, the proceedings in the preliminary court session may be suspended or terminated, and the statement may be dismissed.

5.The court ruling shall be rendered on the suspension, termination of the proceedings, on dismissal of the statement. A separate complaint may be lodged against court ruling.

6.The defendant's objection regarding the plaintiff's missing without any good reason of the limitation period for protection of right and the time limits for application to court, established by federal law.

Upon establishing of the fact of missing without good reason of the limitation period or the time limits for application to court, a judge shall make a decision on non-suit with no further investigation of other factual circumstances in the case. The court judgment may be appealed against in the intermediate or highest appellate court.

7.The records of the preliminary court session shall be made up according to Article 229 and 230 of this Code.

Article 153. Appointment of Case to Court Hearing

A judge, after acknowledged the case prepared, shall bring the ruling on appointment of this case to hearing, notify the parties, other persons, participating in a case, of the time and the place of court hearing, call other participants in the process.

Chapter 15. Court Hearing

Article 154. Time Limits of Examination and Settlement of Civil Cases

1.Civil cases shall be examined and settled by court up to two months since the day a statement has been filed to court, and by Justice of Peace - up to one month since acceptance of a statement to the proceedings.

2.The cases on restitution at work, collection of alimonies shall be examined and settled within one month.

3.Shorter periods of examination and settlement may be stipulated by federal law for some categories of civil cases.

Article 155. Court Session

Civil case hearing shall be performed in court session with the obligatory notification of the persons, participating in a case, of the time and the place of court session.

Article 156. The Chairman in Court Session

1.A judge solely examining a case shall act as a presiding judge (Chairman in court session). When a case is collegially examined by a district court, the judge or this court chairman shall be a presiding judge. If a case is examined by other courts sessions - a judge, a chairman or a deputy chairman of corresponding court shall be a presiding judge.

2.A presiding judge directs a court session, providing for comprehensive and thorough investigation of evidence and the facts of the case, eliminates from the court hearing all irrelevant to the case examined. In case anybody of the participants in the process has objections regarding the chairman's activity, those shall be entered to the records of court session. The chairman shall explain his activity, and if the case is examined collegially, all members of court shall give explanations.

3.The chairman shall take necessary measures to secure an appropriate order during court session. The instructions, given by chairman, are obligatory for all the participants of the process, and for citizens attending the hall of court session.

Article 157. Immediacy, Verbal form and Continuity of Court Hearing

1.While examining a case, court is obliged to immediately investigate all evidence in a case: to listen explanation of parties and third persons, witnesses' evidence, experts' opinions, consultations and explanations of specialists, to acquaint with written evidence, to examine material evidence, to listen audio records and to look through video records.

2.A case shall be examined in verbal form and by the invariable court staff. In case one of the judges is substituted in the course of court trial, the court hearing must be performed from the very beginning.

3.The court session concerning each the case is carried out continuously except for the time supposed for rest. Court has no right to examine other civil, criminal or administrative cases until completion or deferral of the commenced examination.

Article 158. The Order in Court Session

1.Everybody attending at the court room stands up while judges are coming in. All present in the court room shall listen upright the announcement of court judgment and court ruling, by which the case is accomplished for lack of the judgment.

2.Participants of the process shall address to judges with the words: “Respected Court!”, while giving their evidence upright. Deviation of this rule may be allowed by the chairman’s permit.

3.The court hearing shall be conducted under conditions providing for an appropriate order in the court session and safety of the participants in the process.

4.An appropriate order in the court session must not be disturbed by the activity of people attending at the court room and making allowed photography and video recording, broadcasting of court session by radio and TV channels. This activity should be performed on the sites in the court room, specified by court, and may be restricted by court to certain time limits, considering opinions of the participants in a case.

5.Participants in the process and all the citizens attending at the court room are obliged to observe the established order in the court session.

Article 159. The Measures to be Taken against Public Disturber in the Court Session

1.A chairman on behalf of court shall warn a person committing a breach of the peace in the court session.

2.After repeated breach of the peace in the court session, a person, participating in a case or his representative may be removed from the court room on the basis of court ruling for the entire period or a part of court session. If the last is the case, the chairman shall acquaint a person newly admitted to a court room, with the procedural actions performed in his absence. The citizens, attended at the court session, who repeatedly breached the peace, shall be removed from a court room for the entire period of court session by the instruction of chairman.

3.Court is empowered to penalize the persons guilty in breach of the peace in a court session, at a rate up to ten minimal federal legal monthly wage.

4.In case, elements of crime exist in actions of the person breaching the peace in the court session, a judge shall send appropriate materials to bodies of inquiry or preliminary investigation for initiation of criminal case against a peace breaker (the part is in the wording enforced since 7 September 2007 by the Federal Act N 214-FZ of 24 July 2007).

5.In case the people, attending at the court session, commit mass breach of the peace, court may remove from the court room those non-participating in the process, and to fulfill the court trial in camera or to defer the court hearing.

Article 160. Opening of Court Session

A chairman shall open the court session in time appointed for court hearing and announce what a civil case is to be heard.

Article 161. Check of Appearance of the Participants in a Process

1.A secretary in a court session reports to the court, who of the persons, summoned under the civil case, has appeared, whether those non-appeared have been well notified, and what is information on the reasons of their absence.

2.A chairman identifies the appeared participants in a process, checks powers of officials and their representatives.

Article 162. Explanation to a Translator (Interpreter) his Rights and Duties

1.The participants in a case have the right to offer the court a candidature of translator (interpreter).

2.The chairman explains the translator (interpreter) his duty in translation of explanations, evidence, declarations of the persons, who do not know the language, on which the proceedings is held, and to translate to those persons the contents of the explanations, evidence in a case, declarations of the participants in a case, witnesses and the contents of the documents read out, audio records, experts' opinions, consultations and explanations of specialists, chairman's instructions, court ruling or judgment.

3.To specify the translation, a translator is authorized to put questions to the participants in a process in the course of translation, to acquaint with the records of court session or an individual procedural action, and to make remarks regarding correctness of the translation to be put in the records of court session.

4.The chairman shall warn the interpreter of his responsibility, stipulated by Criminal Code of the Russian Federation for knowingly incorrect translation and enclose his undertaking of this to the records of court session.

The interpreter avoiding from appearance to court or from proper fulfillment of his duty, can be penalized at a rate of ten-fold minimal federal legally established monthly wage.

5.The rules, stipulated by this Article, shall extend to a person skilled in gesture-translation.

Article 163. Removal of Witnesses from the Court Room

The witnesses, appeared before court, shall be removed from the court room. The chairman shall take measures to prevent any contacts between examined and non-examined witnesses.

Article 164. Announcement of Court Staff and Elucidation of Right of Rejection and Demurrer

1.The chairman shall announce the court staff, informs who participates in the court session in the capacity of prosecutor, secretary of court session, representatives of the parties and third persons, and also as an expert, specialist, interpreter, and explains to the participants in a case their right to declare rejections and demurrers.

2.The grounds for rejections and demurrers, procedure of their settlement and the consequences of answering of the applications for rejections and demurrers shall be stipulated by Articles 16 to 21 of this Code.

Article 165. Explanation of Procedural Rights and Duties to the Participants in a Case

The chairman shall explain to the persons participating in a case their procedural rights and duties, and to the parties - their rights, stipulated by Article 39 of this Code.

Article 166. Court Settlement of the Petitions Filed by the Participants in a Case

Petitions of participants in a case regarding the issues relevant to examination of a case, shall be settled on the basis of prejudication (court ruling) upon hearing of the opinions of other participants in a case.

Article 167. Consequences of Default to Court of the Participants in a Case, their Representatives

1.The persons, participating in a case, are obliged to inform the court of the reasons of non-appearance and to prove validity of these reasons.

2.If somebody of the participants in a case, who was not surely notified, fails to appear to the court session, the court hearing shall be adjourned.

In case the participants in a case have been notified of the time and the place of court session, the court shall postpone hearing of the case, if the good reasons of their non-appearance have been acknowledged.

3.The court is authorized to hear the case by default of the participants, who was notified of the time and the place of court session, if they have not reported the reasons of their non-appearance before court, or if the court has not acknowledged the good reasons of their absence.

4.Court is authorized to hear the case by default of the defendant, notified of the time and the place of the court session, unless the latter informed the court of the good reasons of non-appearance and asked to examine the case in his absence.

5.The parties are authorized to request the court to examine the case in their absence and to provide them with the copies of court decision.

6.Court may adjourn the case hearing on the basis of the petition of a participant in a case caused by non-appearance of his representative on a good reason.

Article 168. The Consequences of Witnesses', Experts', Specialists' and Interpreters' Failure to Appear to Court Session

1.In case witnesses, experts, specialists or interpreters failed to appear to court session, the court shall listen to the opinion of the participants in a case regarding a possibility to hear the case by default of witnesses, experts, specialists or interpreters and bring the ruling either on continuation of court hearing or on adjournment thereof.

2.In case summoned witness, expert, specialist or interpreter has not appeared to the court session on the excuse acknowledged unreasonable by court, he may be penalized at a rate up to 10-fold minimal monthly legal wage. For secondary default to court on unreasonable excuse, a witness may be enforced to come (reconducted).

Article 169. Adjournment of Court Hearing

1.Adjournment of court hearing is admitted in the events, stipulated by this Code, but also, when the court acknowledges impossible to hear the case in the given court session, because of default of any of participants in the case, or bringing of a counter claim, or the necessity to present or to demand additional evidence, or to draw to the participation in the case other persons, or to perform other procedural activity.

2.Upon adjournment of court hearing, a new date of court hearing shall be appointed, considering the period of time necessary to summon the participants in a process or to demand evidence, on what the person appeared to court, shall be announced under the receipt. Those non-appeared and repeatedly drawn to participation in the process shall be notified of the time and the place of a new court session.

3.After the adjournment, a court session shall start from the beginning.

4.Unless the parties insisted upon the repeated explanations to be given by the participants in a case, being aware of the materials of the case, including the explanations earlier given by the participants in a case, and the court staff has not changed, the court is authorized to provide the participants in the process with an opportunity to confirm earlier given explanations without repeat thereof, to supplement those, and to put further questions.

Article 170. Examination of Witnesses upon Adjournment of Court Hearing

Upon adjournment of a court hearing, the court is authorized to examine appeared witnesses in presence of the parties in the court session. Repeated call of these witnesses to a new court session shall be only admitted if necessary.

Article 171. Explanation of Expert's and Specialist's Rights and Duties

The chairman shall elucidate the expert and the specialist their rights and duties, and warn the expert on criminal responsibility for giving the knowingly false opinion, of what he will be asked a receipt to be enclosed to the records of court hearing.

Article 172. The Beginning of Court Hearing on the Merits

The court hearing on the merits shall be commenced on with the chairman's or any judge's report. Afterwards, the chairman shall clarify whether the plaintiff supports his claims, whether the defendant recognizes the plaintiff's claims and if the parties desire to complete the case by conclusion of a peaceful agreement.

Article 173. Plaintiff's Renunciation of Claim, Recognition of the Claim by the Defendant and Peaceful Agreement Signed by the Parties

1.The plaintiff's application for renunciation of claim, recognition of claim by the defendant and terms and conditions of the peaceful agreement, signed between the parties, shall be put in the records of the court session and signed by the plaintiff, the defendant, or by both the parties. In case the renunciation of claim, recognition of claim or peaceful agreement are expressed in written applications, addressed to court, the applications shall be enclosed to a case, of which the note should be put in the minutes of the court session.

2.The court shall elucidate to the plaintiff, the defendant or the parties the consequences of renunciation of claim, of recognition of claim or the conclusion of peaceful agreement between the parties.

3.If the plaintiff renounces a claim and the court accepted the renunciation or a peaceful agreement has been concluded between the parties, the court shall bring the ruling, by which the proceedings is terminated immediately. The court ruling must specify the terms and conditions of the peaceful agreement, concluded between the parties, to be approved by the court. If the defendant recognized a claim, and this is accepted by court, the decision shall be taken to satisfy the plaintiff's claims.

4.In case the court failed to accept the plaintiff's renunciation of claim, the defendant has recognized the claim or peaceful agreement has not been approved, the court shall bring the ruling of this and proceed with examination of the case on its merits.

Article 174. Explanations of the Participants in a Case

1.Upon reporting of a case, the court shall first hear the explanations given by plaintiff and third person participating at his party, afterwards the explanations of other participants in a case. Prosecutor, representatives of state authorities, local self government bodies, organizations, citizens, applied to the court for defense of the rights and legitimate interests of other persons, shall give explanations first. The participants in a case have the right to question each other. Judges are authorized to question the participants at any moment while they are giving the explanations.

2. If the participants failure to appear and in other cases, stipulated by Articles 62 and 64 of this Code, the chairman shall read out the written explanations, given by the participants in a case.

Article 175. Sequencing of Examination of Evidence

Upon hearing of the explanations, given by the participants in a case, and considering their opinions, the court shall sequence examination of evidence.

Article 176. Warning of a Witness of the Responsibility for Refusal to Give Evidence and for Giving Knowingly False Evidence‘

1.The chairman before examination of a witness shall identify personality of the latter, explain witness’s rights and duties and warn him about the criminal responsibility for refusal to give evidence and for giving of knowingly false evidence. A witness shall make a signed statement confirming his awareness of his duties and responsibility. The signed statement shall be enclosed to the records of court session.

2.The chairman shall explain to the minor witness under 16 years age his duty to honestly inform all known facts relevant to the case, however, he will not be warned about responsibility for wrongful refusal to give evidence and for giving knowingly false evidence.

Article 177. Procedure of Witness’s Examination

1.Each the witness shall be examined individually.

2.The chairman shall clarify the witness’s attitude to the participants in a case, and offer the witness to inform the court of everything known by him personally regarding the facts of the case.

3.Afterwards, a witness may be questioned. The person, under whose application the witness has been called, and the representative thereof are the first inquiring followed by other participants in a case and their representatives. Judges are authorized to question a witness at any moment of the examination.

4.If need be, the court may repeatedly examine a witness within the same or the next court session, and repeatedly examine also witnesses to clarify antipathy of their evidence.

5.A witness, when examined, shall stay in the court room until completion of court hearing, unless he was allowed by court to leave earlier.

Article 178. Witness’s Using of Written Materials

A witness, while giving evidence, may use written materials in the cases when evidence are related to any digital or other data, which is difficult to keep in mind. These materials shall be presented to court, to the participants in a case, and may be enclosed to the case on the basis of court ruling.

Article 179. Examination of Minor Witness

1.A witness under fourteen years old, and on court discretion - the one from fourteen to sixteen years old, shall be examined with the participation of educational specialist to be summoned to court. If need be, the parents, adoptive parents, tutor or guardian of a minor witness shall be summoned. The specified persons are authorized to question the witness under the chairman’s permit, and also to state their own opinion regarding the witness’s personality and the evidence given by the latter.

2.In exceptional cases, if need be to clarify the facts of the case, a particular participant of the case, or any of citizens attending at the court room, may be removed for the period of examination of a minor witness. The participant in the case, when returned to the court room, should be informed of the contents of a minor witness’s evidence and provided with an opportunity to question the witness.

3.A witness under sixteen, upon examined, shall be removed from the court room except for the case when the court recognizes necessary presence of this witness in the court room.

Article 180. Disclosure of Witnesses' Evidence

The witnesses' evidence obtained in the cases, stipulated by Articles 62, 64 of the first part of Article 70 and Article 170 of this Code, shall be disclosed during court session, afterwards, the participants in the case are authorized to give relevant explanations.

Article 181. Investigation of Written Evidence

Written evidence or records of investigation thereof, made up in the cases, stipulated by Articles 62, 64, Clause 10 of the first part of Article 150 of this Code, shall be disclosed during court session and presented to the participants in a case, their representatives, and, if need be, to witnesses, experts, and specialists. After that, the participants in a case may give their explanations.

Article 182. Disclosure and Investigation of Citizens' Correspondence and Telegraph Messages

On the purposes of protection of privacy of citizens' correspondence and telegraph messages, those might be disclosed and investigated within the framework of open court session by permission of the corresponding persons only. Without permission of these persons, their correspondence and telegraph messages shall be disclosed and investigated by court session in camera.

Article 183. Investigation of Material Evidence

1.The court shall examine materials evidence and present them to the participants in a case, their representatives, and if necessary, to witnesses, experts, specialists. The persons, to whom the material evidence are presented, may draw the court's attention to certain facts related to examination. These statements shall be put down to the records of the court session.

Article 184. On-Site Review

1.Written and materials evidence, which is impossible or difficult to bring to court, shall be reviewed at their location or at another place, defined by court. The court brings a ruling on fulfillment of the review on-site.

2.The participants and their representatives shall be notified of the time and the place of the review, yet, their failure to appear shall not hamper the review. If need be, witnesses, experts and specialists shall be also summoned.

3.The results of the on-site review shall be put down to the records of court session. The plans, schemes, drafts, calculations, copies of documents made up or checked during review, and also video records, and photography of written and material evidence, made during review, and the expert's opinion and specialist's written consultation shall be enclosed to the records of court session.

Article 185. Reproduction and Investigation of Audio or Video Record

1.While reproducing and investigating audio or video records, containing private information, the rules shall be applied, stipulated by Article 182 of this Code.

2.Audio and video records shall be reproduced in the court room or other room, specially equipped for this purpose, and characteristics of reproducing sources of evidence and time of reproduction shall be specified in the records of court session. Afterwards, the court shall hear the explanations of the participants in a case. If need be, an audio or video record can be repeatedly reproduced in full or in any part of it.

3.In order to clarify information, contained in the audio or video record, court can draw a specialist. If need be, court may appoint an expert examination.

Article 186. Statement on Forgery of Evidence

If an application is filed suggesting the evidence in a case to be forged, the court may appoint an expert examination to check the statement aforesaid, or to offer the parties to submit another evidence.

Article 187. Investigation of Expert's Opinion. Appointment of the Additional or Repeated Expert Examination.

1.Expert's opinion shall be disclosed in court session. To elucidate and to supplement the opinion, the expert may be questioned. The person, who applied for appointment of expert examination, and his representative shall be first questioning followed by other participants in the case and their representatives. In case, the expert examination has been appointed on court's initiative, the plaintiff and his representative shall first question the expert. Judges are authorized to question expert at any time of the examination.

2.The expert's opinion shall be investigated in the court session, and evaluated by court along with other evidence, while, has no prejudication for court. Court's disagreement with the expert's opinion must be motivated in the judgment or in the court ruling pertaining to the appointment of additional or repeated expert examination to be held in the cases and in the procedure, stipulated by Article 87 of this Code.

Article 188. Professional Advice

1.In case of need, while reviewing written or material evidence, reproducing audio- or video records, appointing expert examination, examination of witnesses, taking measures to ensure evidence, court is authorized to attract professionals to get their advices, explanations and immediate technical support (photography, making up of plans and schemes, selection of samples for expert examination, evaluation of property).

2.A person summoned to court as a professional, is obliged to appear before court, to answer the questions asked by court, to give verbal or written advices and explanations, and if need be, to render technical support to court.

3.A professional shall provide the court with verbal or written advice on the basis of his professional knowledge without additional special researches to be appointed on the basis of court ruling.

Written professional advice shall be disclosed in the court session and enclosed to the case. Professional's verbal advices and explanations shall be put down to the records of court session.

4.To clarify and to supplement an advice, the professional may be asked questions. The person applied for attraction of the professional, and his representative shall be first inquiring, after those other participants in the case and their representatives shall ask their questions. The professional, attracted by court's initiative, shall be first questioned by the plaintiff and his representative. Judges are authorized to question the professional at any moment of his examination.

Article 189. Conclusion of Examination of Case on its Merits

Upon investigation of all evidence, the chairman shall give the floor to prosecutor to conclude the case, to representative of state authority or local self government body participating in a case according to the third Part of Article 45 and Article 47 of this Code, shall ask other participants in a case and their representatives whether they desire to give additional explanations. In absence of such declarations, the chairman shall announce the examination of the case on its merits concluded, and the court shall go to pleadings.

Article 190. Pleadings

1.The pleadings shall consist of speeches of the participants in a case and their representatives. The plaintiff and his representative shall speak first in pleadings, the defendant and his representative shall speak afterwards.

2.Third person, who filed an independent claim regarding a disputable subject in the started process, and his representative shall speak ion the pleadings after the parties and their representatives. The third person non-filed independent claims regarding a disputable subject and his representative shall speak in the pleadings after the plaintiff or the defendant at whose side the third person participates in a case.

3.Prosecutor, representatives of state authorities, local self government bodies, organizations and citizens, applied to court in defense of rights and legitimate interests of other persons, shall speak in the pleadings first.

4.After all the participants in a case and their representatives delivered their speeches, they may remark regarding aforesaid. The defendant and his representative have always the right of the last remark.

Article 191. Revival of Examination of Case on its Merits

1.The participants in a case and their representatives, when speaking after conclusion of examination of a case on its merits, shall have no right to refer to circumstances, which have not been clarified by court, as well as to evidence, which has not been investigated during court session.

2.In case, during pleadings or after those, the court acknowledges necessary to clarify new circumstances important for case examination, or to investigate a new evidence, the ruling shall be brought on renewal of examination of a case on its merits. After conclusion of examination of a case on its merits, the pleadings shall be run in general procedure.

Article 192. Court’s Moving away to the Retiring Room

After the pleadings completed, court move away to the retiring room, of what the chairman announces to those attending at the court room.

Article 193. Pronouncement of Court Judgment

1.After making and signing a judgment, court shall return to the court room, where the chairman or one of the judges announces the court judgment. After that, the chairman shall explain verbally the contents of the court judgment, procedure and time limits for appeal against that.

2.While announcing only a resolutive part of the court judgment, the chairman is obliged to explain, when the participants in a case and their representatives are able to get acquainted with the motivated court judgment.

Chapter 16. Court Judgment

Article 194. Rendition of Court Judgment

1.The court of first instance, which solves the case on its merits, shall render a ruling in the name of the Russian Federation and in the form of judgment.

2.Judgment shall be made in the decision room, where a judge, examining the case, or judges from court staff involved with the case, may present only.

3.Judges hold deliberation in the procedure, stipulated by Article 15 of this Code. Judges may not disclose opinions stated during deliberation.

Article 195. Legitimacy and Validity of Judgment

1.Court judgment should be legitimate and valid.

2.Court shall ground a judgment only on those evidence, which have been investigated within the framework of court session.

Article 196. The Issues to be Solved while Rendering Court Judgment

1.While rendering judgment, the court shall evaluate the evidence, determine which of the facts, important for examination and settlement of a case, have been established and which of them have not been established, what are legal relations between the parties, what a law should be applied to the given case and whether the claim is subject to satisfaction.

2.Court, when having recognized necessary to clarify the new facts significant for examination and settlement of a case, or to investigate a new evidence, shall bring the ruling on renewal of court hearing. On completion of examination of a case on its merits, the court shall hear the pleadings again.

3.Court shall take a decision regarding the plaintiff's claims. Court, however, may exceed the claims' limits in the events, stipulated by federal law.

Article 197. Statement of Court Judgment

1.The court judgment shall be stated in writing by chairman or by one of the judges.

2.The court judgment shall be signed by a judge, if he solely examined the case, or by all judges, if the case was examined collegially, including the judge having his own opinion. The correctives, put down to the court judgment, must be certified by judges' signatures.

Article 198. The Contents of Court Judgment

1.A court judgment consists of the preamble, description, reasons and resolution.

2.The preamble of the court judgment must specify the date and the place of making the court judgment, the name of the court, which made the judgment, the court staff, a secretary of court session, the parties, other participants in a case, their representatives, a disputable subject or the claim submitted.

The descriptive part of a court judgment must contain specifications of the plaintiff's claims, defendant's objections and explanations, given by other participants in a case.

4.The reasoning part of a court judgment must specify the facts of the case, established by court; evidence, on which basis the court made the conclusions on the facts aforesaid; the reasons on which the court rejects certain evidence; the acts, which the court was guided with.

In case the defendant recognized a claim, a reasoning part of the court judgment may refer only to the recognition of the claim and acceptance of this by court.

For dismiss of a case due to unreasonable excuse of expiration of limitation of actions period or expiration of the period of application to court, the reasoning part of a court judgment must only specify ascertainment of these facts by court.

5.A resolution part of a judgment must contain the conclusions of court regarding answering claim or refusal of answering claim fully or partly, indication on allocation of costs, time and procedure of the appeal against a judgment.

Article 199. Make up of Reasoned Judgment

A judgment shall be rendered immediately after examination of a case. Making up of a reasoned judgment may be postponed for five days at the most since the completion of examination of a case, however, court must announce the resolution part of a judgment in the same court session, in which examination of a case has been completed. The declared resolution part of the judgment must be signed by all the judges and enclosed to the case.

Article 200. Correction of Slips of the Pen and Evident Arithmetic Errors in a Judgment

1.After the judgment is announced, the court rendered the judgment in a case, has no right either to cancel or to change it.

2.Court on its own initiative or on the basis of the application of the participants in a case, may correct the slips of the pen or evident arithmetic errors, discovered in the judgment. The issue on making the correctives to the judgment shall be examined by court session. Although, the participants in a case are notified of the time and the place of court session, their failure to appear shall not be an obstacle for solution of the issue on correcting of the court judgment.

3.A separate complaint may be lodged against the court ruling on the correctives to the judgment.

Article 201. Additional Judgment

1.The court, which rendered a judgment, may on its own initiative or on the basis of application of the participants in a case render additional judgment in the following cases:

1)if no judgment has been made regarding any claim, under which the participants have submitted evidence and given explanations;

2)court, having solved the issue on the right, did not specify the awarded amount, the property to be transferred, or the actions, which the defendant is obliged to fulfill;

3)court has not solved the issue of costs.

2.The issue on making of an additional judgment may be raised before enforcement of the court judgment. Court shall give an additional judgment after examination of the said issue in the court session and may be appealed against. The participants in a case shall be notified of the time and place of court session, however, their default is not an obstacle for examination and settlement of the issue on making of an additional judgment.

3.A separate complaint may be lodged against a court ruling on refusal of making of the additional judgment.

Article 202. Clarification of Judgment

1.To clear up an ambiguity of judgment, the court, which has given the judgment, is authorized to clarify the one, not modifying the contents, by application of the participants in a case and the judicial executive officer. Clarification of judgment is allowed, if not executed, and the time limits for its compulsory execution have not yet expired.

2.The issue on clarification of judgment shall be examined in court session. The participants in a case were notified of the time and the place of court session, however, their non-appearance, is not an obstacle for examination and settlement of an issue on clarification of judgment.

3. A separate complaint may be lodged against the court ruling on clarification of judgment.

Article 203. Adjournment or Spread out of Judgment, Change in the Method and the Procedure of Enforcement of Judgment

1.The court having examined the case, is authorized to adjourn or to spread out execution of the judgment, to change the method and the procedure of its execution by applications of the participants in a case, judicial executive officer or based on the property status of the parties or other circumstances.

2.The applications, specified in the first part of this Article, shall be examined in court session. The participants in a case shall be notified of the time and the place of court session, but their failure to appear, however, shall not be an obstacle for examination and settlement of the issue raised before court.

3.A separate complaint may be lodged against the court ruling pertaining to the postponement or spread out of execution of the judgment, on change of the method and the procedure of its execution.

Article 204. Stipulation of the Procedure and Time Limits of Execution of Judgment, Security of its Execution

In case the court stipulates a certain procedure and time limits for execution of judgment, turns the judgment to immediately execution, or takes measures in security of its execution, these facts should be specified in the resolution part of the judgment.

Article 205. Judgment Regarding Award of the Property or Its Value

When the property is awarded in kind, court shall specify in a judgment this property's value to be collected from the defendant, unless the awarded property was available at execution of judgment.

Article 206. The Judgment Binding the Defendant to Perform Certain Activity

1.If the court gave a judgment binding the defendant to perform a certain activity irrelevant to transfer of the property or amounts of money, the same judgment may specify the plaintiff's right to perform this activity for the defendant's account with following collection of necessary charges from the one, unless the latter performed the judgment within given period of time.

2.In case only the defendant can perform the actions aforesaid, court shall schedule the time limits for execution of judgment. The judgment binding an organization or a collegial body to perform a certain activity (to execute the judgment), irrelevant to transfer of property or amounts of money, shall be executed by the chief of those within given period of time. For failure to execute the judgment on unreasonable excuse, the court, which gave the judgment, or a

judicial executive officer shall take measures to the chief of an organization or the head of a collegial body as stipulated by federal law.

Article 207. A Judgment Made to the Benefit of Several Plaintiffs or Against Several Defendants

1.When a judgment was rendered to the benefit of several plaintiffs, the court specifies in what a part this refers to each of them, or specifies a joint right to recovery.

2.When a judgment was given against several defendants, court shall specify either a share of judgment to be executed by each of the defendants, or their joint responsibility.

Article 208. Indexing of Awarded Amounts of Money

1.Based on the applications filed by a judgment creditor or a debtor, the court, which examined a case, may index the amounts of money, collected by court as of the day of execution of judgment.

2.The application shall be examined in court session. The participants in a case shall be notified of the time and the place of court session, however, their default is not an obstacle for solution of an issue of indexing of the awarded amounts of money.

3.A separate complaint may be lodged against the court ruling relevant to indexing of the awarded amounts of money.

Article 209. Validation of Judgments

1.Judgments shall come into force upon expiration of limitation period for application to intermediate or highest appellate court, unless they have been appealed against.

In case an appeal has been filed, the judgment, rendered by the Justice of the Peace, shall come into force after the appeal aforesaid was examined by district court, unless the appealed judgment has been cancelled. If the judgment, rendered by Justice of the Peace, has been cancelled or changed, and a new one has been rendered, the latter shall immediately come into force.

In case an appeal has been filed to the highest appellate court, a judgment, if not cancelled, shall immediately come into force after examination of a case by the highest appellate court.

2.After validation of court judgment, the parties, other participants in a case, and their assignees may not bring to court the same claims, on the same ground, and also challenge in other civil process the facts and legal relations established by court.

3.In case, upon validation of the judgment, being the basis for the periodical payments to be collected from the defendant, the circumstances, which affect the rates or duration of payment, have been changed, each the party is authorized to require to change the rates and duration of payments by bringing a new claim.

Article 210. Execution of a Judgment

A judgment shall be executed upon coming into force in the procedure, stipulated by federal law, except for the cases subject to immediate execution.

Article 211. Judgments Subject to Immediate Execution

A court order or a judgment on the following matter are subject to immediate execution:

On collection of alimonies;

On payment of the employee's salary during three months period;

On restoration at work;

On inclusion of a citizen of the Russian Federation into the list of voters, or the list of participants of referendum.

Article 212. The Right of Court to Turn a Judgment to Immediate Execution

1.By the plaintiff's request, court may turn the judgment to immediate execution, if the delay in its execution, resulted from special circumstances, may cause a significant loss to the judgment creditor or execution may become impossible. While allowing immediate execution, the court may demand of the plaintiff to secure restitution of property and rights upon reversal of judgment. The issue on the immediate execution of a judgment may be examined simultaneously with the judgment making.

2.The issue of allowing of the immediate execution of a judgment shall be solved in the court session. The participants in a case shall be notified of the time and the place of the court session, but their failure to appear shall not be an obstruction in solution of an issue of the immediate execution of a judgment.

3.A separate complaint may be lodged against the court ruling concerning immediate execution of a judgment. Lodging of a separate complaint against the court ruling on the immediate execution of a judgment shall not suspend execution of this ruling.

Article 213. Security of Execution of Judgment

Court may secure the execution of the judgment, which is not turned to immediate execution, according to the rules, stipulated by Chapter 13 of this Code.

Article 214. Dispatch of the Copies of Judgment to the Participants in a Case

The participants in a case, non attending at the court session, shall be sent the copies of judgment in five days after making of final judgment, at the latest.

Chapter 17. Adjournment of the Proceedings

Article 215. The Court's Duty to Adjourn the Proceedings

Court is obliged to adjourn the proceedings in the following cases:

Either death of a citizen, if the disputable legal relationship permits legal succession, or reorganization of a legal entity, which are the parties in a case or third parties bringing individual claims;

Upon acknowledgement of a party incapable or in absence of legal representative of the person acknowledged incapable;

The defendant's participation in armed operations, performance of tasks in emergency situation or under martial law, as well as during armed conflicts or the request of the plaintiff, participating in armed operations, or performing the tasks in emergency situation or under martial law, and during armed conflicts;

At impossibility to examine this case before solution of another one being under examination in civil, administrative or criminal proceedings;

Court requests the Arbitration Court of the Russian Federation about conformity of the act to be applied with the Constitution of the Russian Federation.

Article 216. Court's Right of Adjournment of the Proceedings

Court may adjourn the proceedings by application of the participants in a case, or by its own initiative in the following cases:

A party is at medical care institution;

A defendant is wanted by the police;

The court appoints expert examination;

The body for trusteeship and guardianship appoints investigation of living conditions of the adoptive parents under the case on adoption and under other cases, affecting the children's rights and legitimate interests;

Court sent a letter rogatory according to Article 62 of this Code.

Article 217. Period of Adjournment of Proceedings

Proceedings shall be adjourned in the cases, stipulated by the following:

Subparagraphs second and third of Article 215 of this Code, - up to either ascertainment of a successor of the participant in a case, or appointment of legal representative to the incapable person;

Fourth Subparagraph of Article 215 of this Code, - up to elimination of the circumstances being the ground for adjournment of the proceedings;

Fifth Subparagraph of Article 215 of this Code, - up to validation of a court decree, judgment, court ruling or to adoption of decree on the materials of the case being examined in the administrative proceedings;

Sixth Subparagraph of Article 215 of this Code, - up to adoption of an appropriate decree of the Constitutional Court of the Russian Federation.

Article 218. Appeal of the Court Ruling on Adjournment of the Proceedings

A separate appeal may be lodged against the court ruling on adjournment of the proceedings.

Article 219. Revival of the Proceedings

Proceedings shall be revived based on the application of the participants in a case or by initiative of court after elimination of the circumstances, which caused the adjournment of the proceedings. Court shall notify the participants of the proceedings' revival.

Chapter 18. Discontinuance of the Proceedings

Article 220. Grounds of Discontinuance of the Proceedings

Court shall discontinue the proceedings in the following case:

The case is not subject to examination and settlement in the civil judicial procedure on the grounds, stipulated by Clause 1 of the first Part of Article 134 of this Code;

The valid judgment exists under the dispute between the same parties on the same subject and on the same grounds or a court ruling exists on discontinuance of the proceedings due to acceptance of the plaintiff's renunciation of claim or approval of peaceful agreement between the parties;

The plaintiff renounced a claim, and the renunciation has been accepted by court;

The parties have signed the peaceful agreement, which is approved by court;

The arbitral award, binding upon both parties, has been taken under the dispute between the same parties, on the same subject and under the same grounds, except for the cases when court refused to issue an act for compulsory execution of the arbitral award;

A disputable legal relationship does not permit succession after death of a citizen, being one of the parties in a case, or the liquidation of the organization, being one of the parties in a case, has been completed.

Article 221. Procedure and Consequences of Discontinuance of the Proceedings

Proceedings shall be discontinued by the court ruling, which specifies that a repeated application to court regarding the dispute between the same parties, on the same subject and under the same grounds is not allowed.

Chapter 19. Passing over the Application

Article 222. The Grounds for Passing over the Application

Court shall pass over the application in the following cases:

The plaintiff has not met a pre-trial order of dispute's settlement, stipulated by federal law or by a reciprocal agreement between the parties for the given category of cases;

The application has been submitted by an incapable person;

The application has been either signed or submitted by a person non-authorized to sign this, or to claim;

Initiated earlier contentious case between the same parties, on the same subject and under the same grounds exists in proceedings of this or another court or arbitration;

The agreement between the parties exists concerning the transfer of the dispute to examination and settlement of the arbitration, and the defendant has objected against examination and settlement of the case in the court before the commencement of examination of the case on its merits;

The parties, which did not ask to hear the case in their absence, have not appeared in court being repeatedly summoned;

The plaintiff, who did not ask to hear the case by default, has not appeared although has been repeatedly summoned, and the defendant does not require examination of a case on its merits.

Article 223. Procedure and Consequences of Passing over of the Application

1.In case of application's passing over, the proceedings shall be accomplished by the court ruling. The court must indicate in this ruling, how to eliminate the circumstances hampering the examination of the case, specified in Article 222 of this Code.

2.Upon elimination of the circumstances being the grounds for application's passing over, the person concerned is authorized to apply to court again in general procedure.

3.By the plaintiff's or defendant's petition, court shall cancel its ruling concerning the application's passing over under the grounds, specified in seventh and eighth Subparagraphs of Article 222 of this Code, if either the plaintiff or the defendant submitted the evidence proving reasonable excuse of non-appearance to court session and impossibility to inform court accordingly. A separate complaint may be lodged against the court ruling on refusal to satisfy such a petition.

Chapter 20. Court Ruling

Article 224. Procedure of Rendition of Court Ruling

1.The decisions of the courts of first instance, which do not settle a case on its merits, shall be rendered as court rulings. Court rulings shall be rendered in the room for decision in the procedure, stipulated by the first part of Article 15 of this Code.

2.While solving the simple issues, a court or a judge may render a ruling while not moving away to the decision room. Such rulings shall be written down to the records of court session.

3.Court rulings shall be read out immediately after rendered.

Article 225. The Contents of a Court Ruling

1.The following shall be specified in a court ruling:

1)the date and the place of rendition of the court ruling;

2)the name of the court, which rendered the ruling, court staff and a secretary of court session;

3)the participants in a case, disputed in dispute, or the claim lodged;

4)the issue on which the ruling is rendered;

5)the reasons lead the court to conclusions, and reference to the act, which the court has been guided with;

6)the court ruling;

7)a procedure and time limits for appeal against court ruling, if this is subject to appeal.

2.The ruling, which has been rendered by court outside the decision room, must contain the information, specified in Clauses 4 to 6 of the first part of this Article.

Article 226. Particular Decisions of Court

1.When any breaches of law are discovered, court is authorized to render a particular decision and send it to the appropriate organizations or appropriate officials, who are obliged to inform within one month period of the measures taken.

2.For non-informing of taking measures, the guilty officials may be penalized at a rate up to 10-fold federal monthly legal wage. Penalizing does not exempt the appropriate officials from the responsibility to inform of the measures taken according to the intermediate ruling rendered by court.

3.In case, during hearing a case, court discovers signs of crime in actions of a party, other participants in a case, an official or other person, the court shall inform bodies of inquiry or preliminary investigation of that (the part is in the wording enforced since 7 September 2007 by the Federal Act N 214-FZ of 24 July 2007).

Article 227. Dispatch of Copies of Court Ruling to the Participants in a Case

The participants in a case, if have not appeared to the court session, shall be sent the copies of the court ruling on adjournment of the proceedings or on discontinuance of the proceedings or on passing over of the application in three days after rendering of the court ruling, at the latest.

Chapter 21. Minutes of the Court

Article 228. Obligation of Keeping the Minutes of the Court

In the course of each session of court of first instance, and also during each the particular procedural action fulfilled beyond the court session, the minutes of the court shall be made up.

Article 229. The Contents of Minutes of the Court

1.The minutes of the court session or a particular procedural action, fulfilled beyond the court session, must reflect all essential data relevant to hearing of the case or to fulfillment of a particular procedural action.

2.The minutes of court session shall specify the following:

1)date and place of the court session;

2)time on and time off of the court session;

3)the name of the court examining the case, court staff, and the name of court secretary;

4)title of the case;

5)information on appearance of the participants in a case, their representatives, witnesses, experts, specialists and interpreters;

6)information on explanation to the participants in a case, their representatives, witnesses, experts, specialists and interpreters their procedural rights and duties;

7)chairman instructions and the court rulings, rendered by court in the court room;

8)statements, petitions and explanations of the participants in a case, and their representatives;

9)witnesses' evidence, experts' clarification of their opinions, specialists' advices and elucidation;

10)information on read out written evidence, data relevant to review of material evidence, listening to audio records, watching video records;

11)the contents of the conclusions given by prosecutor and representatives of state structures, local self government bodies;

12)the contents of pleadings;

13)information on reading out and clarification of the contents of judgment and rulings, on explanation of the procedure and time limits of appeal;

14)information on clarification to the participants their rights to acquaint with the court minutes and to bring relevant comments;

15)date of court minutes making up.

Article 230. Making up of Court Minutes

1.A secretary of a court session shall make up the court minutes during the court session or in the course of a separate procedural action. The court minutes shall be made up in writing. To ensure a completeness of making up of the records, the court may use shorthand (stenography), audio recorders and other technical devices.

Using by secretary of a court session of audio recorders and other technical devices aimed at fixing of the flow of court session should be specified in the records. The medium of audio record shall be enclosed to the records of a court session.

2.The participants in a case, and their representatives are authorized to petition for reading out of any part of the records, for introducing to the records of the information relevant to the facts, supposed to be essential for the case.

3.The records of a court session must be made up and signed in three days after completion of a court session, at the latest, the records of a separate procedural action - on the day following its performance, at the latest.

4.The minutes of a court session should be signed by the chairman and the secretary of a court session. All the amendments and addenda made to the minutes, should be stipulated and certified by signatures of the chairman and the secretary of a court session.

Article 231. Comments to the Minutes

The participants in a case, and their representatives are authorized to acquaint with the minutes, and to submit written comments to the latter in five days since signing thereof, while specifying the inaccuracies and (or) incompleteness introduced to the minutes.

Article 232. Review of the Comments to the Minutes

1.The comments to the minutes shall be reviewed by the judge-chairman of court session, who signed the minutes, and who certified the correctness of the comments if admits them, or rendered a justified ruling on their full or partial denial, if disagreed with those. The comments shall be always enclosed to the case.

2.The comments to the records must be reviewed within five days since their submission.

Chapter 22. Proceedings by Default

Article 233. Grounds for the Proceedings by Default

1.For default of the defendant notified on the time and the place of the court session, but failed to report of reasonable excuse of default and made no request on examination of a case in his absence, the case may be heard by default. Court shall render a ruling concerning hearing of a case in such a procedure.

2.If several defendants participate in a case, this might be heard by default, if all the defendant failed to appear to court session.

3.In case the plaintiff, who appeared to court session, disagrees with the case hearing by default in the defendant's absence, the court shall stay examination of a case and notify the defendant of the time and the place of a new court session.

4.If the plaintiff has changed a subject or reasons of the claim, or increased the amount of claims, the court is not authorized to examine the case by default in the given court session.

Article 234. Order of the Proceedings by Default

While hearing the case in the proceedings by default, court holds the court session in general procedure, investigates the evidence, submitted by the participants in a case, considers their reasons, and makes a decision, which is called the default judgment.

Article 235. The Contents of the Default Judgment

1.The contents of the default judgment shall be defined by the rules, stated in Article 198 of this Code.

2.A resolution part of the default judgment shall specify the time limits and the procedure of submission of an application for cancellation of this judgment.

Article 235. Dispatch of a Copy of the Default Judgment

1.A copy of the default judgment shall be sent by advice-of-receipt-post to the defendant in three days since was rendered, at the latest.

2.The plaintiff, who failed to attend at the court session and requested the court to hear the case by default, a copy of the default judgment shall be dispatched by advice-of-receipt-post in three days since rendered.

Article 237. Appeal Against the Default Judgment

1.The defendant is authorized to apply to the court, rendered the default judgment, for reversal of this judgment in seven days since he was delivered a copy of this.

2.The default judgment may be also appealed against by the parties to the highest appellate court, and the default judgment, rendered by the Justice of the Peace, - to the intermediate appellate court within ten days upon expiration of the period for the defendant's submission of the application for reversal of this judgment, but, in case such an application has been submitted, - within ten days since rendering of the court ruling on refusal of satisfaction of this application.

Article 238. The Contents of the Application for Reversal of the Default Judgment

1.The application for reversal of the default judgment must contain the following:

1)the name of court rendered default judgment;

2)the applicant's name;

3)the facts in support of reasonable excuse of the defendant's default to court session, of which he had no opportunity to inform the court timely, and the evidence proving these facts, and also the facts and evidence, which can affect the contents of judgment;

4)the applicant's request;

5)the list of case papers to be enclosed to the application.

2.The application for reversal of the default judgment shall be signed by the defendant or by his representative, if authorized, and shall be submitted to court along with the copies in number corresponding to the number of participants in a case.

3.An application for reversal of the default judgment is exempted from duty payments.

Article 239. The Actions to be Taken by Court upon Acceptance of the Application for Reversal of the Default Judgment

Court shall notify the participants in a case of the time and the place of examination of the application for reversal of the default judgment, and send them the copies of the application and of the case papers enclosed.

Article 240. Examination of the Application for Reversal of the Default Judgment

The application for reversal of the default judgment shall be examined by court during court session within ten days upon submitted to court. The participants' default to court, in spite of they have been properly notified of the time and place of the court session, is not an obstruction for examination of the application.

Article 241. Court's Powers

On examination of the application for reversal of the default judgment, court renders the ruling either on refusal of satisfaction of the application or on reversal of the default judgment and on resumption of case on its merits by the same or another court staff.

Article 242. The Grounds for Reversal of the Default Judgment

The default judgment is subject to reversal, if court established that the defendant committed the default on reasonable excuse, of which he was not able to inform the court timely, and the defendant, thereto, refers to the circumstances and submits evidence, which can affect the contents of the judgment.

Article 243. Resumption of a Case

Upon reversal of the default judgment, court shall resume hearings of the case on its merits. If the defendant, being properly notified of the time and the place of court session, made default, the judgment, rendered at the new hearings of the case, shall not be made by default. The defendant is not authorized to apply again for revision of this judgment by default proceedings.

Article 244. Validity of the Default Judgment

The default judgment shall come into force on expiration of the period, stipulated by Article 237 of this Code for appeal of the judgment.

Subsection III. Proceedings Arising from Public Legal Relationship

Chapter 23. General Provisions

Article 245. Cases Originating from Public Legal Relationship

Court examines the cases originating from public legal relationship:

On the basis of applications of citizens, organizations, prosecutor on challenge of law-making instruments as a whole or in a part, unless examination of these applications referred by federal law to other's courts jurisdiction;

On the basis of the applications on challenge of the decisions and actions (inaction) of state authorities, local self government bodies, officials, state and municipal employees;

On the basis of the application for protection of electoral rights or the right of participation in the referendum of citizens of the Russian Federation;

Other cases arisen from public legal relationship and referred by federal law to court jurisdiction.

Article 246. Procedure of Examination and Settlement of the Cases Arising from Public Legal Relationship

1.The cases arisen from public legal relationship shall be solely examined and settled by judge, and in the cases, stipulated by federal law, by panel of judges according to general rules of action proceeding, with the features, established by this Chapter, Chapters 24 to 26 of this Code and by other federal acts.

2.While examining and solving the cases arising from public legal relationship, the rules of default proceeding, established by Chapter 22 of this Code, shall not apply.

3.While examining and solving the cases arising from public legal relationship, court is not bound with the grounds and reasons of claims.

4.While examining and solving the cases arising from public legal relationship, court may consider obligatory appearance to the court session of representatives of state authority, local self government body or an official. For default making, the specified persons may be penalized at a rate up to 10-fold legally established minimal monthly wage.

Article 247. Procedure of Application to Court

1.Court commences on examination of the case arising from public legal relationship on the basis of the application of an interested person.

The application must specify which of the decisions, actions (inaction) should be recognized illegal, which of personal rights and freedoms have been infringed by these decisions, actions (inaction).

2.To file an application to court, a person concerned is not required to apply to a superior body or higher official.

3.In case, when filing an application to court, the legal dispute in court jurisdiction shall be discovered, a judge shall dismiss the application and clarify to the applicant a necessity to make up a complaint meeting requirements of Article 131 and 132 of this Code. In case, the rules of case jurisdiction are infringed thereto, the judge shall return the complaint (the Part is stated in the wording effective since August 11, 2004 according to the Federal Act No.94-FZ of July 28, 2004, - see the previous wording).

Article 248. Refusal of Application or Discontinuance of the Proceedings Arisen from Public Legal Relationship

Judge shall refuse of acceptance of the application or discontinues the proceeding, arisen from public legal relationship, at availability of the valid judgment rendered on the basis of the application on the same subject. The proceeding on the case arises from the electoral rights and the right on participation in referendum of the Russian Federation citizens may be discontinued on the basis provided by the Federal Act. (the Article is stated in the wording effective since August 11, 2004 according to the Federal Act No.94-FZ of July 28, 2004; is added since 7 December 2006 by the Federal Act N 225-FZ of 5 December 2006).

Article 249. Allocation of Responsibilities in Substantiation in the Cases Arisen from Public Legal Relationship

1.The responsibilities in substantiation of the facts being grounds for adoption of the law making instrument, its legitimacy, and also of the legitimacy of disputable decisions, actions (inaction) of state authorities, local self government bodies, officials, state and municipal employees shall be allocated to the body adopted the law making instrument, bodies and persons, who have made disputable decisions or performed disputable actions (inaction).

2.For the purposes of correct settlement of the cases arisen from public legal relationship, court may demand evidence on its own initiative. The officials, who fail to execute court's demands to submit the evidence, shall be penalized at a rate up to ten-fold minimal monthly legal wage.

Article 250. Judgment's Validity

Upon validation of the court judgment under the case arisen from public legal relationship, the participants in a case and other persons have no right to bring to court the same claims under the same grounds.

Chapter 24. Proceedings on Full or Partial Invalidation of Law Making Instruments

Article 251. File of the Application for Impugnment of Law Making Instruments

1.A citizen or an organization suggesting the law making instrument, adopted and published in the established procedure by a state authority, local self government body, or an official, to infringe their rights and freedoms guaranteed by the Constitution of the Russian Federation, by acts and other law making instrument, and also a prosecutor within the limits of his competence, are authorized to file to court a statement on recognition of this law making instrument fully or partially unlawful.

2.The President of the Russian Federation, the Government of the Russian Federation, a legislative (representative) body of Russian Federation subject, higher official of Russian Federation subject, local self government body, chief of a municipal formation, who suggest that a law making instrument, adopted and published in the established procedure, infringed their competence, are authorized to file a statement to court for recognition of this law making instrument fully or partly unlawful.

3.Applications for impugnment of law making instruments, the test of which constitutionality is referred to an exclusive competence of the Constitution Court of the Russian Federation, are not subject to examination by court in the procedure, stipulated by this Chapter.

4.The application for impugnment of law making instruments shall be filed according to jurisdiction established by Article 24, 26 and 27 of this Code. The applications for impugnment of the law making instruments other than stipulated by Article 26 and 27 of this Code, shall be filed to the district court. The application shall be filed at the location of state authority, local self government body or an official adopted this law making instrument.

The norm, contained in correlated Clauses 2 (Article 115) and 2 (Article 231) of the Civil Procedural Code of the Russian Federation and in interrelated Clause 2 of the first Part of Article 26, the first, the second and the fourth Parts of Article 251, the second and the third Parts of Article 253 of this Code, which authorizes the court of general jurisdiction to solve the cases on impugnment of law making instruments, issued by subjects of the Russian Federation, has been acknowledged to be out of line with the Constitution of the Russian Federation, its Articles 66 (parts 1 and 2), 76 (parts 3,4,5 and 6), 118 (part 2), 125 (parts 2,3 and5), 126 and 128 (part 3), to the extent that the given norm admits solution by court of general jurisdiction of the cases on impugnment of the Constitution and Charters of subjects of the Russian Federation - Clause 1 of the Decree No.13-P of July 18, 2003 of the Constitution Court of the Russian Federation.

The norm, contained in interrelated Clauses 2 (Article 1) and 1 (Article 21) and 3 (Article 22) of the Federal Act "On the Prosecutor's Office", Clause 2 (the first part of Article 26), the first part of Article 251 of this Code, which authorizes the Prosecutor to apply to court for acknowledgment of law making instruments of subjects of the Russian Federation contradicting to law, has been acknowledged to be out of line with the Constitution of the Russian Federation, its Articles 66 (parts 1 and 2), 76 (parts 3,4,5,and 6), 118 (part 2), 125 (parts 2,3 and 5), 126 and 128 (part 3), to the extent that the given norm admits application of then Prosecutor to court of general jurisdiction for acknowledgment of the provisions of Constitutions and Charters contradicting to the Federal Law - the Clause of the Decree No.13-P of July 18, 2003 of the Constitutional Court of the Russian Federation.

The law making provisions, contained in the second and third parts of Article 253 of this Code, in correlation with Clause 2 of the first Part of Article 27, the first, the second and the fourth parts of Article 251 of this Code, according to which the acknowledgment of a law making instrument as contradicting to the federal law since the day of adoption or since other time specified by court, entails invalidation of this law making instrument or a part of this, has been invalidated since the day of adoption and should not be applied in the part referred to the testing of the law making instruments, which may be tested in constitutional proceedings according to Article 125 of the Constitution of the Russian Federation, - the Decree No.1-P issued by the Constitution Court of the Russian Federation on January 27, 2004.

On the matter, see also the Ruling No.73-O, issued by the Constitution Court of the Russian Federation on March 4, 2004.

5.The application for impugnment of a law making instrument must meet the requirements of Article 131 of this Code and contain additional data on the name of state authority, local self government body or an official adopted the challengeable law making instrument, on the tile thereof and date of adoption; thereto, the rights and freedoms of a citizen or indefinite circle of persons being infringed by this instrument or by a part of its, should be indicated.

6.A copy of the impugned law making instrument or a part of this should be enclosed to the application for impugnment of this instrument followed by indication by what a mass media and when this instrument has been published.

7.Filing to court of an application for impugnment of the law making instrument shall not suspend the validity of the law making instrument under impugnment.

8.Judge refuses to accept an application, if the valid judgment exists, which validated impugned law making instrument, adopted by state authority, local self government body or an official under the grounds specified in the application.

Article 252. Examination of an Application for Impugnment of Law Making Instruments

1.The persons, applied to court for impugnment of a law making instrument, the state authority, the local self government body or the official, who have adopted the impugned law making instrument, shall be notified of the time and place of court session.

2.The application for impugnment of law making instrument shall be examined within three months since the day of its filing with participation of applicants, the representative of the state authority, local self government body or the official, who adopted the impugned law making instrument and the prosecutor. Depending on facts of the case, court may examine the application in absence of somebody of the concerned persons notified of the time and place of the court session.

3.Withdrawal of the plaintiff's claim does not entail discontinuance of proceedings. Court shall not require recognition of the claim by the state authority, local self government body or by official, who adopted the impugned law making instrument.

Article 253. Judgment under the Application for Impugnment of Law Making Instrument

1.Court, upon recognized the impugned law making instrument not contradicting federal act or other law making instrument of higher legal power, shall render a judgment to refuse of satisfaction of the appropriate application.

2.Court, when established the impugned law making instrument contradicting federal act or other law making instrument of higher legal power, shall recognize the law making instrument fully or partially dormant since the day of its adoption or other time specified by court.

3.The judgment on recognition of a law making instrument or a part thereof dormant shall come into legal force under the rules, stipulated by Article 209 of this Code, and entail lapse of this law making instrument or a part of this, and also other law making instruments based of dormant law making instrument or those reproducing the contents thereof. Such a judgment or an announcement on enforced judgment shall be published in the printed edition, where the law making instrument has been officially published. In case, this printed edition stopped its activity, such a judgment or an announcement shall be published through different printed matter, where the law making instruments, issued by an appropriate state authority, local self government body or an official, are published.

The norm, contained in correlated Clauses 2 (Article 115) and 2 (Article 231) of the Civil Procedural Code of the Russian Federation and in interrelated Clause 2 of the first Part of Article 26, the first, the second and the fourth Parts of Article 251, the second and the third Parts of Article 253 of this Code, which authorizes the court of general jurisdiction to solve the cases on impugnment of law making instruments, issued by subjects of the Russian Federation, has been acknowledged to be out of line with the Constitution of the Russian Federation, its Articles 66 (parts 1 and 2), 76 (parts 3,4,5 and 6), 118 (part 2), 125 (parts 2,3 and5), 126 and 128 (part 3), to the extent that the given norm admits solution by court of general jurisdiction of the cases on impugnment of the Constitution and

Charters of subjects of the Russian Federation - Clause 1 of the Decree No.13-P of July 18, 2003 of the Constitution Court of the Russian Federation.

The law making provision, contained in the second and third parts of Article 253 of this Code, in correlation with Clause 2 of the first Part of Article 27, the first, the second and the fourth parts of Article 251 of this Code, according to which the acknowledgment of a law making instrument as contradicting to the federal law since the day of adoption or since other time specified by court, entails invalidation of this law making instrument or a part of this, has been invalidated since the day of adoption and should not be applied in the part referred to the testing of the law making instruments, which may be tested in constitutional proceedings according to Article 125 of the Constitution of the Russian Federation, - the Decree No.1-P issued by the Constitution Court of the Russian Federation on January 27, 2004.

On the matter, see also the Ruling No.73-O, issued by the Constitution Court of the Russian Federation on March 4, 2004.

4.The judgment on invalidation of the law making instrument can not be overridden by the repeated adoption of the same instrument.

Chapter 25. Proceedings in Cases on Impugnment of Decisions Made, Actions (Inaction) Fulfilled by State Authorities, Local Self Government Bodies, Officials, State and Municipal Employees

Article 254.Filing of an Application for Impugnment of the Decision Made, Action (Inaction) Fulfilled by State Authority, Local Self Government Body, an Official, or State or Municipal Employee

1.A citizen or an organization when suggest their rights and freedoms are violated, are authorized to impugne a decision, action (inaction) of state authority, local self government body, and official, state or municipal employee. A citizen or an organization are authorized to apply directly to court or higher by subordination state authority, local self government body, or to an official, state or municipal employee.

2.The application shall be filed to court according to jurisdiction, established by Articles 24 to 27 of this Code. A citizen may file the application at the place of his residence or at the location of state authority, local self government body, an official, state or municipal employee, whose decision, action (inaction) are impugned.

The refusal of exit from the Russian Federation on the reason, that an applicant is aware of information constituting state secrets, shall be impugned at the appropriate Republican Supreme Court, Regional Court, District Court, Court of a City of Federal Importance, Court of Autonomous Circuit, Court of Autonomous Region at the location of dismissal of the request for exit.

3.A serviceman impugning a decision, action (inaction) of military administrative body or military unit's commander shall file an application to the court martial.

4.Court is authorized to suspend the validity of the impugned decision until validation of judgment.

Article 255. Disputable under Civil Proceedings Decisions, Actions (Inaction) of Authorities, Local Self-Government Bodies, Officials, State or Municipal Employees

The disputable under civil proceedings decisions, actions (inaction) of authorities, local self government bodies, officials, state or municipal employees the collegial and individual decisions and actions (inaction) shall be attributed, which result in the following:

Violation of rights and freedoms of citizens;

obstacles to implementation of citizens' rights and freedoms;

a citizen was illegally made anyhow liable or responsible.

Article 256. Time Limits for Application to Court

1.A citizen has the right to apply to court within three months since the day when he become aware about violation of his rights and freedoms.

2.Delay above three months' period of application to court is not a ground for court to refuse of accept of the application. The reason of the delay shall be identified in preliminary court session or the court session and may be the ground for refusal of meeting the application.

Article 257. Examination of the Application for Impugnment of the Decision, Action (Inaction) of an Authority, Local Self Government Body, and Official, a State and Municipal Employee

1.The application shall be examined by court within ten days with the participation of a citizen, the head or representative of an authority, local self government body, an official, state or municipal employee, whose decisions, actions (inaction) are impugned.

2.Failure to appear to court of any persons, mentioned in the first part of this Article, if were appropriately notified of the time and place of court session, is not an obstacle to examination of the application.

Article 258. Court Judgment and Execution thereof

1.Court, when acknowledged the application well grounded, shall make a decision binding an appropriate authority, a local self government body, an official, a state or municipal employee to fully eliminate either the committed violation of citizen's rights and freedoms or an obstacle for implementation of citizen's rights and freedoms.

2.The judgment shall be sent for execution to the head of the authority, local self government body, the official, the state or municipal employee, whose decisions, actions (inaction) have been impugned, or to the body, the official, the state or municipal employee of higher jurisdiction in three days since validation.

3.Court and a citizen must be notified of execution of the judgment in one month since receipt of the latter. The judgment shall be executed according to the Rules, specified in the second Part of Article 206 of this Code.

4.Court shall refuse of meeting the application if ascertained that the decision or action impugned has been legally made or performed within the powers of an authority, local self government body, an official, a state or municipal employee, and citizen's rights and freedoms have not been violated.

Chapter 26. Proceedings in Cases for the Protection of RF Citizens' Elective Franchise and Right to Participate in Referendum

Article 259. Filing of an Application for Protection of Russian Federation Citizens' Elective Franchise and the Right to Participate in Referendum

1.Electorate, participants of referendum, candidates and the persons empowered to act on their behalf, elective associations and the persons empowered to act on their behalf, political parties and regional party departments, other non-governmental associations, initiative groups for holding of Referendum and authorized representatives thereof, other groups of participants of the Referendum and authorized representatives thereof, supervisors, or prosecutor suggesting that decisions or actions (inaction) of an authority, local self government body, non-governmental associations, elective commission, commission of Referendum or an official violate Russian Federation citizens' elective franchise or their right to participate in Referendum, are authorized to file an application to court.

2.Central Election Committee of the Russian Federation, election committees of subjects of the Russian Federation, election committees of municipal units, circuits, territories and districts, corresponding committees for Referendum holding are empowered to apply to court in connection with infringement of the elective law, or law of referendum committed by the authority, local self government body, officials, the candidate, elective associations, the elective block, the political party, or regional branch thereof, by other non-governmental associations, the initiative group for holding of Referendum, other group of participants of referendum, and also the election or referendum committee.

3. Election committee is entitled to apply to court with the application for cancellation of registration of the candidate (the list of candidates) which has registered the candidate (the list of candidates), the candidate registered on the same constituency, elective association which list of candidates is registered on the same constituency, and in the cases established by the federal act - public prosecutor (part is added since 7 December 2006 by the Federal Act N 225-FZ of 5 December 2006).

4. The persons established by the federal law have the right to apply to court with application for breaking up of the elective or referendum committee.

5. The following committees have the right to apply to court with application for cancellation of registration of the initiative group for referendum's holding, other group of participants of referendum: when holding of referendum of the Russian Federation - the Central elective committee of the Russian Federation; when holding of referendum of the subject of the Russian Federation - the elective committee of subject of the Russian Federation; when holding of local referendum - the elective committee of municipal formation.

6. The application to court for protection of suffrages and rights for participation in referendum of citizens of the Russian Federation shall be filed under the jurisdiction established by articles 24, 26 and 27 of this Code, other federal laws.

(The Article is stated in the wording effective since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005, - see the previous wording).

Article 260. Time Limits for Filing of Application to Court and Examination of the Application

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Provisions of this article providing terms for consideration in the court of applications on protection of the elective rights filed during election campaign (paragraph first of part two in the wording of the Federal Act of 14 November 2002, part six in the wording of the Federal Act of 21 July 2005) **are considered as not corresponding** to the Constitutions of the Russian Federation, its articles (part 1 and 2) and 46 (part 1 and 2) insomuch as these provisions by meaning given to them by law enforcement practice prevent to the court to solve essentially according case upon expiration of terms established in them and constitute basements for cessation proceeding on the case - the Decree of the Constitutional Court of the Russian Federation N 14-P of 26 December 2005.

1.An application may be filed to court within three months period since the day when an applicant became aware or should become aware of infringement of the election law, referendum law or violation of the applicant's franchise, or his right to participate in Referendum.

2. The application regarding decision made by the election committee, referendum committee concerning the registration, refusal of registration of a candidate (the list of candidates), initiative group for holding of Referendum, other group of referendum participants, on cancel of candidate's (the list of candidates) registration may be filed within ten days since the election or referendum committee made an appropriate decision. The procedural term established by this part is not subject to restoration.

3. The application for cancel of registration of the candidate (the list of candidates) may be filed to court eight days before voting procedure, at the latest.

4. After publication of the results of elections, or Referendum, the application pertaining to violation of franchise or the right to participate in Referendum, committed in the course of election campaign, preparation and holding of Referendum may be filed to court within one year since the day of publication of results of corresponding elections, or Referendum.

5. The application for breaking up of the elective or referendum committee may be filed to court in the terms established by the federal law.

6.The application, filed to court in the course of election campaign or during preparation of referendum, should be examined within five days since filing, but on the day preceding the polling day, at the latest, and the application, filed on the polling day or the following day, should be examined immediately. In case, the facts contained in the application require further revision, the decision on the application shall be made in ten days since the day of filing, at the latest.

7. The application on inaccuracy revealed in the lists of voters, participants of Referendum must be examined within three days since they have been filed, but on the day preceding the polling day, at the latest; and, if filed on the polling day, should be examined immediately.

8. The application regarding the decision made by the election committee, of referendum committee on the results of voting, on the results of elections, or referendum should be examined within two months since the day of its filing.

9. The decision under the application for cancellation of registration of a candidate (the list of candidates) shall be made by court of first instance within five days since the polling day, at the latest (part is added since 7 December 2006 by the Federal Act N 225-FZ of 5 December 2006).

10. The decision under the application for cancellation of registration of initiative group for holding of referendum, other group of participants of referendum shall be made by court in three days before polling day, at the latest.

11. Judgment regarding the breaking up of the election committee, or referendum committee shall be made in fourteen days, at the latest, but, in the course of the electoral campaign, or holding of referendum, in three days since the day of filing, at the latest.
(The Article is stated in the wording effective since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005, - see the previous wording).

Article 260_1. Procedure for examination of cases for protection of Russian Federation citizens' franchise and the rights to participate in Referendum of Russian Federation citizens

1.The application shall be examined by court with participation of the applicant, representative of an appropriate authority, local self government body, non-government association, election committee, referendum committee, an official, a prosecutor. Default to appear to court of the specified persons, though notified properly of the time and place of the court session, is not an obstacle to trial and settlement of the case.

2. The court informs the elective committee, referendum committee on consideration of the application for breaking up of this elective committee, referendum committee. The cases for breaking up of the elective committees, referendum committees shall be examined by court collegially by three professional judges.

3. When consideration and settlement of the cases for protection for protection of Russian Federation citizens' franchise and the rights to participate in Referendum of Russian Federation citizens in the period of the election or referendum campaign before the day of publication of elections' results, the following can not be referendum measures for securing of the claim:

1) imposing arrest on ballots, voting slips at the referendum, lists of voters, participants of the referendum, other elective documents, documents of referendum or their withdrawal;

2) prohibition of the elective or referendum committees to carry out the actions established by the law on preparation and elections, referendum.

4. The decision of court of the first instance for cancellation of registration of a candidate (the list of candidates) cannot be executed immediately.

(The Article has been added since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005).

Article 261. The Judgment on the Cases for Protection of Russian Federation Citizens' Franchise and Right to Participate in Referendum and Execution of this Judgment

1.If the application is established valid, court recognizes illegal the impugned decision or action (inaction) fulfilled or committed by an authority, local self government body, non-governmental association, election committee, referendum committee, or an official, binds to fully satisfy the applicant's claim or otherwise fully restores his violated franchise or the right to participate in Referendum (the Subparagraph is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

The valid judgment shall be sent to the head of an appropriate authority, local self government body, non-governmental association, chairman of the election committee, chairman of referendum committee, or an official and is subject to execution within the time limits fixed by court according to Rules stipulated by second Part of Article 206 of this Code.

2.Court refuses of meeting the application, if established the impugned decision or action (inaction) to be legal.

3.An appeal against judgment, private complaint against determination of court on the case for protection of Russian Federation citizens' franchise or the right to participate in Referendum, which has made before the polling day, may be filed during election campaign or preparation and holding of Referendum within five days since the specified judgment-making or determination-making (the Clause is stated in the wording effective since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005, - see the previous wording).

Subsection IV. Special Proceeding

Chapter 27. General Provisions

Article 262. The Cases Being Tried in Special Proceedings

1.The following cases shall be tried in special proceedings:

1)on establishing of legally significant facts;

2)on child adoption;

3)on acknowledgment of passed away person by missing person or on declaration of death;

4)on restriction to citizen's capability, on acknowledgment of incapable citizen, on limitation or deprivation of minors of fourteen to eighteen years old of their right to independently command their income;

5)on declaration of under age fully capable (emancipation);

6)on acknowledgment of movable waif and acknowledgment of the municipal right of real thing waif;

7)on restoration of rights of lost bearer securities or order securities (procedure to declare the lost documents void);

8)on compulsory psychiatric hospitalization of a citizen and on compulsory psychiatric examination;

9)on entering of correctives or alterations to civil status records;

10)under the applications on the performed notary activity or on refusal of their performance;

11)under the applications for restoration of lost proceedings.

2.Other cases may be also attributed to investigation in special proceedings according to Federal Acts.

Article 263. Investigation and Settlement of Cases through Special Proceedings

1.The cases under special proceedings shall be investigated and settled by court according to general rules of action proceedings with the features established by this Chapter and Chapters 28 to 38 of this Code.

2.Court investigates cases in special proceedings with participation of applicants and other persons to whom it concerns.

3.In case, while filing the application or investigating the case in special procedure, availability of a private law dispute within the court jurisdiction has been established, court shall bring the ruling on dismissal of the application, elucidating the applicant's and other concerned persons' right to settle the dispute in adversary proceedings.

Chapter 28. Ascertainment of Legally Significant Facts

Article 264. The Cases on the Ascertainment of Legally Significant Facts

1.Court ascertains the facts influencing arising, shift, termination of private or property rights of the citizens, institutions.

2.Court investigates the cases on ascertainment:

1)of blood relationships;

2)the fact of being dependent;

3)the fact of registration of birth, child adoption, marriage, dissolution of marriage, death;

4)the fact of acknowledgment of paternity;

5)the fact of ownership of the right establishing documents (except for military documents, passport and certificates issued by bodies for registration of civil status) by the person, whose name, patronymic or surname, specified in the document, differ from this person's name, patronymic or surname, specified in his passport or certificate of birth;

6)the fact of ownership and use of intangible property;

7)the fact of accident;

8)the fact of death in a certain time and under certain circumstances in case, the body for records of civil status refused of death registration;

9)the fact of acceptance of heritage and of place of opening of inheritance;

10)other legally significant facts.

Article 265. The Conditions Necessary to Ascertain Legally Significant Facts

Court shall ascertain the legally significant facts only for applicant's impossibility to otherwise obtain the appropriate documents proving these facts, or for impossibility to restore lost documents.

Article 266. Filing of Application for Ascertainment of Legally Significant Fact

The application for ascertainment of legally significant fact shall be filed to court at the applicant's place of residence, except for the application for ascertainment of the fact of ownership and use of real estate, which should be filed to court at the location of real estate.

Article 267. The Content of the Application for Ascertainment of Legally Significant Fact

The application for ascertainment of legally significant fact must specify on what a purpose this fact is to be necessary ascertained, and also the evidence should be given proving applicant's impossibility to obtain the appropriate documents or impossibility to restore lost documents.

Article 268. The Judgment Regarding the Application for Ascertainment of Legally Significant Fact

The judgment regarding the application for ascertainment of legally significant fact, is an instrument proving the legally significant fact, and that one regarding the fact subject to registration, shall be the ground for such registration, yet, not substituting the instruments, issued by registering bodies.

Chapter 29. Adoption of Child

Article 269. Filing of the Application for Adoption of Child

1.The application for adoption of child (hereinafter - adoption) shall be filed by citizens of the Russian Federation, willing to adopt a child, to their local district court or at the location of the child to be adopted.

2.Citizens of the Russian Federation permanently residing beyond the territory of the Russian Federation, foreign citizens or persons without citizenship, willing to adopt a child-citizen of the Russian Federation, shall file an application for adoption to their local Republican Supreme Court, territorial (krai), regional courts, court of the city of federal significance, autonomous regional court, and to court of an autonomous circuit or those at the location of the adopted child.

Article 270. The Content of the Application for Adoption

The following shall be specified in the application for adoption:

Surname, name, patronymic of the adoptive parents (adoptive parent), their place of residence;

Surname, name, patronymic and date of birth of the adopted child, his place of residence or location, data on parents of the adoptive child, availability of his brothers and sisters;

The circumstances in substantiation of the adoptive parents (adoptive parent) request on adoption of child, and the documents proving these circumstances;

The request for change in surname, name, patronymic, place of birth of the adoptive child and also the date of his birth (at adoption under one year old), on the record of the adoptive parents (adoptive parent) and parents (parent) in the records of certificate of birth.

Article 271. The Documents to be Enclosed to the Application for Adoption

1.The following should be enclosed to the application for adoption:

1)a copy of certificate of birth of the adoptive parent - when a single person is adopting a child;

2)a copy of a certificate of marriage of the adoptive parents (adoptive parent) - when married persons (person) are adopting a child;

3)when one of spouses is adopting a child - a consent of another spouse proving that spouses have interrupted family relationships and do not live together more than one year. For impossibility to enclose an appropriate document, the evidence proving these facts, should be
specified in the application;

4)medical certificate of the state of health of the adoptive parents (adoptive parent);

5)the reference form the place of work on the position held and on salary or a copy of income statement or another document on income;

6)the document proving the right of use of living space or ownership of living space;

7)the document of registration of a citizen as a candidate to adoptive parents.

2.The documents, specified in the first part of this Article, and the conclusion of an authorized agency of the state, whose citizens are the adoptive parents (when people without any citizenship are the adoptive parents - the state of their permanent residence) confirming their living status, and their capacity of being the adoptive parents, and also a permit of an authorized agency of the appropriate state for the adopted child entry and permanent residence on the territory of this state, shall be enclosed to the application, filed by Russian Federation citizens living permanently beyond the Russian Federation territory, foreign citizens or persons without citizenship, for adoption of the child being citizen of the Russian Federation.

3.The documents, specified in the first part of this Article, and also the consent of the child's legal representative and a competence agency of the state, whose citizen the child is, and, if need be according to rule of law of such a state and (or) international treaty, which the Russian Federation is a party to, the consent of a child for his (her) adoption, shall be enclosed to the application, filed by citizens of the Russian Federation for adoption of a child being foreign citizen.

4.The documents of the adoptive parents-foreign citizens should be legalized in the established procedure. When legalized, they should be translated into Russia and the translation should be notarized.

5.All the documents should be submitted in two copies.

Article 272. Preparation of the Case in Adoption to the Court Trial

1.The judge, when preparing the case to the court trial, shall bind the guardianship and tutorship bodies at their place of residence or the location of the child being adopted, to provide court with the opinion on the validity and conformity of the adoption with interests of the adopted child.

2.The following should be enclosed to the opinion of the guardianship and tutorship agencies:

1)the statement on the inspection of living conditions of the adoptive parents (parent), made up by the local guardianship and tutorship body at the place of residence or location of the adopted child or at the place of residence of the adoptive parents (parent);

2)birth certificate of the adoptive child;

3)medical conclusion on the state of health, on physical and intellectual growth and development of the adopted child;

4)the consent of the adopted child older than 10 years for adoption, and probable change in his name, surname and the record on the adoptive parents (parent) as his (her) parents (except for the cases this consent is not required according to federal law);

5)the consent of the child's parents for his (her) adoption, and, if the parents are under sixteen years old, the consent of their legal representatives is also required, but, in absence of their legal representatives, the consent of the guardianship and tutorship agency is required, except for the cases, stipulated by Article 130 of the Family Code of the Russian Federation;

6)the consent of the child's guardian (tutor), adoptive parents or managers of the institution, where the child is living since left without parental care;

7)when citizens of the Russian Federation residing permanently beyond the Russian Federation territory, foreign citizens or people without citizenship, who are not the child's relatives, the document should be submitted confirming presence of information concerning the adopted child in the state data bank on the children left without parental care, and also the documents confirming impossibility to transfer the child for education into to the family of Russian Federation citizens, or to adoption by the child's relatives, irrespectively nationality and place of residence of these relatives.

3.If necessary, court can inquire other documents.

Article 273. Examination of the Application for Adoption

The application filed for adoption shall be examined by closed court sitting with the obligatory participation of the adoptive parents (parent), the representative of the guardianship and tutorship agency, prosecutor, a child achieved fourteen years old, and, if necessary, other concerned people and the child him (her)self at his (her) ten to fourteen years.

Article 274. Judgment on the Application for Child's Adoption

1.Upon consideration of the application for child's adoption, court makes a judgment to meet the request of the adoptive parents (parent) or refuse of meeting the request. When meeting the request for child's adoption, the court recognizes the child adopted by certain persons (a person) and specifies all the data concerning the adopted child and the adoptive parents (a parent) in the court judgment, which are required for state registration of the adoption with the civilian registrar's office.

Upon meeting of the application for child's adoption, the court may refuse of the adoptive parents' (parent's) request to record them as the child's parents (parent) in his certificate of birth, and to change the child's place and date of birth.

2.Upon meeting of the application for child's adoption, the rights and duties of the adoptive parents (parent) and the adopted child shall be established since the day of invalidation of the court judgment concerning the child's adoption.

3.Court shall send a copy of the court judgment on child's adoption for registration with the local civil registrar's office within three days of invalidation of the judgment.

Article 275. Abolition of the Adoption

The cases on abolition of the adoption shall be examined and settled according to the rules of the adversary proceedings.

Chapter 30. Recognition of a Citizen by Missing Person or Declaration of a Citizen's Death

Article 276. Filing of the Application for Recognition of a Citizen as Missing Person or on Declaration of the Citizen's Death

The application for recognition of a citizen as missing person or on declaration of the citizens' death shall be filed to the court local to place of residence or location of the person concerned.

Article 277. The Contents of the Application for Recognition of a Citizen by Missing Person or on Declaration of the Citizen's Death

The application for recognition of a citizen by missing person or declaration of the citizen's death must indicate on what purpose the applicant needs to recognize the citizen by missing person or to declare his death, and also the facts should be stated in confirmation of missing the person, or the circumstances threatening missing person with mortal danger or suggesting his death as the result of a certain accident. As to the servicemen or other citizens missing as the result of military operations, the application should indicate the day of completion of the military operations.

Article 278. The Judge's Activity after Receipt of the Application for recognition of the Citizen by Missing Person or on Declaration of Citizen's Death

1.The judge, while preparing the case to the trial, shall clarify who is able to inform of the missing person, and also shall inquire the appropriate institutions local to the last known place of the missing person's residence, his place of work, bodies for internal affairs, and military units about any available relevant information.

2.Upon receipt of the application for recognition of a citizen as a missing person or on declaration of the citizen's death, the judge may offer the body of guardianship or trusteeship to appoint the trust administrator of such a citizen's estate.

3.The cases on recognition of a citizen as a missing person or on declaration of the citizen's death shall be examined with the participation of a prosecutor.

Article 279. The Judgment on the Application for Recognition of a Citizen as a Missing Person or on Declaration of Citizen's Death

1.The judgment on recognition of a citizen as a missing person is the ground for transfer of his estate to the person entrusted by the trustees body for administration of this estate, if need be to administer it permanently.

2.The judgment, according to which a citizen is declared dead, is the ground to make a record on his death to the civil registrar's book.

Article 280. The Consequences of Appearance or Disclosure of the Place of Residence of the Citizen Recognized Missing Person or Declared Dead

In case the citizen recognized missing person or declared dead has appeared or his place of residence has been detected, the court shall abolish the earlier judgment by the new one. The new judgment is the ground, respectively, for cancellation of administration of the citizen's estate and for annulment of the record on death in the civil registrar's book.

Chapter 31. Special Disability, Recognition as Incapable, Restriction or Revocation of 14 to 18 Age Minors' Right to Independently Manage their Income

Article 281. Filing of the Application for Citizen's Special Disability, on Recognition of a Citizen Incapable, on Restriction or Revocation of 14 to 18 Age Minors' Right to Independently Manage their Income

1.The case on special disability of a citizen as the result of alcohol or narcotic drug abuse may be initiated on the basis of the application filed by his family members, guardianship or tutorship body, psychiatric or psychiatric and neurological institutions.

2.The case on incapability of a citizen due to psychiatric disorder may be initiated in court on the basis of the application filed by his family members, relatives (parents, children, sisters and brothers) irrespectively their living together, by the body of guardianship or tutorship, psychiatric or psychiatric and neurological institutions.

3.The case on restriction or revocation of the 14 to 18 age minors' right to independently manage their salary, scholarship or other income may be initiated on the basis of the application filed by parents, adoptive parents or a tutor or by the body of guardianship or tutorship.

4.The application for citizen's special disability, on recognizing the citizen incapable, on restriction or revocation of the 14 to 18 age minors' rights to manage their income shall be filed to the local court at the place of residence of this citizen, and if the citizen is hospitalized to psychiatric or psychiatric and neurological institution, at the location of this institution.

Article 282. The Contents of the Application for Special Disability, for Recognition of Citizen's Incapability, for Restriction or Revocation of 14 to 18 Age Minors' Rights to Independently Manage their Income

1.In the application on the citizen's special disability the facts should be stated evidencing that a person's alcohol or narcotic drug abuse leads to poor financial position of the family.

2.In the application on recognition of a citizen incapable, the facts should be stated evidencing his psychiatric disorder resulting in his inability to realize meaning of his own actions or to administer thereof.

3.The application on restriction or revocation of the 14 to 18 age minors' rights to independently manage their salary, scholarship or other income must state the facts evidencing the minors' unreasonable using their salary, scholarship or other income.

Article 283. Appointment of the Examination to Define the Citizen's Psychic (Mental) State

In the course of preparing to court trial concerning recognition of citizen's disability at available sufficient data of his mental disorder, a judge shall appoint psychiatric examination to define the person's mental state. When a citizen,

against whom the case has been instituted, obviously avoids psychiatric examination, court within the framework of court session with participating a prosecutor and psychiatrist can make a decision on a citizen's compulsory passing through such the examination.

Article 284. Examination of the Application for Citizen's Special Disability, for Recognition of a Citizen Incapable, for Restriction or Revocation of 14 t0 18 Age Minors' Rights to Independently Manage their Income

1.The application for citizen's special disability, on recognition a citizen incapable, on restriction or revocation of the 14 to 18 age minors' rights to independently manage their salary, scholarship or other income shall be examined by court with participating the citizen, the applicant, a prosecutor, and a representative of the body for guardianship and tutorship. The citizen, on whose disability the case is under the trial, must be called to court session, if it is possible by state of his health.

2.The applicant shall be exempted from charges related to examination of the application for a citizen's special disability, for recognizing a person incapable, for restriction or revocation of 14 to 18 age minors' rights to independently manage their income. If the applicant was shown to be unfairly acting on the purpose of obviously wrongful restriction or deprivation of citizen's capability, the court shall collect from such a person all the charges related to examination of case.

Article 285. The Judgment on the Application for Citizen's Special Disability, for Recognition of Citizen's Incapability

1.The judgment recognizing a citizen's special disability is the ground for the body of guardianship and tutorship to appoint him a guardian.

2.The judgment recognizing the citizen's incapability is the ground for the body of guardianship and tutorship to appoint him a guardian.

Article 286. Cancellation of Citizen's Special Disability and Recognition of a Citizen Capable

1.In the case, stipulated by Clause 2 of Article 30 of the Civil Code of the Russian Federation, court on the basis of a citizen's personal application, application filed by his agent, his family member, his guardian, the body of guardianship or tutorship, psychiatric or psychiatric and neurological institutions, shall make a decision on cancellation of the citizen's special disability. The appointed guardianship shall be cancelled on the basis of court judgment.

2.In the case, stipulated by Clause 3 of Article 29 of the Civil Code of the Russian Federation, the court by the application filed by a guardian, family member, psychiatric or psychiatric and neurological institution based on the appropriate conclusion of psychiatric examination, shall make a decision on recognition of the citizen capable. The judgment shall be the ground to cancel the appointed guardianship.

Chapter 32. Declaration of a Minor Fully Capable (Emancipation)

Article 287. Filing of the Application for Declaration of a Minor Fully Capable

1.A minor achieved 16 age is authorized to apply to the court office at his place of residence for declaring him fully capable in the case, stipulated by Clause 1 Article 27 of the Civil Code of the Russian Federation.

2.The application for declaration of the minor fully capable shall be accepted by court without the consent of parents (one of the parents), adoptive parents or guardians for such declaration.

Article 288. Examination of the Application for Declaration of a Minor Fully Capable

The application for declaration of a minor fully capable shall be examined by court with participating the applicant, parents (one of the parents), adoptive parents (an adoptive parent, and a representative of the body for guardianship and tutorship, and a prosecutor.

Article 289. The Judgment on the Application for Declaration of a Minor Fully Capable

1.Upon examined on the merits of the application for declaration of a minor fully capable, court shall make a decision which complies with or rejects the applicant's request.

2.When the request is complied with, the minor achieved 16 age shall be declared fully capable (emancipated) since the day of enforcement of the relevant judgment.

Chapter 33. Recognition of a Movable Item Ownerless and Recognition of an Ownerless Real thing Item as Municipal Property

Article 290. Filing of an Application for Recognition of Movable Item Ownerless or on Recognition of Ownerless Real thing as Municipal Property

1.An application for recognition of a movable item ownerless shall be filed to court by a person, who came in possession of the one, at the place of applicant's residence or stay.

An application for recognition of a movable exempted by federal executive bodies within their competence as ownerless shall be filed to court by the local financial body at the item's location.

2.The application for recognition of the municipal right of ownership of ownerless real thing shall be filed to the court at the real thing's location by the body authorized for administration of municipal estate.

In case the body, authorized for administration of municipal estate, applies to court before expiration of a year since registration of the estate by a body authorized for state registration of right of ownership of the real thing, the judge refuses of receipt of the application, and court shall stop the proceedings.

Article 291. The Contents of the Application for Recognition of a Movable as Ownerless or on Recognition of a Municipal Right of Ownership of an Ownerless Real Thing

1.The application for recognition of a movable as waif must specify what an item is to be recognized ownerless, the main features of the latter should be described, and the evidence should be given proving the owner's rejection of property in this item, and the evidence proving the applicant coming into possession of the item.

2.The application filed by the body, authorized for administration of the municipal estate, for recognition of the municipal right of the property in the ownerless real thing must specify who and when has registered this real thing, and also, the evidence should be given to prove the absence of owner.

Article 292. Preparing of a Case to the Court Trial and Examination of the Application for Recognition of a Movable as an Waif or on Recognition of the Municipal Right of Property in an Ownerless Real Thing

1.A judge, while preparing the case to the court trial, shall elucidate who personally (owners, actual possessors and others) can provide information of attributing the property, and also, shall inquire the relevant information from appropriate institutions.

2.The application for recognition of an item ownerless or on recognition of the municipal right of property in an ownerless real thing shall be examined by court with participation of concerned persons.

Article 293. The Judgment Pertaining to the Application for Recognition of a Movable as a Waif or on Recognition of the Municipal Right of Property in the Ownerless Real Thing

1.The court, when acknowledged the owner rejected the right of property in a movable item, shall make a decision on recognition of a movable item as waif and on transfer thereof into the property of the person, who came in possession of this.

2.Court, when acknowledged that a real thing is waif or the owner is unknown, and the one has been registered in the established procedure, shall make a decision on recognition of the municipal right of property in this real thing.

Chapter 34. Restitution of Rights of Forfeited Securities to Bearer or of Ordered Securities (Procedure to Declare Lost Documents Void)

Article 294. Filing of the Application for Invalidation of the Forfeited Securities to Bearer or the Ordered Securities and for Restitution of Rights to those

1.A person who lost a security to bearer or an order security (hereinafter throughout this Chapter - the document), in the cases specified in federal law, may apply to court for invalidation of the lost security to bearer or order security and for restitution of his rights to those.

2.The rights to forfeited documents may be restored also upon the document lost signs of paying capacity as the result of inadequate storage or on other reasons.

3.The application for invalidation of lost security to bearer or ordered security and for restitution of rights to those shall be filed at the place of residence of a person, issued the documents aforesaid.

Article 295. The Contents of the Application for Invalidation of Lost Security to Bearer or Ordered Security and on Restitution of Rights to Those

The application for invalidation of lost either security to bearer or ordered security and for restoration of rights to those must specify the signs of lost document, the name of a person issued the latter, and describe the circumstances, under which the document has been lost, and the applicant’s request forbidding the document’s issuer to fulfill any payments or issuance under this document.

Article 296. Activity of a Judge after Receipt of the Application for Invalidation of Lost Security to Bearer or Ordered Security and on Restitution of Rights to Those

1.Upon receipt of the application for invalidation of lost security to bearer or ordered security and for restoration of rights to those, the judge shall make a decision forbidding the document's issuer to perform any payments or issues by these documents, and send a copy of the decision to the person aforesaid, and to registrar. The court decision shall stress also the necessity to publish for the applicant's account through local printed edition the information, which must contain the following:

1)the name of the court, received the application concerning the lost document;

2)the applicant's name, his place of residence or stay;

3)the name and signs of the document;

4)an offer to the holder of lost document to apply to court for his rights to this document within three months since the day of publication.

2.Dismissal of making a court decision may be appealed against in the private procedure.

Article 297. The Application Filed by the Document's Holder

A holder of the document, on the lost of which the application has been filed, is obliged to apply to the court, which made a decision, on his rights to this document and to submit, thereto, the original documents before expiration of three months since publication of the information specified in first part of Article 296 of this Code.

Article 298. Court Activity upon Receipt of the Document Holder's Application

1.In case the document's holder has filed the application before expiration of three months since the day of publication of information specified in the first part of Article 296 of this Code, court shall set the application filed without examination and fix the period, when the document's issuer is forbidden to perform any payment or issues under the document. This period must not exceed two months.

2.In the mean time, the judge shall clarify the applicant's right to make a claim in general procedure against the document's holder for demand of the document, and the document's holder's right to collect from the applicant the losses, caused by taken prohibition measures.

3.The court decision made on the matters, specified in the Article, may be appealed against in the private procedure.

Article 299. Examination of the Application on Invalidation of the Forfeited Security to Bearer or Ordered Security and on Restitution of Rights to those

Court shall examine the case on invalidation of the forfeited security to bearer or ordered security and on restitution of rights to those upon expiration of three months since the day of publication of the information, specified in the first part of Article 296 of this Code, unless the application, specified in Article 297 of this Code, entered from the document's holder.

Article 300. The Judgment Regarding the Application on Invalidation of the Forfeited either Security to Bearer or Ordered Security and on Restitution of Rights to Those

In case the applicant's request has been met, court shall make a decision invalidating the forfeited document and restituting the rights to the forfeited either security to bearer or ordered security. This judgment shall be the ground for providing the applicant with the new document replacing the invalid one.

Article 301. The Right of the Document's Holder to Bring a Claim against Groundless Purchase or Saving of Property

Upon enforcement of the court judgment on invalidation of the document and on restitution of rights to the forfeited either security to bearer or ordered security, the document's holder, who has not claim timely his rights to this document on some reasons, may bring a claim against groundless acquisition or saving of the property to a person authorized for receipt of a new document in replace of the old one.

Chapter 35. Involuntary Hospitalization to a Psychiatric Institution and Compulsory Psychiatric Examination

Article 302. Filing of the Application for Compulsory Hospitalization to Psychiatric Institution or On Extension of the Compulsory Hospitalization of the Patient Suffering from Psychiatric Disorder

1.The application, filed by representative of psychiatric institution for the compulsory hospitalization or for extension of the period of the compulsory hospitalization of the patient suffering from psychiatric disorder, shall be filed to the court local to the psychiatric institution, where a citizen has been placed to.

2.A substantiated conclusion of the commission comprising of physicians-psychiatrists, as to the necessity of citizen's staying at the psychiatric institution, must be enclosed to the application, specifying the legal grounds for compulsory psychiatric hospitalization of a citizen, suffering from psychiatric disorder.

Article 303. The Deadline for Filing of the Application for Compulsory Psychiatric Hospitalization

1.The application for compulsory hospitalization of a citizen shall be filed within forty eight hours since his entering of psychiatric institution.

2.The judge, while initiating the case, shall extend simultaneously staying of a citizen at the psychiatric institution for the period necessary to examine the application for compulsory psychiatric hospitalization.

Article 304. Examination of the Application for the Compulsory Hospitalization at Psychiatric Institution or on Extension of the Period of the Compulsory Hospitalization of the Citizen Suffering from Psychiatric Disorder

1.The judge shall examine the application for the compulsory psychiatric hospitalization or for extension of the period of the compulsory psychiatric hospitalization of the citizen, suffering from psychiatric disorder, within five days since the day of initiation of the proceedings. The court session shall be held either in court rooms or in psychiatric institution. The citizen has the right to participate personally in the court session in the case of his compulsory

hospitalization or on extension of the period of his compulsory hospitalization. In case, the representative of psychiatric institution informs that mental state of a citizen does not allow him to participate in person in the court session concerning his compulsory hospitalization or extension of the period of his compulsory hospitalization to be held in the court rooms, the judge shall examine the application for citizen's compulsory hospitalization or on extension of the period of his compulsory hospitalization at the psychiatric institution.

2.The case shall be examined with participating prosecutor, representative of the psychiatric institution applied to the court for the compulsory psychiatric hospitalization of a citizen or on extension of the period of his compulsory hospitalization, and a representative of the citizen, the issue of whose compulsory hospitalization or extension of the period of the compulsory hospitalization is under consideration.

Article 305. The Court Judgment Regarding the Application for Compulsory Psychiatric Hospitalization or for Extension of the Period of the Compulsory Hospitalization of a Citizen Suffering from Psychiatric Disorder

1.The judge when considered on the merits of the application for the compulsory psychiatric hospitalization of a citizen or on extension of the period of the compulsory hospitalization of a citizen, suffering from psychiatric disorder, shall make a decision rejecting or meeting the application.

2.A court judgment on meeting the application shall be the ground for compulsory psychiatric hospitalization of a citizen or for extension of the period of the compulsory hospitalization of the citizen suffering from psychiatric disorder and for following keeping of this citizen at the psychiatric institution within legally established period.

Article 306. Compulsory Psychiatric Examination

Physician-psychiatrist shall file an application on compulsory psychiatric examination of a citizen to the local court at the place of the citizen's residence. A substantiated conclusion of the physician-psychiatrists confirming necessity of such examination and other available documents shall be enclosed to the application. A judge shall solely examine the application for compulsory psychiatric examination of a citizen and make a decision either on his compulsory psychiatric examination or on refusal of the compulsory psychiatric examination.

Chapter 36. Examination of Cases on Making Corrections or Alteration to the Records of Acts of Civil Status

Article 307. Filing of the Application on Making Corrections or Alteration to the Records of Acts of Civil Status

1.In absence of the legal issue, court shall examine the cases on making corrections or alterations to the records of acts of civil status, if the bodies for registration of acts of civil status refused of making corrections or alterations to executed records.

2.The application for making corrections or alterations to the record of act of civil status shall be filed to the court local to the applicant's place of residence.

Article 308. The Contents of the Application for Making Corrections or Alterations to the Record in the Act of Civil Status

The application on making corrections or alterations to the records in the act of civil status must specify what is the incorrectness in a record in the act of civil status, when and what a body for registration of records of civil status has refused of making corrections or alterations to executed record.

Article 309. The Court Judgment Regarding the Application for Making Corrections or Alterations to the Record in Act of Civil Status

The court judgment, which established the incorrectness of a record in the act of civil status, shall be the ground for the body registering acts of civil status to make the corrections or alterations to such a record.

Chapter 37. Examination of the Applications on the Fulfilled Notary Activity or on Refusal of the Latter

Article 310. Filing of the Application for Fulfilled Notary Activity or on Refusal of the Latter

1.A concerned person when considering incorrect a notary action performed or refusal to perform a notary action ungrounded, is authorized to apply to the court at the location of lawyer office or at the location of the official, authorized for execution of notary activity.

An application for incorrect validation of wills and powers of attorney or on refusal to validate those by the officials, specified in federal laws, shall be filed to court at the place of a hospital, sanatorium, other medical institution, respectively, an institution for social service, including houses for aged and disables (welfare homes), institutions for social protection of the population; expeditions, military units, bodies of troops and military educational institution, institutions of confinement.

The application on incorrect validation of will or on refusal to validate the one by master of sea craft, sea-river going ship or inland going ship navigating under the State Russian Federation flag shall be filed to court in the home port of the ship.

2.An application shall be filed to court within ten days since the day when the applicant became aware of the performed notary action or of refusal to perform the latter.

3.A legal dispute arisen between the persons concerned about the notary action fulfilled shall be examined in the action proceedings.

Article 311. Examination of the Application on the Notary Action Fulfilled or on Refusal to Fulfill the Latter

Court shall examine an application on the notary action performed or on refusal to fulfill the latter with participating an applicant, and a notary, an official performed the notary action or refused of fulfillment of the latter. Their failure to come, however, is not an obstacle to examine the application.

Article 312. Court Judgment Regarding the Application of the Notary Action Fulfilled or on Refusal to Fulfill the Latter

The court judgment, which meets the application on the notary action fulfilled or on refusal to fulfill the latter, shall either revoke the notary action fulfilled or bind to fulfill such an action.

Chapter 38. Restoration of Lost Proceedings

Article 312. Restoration of Lost Proceedings

1.Fully or partly lost civil proceedings ended by making a judgment or a decision on termination of the proceedings in the case shall be restored by court in the procedure established by this Chapter.

2.The case on restoration of lost proceedings shall be initiated on the basis of applications filed by the participants in the case.

Article 314. Filing of the Application for Restoration of Lost Proceedings

1.An application for restoration of lost proceedings shall be filed to the court, which made a judgment on the merits of dispute or a decision to discontinue a proceedings.

2.The application for restoration of lost proceedings must specify a certain proceedings, of which restoration the applicant has requested, whether the court made a judgment on the merits of a case or the proceedings has been discontinued, what a procedural position the applicant held in the case, who else took part in the case and in what a procedural position, place of residence or stay of these persons, the facts known by the applicant regarding the loss of proceedings, the whereabouts of copies of the proceedings' documents or information on those, what namely documents should be necessarily restored by applicant's opinion, and on what is the necessity of this.

Safe relevant documents or copies of those if even non-certified in the established procedure shall be enclosed to the application.

The applicant shall be exempted from payment of charges incurred in connection with investigation regarding restoration of lost proceedings.

Article 315. Dismissal of the Application for Restoration of Lost Proceedings

1.Court shall dismiss the application and provide the applicant with the period necessary to state the goal, unless this is specified in the application on restoration of lost proceedings.

2.In case the goal, specified by the applicant, is not related to protection of his rights and legitimate interests, court shall refuse of initiation of case on restoration of lost proceedings or dismiss the application if the case has been initiated.

Article 316. Refusal of Restoration of Lost Proceedings

1.The proceedings, which has been lost before examination of the case on its merits, is not subject to restoration. The plaintiff in the case is authorized to bring a new claim. The court decision concerning initiation of case under a new claim in connection with lost proceedings must indicate this fact.

2.While investigating the case under a new claim, court shall use the intact parts of the proceedings, the documents issued before loss of the proceedings to citizens, organizations, copies of these documents, other relevant documents.

Court can examine as witnesses the persons attended procedural activity, the judges, investigated the case, the proceedings of which has been lost, and also the persons executed court judgment.

Article 317. Judgment on Restoration of Lost Proceedings

1.A judgment or decision regarding discontinuation of the proceedings, if such one has been made by court in this case, is subject to restoration except for the cases, stipulated by Article 318 of this Code.

2.The court judgment regarding the restoration of lost court judgment or court decision on discontinuation of proceedings shall specify on the basis of what data, submitted to court and investigated during court trial with participating all the participants of the lost proceedings, the court considers established the consent of the court decision to be restored.

Court opinion on restoration of lost proceedings shall specify the court's conclusions regarding validity of the circumstances, which have been discussed by court, and what procedural activity has been performed in the lost proceedings.

Article 318. Discontinuation of the Proceedings in Case on Restoration of Lost Proceedings

1.For insufficiency of the collected documents for unbiased restoration of the court judgment related to lost proceedings, the court shall make a decision to discontinue the proceedings in case on restoration of lost proceedings and explain to the participants in the case their right to bring a claim in general procedure.

2.Examination of the application on restoration of lost proceedings shall not be restricted by its retention period. However, court shall also discontinue proceedings in case on lost proceedings, if the application has been filed for restoration of the proceedings on the purpose of its execution, and the term of submission of the writ of execution is expired and not to be restored by court.

Article 319. Procedure of Appeal of Court Decisions Related to Restoration of Lost Proceedings

1.The court decisions, related to restoration of lost proceedings, shall be appealed against in the procedure established by this Code.

2.If the application is knowingly false, the charges, related to initiating of case under the application for restoration of lost proceedings, shall be collected from the applicant.

Section III. Proceedings in Court of Appellate Jurisdiction

Chapter 39. Appellate Proceedings against Judgments and Decisions made by Justice of the Peace

Article 320. Right of Appeal

1.The judgments made by justice of the peace may be appealed against in appellation procedure by parties and other participants in the case to the appropriate local court through the justice of the peace.

2.A prosecutor, participating in a case, may bring the appellate report on the judgment made by justice of the peace.

Article 321. The Deadline for Submission of Appeal, Appellate Report

An appeal, appellate report may be submitted within ten days since the day when justice of the peace made final decision.

Article 322. The Contents of an Appeal, an Appellate Report

1.An appeal, appellate report must include the following:

1)the name of regional court, which the appeal or appellate report are addressed to;

2)the name of the person filed the appeal, or appellate report, his place of residence or stay;

3)indication of appealed decision of justice of the peace;

4)the reasons stated in the appeal, appellate report;

5)the request of the person concerned;

6)the list of the documents enclosed to the appeal, appellate report.

2.The appeal may not include the demands other than declared to justice of the peace.

3.The appeal shall be signed by an appellant, or by his agent. The power of attorney or other empowering document should be enclosed to the appeal filed by the agent, if such a power is available in the case.

The appellate report shall be signed by prosecutor.

4.The document confirming payment of state fee, if the appeal is payable, shall be enclosed to the appeal.

5.The appeal, appellate report and all the documents enclosed shall be submitted with copies in the number appropriate to the number of participants in the case.

Article 323. Dismissal of Appeal, Appellate Report

1.If the appeal, appellate report do not meet the requirements, stipulated by Article 322 of this Code, or the appropriate state fee has not been paid, justice of the peace shall make a decision to dismiss the appeal, appellate report, and fix the period for an appellant to correct the defects.

2.In case the appellant or prosecutor, brought an appellate report, performed the instructions of Justice of the Peace in the specified period, the appeal or appellate report, mentioned in the decision, shall be considered filed on the day of their initial coming to court.

Article 324. Return of Appeals, Appellate Reports

1.An appeal shall be returned to the appellant, and the appellate report shall be returned to prosecutor in the following case:

1)failure to fulfill within established period the instructions made by justice of the peace, specified in the court decision concerning dismissal of the appeal, appellate report;

2)for expiration of term of appeal, unless the request on restoration of term was included in the appeal, appellate report, or restoration has been rejected.

2.Justice of the peace shall also return an appeal by request of the applicant - upon withdrawal of the appeal, appellate report by prosecutor, unless the case was sent to the district court.

3.The appeal shall be returned to an appellant, and an appellate report shall be returned to prosecutor on the basis of the decision made by justice of the peace. An appellant, or prosecutor brought an appellate report, are authorized to appeal against mentioned decision to district court.

Article 325. Activity of Justice of the Peace after Receipt of the Appeal, Appellate Report

1.Upon receipt of an appeal, appellate report filed within the period established by Article 321 of this Code in compliance with the requirements, stipulated by Article 322 of this Code, justice of the peace is obliged to provide the participants in the case with the copies of the appeal, appellate report and the documents enclosed.

2.The participants in the case are authorized to bring written objections to justice of the peace concerning the appeal, the appellate report with the documents enclosed in support of the objections, and the copies thereof in the number corresponding the number of participants in the case, next to that are authorized to acquaint with the papers in case, the appeal and appellate report filed and objections regarding those.

3.Upon expiration of term of appeal, justice of the peace shall send the case with the appeal and appellate report and entered objections concerning thereof to the district court.

The case may not be sent to the district court before expiration of the term of appeal.

Article 326. Renunciation of Appeal or Withdrawal of Appellate Report

The appellant is authorized to renounce of it in writing, prosecutor is authorized to withdraw the appellate report before making judgment or decision by district court. In case renunciation of appeal or withdrawal of appellate report has been received, the judge shall make a decision to discontinue appellate proceedings, unless the judgment or decision was appealed by other persons.

Article 327. Examination of Case by Court of Appellate Jurisdiction

1.Court shall notify participants in the case on the time and place of court session.

2.Court of appellate jurisdiction shall investigate the case according to rules of proceedings in the court of first instance.

3.Court is authorized to establish new facts and investigate new evidence.

Article 328. Rights of Court of Appellate Jurisdiction at Examination of Appeals, Appellate Reports

When examining appeals, appellate reports, the court of appellate jurisdiction is authorized:

To leave invariable judgment made by justice of the peace, to disregard the appeal, the appellate report;

To change the judgment made by justice of the peace or to cancel this and make another judgment;

To recall fully or partly the judgment made by justice of the peace and to discontinue the proceedings or dismiss the application.

Article 329. Judgment Rendered by Court of Appellate Jurisdiction

1.In the cases, stipulated by third Subparagraph of Article 328 of this Code, the district court shall make a judgment as an appellate decision which replaces fully or a part of the judgment made by justice of the peace, and in the cases, stipulated by second and fourth Subparagraphs of Article 328 of this Code, shall render ruling.

2.The judgment, rendered by intermediate appellate court, shall come into legal force since the day when rendered.

Article 330. The Grounds for Cancellation or Change of the Judgment Rendered by Justice of the Peace in the Appellate Procedure

1.The decision rendered by justice of the peace can be cancelled or changed in the appellate procedure on the grounds stipulated by Articles 362 to 364 of this Code.

2.Upon disregard of appeal, or appellate report, court is obliged to specify in the ruling the motifs why the reasons, stated in the appeal, have been recognized incorrect and not valid for cancellation of the decision made by justice of the peace.

Article 331. The Right to Appeal the Ruling of Justice of the Peace

1.The ruling of justice of the peace may be appealed against to the district court by the parties or other participants in the case, separately from the court judgment, and prosecutor may bring the appellate report in the case, if:

1)it is stipulated by this Code;

2)the ruling rendered by Justice of the Peace rules out an opportunity of further movement of the case.

2.Against other rulings of justice of the peace, except for those specified in the first part of this Article, the private appeals and appellate reports shall not be filed, objections against these rulings may be included into appeals, appellate reports.

Article 332. Term of Private Appeal, Appellate Report

Private appeal, and appellate report of prosecutor may be filed within ten days since justice of the peace has rendered the ruling.

Article 333. Procedure of Appeal and Examination of the Appeal, and Prosecutor's Appellate Report

The private appeal and appellate report of the prosecutor shall be filed and examined in the procedure stipulated for appeal against judgment of justice of the peace.

Article 334. Rights of the Intermediate Appellate Court at Examination of Private Appeal, Prosecutor's Appellate Report

The Intermediate appellate court, upon examined a private appeal, prosecutor's appellate report, is authorized:

Leave invariable ruling, rendered by justice of the peace, and leave the appeal or appellate report unsatisfied;

Cancel fully or a part of the ruling, rendered by justice of the peace, and to settle the issue on its merits.

Article 335. Validity of the Ruling Rendered by Court of Appellate Jurisdiction

The ruling, rendered by intermediate appellate court under a separate complaint, prosecutor's appellate report, shall become valid since the day when rendered.

Chapter 40. Proceedings at the Highest Appellate Court

Article 336. The Right to Appeal, to File Appellate Report to the Highest Appellate Court

The parties in case and other participants of the case may appeal, and prosecutor, participating in the case, may file an appellate report to the highest appellate court against the decisions made by any court of first instance in the Russian Federation, except for justice of the peace.

Provisions of this article stipulating that the parties in case and other participants of the case may appeal to the highest appellate court against the decisions made by any court of first instance in the Russian Federation, except for justice of the peace, are considered as not contradicting to the Constitutions of the Russian Federation - the Decree of the Constitutional Court of the Russian Federation N 1-P of 20 February 2006.

Article 337. Procedure of Appeal, Appellate Report to the Highest Appellate Court

1.Judgments of court of first instance before validation may be appealed against to the highest appellate court:

1)Judgments, rendered by district courts or by garrison courts martial shall be appealed against in the appellate procedure to Supreme Republican Court, to territorial court, regional court, court of a city of federal importance, court of autonomous region, court of autonomous circuit, naval circuit court;

2)judgments rendered by Supreme Republican Courts, territorial, regional, autonomous regions', autonomous circuits' courts and naval circuits' courts shall be appealed against in the appellate procedure to Supreme Court of the Russian Federation;

3)decisions, rendered by Chamber for civil cases and Military Chamber at the Supreme Court of the Russian Federation shall be appealed against to the Chamber of Cassation at the Supreme Court of the Russian Federation.

2.An appeal, an appellate report to the highest appellate court shall be filed through the court rendered the decision.

An appeal and an appellate report may be filed to the highest appellate court within ten days since the day the final decision has been rendered by court.

Article 339. The Contents of an Appeal, an Appellate Report to the Highest Appellate Court

1.An appeal, and an appellate report to the highest appellate court must contain the following:

1) name of the court, which the appeal, or an appellate report are addressed to;

2) name of the person filed the appeal, or the appellate report, his place of residence or whereabouts;

3)indication of the appealed decision of court;

4)the demands of the person appealed, or a prosecutor filed an appellate report;

5)the list of evidence enclosed to the appeal or to an appellate report.

2.A person, filing an appeal, or a prosecutor, bringing an appellate report to the highest appellate court, are allowed to refer to new evidence, which have not been submitted to the court of first instance, if impossibility to provide these evidence to the court of first instance is specified in the appeal or the report.

3.An appeal to the highest appellate court shall be signed by an appellant or his agent, the appellate report - by prosecutor. The power of attorney or another authorizing document should be enclosed to the appeal filed by an agent, if such a power exists in the case.

4.The document, confirming payment of a state fee, shall be enclosed to an appeal if submission of an appeal is payable.

Article 340. Copies of Appeals, Appellate Reports

An appeal, and an appellate report and written evidence enclosed shall be submitted to court with copies in the number corresponding to the number of participants in the case.

Article 341. Dismissal of Appeal, Appellate Report Filed to the Highest Appellate Court

1.If filed appeal, appellate report do not comply with the requirements, stipulated by Articles 339 and 340 of this Code, or the state fee is not paid for submission of the appeal, judge shall render the ruling to dismiss the appeal, the appellate report and set a term for an appellant to correct the shortcomings.

2.In case the person, who filed an appeal, or an appellate report, will perform the instructions stated in the court ruling, the appeal and the appellate report shall be considered filed on the day of their primarily entry to court.

3.Against the ruling, rendered by judge regarding dismissal of the appeal or the appellate report filed to the highest appellate court, a separate appeal, or prosecutor's appellate report may be filed.

Article 342. Return of the Appeal, or the Appellate Report

1.The appeal shall be returned to an appellant, and the appellate report shall be returned to prosecutor in the following case:

1)failure to perform judge's instructions within the period established by the ruling concerning dismissal of the appeal or the appellate report;

2)expiration of term of appeal, unless the request for restoration of the term is included in the appeal or the report, or such a request was rejected.

2.The appeal shall also be returned by request of the appellant, and the appellate report - by prosecutor's request, if withdrawn by the latter, unless the case was forwarded to the highest appellate court.

3.The appeal shall be returned to an appellant, and the appellate report - to prosecutor on the basis of the ruling, rendered by court of first instance. The appellant or prosecutor brought the report, are authorized to appeal against the ruling aforesaid to the higher court.

Article 343. Activity of the Court of First Instance Upon Receipt of an Appeal, an Appellate Report

1.A judge, after received an appeal, an appellate report filed within the period established by Article 338 of this Code and meeting requirements stipulated by Articles 339 and 340 of this Code, is obliged:

1)to provide the persons, participating in a case, with the copies of an appeal and an appellate report with the written evidence enclosed on the day following the one of their receipt, at the latest;

2)to inform the participants in a case of the time and the place of examination of the appeal and the appellate report in the highest appellate procedure by Republican Supreme Court, territorial, regional court, court of a city of federal importance, court of autonomous region, court of autonomous circuit, naval circuit court of martial. Supreme Court of the Russian Federation shall inform the participants in the case of the day of examination of the appeal or the appellate report by the Supreme Court of the Russian Federation;

3)upon expiration of the period established for appeal in the highest appellate procedure to send the case to the highest appellate court.

2.Nobody is authorized to inquire the case from the court until expiration of the period established for appeal in the highest appellate procedure. The participants in the case are authorized to acquaint with the materials of the case, received appeal, or an appellate report and objections against the appeal or report aforesaid.

Article 344. Objections Regarding Appeal, Appellate Report to the Highest Appellate Court

1.The participants in the case are authorized to bring written objections against an appeal, or an appellate report with the documents enclosed to prove these objections.

2.The objections regarding the appeal, cassation report and the documents enclosed should be filed with the copies in the number corresponding the number of participants in the case.

Article 345. Renunciation of an Appeal, Withdrawal of an Appellate Report

1.The appellant is authorized to renounce in writing of the appeal at the highest appellate court before rendering of an appropriate judicial ruling.

The prosecutor, who brought an appellate report to the highest appellate court, is authorized to withdraw the latter before the beginning of court session. The participants in the case shall be notified of the withdrawal of the appellate report.

2.The highest appellate court shall render the ruling regarding receipt of renunciation of the appeal, or withdrawal of the appellate report, by which the highest appellate proceedings shall be discontinued, unless the judgment of the court of first instance was appealed against by other persons.

Article 346. Renunciation of Claim or Peaceful Agreement of Parties in the Highest Appellate Court

1.Renunication of a claim or a peaceful agreement fulfilled after receipt of an appeal for, or an appellate report, must be expressed in written applications submitted to the highest appellate court.

2.Procedure and consequences of examination of the application for the plaintiff's renunciation of a claim or application filed by parties for conclusion of peaceful agreement shall be stipulated by rules stated in the second and third parts of Article 173 of this Code. When the plaintiff's renunciation of a claim has been accepted or reciprocal peaceful agreement has been approved, the highest appellate court cancels rendered judgment and discontinues proceedings in the case.

Article 347. The Scope of Examination of Case in the Highest Appellate Court

1.The highest appellate court shall check the legitimacy and validity of the judgment, made by the court of first instance, on the basis of the reasons, stated in the appeal and an appellate report and of objections regarding the appeal and report aforesaid. Court evaluates the evidence available in the case, and also new evidence, if acknowledged that those could not be submitted by a party to the court of first instance, and proves the facts and legal relations, specified in the appealed court judgment, or establishes new facts and legal relations.

2.For the sake of legitimacy, the highest appellate court is authorized to check in corpore the judgment made by court of first instance.

Article 348. The Time Limits for Examination of Case in the Highest Appellate Court

1.Republican Supreme Court, territorial, regional court, court of a city of federal importance, court of autonomous region, court of autonomous circuit, naval circuit court martial must examine a case entered under the appeal, or an appellate report, within one month since the day of receipt thereof, at the latest.

2.Supreme Court of the Russian Federation must examine the case entered under the appeal or an appellate report within two months since the day of receipt thereof.

3.An appellate report on the cases for protection of suffrage or protection of Russian Federation citizens' right to participate in Referendum, received by the highest appellate court during election campaign or preparation of Referendum shall be examined within five days since their receipt (the Clause is stated in the wording effective since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005, - see the previous wording).

3_1. An appellate report on the cases for registration of the candidate (the list of candidates), for refusal in registration of the candidate (the list of candidates), for exclusion of the candidate from the attested list of candidates, for cancellation of registration of the candidate (the list of candidates), received during election campaign before the voting date shall be examined by court before the abovesaid date, at that tration of the candidate (the list of candidates) may be cancelled by highest appellate court not later than two days before the voting date (the part has been added since 6 August 2005 by the Federal Act N 93-FZ of 21 July 2005; is in the wording enforced since 7 December 2006 by the Federal Act N 225-FZ of 5 December 2006)

4.The reduced time limits may be established by Federal Acts for examination of appeals, or appellate reports regarding some categories of cases in the highest appellate court.

Article 349. Procedure of the Highest Court Session

Procedure of the highest court session and measure to provide thereof shall be established by the rules, stated in Articles 158 and 159 of this Code.

Article 350. Session of the Highest Appellate Court

Session of the highest appellate court shall be hold according to the rules, stipulated by this Code for holding of session of the court of first instance, but considering the rules, stated in this Chapter.

Article 351. Commencement of Case Hearing

A chairman shall open court session and announce what a case under whose appeal or appellate report and against what a court judgment is to be heard, elucidates who of the participants in a case, their agents (representatives) has appeared, identifies the attended persons, examines authorization of the officials and their agents (representatives).

Article 352. Announcement of Court Staff and Clarification of the Right of Demur

1.A chairman announces court staff members and clarifies to the participants in a case their right to demur.

2.The grounds for rejection or demurs, procedure of their settlement and the consequences of meeting of such applications shall be stipulated by Article 16 to 21 of this Code.

Article 353. Explanation of the Procedural Rights and Duties to the Participants in a Case

A chairman shall explain to the participants in a case their procedural rights and duties.

Article 354. The Consequences of Participants in a Case Default to Court Session

1.In case somebody of the participants has not been informed of the time and the place of court hearing and has not appeared to court hearing, court shall adjourn the hearing.

2.Default of the participants, who were properly informed of the time and the place of the hearing shall not be an obstacle to hold hearing. Court, however, is authorized to adjourn the hearing in these cases, as well.

Article 355. Court Authorization of the Petitions of Participants

Petitions of the participants in a case regarding all the matters, related to hearing of the case in the highest appellate court, shall be authorized by court after hearing of the opinions of other participants in a case. The petitions lodged shall be authorized by court according to the rules, stipulated by Article 166 of this Code.

Article 356. Report of the Case

Hearing of the case in the highest appellate court commences on the report of the chairman or one of the judges. A speaker shall state the facts of the case, the contents of judgment rendered by the court of first instance, the arguments of the appeal, and an appellate report filed to the highest appellate court and the objections brought regarding thereof, the contents of new evidence entered to court, and shall report, as well, on other data which are to be necessarily considered by court to check a court judgment.

Article 357. Explanations Given by the Participants in a Case at the Highest Appellate Court

After the chairman or one of the judges report, the highest appellate court shall hear the explanations of the participants in a case and their agents. The first an appellant or his agent, or prosecutor shall speak, if the latter has brought an appellate report. In case the judgment has been appealed against by both parties, the plaintiff shall speak first.

Article 358. Investigation of Evidence

1.After the explanation are given by the participants in a case, the highest appellate court, if need be, shall disclose the evidence available in the case, and investigate new evidence, if acknowledged that the party was not able to submit those to the court of first instance. Court, thereto, shall render the ruling on receipt of new evidence.

2.The parties are authorized to petition for call and examination of additional witnesses, of inquiry of other evidence, investigation of which has been rejected by court of first instance.

3.The evidence shall be investigated in the procedure established for court of first instance.

Article 359. Pleading at the Highest Appellate Court

1.In case the highest appellate court has investigated new evidence, pleading shall be hold according to the rules, stipulated by Article 190 of this Code. Thereto, an appellant, or prosecutor, who brought an appellate report, shall speak first.

2.Upon completion of pleading, the court shall move to the retiring room to make an appellate judgment.

Article 360. Rendering of an Appellate Judgment and Declaration Thereof

Judges shall deliberate in the procedure, stipulated by Article 15 of this Code. An appellate judgment shall be rendered and declared according to the rules, stipulated by Articles 194 and 193 of this Code.

Article 361. Rights of the Highest Appellate Court at Examination of the Appeal or the Appellate Report

The highest appellate court, while examining appeal, or appellate report, is empowered:

To leave invariable the judgment, rendered by court of first instance (trial court), and unsatisfied appeal, or appellate report filed to the highest appellate court;

To recall fully or a part of the judgment, rendered by court of first instance, by the same or other staff of judges, unless the breaches, committed by court of first instance, might be corrected by the highest appellate court;

To change or cancel the judgment, rendered by the court of first instance, and to make a new judgment without forwarding the case for new examination, if the important facts for the case have been established on the basis of existing and submitted additional evidence;

To recall fully or partly the judgment rendered by the court of first instance and discontinue the proceedings in a case, or to dismiss the application.

Article 362. The Grounds for Recall or Change in Court Judgment in the Highest Appellate Procedure

1.The following shall be the grounds for recall or change in the court judgment in the highest appellate procedure:

1)incorrect determination of the facts being important for the case;

2)failure to prove the important facts in the case, established by court of first instance;

3)discrepancies between the conclusions, made by the court of first instance, stated in judgment, and the facts of the case;

4)breach or incorrect application of rules of a substantive or procedural law.

2.The essentially correct judgment of the court of first instance may not be cancelled on the basis of formal considerations, only.

Article 363. The Contravention or Inadequate Application of a Substantive Law

A substantive law is considered breached or inadequately applied if:

Court has not applied the act to be applied;

Court has applied the act not to be applied;

Court incorrectly interpreted the law.

Article 364. The Contravention or Inadequate Application of Norms of Procedural Law

1.The contravention or inadequate application of norms of procedural law is the ground to recall the judgment of the court of first instance under the only condition that the contravention or inadequate application has lead or could lead to incorrect settlement of the case.

2.The judgment of the court of first instance is subject to recall regardless the reasons stated in the appeal or an appellate report in the following case:

1)the case was examined by illegal court staff;

2)the case was examined by default of any of the participants in the case, who was not informed of the time and the place of court session;

3)in the course of the case hearing, the rules, stipulating the language of holding the court proceedings have been broken;

4)court has solved the issue on rights and duties of the persons not attracted to participation in the case;

5)court judgment has not been signed by a judge or anybody of the judges, either court judgment has been signed by wrong judge or by judges other than specified in the judgment;

6)the judgment has been rendered by the judges other than those in the court staff, which heard the case;

7)the minutes of court session are absent in the case files;

8)a secrecy of deliberation of judges was infringed when rendering court judgment.

Article 365. Reversal of the First Instance Court Judgment followed by Discontinuation of the Proceedings or by Dismissal of the Application

The judgment, rendered by the court of first instance, is subject to reversal in the highest appellate procedure with the following discontinuation of the proceedings or dismissal of an application on the grounds, specified in Articles 220 and 222 of this Code.

Article 366. The Contents of the Appellate Report to the Highest Appellate Court

1.The highest appellate court shall render decision as an appellate judgment.

2.The following shall be specified in the appellate judgment:

1)date and place of judgment rendering;

2) name of the court rendered the judgment, court staff;
3)
3)the person submitted an appeal, or an appellate report to the highest appellate court;

4)a summary of the judgment, rendered by court of first instance, of the appeal, or an appellate report to the highest appellate court, the evidence submitted, and the explanations given by the participants in the case hearing at the highest appellate court;

5)conclusions made by court on the basis of consideration of an appeal, or an appellate report to the highest appellate court;

6)the motifs, which provoked such conclusions, and reference to the acts, which the court has been guided with.

3.Upon dismissal of an appeal, or an appellate report, court is obliged to specify the motifs by which the reasons an appeal or an appellate report has been dismissed.

4.Upon full or partial reversal of court judgment and upon transfer of the case for new examination, court is obliged to specify the activity to be fulfilled by the court of first instance during new examination of the case.

Article 367. Validity of an Appellate Judgment

An appellate judgment shall become valid since the day when rendered.

Article 368. Particular Appellate Decision

In the cases, stipulated by Article 226 of this Code, the highest appellate court is authorized to render a particular appellate decision.

Article 369. Obligation of the Highest Appellate Court’s Directives

1.The directives regarding required procedural activity, stated in the highest appellate court’s judgment in case of reversal of the judgment rendered by the court of first instance and transfer of the case for new examination, are obligatory for the court re-examining this case.

2.The highest appellate court is authorized to forejudge neither issues pertaining to evidence authenticity, and the advantages of one evidence before others, nor a judgment to be rendered by court after re-examination of the case.

Article 370. Procedure of Examination of the Appeal, the Appellate Report Entered the Highest Appellate Court Upon Completion of Hearing

1.In case an appeal, or an appellate report, submitted within the established time limits or after restoration of missed time limits, enters the highest appellate court after completion of the case hearing under other appeal, the court is obliged to accept the appeal, or the report aforesaid to procedure.

2.In case the highest appellate court makes a conclusion on illegality or groundlessness of previous appellate judgment, upon examination of the appeal, or an appellate report, specified in the first part, such a decision shall be reversed, and the new one shall be rendered.

Article 371. The Rights of Appeal against the Decisions Rendered by Court of First Instance

1.The decisions, rendered by court of first instance, except for those made by justice of the peace, may be appealed against by the parties and other persons, participating in a case (a separate appeal), to the highest appellate court independently from the court decision, and a prosecutor may bring a report in the following case:

1)it is stipulated by this Code;

2)the decision of court rules out a possibility of further progress of the case.

2.Separate appeals or prosecutor's reports shall not be filed against other decisions rendered by the court of first instance, however, objections regarding those may be included into an appeal or an appellate report filed to the highest appellate court.

Article 372. Term of Filing of a Separate Appeal, a Prosecutor's Report

A separate appeal, a prosecutor's report may be filed within ten days since rendering of the decision by the court of first instance.

Article 373. Procedure of Filing and Examination of a Private Appeal or Prosecutor's Report

A separate appeal or prosecutor's report shall be filed and examined by court in the procedure, stipulated by this Chapter.

Article 374. Rights of the Highest Appellate Court in Examination of a Separate Appeal, or Prosecutor's Report

The highest appellate court, upon examining a separate appeal or prosecutor's report, is authorized:

To leave invariable the decision rendered by court of first instance, and leave unsatisfied the appeal or prosecutor's report filed to the highest appellate court;

To reverse the decision of court and transfer the issue for re-examination to the court of fist instance;

To reverse fully or in a part of the decision of court and to solve the issue essentially.

Article 375. Validity of the Cassation Decision Rendered under a Separate Appeal or Prosecutor's Report

The decision, rendered by the highest appellate court under the separate appeal or prosecutor's report, shall be validated since the day when rendered.

Section IV. Revision of the Valid Court Decisions

Chapter 41. Proceedings in Court with Supervisory Authority

Article 376. The Right to Apply to Court with Supervisory Authority

1.The valid court decisions, except for those rendered by the Presidium of Supreme Court of the Russian Federation, may be rendered in the procedure, established by this Chapter, to the court with supervisory authority by the person participating in a case, and by other persons, if their rights and legitimate interests have been infringed by court decisions.

2.Court decision may be appealed against to the court with supervisory authority within six months since the day of their validation, provided these persons exhausted other ways of appeal against the court decision established by the present Code before the date of its validation (the part is in the wording enforced from 8 January 2008 by the Federal Act N 330-FZ of 4 December 2007, - see the previous wording).

3.The officials of the Prosecutor's Office, specified in Article 377 of this Code, shall be authorized to report to the court with supervisory authority on the revision of validated decisions of court, in case a prosecutor participated in examination of case.

Article 377. Procedure of Filing of Supervisory Appeal or Prosecutor's Report

1.A supervisory appeal or prosecutor's report shall be filed to the court with supervisory authority, directly.

2. A supervisory appeal or a prosecutor's report shall be filed as following:

1)against valid cassation judgments and decisions, rendered by supreme courts of republics, territorial court, regional courts, courts of cities of federal importance, a court of autonomous region, courts of autonomous districts, against appeal judgements and decisions of district courts; against valid orders, judgements and decisions of district courts and justice of the peace - to the presidium of the supreme court of the republic, territorial, regional courts, courts of cities of federal importance, a court of autonomous region, courts of autonomous districts (the part is in the wording enforced from 8 January 2008 by the Federal Act N 330-FZ of 4 December 2007, - see the previous wording);

2)against appellate decisions, rendered by naval circuit admiralty courts; against valid judgments and decisions, rendered by garrison admiralties, - to the presidium of naval circuit admiralty court;

3)against the decisions, rendered by presidiums of supreme courts of republics, territorial courts, regional courts, courts of cities of federal importance, a court of autonomous region, courts of autonomous districts; against valid judgments and decisions, rendered by supreme courts of republics, territorial court, regional courts, courts of cities of federal importance, a court of autonomous region, courts of autonomous districts at a first instance, if the specified

judgments and decisions have been examined in the cassation procedure; against valid judgements and decisions of district court made at the first instance, if these judgements and decisions were appealed against to the presidium of supreme court of republic, territory, region, a city of federal importance, an autonomous region, and autonomous district, - to the Civil Chamber of the Supreme Court of the Russian Federation (the Clause is stated in the wording effective since August 11, 2004, according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording; in the wording enforced from 8 January 2008 by the Federal Act N 330-FZ of 4 December 2007, - see the previous wording);

4)against ruling rendered by presidiums of circuit (naval) military courts; against valid cassation judgments and decisions rendered by circuit (naval) military courts, against valid judgements and decisions rendered by Harrison military courts, if these judgements and decisions were appealed against to the presidium of circuit (naval) military court, - to the Military Chamber of the Supreme Court of the Russian Federation (the Clause is stated in the wording effective since August 11, 2004, according to the Federal Act No. 94-FZ of July 28, 2004; in the wording effective since January 8, 2008, according to the Federal Act No. 330-FZ of December 4, 2007, - see the previous wording);

5)against valid judgments and decisions of supreme courts of republics, territorial, regional courts, courts of cities of federal importance, court of autonomous region, courts of autonomous districts, made at the first instance, if these judgements and decisions were the subject of cassation consideration by the Supreme Court of the Russian Federation, against valid judgements and decisions of circuit (naval) military courts, if these judgements and decisions were the subject of cassation consideration in the Supreme Court of the Russian Federation, against valid judgements and decisions of the Supreme Court of the Russian Federation made at the first instance; against the decisions rendered by the Cassation Board of the Supreme Court of the Russian Federation, against decisions of the Civil Chamber of the Supreme Court of the Russian Federation in the cassation procedure; against the decisions rendered by Military Chamber of the Supreme Court of the Russian Federation in the cassation procedure - to the Presidium of the Supreme Court of the Russian Federation (the Clause is in the wording effective since January 8, 2008, according to the Federal Act No. 330-FZ of December 4, 2007, - see the previous wording).

3.The appeals, or prosecutor's reports against the decisions rendered by the Civil Chamber of the Supreme Court of the Russian Federation and the Military Chamber of the Supreme Court of the Russian Federation in the supervisory procedure, shall be filed to the Presidium of the Supreme Court of the Russian Federation provided that such decisions violate uniformity of court practice.

4.The following are authorized to report on revision of the valid judgments, or decisions, rendered by presidiums of courts with supervisory authority in the Russian Federation (the Clause is stated in the wording effective since August 11, 2004, according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording):

1)a Prosecutor General of the Russian Federation and his deputies - to any court with supervisory authority;

2)a prosecutor of republic, territory, region, a city of federal importance, autonomous region, autonomous district, circuit admiralty court - to presidiums of supreme court of republic, territorial, regional courts, court of a city of federal importance, court of autonomous region, court of autonomous district, circuit admiralty court, respectively.

Article 378. The Contents of Supervisory Appeal or Prosecutor's Supervisory Report

1.A supervisory appeal or prosecutor's report must contain the following:

1)the name of the court, which is addressed to;

2)the name of a person (entity) filed an appeal or a report, his place of residence or whereabouts and a procedural status in a case;

3)names of other participants in the case, their places of residence or whereabouts;

4)specification of courts examining the case at a first instance, at appellate or supervisory instances, and the contents of rendered decisions (the Clause is stated in the wording effective since August 11, 2004, according to the Federal Act No. 94-FZ of July 28, 2004);

5)indication of a judgment, decision of court and a decision rendered by presidium of the court with supervisory authority, which are appealed against (the Clause is supplemented since August 11, 2004 according to the Federal Act No.94-FZ of July 28, 2004);

6)indication of the crux of essential violation of law committed by courts;

7)the request of a person filing an appeal or a report.

2.A supervisory appeal or a prosecutor's report against the decision, rendered by the Civil Chamber of Supreme Court of the Russian Federation or a Military Chamber of the Supreme Court of the Russian Federation in supervisory procedure, must indicate the crux of infringement of uniformity of the court practice, and give an appropriate substantiation of this infringement.

3.A supervisory appeal, filed by non-participant in the case, must indicate what the rights or legitimate interests of this person have been infringed by valid court decision.

4.In the event that a supervisory appeal or prosecutor's report have been earlier filed to a supervisory instance, the decision, rendered by court, should be indicated in those.

5.A supervisory appeal must be signed by an appellant or his agent. The power of attorney or other document, authorizing the agent's powers, should be enclosed to the appeal submitted by the agent. A prosecutor's report should be signed by the prosecutor, specified in the fourth part of Article 377 of this Code.

6.The certified by an appropriate court copies of court decisions rendered in a case shall be enclosed to supervisory appeal.

7.A supervisory appeal or prosecutor's report shall be filed with the copies in the number corresponding to number of participants in the case.

8.The part has lost its force from January 8, 2008, - Federal Act No. 330-FZ of December 4, 2007, - see the previous wording).

Article 379. The Activity of the Court of Supervisory Authority upon Filing of Supervisory Appeal or Prosecutor's Report

(the article has lost its force since January 8, 2008, - Federal Act No. 330-FZ of December 4, 2007, - see the previous wording)

Article 379_1. Return of a supervisory appeal or prosecutor's report without consideration in the essence

1. A supervisory appeal or prosecutor's report shall be returned by the judge without consideration in the essence, if:

1) the supervisory appeal or prosecutor's report does not meet the requirements provided by clauses 1-5 and 7 of part one, parts four-seven of article 378 of the present Code;

2) the supervisory appeal or prosecutor's report have been submitted by a person not having the right to appeal to a supervisory court;

3) the deadline has been missed for protesting against the court decision in the order of supervision and no enforced court determination is attached to the supervisory appeal on restitution of this term;

4) a request is submitted for return or withdrawal of the supervisory appeal or prosecutor's report;

5) the supervisory appeal or prosecutor's report have been submitted with breach of the jurisdiction rules established by article 377 of the present Code.

2. A supervisory appeal or prosecutor's report should b returned within ten days from the date of delivery to the supervisory court.

(The article has been added since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007)

Article 380. Return of Supervisory Appeal or Prosecutor's Report without Essential Consideration

(The article has lost its force since January 8, 2008, - Federal Act N 330-FZ of December 4, 2007 - see the previous wording)

Article 380_1. Actions of supervisory court after arrival of a supervisory appeal or prosecutor's report

A supervisory appeal or prosecutor's report submitted according to the rules established by articles 376-378 of the present Code shall be studied:

1) in the presidium of the supreme court of a republic, territorial, regional court, court of federal importance, court of an autonomous region, district (naval) military court - by the chairman of this court or his deputy or, by order of the latter, by a judge of this court;

2) in the Civil chamber of the Supreme Court of the Russian Federation, Military Board of the Supreme Court of the Russian Federation, Presidium of the Supreme Court of the Russian Federation - by a judge of the Supreme Court of the Russian Federation.

(The article has been added since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007)

Article 381. Consideration of Supervisory Appeal or Prosecutor's Report

1. The judges specified in article 381_1 of the present Code shall study the supervisory appeal or prosecutor's report according to the attached materials or the materials of the evoked case. If the case is evoked, the judge shall have the right to make decision on suspension of the court judgement until termination of the supervisory procedure, if there is a request thereabout in the supervisory appeal, prosecutor's report or another petition.

2.Upon consideration of a supervisory appeal or prosecutor's report, judge shall render a decision regarding the following:

1)on refusal to transfer the supervisory appeal or prosecutor's report for consideration at a session of the supervisory court, if grounds are absent for reconsideration of court decisions in the order of supervision. The supervisory appeal or prosecutor's report, as well as copies of the appealed court decisions shall stay in the supervisory court;

2)on transfer of the supervisory appeal or prosecutor's report along with the case for consideration by the supervisory court.

3. The chairman of Supreme Court of the Russian Federation, his deputy shall have the right to disagree with the determination of the judge of the Supreme Court of the Russian Federation on refusal to transfer the supervisory appeal or prosecutor's report for consideration by the supervisory court, and to make a determination on cancellation thereof and transfer of the supervisory appeal or prosecutor's report, along with the case file to the supervisory court for consideration at a court session.

4. The supervisory appeal or prosecutor's report submitted to the Civil Chamber of the Supreme Court of the Russian Federation or Military Board of the Supreme Court of the Russian Federation for the decisions specified in clauses 3 and 4 of part 2 of article 377 of the present Code, and the case file in the event of transfer thereof for consideration by the supervisory court, shall be sent to the Civil Chamber of the Supreme Court of the Russian Federation or Military Board of the Supreme Court of the Russian Federation.

(The article is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

Article 382. Investigation of the Cases Demanded to the Court with Supervisory Authority

1.A supervisory appeal or prosecutor's report shall be considered in the supervisory court, except the Supreme Court of the Russian Federation, for not more than a month, unless the case was evoked, and not more than two months, if the case was evoked, not including the period from the date of evoking to the date of its arrival at the supervisory court.

2. In the Supreme Court of the Russian Federation a supervisory appeal or prosecutor's report shall be considered within two months, if the case was not evoked, and within three months, if the case was evoked not including the period of time from the date of evoking to the date of its arrival at the Suprem Court of the Russian Federation.

3. The Chairman of the Supreme Court of the Russian Federation or his deputy, if the case is evoked and with the account of its complicated character, may prolong the time of consideration of the supervisory appeal or prosecutor's report but not more than for two months.

(The article is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

Article 383. The Ruling on Refusal of Transfer of the Supervisory Appeal or Pprosecutor's Report for Essential Investigation to the Court with Supervisory Authority

(the title is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

1.The ruling of the judge on refusal of transfer of a supervisory appeal or prosecutor's report for consideration to the court with supervisory authority must specify the following (the paragraph is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording):

the date and the place of rendering of the ruling;

the surname and initials of the judge rendered the ruling;

the name of a person who filed a supervisory appeal or prosecutor's report;

indication to the court rulings appealed against;

the motifs of refusal of transfer of the supervisory appeal or prosecutor's report for consideration to the court with supervisory authority (the paragraph is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording).

2. The part has lost its force since January 8, 2008, - Federal Act N 330-FZ of December 4, 2007, - see the previous wording

Article 384. The Court Ruling Pertaining to Transfer of the Supervisory Appeal or Prosecutor's Report for Essential Investigation to the Court with Supervisory Authority

(the title is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

1.The court ruling pertaining to transfer of the case for essential investigation to the court with supervisory authority must specify the following:

1)the date and the place of rendering of the ruling;

2)surname and initials of the judge rendered the ruling;

3)the name of the court with supervisory authority, which the case is transferred to for essential investigation;

4)the name of a person (entity) filed a supervisory appeal or prosecutor's report;

5)indication of the court rulings to be appealed against;

6)the statement of the facts of the case, upon which the court decision have been rendered;

7)a substantiated statement of the grounds for transfer of the case for essential investigation;

8)proposals of a judge rendered the ruling.

2.Judge shall send a supervisory appeal or prosecutor's report along with the rendered ruling and case documents to the court with supervisory authority.

Article 385. Notification of the Participants in the Case of Transfer of the Supervisory Appeal or Prosecutor's Report for Investigation to the Court with Supervisory Authority

(the title is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

1.The court with supervisory authority provides the participants in the case with the copies of court ruling, pertaining to transfer of the supervisory appeal or prosecutor's report and the case for consideration to the court with supervisory authority, and copies of supervisory appeal or prosecutor's report. The court shall fix the time limits for consideration, taking into account that the participants would be able to attend the court session (the clause is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording).

2.The participants in the case shall be notified of the time and the place of hearing, however, their default is not an obstacle to hearing of the case.

Article 386. Deadline and procedure of consideration of a supervisory appeal or prosecutor's report at a session of court with supervisory authority

(the title is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

1.Cases shall be investigated by the court with supervisory authority at the court session during one month at the most, and at the Supreme Court of the Russian Federation - within two months, at the most, since the day the judge has rendered the ruling.

2.The case under investigation in supervisory procedure at the Presidium of an appropriate court shall be reported by the Chairman of the Court, Deputy Chairman or by their commission by other member of the presidium or by other judge of this court staff, who has not earlier participated in investigation of the case.

In the Civil Chamber of the Supreme Court of the Russian Federation, Military Chamber of the Supreme Court of the Russian Federation, the case shall be reported by one of the judges of the Chamber's staff.

3.The persons participating in the case, their agents, other persons filed supervisory appeal or prosecutor's report, shall take part in the court session, if their rights and legitimate interests are directly affected by the appealed court ruling.

In case prosecutor is a person participating in case investigation, the following persons shall participate in the court session:

Prosecutor of a republic, territory, region, city of a federal importance, autonomous region, autonomous district, circuit admiralty court, or deputy prosecutor of a republic, territory, region, city of federal importance, autonomous region, autonomous district, circuit admiralty courts;

Prosecutor General of the Russian Federation or his deputy in the Presidium of the Supreme Court of the Russian Federation;

An official of prosecutor's office by the commission of Prosecutor General of the Russian Federation at the Civil Chamber of the Supreme Court of the Russian Federation and at the Military Chamber of the Supreme Court of the Russian Federation.

4.Speaker shall state the facts of the case, the contents of court rulings rendered in the case, the motifs of the appeal for supervision or prosecutor's report, and the court ruling pertaining to transfer of supervisory appeal or prosecutor's report with the case to investigation at a session of the court with supervisory authority. Judges may question the speaker (the part is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording).

5.The persons, specified in the third part of this Article, if appeared to court session, are authorized to give explanations concerning the case. The appellant or prosecutor, filed the report, shall give explanations first.

6.By results of case investigation, the Presidium of the court with supervisory authority shall make a decision, and the Civil Chamber of the Supreme Court of the Russian Federation and the Military Chamber of the Supreme Court of the Russian Federation shall render a ruling (the Part is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

7.In the course of investigation of the case in supervisory procedure, all the issues shall be solved by majority of votes. At equal number of votes pro and contra revision of the case in supervisory procedure, the appeal for revision or prosecutor's report shall be deemed reversed.

8.The participants in the case shall be notified of the judgment or ruling rendered by the court with supervisory authority (the Part is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

Article 387. The Grounds for Reversal or Amendment of Judgment in Supervisory Procedure

Judgments made by court of first instances in supervisory procedure shall be reversed or amended for the reasons of essential infringements of norms of the substantive or procedural law, which influenced the case result, without elimination of which restoration and protection of infringed rights, liberties and legal interests, as well as legally protected public interests is impossible.

(The article is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

Article 388. The Ruling or Decree of the Court with Supervisory Authority

(the title of the Article is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording)

1.The following should be specified in the ruling or decree of the court with supervisory authority:

1)the name and the staff of the court rendered the ruling or judgment;

2)the date and the place of rendering of the ruling or judgment;

3)the case which the ruling of judgment has been made upon;

4)the name of a person filed the appeal for supervision or prosecutor's report for revision of the case in supervisory procedure;

5)the surname and initials of the judge rendered the ruling on transfer of the supervisory appeal or prosecutor's report with the case to the court with supervisory authority for essential investigation (the clause is in the wording

enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording);

6)the contents of the appealed court judgments made by court of first instance;

7)the act underlying the ruling or judgment made upon results of essential investigation of the case. (the Part is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

2.The Decree, issued by Presidium of an appropriate court, shall be signed by its Chairman, the ruling, rendered by the Chamber, shall be signed by the judges examined the case in supervisory procedure (the Part is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

Article 389. Revision of Court Judgments in Supervisory Procedure upon the Report of the Chairman of the Supreme Court of the Russian Federation or Deputy Chairman of the Supreme Court of the Russian Federation

1. In order to provide for uniformity of the court practice and legitimacy, the Chairman of Supreme Court of the Russian Federation or the Deputy Chairman of Supreme Court of the Russian Federation are authorized, upon an appeal of persons concerned or on a prosecutor's report, to bring to Presidium of Supreme Court of the Russian Federation a motivated report for revision of court judgments in supervisory procedure, if they infringe the rights, liberties or legal interests of an uncertain rank of persons, other public interests, or are rendered with infringement of the rules of competence or jurisdiction.

2. An appeal of interested persons or a prosecutor's report may be submitted within six months from the date of enforcement of court judgements.

3. Upon a report of the Chairman of the Supreme Court of the Russian Federation or his Deputy, the case shall be investigated by the Presidium of the Supreme Court of the Russian Federation according to the procedure provided by article 386 of the present Code.

4. The Chairman of the Supreme Court of the Russian Federation or his Deputy who brought the report do not have to participate in the investigation of the case to be revised by the Presidium of the Supreme Court of the Russian Federation.

(The article is in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording)

Article 390. Powers of the Court with Supervisory Authority

1.Court, after examining the case in supervisory procedure, is empowered:

1)to leave invariable the court judgment, made by the court of the first, the second or supervisory instances, and to leave unsatisfied an appeal or prosecutor's report for revision of the case in supervisory procedure;

2)to reverse fully or partly the judgment made by court of the first, the second or supervisory instances, and to send the case for new investigation;

3)to fully or partly reverse the judgment, made by court of the first, the second instance or court with supervisory authority, and either to leave without consideration or to discontinue the proceedings in the case;

4)to leave valid one of the court judgments made in the case;

5)to either reverse or to change the judgment made by court of the first, the second instance or the court with supervisory authority, and to make a new judgment, thereto not transferring the case for new investigation, if a mistake has been committed in application and interpretation of norms of the substantive law.

6)to leave without investigation an advisory appeal or prosecutor's report at availability for the grounds stipulated by Article 379_1 of this Code (the Clause has been added since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004; in the wording enforced since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording).

1_1. While considering a case with supervisory authority the court shall check up correctness of application and explanation of the norms of the material and procedural law by the courts which considered the case, within the statements of the supervisory appeal or prosecutor's report. For the sake of law the supervisory court shall have the right to go beyond statements of the supervisory appeal or prosecutor's report. The supervisory court shall not have the right to check up lawfulness of court resolutions in the part which is not appealed, as well as lawfulness of the court resolutions which are not appealed (the part has been added since January 8, 2008, according to the Federal Act N 330-FZ of December 4, 2007, - see the previous wording).

2.The directives of higher court regarding interpretation of law shall be binding upon the court investigating the case.

Article 391. On Coming into Force of the Ruling or Judgment Made by the Court with Supervisory Authority

The ruling rendered or judgment made by the court with supervisory authority shall come into legal force since the day when adopted (the Article is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

Chapter 42. Revision of the Valid Judgments, Rulings, and Decisions Rendered by Presidium of the Court with Supervisory Authority on the Basis of Newly Discovered Facts

(the title of the Chapter has been added since August 2004, according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording)

Article 392. The Grounds for Revision of Valid Judgments, Rulings and Decisions Made By the Court with Supervisory Authority

(the title of the Article has been supplemented since August 11, 2004, according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording)

1.The valid judgments, rulings and decisions, made by presidium of the court with supervisory authority, may be revised considering newly discovered facts (the Part has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

2.The following shall be the grounds for revision of the valid judgments, rulings and decisions, made by Presidium of the court with supervisory authority (the Subparagraph has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording):

1)the substantial facts of the case, which have been unknown and could not be known by the applicant;

2)knowingly false witness evidence, knowingly false expert's opinion, knowingly false translation (interpreting), falsification of evidence, established by valid court sentence, which caused illegal or unsubstantiated court judgment or ruling or unsubstantiated decision by presidium of the court with supervisory authority (the Subparagraph has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording);

3)crimes committed by parties, other persons participating in the case, or by their agents, crimes, committed by judges in the course of investigation and settlement of this case and established by the enforced sentence of court;

4)reversal of the judgment or ruling, made by court, or decision, made by Presidium of the court with supervisory authority or decision made by state body or local self government body serving the ground for making judgment, ruling of court or decision made by the Presidium of the court with supervisory authority (the Clause is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

5) recognition by the Constitutional Court of the Russian Federation of an act applied in a specific case in connection with the decision on which the applicant appealed to the Constitutional Court of the Russian Federation as not complying with the Constitutional Court of the Russian Federation (the clause has been added since December 8, 2008 by the Federal Act N 330-FZ of December 4, 2007)

Article 393. The Courts Revising Judgments, Rulings Made by Court, or Decisions, Made by Presidium of the Court with Supervisory Authority

(the title of the Article has been supplemented since August 11, 2004 according to the Federal Act No. July 28, 2004, - see the previous wording)

The valid judgment or ruling of the court of first instance shall be revised considering newly discovered facts by the court, which made the judgment or rendered the ruling. The judgments, or rulings rendered by intermediate or highest appellate courts or by the court with supervisory authority, decisions made by presidiums of courts with supervisory authority, on the basis of which the judgment, made by the court of fist instance, has been amended or a new judgment has been made, shall be revised, considering newly discovered facts, by the court, which amended the judgment or made new decision (the Article has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

Article 394. Filing of an Application, a Report on Revision of Court Judgments, Rulings, or Decisions Made by Presidium of the Court with Supervisory Authority Considering Newly Discovered Facts

(the title of the Article has been supplemented since August 11, 2004 according to the Federal Act No. July 28, 2004, - see the previous wording)

The application or report for revision of court judgment, ruling or decision made by Presidium of the court with supervisory authority, shall be filed by the parties, prosecutor, by other persons participating in the case, to the court, which rendered the judgment, ruling or decision. The application or report may be filed within three months since the day the grounds have been established for revision (the Article is stated in the wording effective since August 11, 2004 according to the Federal Act No. July 28, 2004, - see the previous wording).

Article 395. Calculation of Term of Filing of the Application for Revision of Court Judgment, Ruling or Decision Made by Presidium of the Court with Supervisory Authority according Newly Discovered Facts

(the title of the Article has been supplemented since August 11, 2004 according to the Federal Act No.94-FZ of July 28, 2004, - see the previous wording)

The term of filing of the application for revision considering newly discovered facts of court judgment or ruling, the decision made by the court with supervisory authority, shall be calculated in the cases, stipulated (the Subparagraph has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording):

By Clause 1 of the second part of Article 392 of this Code - since the day the essential facts have been discovered in the case;

By Clauses 2 and 3 of the second part of Article 392 of this Code - since the day of enforcement of a sentence in criminal case;

By Clause 4 of the second part of Article 392 of this Code - since the day of validation of court judgment, sentence, ruling, or the decision, made by Presidium of the court with supervisory authority, which reverse previous judgment,

sentence, ruling or the decision made by Presidium of the court with supervisory authority or the decision, made by state authority or local self government body, which were the ground for revised court judgment, ruling, or the decision, made by Presidium of the court with supervisory authority; or since the day when state authority or local self government body have made new decision, which was the ground for the revised court judgment, ruling, or the decision, made by Presidium of the court with supervisory authority (the Subparagraph is stated in the wording effective since August 11, 2004 according to the Federal Act No. July 28, 2004, - see the previous wording).

By clause 5 of part two of article 392 of the present Code - from the date of enforcement of the corresponding judgement of the Constitutional Court of the Russian Federation (the paragraph has been added since January 8, 2008 according to the Federal Act N 330-FZ of December 4, 2007)

Article 396. Examination of the Application for Revision on the Basis of Newly Discovered Facts of Court Judgment, Ruling or the Decision, Made by Presidium of the Court with Supervisory Authority

(the title of the Article has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording)

Court examines the application for revision on the basis of newly discovered facts the court judgments, rulings, decisions, made by Presidium of the court with supervisory authority, within the framework of court session. The parties, prosecutor, other persons, participating in the case, shall be notified of the time and the place of court session, however, their default shall not be an obstacle for examination of the application (the Article has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

Article 397. The Court Ruling on Revision on the Basis of Newly Discovered Facts of Court Judgments, Rulings, Decisions of Presidium of the Court with Supervisory Authority

(the title of the Article has been supplemented since August 11, 2004 according to the Federal Act No. July 28, 2004, - see the previous wording)

1.After examination of the application for revision on the basis of newly discovered facts of the court judgment, ruling or the decision, made by Presidium of the court with supervisory authority, the court will either meet the application and reverse the judgment, ruling or the decision, made by Presidium of the court with supervisory authority, or refuse of their revision (the Part has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

2.The court ruling on meeting of the application for revision on the basis of newly discovered facts of the judgments, rulings of court, the decision made by Presidium of the court with supervisory authority is not subject to appeal (the Part has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

3.In case the court judgment or ruling or the decision, made by Presidium of the court with supervisory authority, is reversed, the case shall be examined by court according to the rules, stipulated by this Code (the Part has been supplemented since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

Section V. Proceedings in Cases with Foreign Participants

Chapter 43. General Provisions

Article 398. Procedural Rights and Duties of Foreign Citizens

1.Foreign citizens, people without citizenship, foreign organizations, international organizations (hereinafter throughout this section - foreign citizens) are authorized to protect their violated or challenged rights, freedoms and legitimate interests through courts in the Russian Federation.

2.Foreign citizens shall be vested with procedural rights and perform procedural duties equal to Russian citizens and organizations.

3.Proceedings in the cases with participation of foreign citizens shall be performed in compliance with this Code and other federal acts.

4.The Government of the Russian Federation may establish counter restrictions regarding citizens of those states, whose courts admitted the same restrictions to the procedural rights of Russian citizens and organizations.

Article 399. Civil Standing and Legal Competence of Foreign Citizens and Persons without Citizenship

1.The procedural capacity and ability of foreign citizens, and persons without citizenship shall be determined by their personal law.

2.The national law shall be foreigner's personal law. In case, the citizen along with Russian Federation nationality (citizenship) has a foreign nationality (citizenship), Russian law shall be considered by his (her) national law. If a citizen has several foreign nationalities (citizenships), the law of the country of his (her) residence shall be considered by his (her) national law.

3.In case a foreign citizen resides in the Russian Federation, Russian law shall be considered his (her) national law.

4.The national law of a person without nationality (citizenship) shall be the law of the country of his (her) residence.

5.The person, who is legally incompetent according to their personal law, may be recognized legally competent on the Russian Federation territory if is such in compliance with Russian law.

Article 400. Legal Competence of Foreign Organization and International Organization

1.The law of the country, where a foreign organization was founded, shall be recognized by its personal law. Foreign organization's legal competence shall be established on the basis of its personal law.

2.Legally incompetent foreign organization according to its personal law may be recognized legally competent on the Russian Federation territory according to Russian law.

3.Legal competence of international organization shall be established on the basis of international agreement, under which it was founded, its constituent documents or an agreement signed with the competent body of the Russian Federation.

Article 401. Claims Brought against Foreign States and International Organizations. Diplomatic Privilege.

1.A claim brought in the court of the Russian Federation against foreign state, attraction of foreign state to participation in the case as a defendant or a third party, seizure of the property owned by foreign state, but situated on the Russian Federation territory, and other measures, aimed to secure the claim, or garnishment of the property in

execution of court judgment shall be allowed under the permit of competent bodies of the appropriate state, only, unless otherwise stipulated by international agreement which the Russian Federation is a party to or by federal law.

International organizations are subject to jurisdiction of civil courts of the Russian Federation within the limits, stipulated by international agreements of the Russian Federation and by federal acts.

3.Dimplomatic representatives of foreign state, accredited in the Russian Federation, other persons, specified in international agreements, which the Russian Federation is a party to, or in federal acts, are subject to jurisdiction of civil courts in the Russian Federation within the limits specified by general principles and norms of international law or by international agreements, which the Russian Federation is a party to.

Chapter 44. Jurisdiction of Cases with Participation of Foreign Citizens in Russian Federation Courts

Article 402. Application of Rules of Jurisdiction

1.Unless otherwise stipulated by the rules of this Chapter, jurisdiction of the cases with participating foreign citizens in Russian Federation courts shall be determined according to the rules, stated in the Chapter 3 of this Code.

2.Courts in the Russian Federation examine the cases with participation of foreign persons, if an organization defendant is situated on the Russian Federation territory or a citizen-defendant has place of residence in the Russian Federation.

3.Courts in the Russian Federation are also authorized to examine the cases with participating foreigners if:

1)an administrative body, a branch or representative office of a foreign person (entity) is situated on the Russian Federation territory;

2)the defendant owns the property on the Russian Federation territory;

3)the plaintiff in the case of collection of alimony or child's affiliation resides in the Russian Federation;

4)in the case, related to compensation for damage caused by injury or another damage to health or by death of the bread winner, the damage has been caused on the Russian Federation territory or the plaintiff resides in the Russian Federation;

5)in the case, related to compensation for damage caused to the property, the action or other fact being the ground of claiming for compensation for damage, took place on the Russian Federation territory;

6)the claim is arising from the agreement to be fully or partially executed on the Russian Federation territory;

7)the claim is arising from groundless enrichment, which took place on the Russian Federation territory;

8)in the case related to dissolution of marriage, the plaintiff resides in the Russian Federation territory or at least one of spouses has Russian Federation nationality;

9)the plaintiff in the case for protection of honour, dignity and business name is the Russian Federation resident.

Article 403. Exclusive Jurisdiction of the Cases with Participating Foreigners

1.The following shall be referred to the exclusive jurisdiction in the Russian Federation:

1)the cases relevant to the right of real estate located on the Russian Federation territory;

2)the cases on the disputes arising from the contract of carriage, if the carrier is located on the Russian Federation territory;

3)the cases on dissolution of marriage of Russian citizens with foreign citizens or persons without citizenship, if both spouses resides in the Russian Federation;

4)the cases, stipulated by Chapter 23 to 26 of this Code.

2.Russian Federation courts examine the cases in special proceedings, if:

1)the applicant for ascertainment of legally significant fact is Russian Federation resident, or the fact to be ascertained took place or is taking place on the Russian Federation territory;

2)a citizen, in whose respect the application if filed for adoption, on restriction of capability or on recognition him (her) incapable, on declaration of the minor fully capable (emancipation), on compulsory psychiatric hospitalization, on extension of the period of compulsory hospitalization of a citizen suffering from psychiatric disorder, on compulsory psychiatric examination, is Russian Federation citizen or Russian Federation resident;

3)the person, regarding to whom the application has been filed for acknowledgment him missing person or for declaration of his death, has Russian nationality or had the last known place of residence in the Russian Federation, thereto the solution of this issue is crucial for establishment of the rights and duties of Russian Federation residents, and organizations located in the Russian Federation;

4)an application has been filed for recognition waif an item, located on the Russian Federation territory, or for recognition of the right of municipal ownership to ownerless real thing located in the Russian Federation territory;

5)an application has been filed for invalidation of a forfeited security to bearer or an ordered security, issued by or to a citizen, residing in the Russian Federation, or by/to the organization, located on the Russian Federation territory, and on restoration of rights under those (a procedure to declare lost documents void).

Article 404. Agreed Jurisdiction of Cases with Participating Foreign Persons

1.Under the case with participating foreign person, the parties are authorized to agree to change jurisdiction of the case (agreed jurisdiction) before its acceptance to court proceedings.

2.Jurisidction of the cases with participating foreign persons, established by Articles 26 and 27, 30 and 403 of this Code, may not be changed by reciprocal agreement.

Article 405. Invariability of the Place of Investigation of Case

The case accepted to proceedings by court in the Russian Federation observing the rules of jurisdiction shall be essentially settled by the court, if even the case was transferred to jurisdiction of court of other country because of change in nationality, place of residence or stay of parties or due to other circumstances.

Article 406. Procedural Consequences of Examination of Cases by Foreign Court

1.Court in the Russian Federation refuses of receipt of the complaint to proceedings or discontinues the proceedings, if the judgment on the dispute between the same parties, on the same subject and on the same grounds has been made by foreign court, which is in the international treaty with the Russian Federation, stipulating reciprocal acknowledgment and execution of court judgments.

2.Court in the Russian Federation returns a complaint or leave it without consideration, if the case on the dispute between the same parties, on the same subject and on the same grounds has been earlier initiated in the foreign court, whose judgment is subject to recognition or execution on the Russian Federation territory.

Article 407. Court Orders (Letters Rogatory)

1.Russian Federation courts execute orders of foreign courts, transferred in the procedure, established by international agreement, which the Russian Federation is a party to, regarding execution of some procedural activity (service of notices and other documents, receipt of explanation of parties, witnesses' evidence, conclusion of experts, on-site review and other).

2.A foreign court's order regarding performance of some procedural activity is not subject to execution, if:

1)execution of an order may cause damage to sovereignty of the Russian Federation or threaten security of the Russian Federation;

2)execution of an order is beyond competence of the court.

3.The orders of foreign courts shall be executed in the procedure, established by Russian law, unless otherwise stipulated by international agreement, which the Russian Federation is a party to.

4.Russian Federation courts may order foreign courts to execute some procedural activity. Negotiation procedure between Russian Federation courts and foreign courts shall be stipulated by international agreement, which the Russian Federation is a party to, or by federal law.

Article 408. Recognition of the Documents Issued, Made up or Authenticated by the Competent Bodies of Foreign States

1.The documents, issued, made up or authenticated according to foreign law in compliance with a set form by competent bodies of foreign states outside the Russian Federation regarding Russian citizens or organizations or foreign citizens, shall be accepted by courts in the Russian Federation, subject to availability of legalization, unless otherwise stipulated by international agreement, which the Russian Federation is a party to, or by federal law.

2.The documents made up in foreign language should be submitted to Russian Federation courts with properly certified Russian translation enclosed.

Chapter 45. Recognition and Execution of Judgments of Foreign Courts and Foreign Arbitration Awards

Article 409. Recognition and Execution of Judgments of Foreign Courts

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

2.Under judgments of foreign courts the judgments shall be understood, 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 in the part of compensation for the damage caused by crime.

3.A judgment, rendered by foreign court, may be submitted for compulsory execution within three years since the day of its coming into legal force. The term, missed on a good reason, may be restored by Russian Federation court in the procedure, stipulated by Article 112 of this Code.

Article 410. Petitioning for Compulsory Execution of a Judgment Rendered by Foreign Court

A petition filed by execution creditor for compulsory execution of a judgment, rendered by foreign court, shall be examined by Supreme Court of a republic, territory, region, a city of federal importance, by court of autonomous region, autonomous district at the place of residence or whereabouts of a debtor in the Russian Federation, but, in case, the debtor has no place of residence or whereabouts in the Russian Federation, or his place of residence is unknown, - at the location of his property.

Article 411. The Contents of the Petition for Compulsory Execution of a Judgment Rendered by Foreign Court

1.A petition for compulsory execution of the judgment, rendered by foreign court, must contain the following:

1)name of an execution creditor, his agent, if the petition is filed by the latter, indication of place of their residence, but, in case, execution creditor is an organization, its whereabouts should be specified;

2)name of a debtor, indication of his place of residence, and if an organization is the debtor, its whereabouts should be specified;

3)an execution creditor's request to permit compulsory execution of the judgment or to specify since what a moment its execution is required.

The petition may specify also other information, including telephone numbers, faxes, e-mal addresses, if those are necessary for correct and timely examination of the case.

2.The documents, stipulated by the international agreement, which the Russian Federation is a party to, shall be enclosed to the petition, but, if such is not stipulated by the agreement, the following documents shall be enclosed:

1)a certified by foreign court copy of judgment, which compulsory execution is petitioned for;

2)the official document confirming validity of the judgment, if this could not be seen in the text of the judgment;

3)the document regarding execution of the judgment, if that was executed earlier on the territory of an appropriate foreign state;

4)the document evidencing that a party, against which the judgment has been rendered and which took no part in the process, was timely and properly notified of the time and the place of hearing;

5)an authenticated translation in Russian of the documents, specified in Clauses 1 to 3 of this Part.

3.A petition on compulsory execution of the judgment, rendered by foreign court, shall be examined by open court session with notification of the debtor of the time and the place of the petition's examination. The debtor's default to appear without a good reason, if the court is aware that he was served with the notice, shall not be an obstacle to examine the petition. In case, the debtor requested the court to adjourn examination of the petition, and the request has been recognized valid, the court shall adjourn the time of examination and notify the debtor of that.

4.Upon listening to the debtor's explanations and examining the evidence submitted, the court shall render a ruling either on the compulsory execution of the foreign court's judgment or on refusal of that.

5.On the basis of the judgment, made by foreign court, and the valid ruling, rendered by court regarding compulsory execution of this judgment, the act of execution shall be issued to be sent to the local court at the place of execution of foreign court's judgment.

6.In case, court has any doubts while solving the issue of compulsory execution, it may request of the person, petitioned for compulsory execution of foreign court's judgment, the explanation, and also, to question the debtor on the merit of the petition, and, if need be, to request the explanation of the foreign court rendered the judgment aforesaid.

Article 412. Refusal of Compulsory Execution of Foreign Court's Judgment

1.Refusal of compulsory execution of the judgment made by foreign court shall be allowed if:

1)the judgment has not been validated or is not subject to execution according to the law of the country, on whose territory it was made;

2)the party, against which the judgment has been made, was deprived of an opportunity to participate in the process as it has not been timely and properly served with the notification on the time and the place of investigation of the case;

3)investigation of the case falls to exclusive jurisdiction of courts in the Russian Federation;

4)the valid judgment made under the dispute between the same parties, on the same subject and on the same grounds already exists in the Russian Federation, or a case initiated under the dispute between the same parties, on the same subject and under the same grounds existed before initiation of the proceedings in the foreign court;

5)execution of the judgment may cause the damage to sovereignty of the Russian Federation or is threatening to security of the Russian Federation or conflicting with public order in the Russian Federation;

6)the deadline of submission of the judgment to compulsory execution has been expired but not restored by the court in the Russian Federation under the execution creditor's petition.

2.Court shall send the copies of the court ruling, rendered according to the fourth part of Article 411 of this Code, to an execution creditor and a debtor within three days since the day of rendering of the court ruling. The ruling may be appealed against to the higher court in the procedure and within the period, stipulated by this Code.

Article 413. Acknowledgment of Judgments Made by Foreign Courts

1.The foreign courts' judgments, which do not require compulsory execution, shall be acknowledged without any further proceedings, unless relevant objections came from the party concerned.

2.The party concerned may file objections against acknowledgment of this judgment to a Supreme Court of republic, territory, region, the court of a city of federal importance, court of autonomous region or court of autonomous district at the place of residence or whereabouts.

3. Objections of the person concerned regarding acknowledgment of the foreign court judgment shall be investigated in the open court session with notification of the person about the date and the place of investigation of the objections. Groundless default of the person concerned, who was surely served with the notice, is not an obstacle to examination of the objections. In case, the person concerned shall request the court to postpone the time of examination of objections, and the request shall be recognized reasonable, the court shall postpone the time of examination and notify of that the person concerned.

4.Court shall render the appropriate ruling after examined the objections regarding acknowledgment of the foreign court judgment.

5.Court shall send a copy of the ruling to a person, under whose application the foreign court's judgment has been made, to his (her) agent, and also to the person, filed the objections against acknowledgment of the judgment, within three days since rendering the ruling. The court ruling may be appealed against to the higher court in the procedure and in the period, established by this Code.

Article 414. Refusal of Acknowledgment of the Foreign Court's Judgment

Refusal of the acknowledgment of the foreign court's judgment, which is not subject to compulsory execution, shall be admitted at availability of the grounds, stipulated by Clauses 1 to 5 of the first Part of Article 412 of this Code.

Article 415. Acknowledgment of the Foreign Judgments Requiring no Further Proceedings

The following foreign judgments, requiring no further proceedings owing to their consents, shall be acknowledged in the Russian Federation:

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

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

on dissolution or invalidation of marriage between Russian citizens, if both of them were residing beyond the Russian Federation during case hearing;

in other cases, stipulated by federal law;

Article 416. Acknowledgment and Execution of Foreign Arbitral Awards

1.The rules, stated in Articles 411 to 413 of this Code, except for the second part of Article 411, Clauses 1 to 4 and 6 of the first Part of Article 412 of this Code, shall be applied also to foreign arbitral awards (judgments made by arbitrations).

2.The party, petitioning for acknowledgment or execution of foreign arbitral award, must submit an original of foreign arbitral award, or properly authenticated copy of that, and also an original arbitration agreement or a properly authenticated copy of that. In case, the arbitral award or arbitration agreement is stated in foreign language, a party must present an authenticated Russian translation of these documents.

Article 417. Refusal of Acknowledgment and Execution of Foreign Arbitral Awards (Judgments made by Foreign Arbitration)

1. The acknowledgment and execution of foreign arbitral award may be rejected of on the following grounds:

1)by the request of a party, against which the award is directed, if the party aforesaid provides the court of competence, at which the acknowledgment and execution are requested for, with the following evidence:

one of the parties of the arbitration agreement was to any extent legally incapable or the agreement aforesaid was invalidated by the law, under subordination of which the agreement has been placed by the parties, but in absence of such evidence - by law of the country where the arbitral award has been made;

the party, against which the award has been made, was not properly notified of appointment of the arbitrator, or was not able to submit evidence, or the arbitral award has been made under the dispute non-stipulated by arbitration agreement, or beyond the scope of this, or contains the decisions on the issues beyond the scope of this. In case, the decisions on the issues within the scope of the arbitration agreement may be distilled from those regarding the issues beyond the scope of such an agreement, the part of the arbitral award, containing the decisions on the issues within the scope of arbitration agreement, may be acknowledged and executed;

the staff of the arbitral court or arbitration procedure did not comply with the arbitration agreement or with law of the country, where the foreign arbitrary court (arbitration) has taken place;

the award has not become, yet, binding upon both parties, or has been reversed, or its execution has been discontinued by court of the country, where or according to law of which it was made;

2)if court establishes a dispute not to be subject to arbitration according to federal law, or acknowledgment and execution of this foreign arbitral award to contradict public order in the Russian Federation;

2.In case, the petition for refusal or discontinuance of foreign arbitral award has been filed to court, the court, of which the acknowledgment and execution are requested for, may postpone making a new award, if considers this adequate.

Section VI. Proceedings on Impugnment of the Arbitral Awards and on Issue of Acts of Compulsory Execution of those

Chapter 46. Proceedings on Impugnment of Arbitral Awards

Article 418. Impugnment of Arbitral Awards

1.The arbitral award, made on the Russian Federation territory, may be impugned by the parties in the arbitration by filing the application for reversal of the arbitral award according to Article 419 of this Code.

2.The application for reversal of the arbitral award shall be filed to the district court, on whose territory the one has been made, within three months since the party-applicant received the impugned award, unless otherwise stipulated by the international treaty, which the Russian Federation is a party to, or by federal law.

3.The state fee shall be paid for the application for reversal of the arbitral award at a rate, stipulated by federal law for payment of the application on issue of the act of compulsory execution of the arbitral award.

Article 419. The Form and the Contents of the Application for Reversal of Arbitral Award

1.The application for reversal of the arbitral award shall be filed in writing and signed by a person impugning the award, or an agent of the latter.

2.The following should be specified in the application for reversal of the arbitral award:

1)the name of the court, which the application is addressed to;

2)the name and the arbitration staff, which made the award;

3)names of the parties in arbitration, their place of residence or whereabouts;

4)the date and the place of making of the arbitral award;

5)the date of receipt of the impugned arbitral award by the party-applicant for reversal of the award aforesaid;

6)the applicant’s request for reversal of the arbitration court and the grounds under which it is impugned.

Telephone numbers, fax numbers, e-mail addresses and other data may be specified in the application.

3.The following shall be enclosed to the application on reversal of the arbitral award:

1)original or adequately certified copy of arbitral award. A copy of the arbitral award, made by standing arbitral court, shall be certified by the chairman of the latter, a copy of the arbitral award aimed to settle a certain dispute shall be notarized;

2)original or properly certified copy of the arbitration agreement;

3)the documents substantiating the request of reversal of the arbitral award;

4)the document proving payment of the state fee in the procedure and at a rate fixed by federal law;

5)a copy of the application for reversal of arbitral award;

6)power of attorney or other document authorizing a person to sign the application.

4.The application for reversal of the arbitral award infringing the requirements, stipulated by this Article, shall be returned to the applicant, or dismissed according to the Rules, established by Articles 135 and 136 of this Code.

Article 420. Examination Procedure of the Application for Reversal of the Arbitral Award

1.The application for reversal of the arbitral award shall be examined by judge solely within one month since the day the application entered the district court, at the latest, under the rules, stipulated by this Code.

2.While preparing the case to court hearing, judge, by petition of both parties in arbitration, may inquire from the arbitration the documents of the case, the award, rendered in which, is under dispute in the district court, according to the rules, stipulated by this Code for ordering evidence.

3.The parties in the arbitration shall be notified by the district court of the time and the place of the court session. The default of the persons aforesaid, when properly notified of the time and the place of court session, is not an obstacle to investigate the case.

4.While hearing the case in the court session, the district court establishes presence or absence of the grounds for reversal of the arbitral award, stipulated by Article 421 of this Code through investigation of evidence submitted to court in justification of the declared demands and objections.

Article 421. Grounds to Reverse the Arbitral Award

1.The arbitral award is subject to reversal only in the cases, stipulated by this Article.

2.The arbitral award is subject to reversal in the case, when a party, which applied to court for reversal of the arbitral award, shall provide the court with the evidence of the following facts:

1)the arbitration agreement is invalid on the grounds stipulated by federal law;

2)a party was not properly notified either of arbitrars' election (appointment) or of arbitration, including of the time and place of session of the arbitration, or was not able to provide explanations to the arbitration on other good reasons

3)the arbitral award has been made on the dispute non-stipulated by the arbitration agreement or beyond the scope thereof, or contains the decisions on the issues beyond the scope of the arbitration agreement. If the decisions pertaining to issues within the scope of the arbitration agreement can be distilled from those on the issues beyond the scope of the agreement, court may reverse only the part of the arbitral award containing the latter.

4)the arbitration staff or arbitration procedure did not comply with the reciprocal arbitration agreement or federal law.

3.Court shall also reverse an arbitral award, if established the following:

1)the dispute examined by arbitration court is not subject to arbitration according the federal law;

2)the arbitral award violates fundamental principles of Russian law.

Article 422. The Court Ruling Pertaining to Impugnment of the Arbitral Award

1.Court shall render the ruling concerning either reversal of the arbitral award or refusal of that on the basis of examination of the case on impingement of the arbitral award.

2.The court ruling on either reversal of arbitral award or on refusal of that must include the following:

1)information on the impugned arbitral award and place of the award-making;

2)the name and the staff of arbitrary court, which made the impugned award;

3)names of the parties in arbitration;

4)indication whether the arbitral award was fully or partially reversed, or the applicant's request was fully or partially satisfied.

3.Reversal of the arbitral award does not prevent the parties of the arbitration to repeatedly apply to the arbitration, unless an opportunity of application to the arbitration was lost, or to the court according to the rules, stipulated by this Code.

4.In case, the arbitral award was fully or partially reversed by court owing to invalidation of the arbitration agreement, or because the award has been made under the dispute non-stipulated by the arbitration agreement, or goes beyond the scope thereof, or contains the decisions on the issues beyond the scope of the arbitration agreement, the parties in arbitration may apply for settlement of this dispute according to general rules, stipulated by this Code.

5.The court ruling on reversal of the arbitral award or on refusal of such reversal may be appealed against to the court of higher jurisdiction in the procedure and within the time limits established by this Code.

Chapter 47. The Proceedings on Issue of Acts for Compulsory Execution of Arbitral Awards

Article 423. Issue of an Act for Compulsory Execution of an Arbitral Award

1.The matter of issue of the act for compulsory execution of the arbitral award shall be examined by court on the basis of the application of the party in arbitration, to whose favour the award has been rendered.

2.The application for issue of act for compulsory execution of the arbitral award shall be filed to the district court local to the debtor's place of residence or whereabouts, or, if those are unknown, at the location of the property in possession of the debtor-the party to arbitration.

Article 424. The Form and the Contents of the Application for Issue of Act for Compulsory Execution of the Arbitral Award

1.An application for issue of the act for compulsory execution of the arbitral award shall be filed in writing and signed by the person, to whose favour the award has been made, or by his/her agent.

2.The following should be specified in the application for issue of the act for compulsory execution of the arbitral award:

1)the name of the court to apply;

2)the name and the arbitration staff which rendered the award;

3)the names of the parties to arbitration, their place of residence or whereabouts;

4)the date and place of making arbitral award;

5)the date of applicant's receipt of the arbitral award;

6)the applicant's request for issue of acts for compulsory execution of the arbitral award.

Telephone and fax numbers, e-mail addresses and other data might be also specified in the application.

3.The following shall be enclosed to the application for compulsory execution of the arbitral award:

1)an authentic arbitral award or an appropriate constat of that. The copy of the award made by the standing court of arbitration, shall be certified by the chairman of the latter, and the copy of the arbitral award, aimed to settlement of a certain dispute, should be notarized;

2)an authentic arbitration agreement or its appropriate constat;

3)a document confirming payment of the state fee in the procedure and at a rate stipulated by federal law;

4)a copy of the application for issue of the act for compulsory execution of the arbitral award;

5)power of attorney or another document authorizing a person to sign the application.

4. The application for issue of the act for compulsory execution of the arbitral award filed in violation of the requirements, stipulated by this Article and Article 423 of this Code, shall be dismissed or returned to an applicant according to the Rules, stipulated by Article 135 and 136 of this Code.

Article 425. Examination Procedure of the Application for Issue of the Act for Compulsory Execution of the Arbitral Award

1.Judge shall solely examine the application for issue of the act for compulsory execution of the arbitral award within the period not exceeding one month since the day it entered the court, according to the rules, stipulated by this Code.

2. While preparing the case to hearing by petitions of both parties to arbitration, a judge may inquire the arbitration about the documents of the case, under which the act of execution is requested, according to the rules, stipulated by this Code for inquiring evidence.

3.The parties to arbitration shall be notified by court of the time and the place of the court session. Default of the said persons, properly notified of the time and the place, of court session is not an obstacle to examine the case.

4. In the course of hearing, court shall ascertain presence or absence of the grounds, stipulated by Article 426 of this Code for refusal of issue of the act for compulsory execution upon investigating of the evidence provided to court in substantiation of the declared claims and objections.

5.If the court, specified in the second part of Article 418 of this Code, considers the application for reversal of the arbitral award, the court, which examines the application for issue of the act for compulsory execution of this award, may adjourn, if finds it reasonable, examination of the application for issue of the act of execution and, by petition of the party, which applied for issue of the act of execution, may bind another party to submit an appropriate security according to the rules, stipulated by this Code.

Article 426. The Grounds of the Refusal of Issue of the Act for Compulsory Execution of the Arbitral Award

1.Court shall refuse of issue of the act for compulsory execution of the arbitral award only in the cases, that a party to arbitration, against which the award has been made, has proved the following:

1)the arbitration agreement is invalid on the grounds stipulated by federal law;

2)the party was not properly notified of either election (appointment) of arbitrars or of arbitration, including the time and the place of sitting of arbitration, or was not able on other good reasons to provide the arbitration with explanations;

3)the arbitral award has been made under the dispute, non-stipulated by the arbitration agreement or includes the decisions on the issues beyond the scope of the arbitration agreement. If the decisions on the issues within the scope of the arbitration agreement may be distilled of those beyond the scope of the agreement, the court shall issue an act of execution of the part of the arbitral award only, which consists of the decisions on the issues covered by the arbitration agreement;

4)the arbitration staff or arbitration procedure has not complied with the arbitration agreement or federal law;

5)the arbitral award has not become, yet, mandatory for the parties to arbitration or has been reversed by the court according to federal law, on the basis of which the arbitral award has been made.

2.Court shall also refuse of issue of the act for compulsory execution of the arbitral award, if established:

1)the dispute examined by arbitrary court is not subject to arbitration according to the federal law;

2)the arbitral award violates fundamental principles of Russian law.

Article 427. The Court Ruling on Issue of the Act for Compulsory Execution of the Arbitral Award

1.Upon considering the application for issue of the act for compulsory execution of the arbitral award, court shall render the ruling either on issue or on refusal of issue of the act aforesaid.

2.The following shall be specified in the court ruling for issue of the act for compulsory execution of the arbitral award:

1)the name and the staff of the arbitration, which rendered the award;

2)names of the parties to arbitration;

3)information on the arbitral award, the act for compulsory execution of which is inquired by the applicant;

4)indication on either issue of the act for compulsory execution of the arbitral award or on refusal of that.

3.Refusal of issue of the act for compulsory execution of the arbitral award shall not prevent the parties to arbitration to repeatedly apply to the court of arbitration, unless an opportunity of application to the arbitration has been lost, or to the court according to the rules, stipulated by this Code.

4.In case, court has fully or partly refused of issue of the act for compulsory execution of the arbitral award due to invalidity of the arbitration agreement, or because the award has been rendered under the dispute non-stipulated by the arbitration agreement, or is not covered by its scope, or includes the decisions on the issues beyond the scope of the arbitration agreement, the parties to the arbitration may apply for settlement of such a dispute to court according to rules, stipulated by this Code.

5.The court ruling rendered according to the first part of this Article, may be appealed against to the court of higher jurisdiction in the procedure, established by this Code.

Section VII. Proceedings Related to Execution of Court Decisions and Decisions of other Bodies

Article 428. Issue of the Act of Execution from Court

1.Court shall issue the act of execution to the claimant after validation of court decision, except for the cases of prompt execution, if the act for execution is to be issued immediately after making the court judgment. Court shall issue the act of execution to the judgment creditor or forward to execution by his/her request.

2.Court order shall be issued for execution according to the rules, stipulated by Article 130 of this Code.

3. If the court judgment provide application of the penalty to the funds of the budgets of the budget system of the Russian Federation, a copy thereof, properly certified by the court, should be attached to the act of execution given for performance of the court judgment (part has been additionally included since 1 January 2006 by the Federal Act N 197-FZ of 27 December 2005).

4. If the act of execution was issued before enforcement of the court judgment, than it is considered as null and void and is subject for recall by the court made the court judgment, except the cases of its urgent execution (part has been additionally included from October 6, 2007 by the Federal Act N 225-FZ of October 2, 2007).

5. Forms of acts of execution, procedure of manufacturing, registration, storage and elimination thereof shall be confirmed by the Government of the Russian Federation (the part has been added from February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007).

Article 429. Issue of Several Acts for Execution under the Same Judgment

1.One act of execution shall be issued per a judgment.

However, if the judgment has been made in favour of several plaintiffs or against several defendants, and if the execution should be carried out in various places, the court is obliged, by the claimant's request, to issue several acts of execution specifying the place of execution or the part of the judgment, which is subject to execution under the act aforesaid (the paragraph has been added to since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007).

2.On the basis of court's judgment or sentence on collection of money from joint defendants, several acts of execution shall be issued by request of the judgment creditor, in the number equal to that of joint defendants. The total amount to collect and all the defendants and their joint responsibility should be specified in every act of execution.

Article 430. Issue of a Duplicate of the Act for Execution or Court Order

In case the original executive act or the court order (the documents for execution) are lost, the court, which rendered the court order, may issue the duplicates of executive documents. Application for issue of duplicates shall be considered by the court session. Though, the participants of the case shall be notified of the time and the place of session, their default to court is not an obstacle to settle the matter on issue of duplicates. A separate complaint may be brought against the court ruling pertaining to issue of duplicates.

Article 431. Responsibility for Losing of Executive Documents

An official guilty of loss of the executive document or judicial writ may be penalized at a rate up to twenty five-fold minimal monthly legal wage.

(The article is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007).

Article 432. Interval and Restoration of the Term of Submission of an Executive Document

1.The term of submission of the executive document shall be interrupted by its submission to execution, unless otherwise was established by federal law, and due to debtor's partial execution of the court judgment.

2.For the judgment creditors, who missed the term of submission of executive document on reasonable grounds recognized by court, the term aforesaid may be restored, unless otherwise was established by federal law.

3.The application for restoration of missed term shall be filed to the court, which issued the executive document, or to the court local to place of execution and shall be examined in the procedure, stipulated by Article 112 of this Code. A separate complaint may be brought against the court ruling pertaining to restoration of the term.

Article 433. Elucidation of the Court Judgment Subject to Execution

1. For ambiguity of the demand, contained in the executive document or unclear method and procedure of execution, the claimant, debtor or bailiff shall have the right to appeal to court which accepted the judicial act with an application for explanation of the executive document, method and procedure of execution thereof.

2. The application for explanation of the executive document shall be considered at a court session within 9 days from the date of arrival of the application at court.
(The article is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).

Article 434. Postponement or Down Execution of the Court Judgment, Change in the Method and Procedure of Execution Thereof, Indexing of Amounts of Judgment

At availability of the circumstances hampering execution of court judgment or decisions, made by other bodies, the execution creditor, debtor, executive officer of the court are authorized to put a question to the court, examining the case, or to the court at the place of execution of judgment the question on postponement of execution or down execution, on change in the method and the procedure of execution, and also on indexing of the amounts of judgment. Such an application filed by the parties and report filed by an executive officer of the court shall be examined in the procedure, stipulated by Articles 203 and 208 of this Code.

Article 435. Postponement of Executive Actions

(the article has lost its force since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording)

Article 436. Judge's Responsibility to Postpone Executive Proceeding

A judge is obliged to suspend executive proceedings fully or partly in cases provided by the Federal Act "On executive procedure".

(The article is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).

Article 437. The Judge's Right to Suspend Executive Proceedings

A judge shall have the right to suspend executive proceedings fully or partly in cases provided by the Federal Act "On executive procedure".

(The article is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).

Article 438. Revival of Executive Proceedings

1.Court shall revive the executive proceedings by the application of an execution creditor, executive officer of the court or by court's initiative after elimination of the circumstances lead to suspension of that.

2.The legally stipulated term for stay of executive proceedings may be reduced by court.

Article 439. Discontinuance of the Proceedings

1. The court shall be obliged to suspend executive proceedings cases provided by the Federal Act "On executive procedure" (the part is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).

2.If the claimant refuses from penalty and if the claimant and the debtor mage an agreement of peace, the rules shall be applied provided by article 173 of the present Code.

3.In the event of termination of the executive procedure all the charged measures shall be cancelled by the bailiff. The terminated executive procedure may not be initiated again (the part is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording)..

Article 440. Procedure of suspension or Termination of Execution Proceedings

(the article has been added to since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).

1.The questions on suspension or termination of the executive procedure shall be considered by the court in the district falling within the competence of the bailiff within nine days. The claimant, debtor and bailiff shall be notified thereabout, however, their absence shall not be an obstacle to solution of these questions (the article is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).

2.According to the results of consideration of an application for suspension or termination of the executive procedure the court shall render the ruling, which is to be sent to the claimant, the debtor, and also to bailiff of the court, who is in charge of execution of the document aforesaid.

3.A separate complaint may be brought against the court ruling on discontinuance of executive proceedings.

4.Discontinued executive proceedings shall be revived by the ruling of the same court after elimination of the circumstances, which lead to discontinuance.

Article 441. Appeal Against Actions (Inaction) of the Executive Officer of the Court

1.Rulings of the chief bailiff of the Russian Federation, chief bailiff of the subject of the Russian Federation, senior bailiff, their deputies, the executive bailiff, their actions (inaction) may be appealed against by the claimant, debtor or the persons whose rights and interests are breached by this ruling, actions (inaction).

2.The application for appealing against rulings of an official of the bailiff's service, their actions (inaction) shall be submitted to the court in the district falling within the competence of this official, within ten days from the date of making of the ruling, performance of actions, or from the date when the claimant, debtor or persons whose rights and interests are breached by this ruling or actions (inaction) have known about the breach of their rights and interests.

3. An application for appealing against the rulings of an official of the bailiff's service, his actions (inaction) shall be considered according to the procedure provided by chapters 23 and 25 of the present Code, with withdrawals and additions provided by the present article.

4. Refusal of rejection of a bailiff may be appealed against according to the procedure provided by the present article.
(The article is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).

Article 442. Protection of Rights of Other Persons at Execution of Court Decision or the Decision Made by State or Another Body

1.In case, executive officer of court while performing sequestration, committed breach of federal law, which is the ground for disaffirmation of sequestration irrespectively whether the property is owned by the debtor or other persons, the debtor's application for disaffirmation of sequestration shall be considered by court in the procedure, stipulated by Article 441 of this Code. Such an application may be filed before sale of the distrained property.

2.The dispute lodged by the persons, who took no part in the case, regarding ownership of the penalized property, shall be examined by court in adversary proceedings.

The actions for exemption of sequestration (abandonment from inventory) shall be brought both to the debtor and execution creditor. In case, sequestration or inventory of the property has been exercised in view of expropriation of a property, the person, whose property is subject to expropriation, and an appropriate state body shall be attracted as defendants. In case sequestrated or included into inventory property has been already sold, the action shall be brought also to the acquirer of the property.

In case the claim for return of sold property has been met, the disputes between the acquirer of the property, execution creditor and debtor shall be examined by court in adversary proceedings.

3.Court, when established, independently of application of the persons concerned, the facts, specified in the first part of this Article, is obliged to disaffirm sequestration in total or to abandon a part of the property from the inventory.

Article 443. Restitution of Property and Rights upon Reversal of the Judgment

Upon reversal of the enforced judgment, and making the judgment on full or partial dismissal or rendering ruling on discontinuation of the proceedings or passing over of the application, after new investigation of case, the defendant should be restituted everything collected from him in favor of plaintiff under the reversed judgment (reversal of execution of judgment).

Article 444. Procedure of Reversal of the Court Judgment by the Court of First Instance

1.The court, which the case has been transferred to for re-investigation, is obliged by its own initiative to investigate the issue of reversal of judgment and settle the case with a new judgment or new ruling of court.

2.In case the court, re-investigated the case, has not settled the issue on reversal of the court judgment, the defendant is authorized to apply to this court for reversal of judgment. This application shall be examined in the court session. The participants in the case shall be notified of the time and the place of court session. Nevertheless, their default to court shall not be an obstacle to examine the application for reversal of court judgment.

3.The court ruling on reversal of judgment may be appealed against in private procedure.

Article 445. Procedure of Reversal of the Judgment by Intermediate or Highest Appellate Court, and by Court with Supervisory Authority

1.The court, investigating the case in the first or second appellate instances or in the court with supervisory authority, if finally settles the dispute by its judgment, ruling or decision, or discontinues the proceedings, or dismiss the application, is oblige to solve the issue of reversal of the judgment or to transfer the case to the court of first instance (the Part is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28 2004, - see the previous wording).

2.In case, in the judgment, ruling or decision of the higher court, there are no indications on the reversal of the judgment, the defendant is authorized to file an appropriate application to the court of first instance (the Part is stated in the wording effective since August 11, 2004 according to the Federal Act No. 94-FZ of July 28, 2004, - see the previous wording).

3.In case, the intermediate or highest appellate court has abrogated the judgment on the case for collection of alimony, the reversal of judgment shall be admitted only in cases if abrogated judgment was grounded on false data reported or forged deeds submitted by the plaintiff.

In case the judgments on the cases for collection of amounts of money under the claims, arising from labour relations, for collection of a bonus for using of copyright for scientific, literature and art works, performance, discovery, invention, useful models, industrial samples, on collection of alimonies, on compensation for harm caused by injury or other damage of health or by death of the bread winner, the reversal of judgment shall be admitted, if abrogated judgment was grounded on false data reported or forged deeds submitted by the plaintiff.

Article 446. The Estate to be Penalized According to Executive Documents

1.The following estate in the property of a citizen-debtor could not be penalized under executive documents:

living quarters (part of this), if this is the only apartment claimable for permanent living of a citizen-debtor and his family members co-residing in the living quarters owned by him, except for the estate specified in this Subparagraph, if this is a subject of mortgage and might be penalized in compliance with legislation relevant to mortgage (the Subparagraph has been supplemented since January 10, 2005 according to the Federal Act No. 194-FZ of December 29, 2004);

the lands plots, on which the objects, specified in the second paragraph of this Part, are situated, except for the property specified in this paragraph, if it is a subject to mortgage and might be penalized in compliance with legislation relevant to mortgage (the paragraph has been supplemented since January 10, 2005 according to the Federal Act No. 194-FZ of December 29, 2004; in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording);

items of regular domestic furniture and household goods, items of personal use (clothes, footwear and other), except for valuables and other luxury items;

the property necessary for professional occupation of a citizen-debtor, except for the items, which cost exceeds hundred minimal monthly legal wage;

bloodstock, dairy cattle, work stock, deer, rabbits, poultry, bees, fodder necessary to maintain them before bringing to pastures (apiary) used on the purposes irrelevant to business activity, and also utility buildings and constructions necessary for it maintenance (the paragraph is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).;

seeds necessary to regular sowing;

foodstuff and money in the amount not less than the established subsistence value of the citizen-debtor himself, and his dependents (the paragraph is in the wording enforced since February 1, 2008 according to the Federal Act N 225-FZ of October 2, 2007, - see the previous wording).;

fuel necessary to citizen-debtor family’s everyday cooking and heating of their living quarters during heating season;

transport facilities and other property, which a citizen-debtor needs in view of his/her disability;

prizes, governmental awards, honorary and memorable decorations, which the citizen-debtor has been awarded with.

2. Inventory of the organizations' estate, which can not be penalized under executive documents, shall be stipulated by federal law.

3. Collecting under executive documents cannot be elective pledge (the Clause has been added since August 6, 2005 by the Federal Act N 93-FZ of July 21, 2005).

President of the Russian Federation
V.Putin

Moscow, Kremlin
November 14, 2002
No.138-FZ

Federal Law
Of the Russian Federation

On Enforcement of the Civil Procedural Code of the Russian Federation

(as amended of 1 December 2007)

By the Federal Act N 310-FZ of 1 December 2007 (Rossiyskaya Gazeta, N 272, 0.5. 12.2007) (on enforcement procedure see article 31 of the Federal Act N 310-FZ of 1 December 2007)

Adopted by the State Duma
October 23, 2002

Approved by Soviet of Federation
October 30, 2002

Article 1**.** To bring into force the Civil Procedural Code of the Russian Federation since February 1, 2003.

Article 2**.** To deem the following null and void since February 1, 2003:

The Civil Procedural Code of the Russian Federation except for Chapters 34, 35 and 36;

The Decree of the Supreme Soviet of the RSFSR "On Addendum to Article 388 of the Civil Procedural Code of the RSFSR" of December 18, 1965 (Bulletin of the Supreme Soviet of the RSFSR Art. 1291, No.51 of 1965);

The Decree of the Presidium of the Supreme Soviet of the RSFSR of August 5, 1966 "On Making Addenda to the Civil Procedural Code of the RSFSR" (Bulletin of the Supreme Soviet of the RSFSR, Art. 773, No.32 of 1966);

The Act of the RSFSR of August 17, 1966 "On Approval of the Decrees of the Presidium of Supreme Soviet of then RSFSR on Making Addenda to the Civil Procedural Code of the RSFSR" (Bulletin of Supreme Soviet of the RSFSR, Art. 921, No. 34 of 1966);

The Decree of the Presidium of the Supreme Soviet of the RSFSR of February 12, 1968 "On Making Addenda and Amendments to the Civil Procedural Code of the RSFSR" (Bulletin of the Supreme Soviet of the RSFSR, Art. 252, No.7 of 1968; Art. 49, No.4 of 1970);

The Decree of the Presidium of the Supreme Soviet of the RSFSR of December 12, 1973 “On Making Addenda and Amendments to the Civil and Civil Procedural Codes of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 1114, No.51 of 1973);

The Act of the RSFSR of December 19, 1973 “On Approval of the Decrees of the Presidium of the Supreme Soviet of the RSFSR Entering Some Amendments and Addenda to Current Legislation of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 1110, No.51 of 1973) in the part approving the Decree of the Presidium of the Supreme Soviet of the RSFSR of December 12, 1973 “On Making Amendments and Addenda to the Civil and Civil procedural Codes of the RSFSR”;

Section II of the Decree of the Supreme Soviet of the RSFSR of December 18 of 1974 “On making Amendments to and invalidation of some legislative acts of the RSFSR in view of enforcement of the Act of the RSFSR on the State Notariate” (Bulletin of the Supreme Soviet of the RSFSR, Art. 1346, No. 51 of 1974);

The Decree of the Presidium of the Supreme Soviet of the RSFSR of June 14, 1977 “On Making Amendments and Addenda to the Civil and Civil Procedural Codes of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 586, No. 24 of 1977);

The Act of the RSFSR of July 20, 1977 “On Approval of the Decrees of the Presidium of the Supreme Soviet of the RSFSR Entering Some Amendments and Addenda to Current Legislation of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 725, No.30 of 1977) in the part approving the Decree of the Presidium of the Supreme Soviet of the RSFSR of June 14, 1977 “On Making Amendments and Addenda to the Civil Code and Civil Procedural Code of the RSFSR”;

Clause 1 except for the Amendments introduced to Article 326 of the Code, Clause 2, except for supplementing the Code with Articles 284_1 and 294_1, Clauses 3 to 40 and Clauses 46 to 67 of the Decree of the Presidium of the Supreme Soviet of the RSFSR of August 1, 1980 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 987, No. 32 of 1980);

The Decree of the Presidium of the Supreme Soviet of the RSFSR of June 8, 1981 “On Making Amendments to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 800, No. 23 of 1981);

The Act of the RSFSR of July 8, 1981 “On Approval of the Decrees of the Presidium of the Supreme Soviet of the RSFSR on Making Amendments and Addenda to Some legislative Acts of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 983, No.28 of 1981) in the part approving the Decree of the Presidium of the Supreme Soviet of the RSFSR of June 8, 1981 “On Making Amendments to the Civil Procedural Code of the RSFSR”;

The Decree of the Presidium of the Supreme Soviet of the RSFSR of September 11, 1981 “On Making Amendments to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 1264, No.37 of 1981);

The Decree of the Presidium of the Supreme Soviet of the RSFSR of November 16, 1981 “On Making Addenda to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 1555, No.46 of 1981);

The Act of the RSFSR of December 2, 1981 “On Approval of the Decrees of the Presidium of the Supreme Soviet of the RSFSR On Making Amendments and Addenda to the Criminal, Criminal Procedural and Civil Procedural Codes of the RSFSR (Bulletin of the Supreme Soviet of the RSFSR Art. 1669, No. 49 of 1981) in the Part approving the Decree of the Presidium of the Supreme Soviet of the RSFSR of September 11, 1981 “On Making Amendments to the Civil Procedural Code of the RSFSR” and the Decree of the Presidium of the Supreme Soviet of the RSFSR of November 16, 1981 “On making Addenda to the Civil Procedural Code of the RSFSR”;

The Decree of the Presidium of the Supreme Soviet of the RSFSR of January 12, 1984 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 106, No. 3 of 1984);

The Decree of the Supreme Soviet of the RSFSR of April 25, 1984 “On Making Amendments to the RSFSR Matrimonial Code and the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 592, No. 18 of 1984);

The Act of the RSFSR of June 20, 1984 “On Approval of the Decrees of the Presidium of the RSFSR Supreme Soviet on Making Amendments and Addenda to Some legislative Acts of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 877, No.26 of 1984) in the part approving the Decree of the Presidium of the RSFSR Supreme

Soviet of January 12, 1984 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR” and the Decree of the Supreme Soviet of the RSFSR of April 25, 1984 “On Making Amendments to the RSFSR Matrimonial Code and to the RSFSR Civil Procedural Code”;

The Decree of the Presidium of the RSFSR Supreme Soviet of January 24, 1985 “On Making Amendments and Addenda to Criminal Procedural and Civil Procedural Codes of the RSFSR (Bulletin of the Supreme Soviet of the RSFSR Art. 163, No.5, 1985);

The Act of the RSFSR of March 26, 1985 “On Approval of the Decrees of the Presidium of the RSFSR Supreme Soviet on Making Amendments and Addenda to Some Legislative Acts of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 530, No.14 of 1985) in the part approving the Decree of the Presidium of the RSFSR Supreme Soviet of January 12, 1984 “On Making Amendments and Addenda to the Criminal Procedural and Civil Procedural Codes of the RSFSR” and the Decree of the RSFSR Supreme Soviet of February 20, 1985 “On Some Modification of the Procedure of Collection of Alimony for Minors”;

The Act of the Presidium of the Supreme Soviet of the RSFSR No. 2972-XI “On Making Addenda to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 413, No. 14, 1986);

The Act of July 2, 1986 “On Approval of the Decrees of the Presidium of the Supreme Soviet of the RSFSR on Making Amendments and Addenda to Some Legislative Acts of the RSFSR” (Bulletin of the RSFSR Supreme Soviet Art. 804, No. 28 of 1986) in the part regarding approval of the Decree of the Presidium of the RSFSR Supreme Soviet of April 1, 1986 “On Making Addenda to the Civil Procedural Code of the RSFSR”;

the Decree of the RSFSR Supreme Soviet No. 4563-XI of November 19, 1986 “On Some Modification of the Procedure of Collection of Alimony for Minors” (Bulletin of the RSFSR Supreme Soviet, Art. 1397, No. 48 of 1986);

the Act of the RSFSR of December 3, 1986 “On Approval of Decrees of the Presidium of the RSFSR Supreme Soviet on Making Amendments and Addenda to Some Legislative Acts of the RSFSR” (Bulletin of the RSFSR Supreme Soviet, Art. 1467, No. 50 of 1986) in the part regarding approval of the Decree of the Presidium of the Supreme Soviet of the RSFSR of November 19, 1986 “On Some Alteration of the Procedure of Collection of Alimony for Minors”;

Section II of the Decree of the Presidium of the Supreme Soviet of the RSFSR No. 5375-XI of February 24, 1987 “On Making Amendments and Addenda to the Civil Code of the RSFSR and Other Legislative Acts of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 250, No. 9, 1987);

Article 2 of the Decree of the Presidium of the Supreme Soviet of the RSFSR No. 8066-XI of January 5, 1988 “On Making Amendments and Addenda to Some Legislative Acts of the RSFSR (Bulletin of the Supreme Soviet of the RSFSR, Art. 1, No. 1 of 1988);

the Decree of the Presidium of the Supreme Soviet of the RSFSR No. 8256-XI of January 29, 1988 “On Making Amendments and Addenda to Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 137, No. 5, 1988), except for Article 5;

the Decree of the Presidium of the Supreme Soviet of the RSFSR No. 11522-XI of April 12, 1989 “On Making Amendments and Addenda to Articles 338 and 339 of the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 398, No. 16 of 1989);

the Act of the RSFSR of July 28, 1989 “On Approval of Decrees of the Presidium of the Supreme Soviet of the RSFSR on Making Amendments and Addenda to Some Legislative Acts of the RSFSR” (Bulletin of the RSFSR Supreme Soviet Art. 851, No. 31, 1989) in the part regarding approval of the Decree of the Presidium of the Supreme Soviet of the RSFSR of April 12, 1989 “On Making Amendments and Addenda to Articles 338 and 339 of the Civil Procedural Code of the RSFSR”;

the Act of the RSFSR No. 945-I of March 21, 1991 “On Making Amendments and Addenda to Criminal, Civil, Criminal Procedural, Civil Procedural Codes of the RSFSR and the Code of the RSFSR on Administrative Offences (Bulletin of the Congress of People Deputies of the RSFSR and Supreme Soviet of the RSFSR, Art. 494, No. 15, 1991);

the Act of the Russian Federation No. 2438-I of March 4, 1992 “On Making Amendments to the Civil Code of the RSFSR and Civil Procedural Code of the RSFSR (Bulletin of the Congress of People Deputies of the RSFSR and Supreme Soviet of the RSFSR, Art. 768, No. 15, 1992);

Article 3 of the Act of the Russian Federation No. 2869-I of May 29, 1992 “On Making Amendments and Addenda to the Act of the RSFSR “On Judicial System in the Russian Federation”, to Criminal Procedural and Civil Procedural Codes of the RSFSR” (Bulletin of the Congress of People Deputies of the RSFSR and Supreme Soviet of the RSFSR, Art. 1560, No. 27 of 1992);

Article 2 of the Act of the Russian Federation No. 3119-I of June 24, 1992 “On Making Amendments and Addenda to the Civil Code of the RSFFSR, Civil Procedural Code of the RSFSR, Regulations of the Supreme Soviet of the RSFSR, the Acts of the RSFSR “On Jewish Autonomous Region”, “On Election of People Deputies in the Russian Federation”, “On Additional Authorities of Local Soviets of the People Deputies During Period of Transit to Market Economy”, “On a Peasant Economy (Farmery)”, “On Land Reform”, “On Banks and Banking Activity in the Russian Federation”, “On the Central Bank of the Russian Federation (the Bank of Russia)”, “On the Property in the RSFSR”, “On Enterprises and Entrepreneurial Activity”, “On the State Taxation Service in the Russian Federation”, “On Competition and Limitation of Monopolistic Activity throughout Commodity Markets”, “On the Priority Supply of an Agricultural and Industrial Complex with Material and Technical Resources”, “On Local Self-Government in the RSFSR”, “On Privatization of Governmental and Municipal Enterprises in the RSFSR”, “On Fundamentals of the Budgetary System and Budgetary Process in the RSFSR”, “On the State Duty”; the Acts of the Russian Federation “On Territorial, Regional Soviet of People Deputies and Territorial and Regional Administration”, “On Commodity Exchanges and Exchange Trade” (Bulletin of the Congress of People Deputies of the RSFSR, Art. 1966, No. 34 of 1992);

the Act of the Russian Federation No. 4717-I of March 31, 1993 “On Making Amendments and Addenda to the Criminal Procedural Code of the RSFSR Regarding Investigation Procedure of the Cases Related to National Secrets (Bulletin of the Congress of People Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, Art. 593, No. 17 of 1993);

the Act of the Russian Federation No. 4882-I of April 28, 1993 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR (Bulletin of the Congress of People Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, Art. 787, No. 22 of 1993);

the Federal Act No. 68-FZ of April 28, 1995 “On Making Amendments to the Civil Procedural Code of the RSFSR (Collection of Legislation of the Russian Federation, Art. 1596, No. 18 of 1995);

the Federal Act No. 189-FZ of November 30, 1995 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR (Collection of Legislation of the Russian Federation, Art. 4696, No. 49 of 1995), except for Clauses 22 to 31 of Article 1;

Article 2 of the Federal Act No. 226-FZ of December 31 of 1995 “On Making Amendments and Addenda to the Act of the Russian Federation “On the State Duty” (Collection of Legislation of the Russian Federation, Art. 19, No. 1 of 1996);

the Federal Act No. 124-FZ of August 21, 1996 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR (Collection of Legislation of the Russian Federation, Art. 4134, No. 35 of 1996);

the Federal Act No. 140-FZ of November 26, 1996 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR (Collection of Legislation of the Russian Federation, Art. 5499, No. 49 of 1996), except for Clause 3 of Article 1;

Clause 1 of Article 1 of the Federal Act No. 144-FZ of November 16, 1997 “On Making Amendments and Addenda to Acts and other Legal Regulations of the Russian Federation in view of Adoption of the Federal Constitutional Act “On Courts of Arbitration in the Russian Federation” and Arbitration Procedural Code of the Russian Federation” (Collection of legislation of the Russian Federation, Art. 5341, No. 47, 1997);

the Federal Act No. 90-FZ of June 25, 1998 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR (Collection of Legislation of the Russian Federation, Art. 3010, No. 26, 1998);

Clause 1 of Article 2 of the Federal Act No. 3-FZ of January 4, 1999 “On Making Amendments and Addenda to the Act of the RSFSR “On Judicial System in the RSFSR”, to the Civil Procedural Code of the RSFSR and the Criminal Procedural Code of the RSFSR” (Collection of legislation of the Russian Federation, Art. 5, No. 1, 1999);

the Federal Act No. 37-FZ of January 2, 2000 “On Assessors in Federal Courts of General Jurisdiction in the Russian Federation” (Collection of legislation of the Russian Federation, Art. 158, No. 2, 2000) in the part regarding civil judicial system;

the Federal Act No. 120-FZ of August 7, 2000 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR” (Collection of Legislation of the Russian Federation, Art. 3346, No. 33 of 2000), except for Clauses 33 to 35 of Article 1.

To deem the following null and void since July 1, 2003:

The Civil Procedural Code of the Russian Federation;

The Act of the RSFSR of June 11, 1964 “On Approval of the Civil Procedural Code of the Russian Federation” (Bulletin of the Supreme Soviet of the RSFSR, Art. 407, No. 24, 1964);

Articles 17 to 19 of the Decree of the Presidium of the Supreme Soviet of the RSFSR of June 12, 1964 “On the Enforcement Procedure for the Civil Code and the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 416, No. 24, 1964);

the Decree of the Presidium of the Supreme Soviet of the RSFSR of August 1, 1980 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 987, No. 32, 1980);

the Act of the RSFSR of November 20, 1980 “On Approval of the Decrees of the Presidium of the Supreme Soviet of the RSFSR on Making Amendments and Addenda to the Criminal and Criminal Procedural Codes of the RSFSR, to the Labour Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 1597, No. 48, 1980) in the part referred to the approval of the Decree of the Presidium of the Supreme Soviet of the RSFSR of August 1, 1980 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR”;

the Decree of the Presidium of the Supreme Soviet of the RSFSR No. 8256-XI of January 29, 1988 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 137, No. 5, 1988);

The Act of the RSFSR of April 20, 1988 “On Approval of the Decrees of the Presidium of the Supreme Soviet of the RSFSR on Making Amendments and Addenda to Some legislative Acts of the RSFSR” (Bulletin of the Supreme Soviet of the RSFSR, Art. 541, No. 17, 1988) in the part regarding approval of the Decree of the Presidium of the Supreme Soviet of the RSFSR of January 29, 1988 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR”;

Clause 2 of the Federal Act No. 3200-I of July 3, 1992 “On Making Amendments and Addenda to the Criminal Procedural Code, the Civil Procedural Code of the RSFSR and the Act of the RSFSR “On Judicial System in the RSFSR” (Bulletin of the Congress of People Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, Art. 1794, No. 30, 1992);

the Decree of the Supreme Soviet of the Russian Federation No. 3201-I of July 3, 1992 “On the Enforcement Procedure of the Act of the Russian Federation “On Making Amendments and Addenda to the Criminal Procedural Code, the Civil Procedural Code of the RSFSR and the Act of the RSFSR “On Judicial System in the RSFSR” (Bulletin of the Congress of People Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, Art. 1795, No. 30, 1992) in the part pertaining to validation of the amendments and addenda to the Civil Procedural Code of the RSFSR;

the Federal Act No. 189-FZ of November 30, 1995 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR (Collection of Legislation of the Russian Federation, Art. 4699, No. 49, 1995);

the Federal Act No. 140-FZ of November 26, 1996 “On Making Amendments and Addenda to the Civil Procedural Code of the RSFSR (Collection of Legislation of the Russian Federation, Art. 5499, No. 49, 1996);

the Federal Act No. 50-FZ of March 17, 1997 “On Making Addenda to the Civil Procedural Code of the Russian Federation” (Collection of legislation of the Russian Federation Art. 1373, No. 2, 1997);

Article 2 of the Federal Act No. 3-FZ of January 4, 1999 “On Making Amendments and Addenda to the Act of the RSFSR “On Judicial System in the RSFSR”, Civil Procedural Code of the RSFSR and Criminal Procedural Code of the RSFSR” (Collection of legislation of the Russian Federation Art. 5, No. 1, 1999);

The Federal Act No. 120-FZ of August 7, 2000 “On Making Amendments and Addenda to the Civil Procedural Code of the Russian Federation” (Collection of legislation of the Russian Federation, Art. 3346, No. 33, 2000).

Article 3. To deem the following invalid throughout the territory of the Russian Federation since February 1, 2003:

Fundamentals of the civil judicial system of the Union of Soviet Socialist Republics and Union Republics (Bulletin of the Supreme Soviet of the Russian Federation, Art. 526, No. 50, 1961);

The Act of the USSR of December 8, 1961 “On Approval of Fundamentals of the Civil Judicial System of the Union of Soviet Socialist Republics and Union Republics (Bulletin of the Supreme Soviet of the Russian Federation Art. 526, No. 50, 1961);

Clause “b” of Article 1 of the Decree of the Supreme Soviet of the USSR No. 3208-VIII of August 7, 1972 “On the Procedure of Settlement of Disagreements Arising Between Kolkhoz and Interkolkhoz Organizations from one side and Governmental, Cooperative and Other Non-Governmental Enterprises, Organizations and Institutions, from another side, as well as Between Kolkhoz and Interkokhoz organizations, while Signing the Contracts” (Bulletin of the Supreme Soviet of the USSR, Art. 289, No. 33, 1972);

Section II of the Decree of the Presidium of the Supreme Soviet of the USSR No. 5709-IX of May 16, 1977 “On Making Amendments and Addenda to the Fundamentals of Civil Judicial System of the USSR and of Union Republics and to the Fundamentals of Civil Judicial System of the Union of SSR and of Union Republics (Bulletin of the Supreme Soviet of the USSR, Art. 313, No. 21, 1977);

Section I of the Decree of the Presidium of the Supreme Soviet of the USSR No. 886-X of October 9, 1979 “On Making Amendments and Addenda to Legislation of the USSR pertaining to Civil Judicial System” (Bulletin of the Supreme Soviet of the USSR, Art. 697, No. 42, 1979);

Article 1 of the Decree of the Presidium of the Supreme Soviet of the USSR No. 8298-XI of January 7, 1988 “On Making Amendments to Some legislative Acts of the USSR in view of the Act of the USSR “On the Procedure of Appeal to Court Against Unlawful Activity of the Officials Violating Citizens’ Rights” (Bulletin of the Supreme Soviet of the USSR, Art. 21, No. 2, 1988).

Article 4. Federal Act and other normative legal acts effective throughout the territory of the Russian Federation pertaining to the Civil Procedural Code of the Russian Federation should be brought in line with the Civil Procedural Code of the Russian Federation.

The Federal Acts aforesaid and other normative legal acts shall be applied in the part non-contradicting the Civil Procedural Code of the Russian Federation since the day the Civil Procedural Code of the Russian Federation has been validated by this Federal Act until bringing in line with the Civil Procedural Code of the Russian Federation.

Article 5. Before appointment (election) of justice in the peace, the cases, stipulated by Article 23 of the Civil Procedural Code of the Russian Federation, shall be investigated by district courts.

Article 6. Non-investigated to February 1, 2003 cases in the proceedings of courts of general jurisdiction, are subject to investigation and settlement since February 1, 2003 in compliance with the Civil Procedural Code of the Russian Federation.

The objections, lodged in the appellate and supervisory procedure by the officials, specified in Articles 282, 320 of the Civil Procedural Code of the RSFSR, but non-investigated until validation of the Civil Procedural Code of the Russian Federation are subject to examination within the time limits and in the procedure, stipulated by Chapters 34, 35 and 36 of the Civil procedural Code, but to July 1, 2003, at the latest.

Article 6_1. Execution of court judgement on withdrawal of plots of and (or) other objects of real estate property located thereon for purposes of placement of Olympic projects or development of the territories adjacent to the Olympic projects shall be regulated by the Civil Procedural Code of the Russian Federation, unless otherwise determined by the Federal Act “On organization and holding of XXII Olympic winter games and XI Paralympic winter games of 2014 in the town of Sochi, development of the town of Sochi as a mountain resortm and on amendments to

particular legislative acts of the Russian Federation (the article has been added since December 5, 2007 by the Federal Act N 310-FZ of 1 December 2007).

Article 7. This Federal Act shall come into force since the day of its official publication.

President of the Russian Federation

V. Putin
Moscow, Kremlin

November 14, 2002
No. 138-FZ