

amendment.

3. If during the consideration of an application, disputing an administrative body's decision to hold a person administratively liable the commercial court establishes that the administrative body's decision to hold a person administratively liable is legal and well substantiated, the court delivers a decision on the refusal to satisfy the applicant's claim.

4. The operative part of the decision in a case of challenge of an administrative body's decision must contain:

1) the name, number and date of adoption, other necessary information regarding the disputed decision;

2) the name of the person held administratively liable, its location or place of residence, information on its state registration in the capacity of a legal entity or of an individual entrepreneur;

3) an indication as to the recognition of the decision as illegal and its full or partial cancellation, or the refusal to satisfy the applicant's claim, fully or in part, or as to the administrative measure, in case it is amended by the court.

5. The commercial court decision enters into force within ten days from its delivery, unless it is appealed against.

If an appeal is filed, the decision, unless amended or reversed, enters into force on the day of delivery of a judgement by an appellate commercial court.

5¹. The decision in a case on holding a person administratively liable may be appealed against to an appellate commercial court, if the administrative punishment for committing the administrative offence is envisaged in the law only in the form of a notice and (or) an administrative fine, not exceeding one hundred thousand roubles for legal entities and five thousand roubles for individual entrepreneurs. Such a decision, if it has been under the consideration of an appellate commercial court, and the judgement of the appellate commercial court on this case, may be appealed against to a cassational commercial court only on the grounds, stipulated in **Part 4 of Article 288** of this Code.

In other cases, decisions in cases of challenge of an administrative body's decision to hold a person administratively liable are appealed against in the manner, established in **Article 181** of this Code.

5². No writ of execution is issued on the ground of a judicial act of a commercial court in a case of challenge of an administrative body's decision to hold a person administratively liable, the enforcement is carried out on the basis of this judicial act.

6. The commercial court sends a copy of the decision to persons participating in the case within three days from its delivery. The commercial court may also forward a copy of the decision to a superior administrative body.

Chapter 26. Consideration of Cases Concerning the Recovery of Compulsory Payments and Sanctions

Article 212. Consideration of Cases Concerning the Recovery of Compulsory Payments and Sanctions

1. Cases concerning the recovery of compulsory statutory payments and sanctions from persons, exercising entrepreneurial and other economic activities, are considered by commercial courts in accordance with the general rules of adversarial proceedings, stipulated in this Code, subject to the special rules, established in this Chapter.

2. Proceedings in cases concerning the recovery of compulsory payments and sanctions are initiated in commercial courts upon applications of state bodies, local government bodies and other bodies, exercising supervisory functions, with claims for the recovery of money from persons who owe compulsory payments, in the off-set of their payment and sanctions.

Article 213. Right to File an Application for the Recovery of Compulsory Payments and Sanctions with the Commercial Court

1. State bodies, local government bodies and other bodies vested with supervisory functions in conformity with the federal law (hereinafter - "supervisory bodies"), have the right to apply to the commercial court with an application for the recovery of compulsory statutory payments and sanctions from persons, engaged in entrepreneurial and other economic activities, unless the federal law provides another manner of recovery.

2. An application for recovery is filed with the commercial court if the applicant's demand for the voluntary payment of the sum being recovered is not satisfied, or if the term fixed in such a claim is missed.

Article 214. Requirements for an Application for the Recovery of Compulsory Payments and Sanctions

1. An application for the recovery of compulsory payments and sanctions must meet the requirements, stipulated in **Part 1, Items 1, 2 and 10 of Part 2 and Part 3 of Article 125** of this Code. The application must also contain:

- 1) the name of the payment, subject to recovery, its amount and the calculation of its sum;
- 2) the norms of the federal law and of other normative legal acts, stipulating such a payment;
- 3) information regarding the forwarding of a demand for voluntary payment.

2. Documents mentioned in **Items 1 - 5 of Article 126** of this Code, as well as a document, confirming the forwarding by the plaintiff of a demand for the voluntary payment of the sum being recovered, must be attached to the application for the recovery of compulsory payments and sanctions.

Article 215. Judicial Proceedings in Cases Concerning the Recovery of Compulsory Payments and Sanctions

1. Cases concerning the recovery of compulsory payments and sanctions are considered by a single judge within three months at most from the receipt of the appropriate application by the commercial court, including the time for the preparation of the case for judicial proceedings and for the delivery of a decision on the case.

2. The commercial court notifies the persons participating in the case of the time and place of the court session.

Failure of the said persons, properly notified of the time and place of the court session, to appear is not an obstacle for the consideration of the case, unless the court deems their appearance obligatory.

3. The commercial court may deem the appearance of persons participating in the case in the court session obligatory and summon them to the court session for explanations.

Failure of the said persons, summoned to the court session, to appear constitutes grounds for the imposition of a fine in the manner and amount, established in **Chapter 11** of this Code.

4. The burden of proving the circumstances, which served as grounds for the recovery of compulsory payments and sanctions, is imposed upon the applicant.

5. If the applicant does not present the evidence necessary for the consideration of the case and for the delivery of a decision, the commercial court may order its presentation on its own initiative.

6. During the consideration of cases concerning the recovery of compulsory payments and sanctions, the commercial court establishes in a court session, whether there are grounds for the recovery of the amount of indebtedness, establishes the powers of the body, which filed the recovery claim, verifies the correctness of the amount of the sum being recovered and of its calculation.

Article 216. Commercial Court Decision on a Case Concerning the Recovery of Compulsory Payments and Sanctions

1. The commercial court decision on a case concerning the recovery of compulsory payments

and sanctions is delivered in accordance with the rules, established in **Chapter 20** of this Code.

2. If the claim for the recovery of compulsory payments and sanctions is satisfied, the operative part of the decision must contain:

- 1) the name of the person, obliged to pay the amount of indebtedness, its location or place of residence, information regarding its state registration;
- 2) the total amount of money, subject to recovery, with a separate definition of the principal debt and of the sanctions.

Section IV. Special Rules for Proceedings in Certain Categories of Cases in Commercial Courts

Chapter 27. Consideration of Cases Concerning the Establishment of Legally Significant Facts

Article 217. Consideration of Cases Concerning the Establishment of Legally Significant Facts

1. Cases concerning the establishment of legally significant facts are considered by the commercial court in accordance with the general rules of adversarial proceedings, established in this Code, with regard to the special rules, stipulated in this Chapter.

2. Proceedings in cases concerning the establishment of legally significant facts are initiated in the commercial court upon applications for the establishment of legally significant facts.

3. If during the consideration of a case concerning the establishment of legally significant facts it is found that an issue at law has arisen, the commercial court leaves the application for the establishment of legally significant facts without consideration, in which regard it issues a ruling. In the ruling, the right to resolve the dispute through adversarial proceedings is explained to the applicant and other persons concerned.

Article 218. Cases Concerning the Establishment of Legally Significant Facts

1. Commercial courts establish facts, legally significant for the emergence, amendment or termination of rights of legal entities and of individual entrepreneurs in the sphere of entrepreneurial and other economic activities.

2. Commercial courts consider cases concerning the establishment of:

- 1) the fact of possession and use by a legal entity or by an individual entrepreneur of immovable property as its own;
- 2) the fact of state registration of a legal entity or of an individual entrepreneur on a specific time and at a specific place;
- 3) the fact of belonging of a right-establishing document, acting in the sphere of entrepreneurial and other economic activities, to a legal entity or to an individual entrepreneur, if the name of the legal entity or the surname, name and patronymic of the individual entrepreneur, stated in the document, do not coincide with the name of the legal entity, stated in its constituent document, or with the surname, name and patronymic of the individual entrepreneur, stated in the entrepreneur's passport or birth certificate;
- 4) other facts, giving rise to legal consequences in the sphere of entrepreneurial and other economic activities.

Article 219. Right to File an Application for the Establishment of Legally Significant Facts with the Commercial Court

1. A legal entity or an individual entrepreneur may file an application for the establishment of legally significant facts with the commercial court only if the applicant has no opportunity to receive

or restore the appropriate documents, certifying these facts, and unless a federal law or another normative legal act stipulates a different extra-judicial procedure for the establishment of those facts.

2. An application for the establishment of legally significant facts is filed with the commercial court at the applicant's location or place of residence. An exception is made for applications for the establishment of facts of possession, use and disposal of immovable property, and of other facts, legally significant for the emergence, amendment or termination of rights to immovable property, which are to be filed with the commercial court at the location of the immovable property.

Article 220. Requirements for an Application for the Establishment of Legally Significant Facts

1. An application for the establishment of legally significant facts must meet the requirements stipulated in **Part 1, Items 1, 2 and 10 of Part 2 and Part 3 of Article 125** of this Code.

The application must also indicate:

- 1) the fact, for the establishment of which the applicant applies;
- 2) provisions of law, stipulating that this fact gives rise to legal consequences in the sphere of entrepreneurial and other economic activities;
- 3) the substantiation of the need for the establishment of the given fact;
- 4) evidence confirming that it is impossible for the applicant to receive the appropriate evidence or to restore the lost documents.

2. Documents, mentioned in **Items 2 - 5 of Article 126** of this Code, are attached to the application for the establishment of legally significant facts.

Article 221. Judicial Proceedings in Cases Concerning the Establishment of Legally Significant Facts

1. Cases concerning the establishment of legally significant facts are considered by a single judge in a court session, with the participation of the applicant and of other persons concerned. Commercial court assessors cannot be drawn to the consideration of such cases.

2. During the preparation of the case for judicial proceedings, the judge establishes the circle of persons concerned, whose rights may be infringed by a decision on the establishment of legally significant facts; the judge informs these persons about the proceedings, resolves the issue of drawing them to participation in the case and notifies them of the time and place of the court session.

3. During the consideration of the case concerning the establishment of a legally significant fact, the commercial court checks in a court session whether a law or another normative legal act provides a different extra-judicial procedure for the establishment of the given fact, whether the applicant had another opportunity to receive or restore the necessary documents; establishes, whether the given fact gives rise to consequences of legal significance for the applicant in connection with the exercise of entrepreneurial and other economic activities by the applicant, whether the establishment of the fact infringes the rights of other persons, and whether an issue at law has arisen.

4. If during judicial proceedings in a case concerning the establishment of a legally significant fact it is found that an issue at law has arisen, the commercial court leaves the application for the establishment of a legally significant fact without consideration and issues a ruling in this regard.

In the ruling, the right to resolve the dispute through adversarial proceedings is explained to the applicant and other persons concerned.

Article 222. Commercial Court Decision on a Case Concerning the Establishment of a Legally Significant Fact

1. The decision on a case concerning the establishment of a legally significant fact is delivered by the commercial court in accordance with the rules, established in **Chapter 20** of this Code.

2. If the court satisfies an application for the establishment of a legally significant fact, the

existence of the legally significant fact is indicated and the established fact is described in the operative part of the decision.

3. A commercial court decision, establishing a legally significant fact, constitutes grounds for the registration of such a fact or for the registration of rights, arising in connection with the established fact, by the corresponding bodies, and is not a substitute for the documents, issued by such bodies.

Chapter 27¹. Consideration of Compensation Claims for the Violation of Rights to a Fair Trial within a Reasonable Time or to the Enforcement of a Judicial Act within a Reasonable Time

Article 222¹. The Right to Address the Commercial Court with a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to Enforcement of a Judicial Act within a Reasonable Time

1. A person believing that a state body, a local government body, another body, organisation or state official have violated their right to a fair trial within a reasonable time or the right to enforcement of a judicial act within a reasonable time, may file a compensation claim with the commercial court.

2. A compensation claim for the violation of right to a fair trial within a reasonable time may be filed by a person concerned within six months from the entry into force of the last judicial act, delivered in the given case.

A compensation claim for the violation of right to a fair trial within a reasonable time may also be filed prior to the end of proceedings in the case, if the duration of the case consideration exceeds three years, and the person concerned has previously applied for the speeding up of the case consideration in the manner, established by this Code.

3. A compensation claim for the violation of right to enforcement of a judicial act within a reasonable time may be filed with the commercial court by a person concerned before the enforcement of the judicial act is over, but no earlier than six months after the expiry of the term, fixed by federal law for the enforcement of a judicial act and no later than six months after the enforcement of the judicial act is over.

4. A compensation claim for the violation of right to a fair trial within a reasonable time may not be considered by a judge, if earlier this judge participated in the consideration of the case in connection to which grounds for the compensation claim have arisen.

Article 222². Filing of a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time

1. A compensation claim for the violation of right to a fair trial within a reasonable time or the right to enforcement of a judgement within a reasonable time is filed with the commercial court, competent to consider such claims, through the commercial court that delivered the decision.

2. The commercial court that delivered the decision is obliged to send the compensation claim, cited in Part 1 of this Article, together with the case, to the appropriate court within three days from the receipt of the claim by the commercial court.

Article 222³. Requirements for a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time

A compensation claim for the violation of right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time must include:

- 1) the name of the commercial court, to which the claim is filed;
- 2) the name of the person filing the claim, its procedural status, location or place of residence,

names of other persons participating in the case, their location or place of residence;

3) information regarding the judicial act, delivered on the case, the subject matter of the dispute, the name of the commercial court that considered the case, information regarding the acts and actions of the body, organisation or state official, charged with the duty of enforcing the judicial act;

4) total duration of proceedings on of the case, starting from the date, when the statement of claim or an application was received by a commercial court of the first instance, to the date, when the last judicial act on the case was delivered, or the total duration of the enforcement of the judicial act;

5) circumstances, known to the person filing the claim, that affected the duration of proceedings or the duration of the judicial act's enforcement;

6) arguments of the person filing the claim, citing the grounds for the award of compensation and its amount;

7) effects of the violation of right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time and their significance for the applicant;

8) requisites of a bank account of the person filing the application, to which the recoverable sums are to be transferred;

9) a list of documents, attached to the application.

Article 222⁴. Acceptance of a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time by the Commercial Court

1. The issue of acceptance of a compensation claim for the violation of right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time is resolved by a single judge within five days from the receipt of the claim by the court.

2. The commercial court is obliged to accept a compensation claim, cited in Part 1 of this Article, if all requirements regarding its form and contents, established by this Code, are fulfilled.

3. The commercial court issues a ruling on the acceptance of the compensation claim, cited in Part 1 of this Article, in which the time and place of the court session for the consideration of the claim are specified.

4. Copies of the ruling on the acceptance of the compensation claim, cited in Part 1 of this Article, are forwarded to the applicant, the body, organisation or state official, charged with the duty of enforcing the corresponding judicial act, and in connection with the failure to enforce which within a reasonable time the applicant filed the compensation claim to the court, as well as to other persons concerned.

Article 222⁵. Shelving a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time

1. If while resolving the issue of acceptance of a compensation claim for the violation of right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable the court finds, that the application is filed in violation of requirements, established in **Article 222³** of this Code, or that the fee has not been paid, it issues a ruling on the shelving of the claim.

2. In the ruling the commercial court states the grounds for shelving the compensation claim, cited in Part 1 of this Article, and fixes a reasonable term, during which the circumstances, serving as grounds for shelving the claim, must be eliminated.

3. A copy of the ruling on shelving the compensation claim, cited in Part 1 of this Article, is forwarded to the person that filed the application no later than on the day following its issuance.

4. If the circumstances, serving as grounds for shelving the compensation claim, cited in Part 1 of this Article, are eliminated within the term, fixed in the commercial court ruling, the claim is regarded as filed on the date of its initial receipt by the court. Otherwise, the claim is regarded as not

filed and is returned jointly with the documents in the manner, established in **Article 222⁶** of this Code.

Article 222⁶. Return of a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time

1. The commercial court returns the compensation claim for the violation of right to a fair trial within a reasonable time or the right to the enforcement of judicial act within a reasonable time if, while resolving the issue of its acceptance, it finds that:

1) the claim has been filed by a person that had no right to do that;
2) the claim has been filed in violation of the manner and terms, established in **Part 2 of Article 222¹** and **Part 1 of Article 222²** of this Code. Herewith, a motion to restore the expired term for filing a claim was not received or the restoration thereof was denied;

3) a motion for the return of the claim is received from the person who filed it, before a ruling to accept it is issued by the commercial court;

4) circumstances, serving as grounds for shelving the claim, were not eliminated within the term, fixed in the commercial court ruling;

5) by the duration of proceedings in respect of the case or the duration of enforcement of the judicial act it is clearly evident, that the right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time was not violated.

2. The commercial court issues a ruling on the return of the compensation claim, cited in Part 1 of this Article.

3. A copy of the ruling on the return of the compensation claim, cited in Part 1 of this Article, is forwarded to the applicant jointly with the claim and the documents, attached thereto, no later than on the day following its issuance or upon the expiry of the term, fixed by the commercial court for the elimination of circumstances, serving as grounds for shelving the claim.

4. A ruling on the return of the compensation claim, cited in Part 1 of this Article, may be appealed against in the manner and within the term, fixed in **Article 291** of this Code.

In the event of cancellation of the ruling the claim is regarded as filed on the date of its initial receipt by the commercial court.

5. If the compensation claim, cited in Part 1 of this Article, is returned, it is not an obstacle for a repeated filing of the claim with the commercial court by a person concerned in the general manner after the elimination of circumstances, serving as grounds for leaving the claim without consideration.

Article 222⁷. Term for the Consideration of a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time

The compensation claim for the violation of right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time is considered by the commercial court within two months from the day, on which the court receives the claim jointly with the case, including the time for the preparation of the case for judicial proceedings and for the delivery of a judicial act.

Article 222⁸. Special Rules for the Consideration of a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time

1. The commercial court considers a compensation claim for the violation of right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time in a court session, in panel, and in accordance with the general rules for adversarial proceedings, provided

by this Code, subject to the special rules, established by this Chapter and in compliance with the Federal Law "On Compensation for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time". The applicant, body, organisation or state official, charged with the duty of enforcing the judicial act, and in connection with the failure to execute which within a reasonable time the applicant filed the compensation claim to the court, as well as other persons concerned, are notified of the time and place of the court session.

2. When considering the compensation claim, cited in Part 1 of this Article, the commercial court establishes the fact of violation of the applicant's right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time on the basis of the arguments stated in the claim, the contents of the judicial acts delivered on the case, of the case materials and with regard to the following circumstances:

- 1) the legal and factual complexity of the case;
- 2) the behaviour of the applicant and of other participants of commercial proceedings;
- 3) the sufficiency and effectiveness of actions, performed for the purpose of the consideration of the case in due time by the court and the judge;
- 4) the sufficiency and effectiveness of actions, performed for the purpose of enforcement of the judicial act in due time by the bodies, organisations or state officials, charged with the duty of its enforcement;
- 5) the total duration of proceedings in the case and of non-enforcement of the judicial act.

3. During the preparation of the case for judicial proceedings the judge determines the circle of persons concerned, including the body, organisation or state official, that failed to enforce a judicial act within a reasonable time and fixes a term for them to present explanations, objections and (or) arguments in respect of the compensation claim cited in Part 1 of this Article. The body, organisation or state official are obliged to present explanations, objections and (or) arguments within the term, fixed by the commercial court. Failure to present explanations, objections and (or) arguments or to present them in due time constitutes grounds for the imposition of a court fine in the manner and amount, established in **Chapter 11** of this Code.

Article 222⁹. Commercial Court Decision on a Compensation Claim for the Violation of Right to a Fair Trial within a Reasonable Time or the Right to the Enforcement of a Judicial Act within a Reasonable Time

1. After considering a compensation claim for the violation of right to a fair trial within a reasonable time or the right to the enforcement of a judicial act within a reasonable time, the commercial court issues a ruling which must contain:

- 1) the name of the commercial court, the composition of the court that delivered the decision;
- 2) the number of the case, on which the decision is delivered, the date and place of the delivery;
- 3) the name of the person that filed the claim and its procedural status;
- 4) the names of persons participating in the case, in particular the name of the body, organisation or state official, charged with the duty of enforcing the judicial act;
- 5) the subject matter of the claim;
- 6) family names of the persons present in the court session, their scope of authority;
- 7) information regarding the judicial acts, delivered on the case, the subject matter of the dispute, the name of the commercial court that considered the case;
- 8) arguments, stated in the claim;
- 9) explanations of the persons present in the court session;
- 10) total duration of proceedings on the case or of the judicial act's enforcement;
- 11) reasons for awarding the compensation or reasons for the refusal to award it;
- 12) directions regarding the award of compensation and its amount or the refusal to award it;
- 13) directions regarding the actions, which must be performed by the body, organisation or state official, charged with the duty of enforcing the judicial act.

2. The commercial court decision specifies the distribution of judicial costs borne in connection

with the consideration of the compensation claim cited in Part 1 of this Article.

3. Copies of the commercial court decision are forwarded to the applicant and to the body, organisation or state official, charged with the duty of enforcing the judicial act, within five days from the decision's delivery.

4. A commercial court decision regarding the award of compensation cited in Part 1 of this Article enters into force immediately after its delivery, is subject to enforcement in the manner, established by the budget legislation of the Russian Federation and may be appealed against to the cassational instance.

Chapter 28. Consideration of Insolvency Cases (Bankruptcy Cases)

Article 223. Consideration of Insolvency Cases (Bankruptcy Cases)

1. Insolvency cases (bankruptcy cases) are considered by commercial courts in accordance with the rules, provided by this Code, subject to the special rules, established in federal laws, regulating the issues of insolvency (bankruptcy).

2. Cases on insolvency (bankruptcy) are considered by a single judge, unless otherwise stipulated by Article 17 of this Code. Commercial court assessors may not be drawn to participation in the consideration of such cases.

3. Rulings issued by the commercial court during the consideration of insolvency cases (bankruptcy cases), appeals against which (according to this Code or other federal laws, regulating the issues of insolvency (bankruptcy) are filed separately from the judicial act, finalising the consideration of the case on its merits, may be appealed against to the appellate commercial court within ten days from their issuance.

Article 224. Right to Apply to the Commercial Court in Insolvency Cases (Bankruptcy Cases)

The debtor, the creditors and other persons concerned in conformity with the federal law regulating the issues of insolvency (bankruptcy), have the right to file an application for the recognition of the debtor as bankrupt, with the commercial court at the debtor's location.

Article 225. Reconciliation in Insolvency Cases (Bankruptcy Cases)

A settlement agreement may be concluded in insolvency cases (bankruptcy cases) in conformity with the federal law; other kinds of conciliation procedures, established in **Chapter 15** of this Code and in other federal laws, regulating the issues of insolvency (bankruptcy) are also admissible.

Chapter 28¹. Consideration of Corporate Disputes

Article 225¹. Corporate Disputes

Commercial courts consider cases concerning the creation of a legal entity, its management, or participation in a legal entity, which is a commercial organisation, as well as in a non-commercial partnership, association (union) of commercial organisations, another non-commercial organisation, uniting commercial organisations and (or) individual entrepreneurs, a non-commercial organisation with the status of a self-regulating organisation in compliance with the federal law (hereinafter - corporate disputes), in particular the following corporate disputes:

- 1) disputes concerning the creation, re-organisation and liquidation of a legal entity;
- 2) disputes concerning the ownership of stocks, shares in the charter capital (contributed

capital) of business companies and partnerships, production cooperative members' share contributions, their burdening and the exercise of rights, arising from them, except for the disputes, arising from the activities of the depositaries, connected with the registration of rights to stocks and other securities, disputes arising in connection with the division of inherited property or division of the spouses' common property, comprising stocks, shares in the charter capital (contributed capital) of business companies and partnerships, cooperative members' share contributions;

3) disputes regarding claims, raised by founders, participants and members of a legal entity (hereinafter - participants of a legal entity) for the reimbursement of damages, caused to a legal entity, for the invalidation of transactions, made by legal entities and (or) the application of the effects of invalidity of such transactions;

4) disputes concerning the appointment or election, termination or suspension of powers and the liability of persons, who are or were members of management bodies and control bodies of a legal entity, as well as disputes, arising from civil relations between the said persons and the legal entity in connection with the exercise, termination or suspension of the said persons' powers;

5) disputes concerning the issue of securities, in particular the challenge of non-normative acts, decisions and actions (failures to act) of state bodies, local government bodies, of other bodies and state officials, of decisions of the issuer's management bodies, concerning the challenge of transactions, made in the course of distribution of securities, reports (notices) on the results of an issue (additional issue) of issued securities;

6) disputes arising from the activities of registrars of placement owners, regarding the registration of rights to stocks and other securities, the exercise of other rights and discharge of other obligations, provided by federal law in connection with the distribution and (or) circulation of securities, by the registrar of placement owners;

7) disputes concerning the convocation of a general meeting of a legal entity's participants;

8) disputes concerning appeals against decisions of a legal entity's management bodies;

9) disputes arising from the activity of notaries regarding the certification of transactions involving shares in the charter capital of limited liability companies.

Article 225². Consideration of Corporate Disputes

1. Corporate disputes are considered by the commercial court according to the general rules for adversarial proceedings, provided by this Code, subject to the special rules, established by this Chapter.

2. When cases provided by **Item 5 of Article 225¹** of this Code, regarding the challenge of non-normative legal acts, decisions and actions (failures to act) of state bodies, local government bodies, other bodies and state officials are considered, the special rules, established in **Chapter 24** of this Code likewise apply.

Article 225³. Requirements for a Statement of Claim, for an Application Concerning a Corporate Dispute

1. A statement of claim, an application concerning a corporate dispute must meet the requirements of **Article 125** of this Code. A statement of claim, an application must also indicate:

1) the state registration number of the legal entity, cited in **Article 225¹** of this Code;

2) the address (location) of the legal entity, cited in **Article 225¹** of this Code, contained in the Unified State Register of Legal Entities.

2. Documents, cited in **Article 126** of this Code, as well as an extract from the Unified State Register of Legal Entities or another document, proving the state registration of a legal entity and containing data on its address (location) and state registration number, must be attached to the statement of claim, the application.

Article 225⁴. Securing the Access to Information Regarding a Corporate Dispute and the Right

to Participation in the Case

1. The commercial court considering a corporate dispute places information regarding the acceptance of the statement of claim or application, as well as regarding the progress of the case on the dispute and the corresponding judicial acts on its official website. This includes documents concerning the entry of new persons into the case, the change of grounds or subject matter of a claim previously stated, taking of provisional measures, renunciation of a claim, acknowledgement of a claim, conclusion of a settlement agreement, delivery of a judicial act, finalising the consideration of the case by the commercial court.

2. Persons participating in the case are notified by the commercial court, considering the case, according to the rules established in **Article 121** of this Code. The commercial court likewise notifies the legal entity, cited in **Article 225¹** of this Code, of the acceptance of the statement of claim, of the application concerning a corporate dispute, of change of grounds or the subject matter of the claim by forwarding copies of the corresponding judicial acts to this legal entity, to the address stated in the Unified State Register of Legal Entities, no later than on the day following the issuance of those judicial acts.

3. The court in its ruling on the acceptance of the statement of claim or application may point out the obligation of the legal entity, specified in Part 2 of this Article, to notify the participants of this legal entity, the persons, who are members of its management bodies and control bodies, as well as this legal entity's registrar of placement owners and (or) the depositary, engaged in the registration of rights to issued securities of this legal entity of the commencement of proceedings, of the subject matter and grounds of the claim, stated before the commercial court, of other circumstances of the dispute.

4. In the event of failure to discharge the duty, stated in Part 3 of this Article, the commercial court may impose a fine upon the person, exercising the functions of a sole executive body or heading the collective executive body of the legal entity, cited in **Article 225¹** of this Code in the manner and amount, established in **Chapter 11** of this Code.

5. The legal entity, cited in **Article 225¹** of this Code, has the right to access the case materials, make extracts from them, copy them and acquire information about the progress of the case, using any public communication means.

Article 225⁵. Reconciliation of the Parties to Corporate Disputes

1. Corporate disputes may be settled by the parties thereto, according to the rules, established in **Chapter 15** of this Code, by conclusion of a settlement agreement or by application of other conciliation procedures, in particular with the assistance of an intermediary, unless otherwise established by federal law.

2. The commercial court does not accept the plaintiff's renunciation of the claim, the defendant's acknowledgement of the claim and does not validate a settlement agreement, if it contradicts the law or breaches the rights and (or) legitimate interests of other persons, in particular of the legal entity, cited in **Article 225¹** of this Code.

Article 225⁶. Provisional Measures, Taken by the Commercial Court in Corporate Disputes

1. Provisional measures are taken by the commercial court in a corporate dispute if there are grounds for their application, provided by **Article 90** of this Code. Herewith, provisional measures must not lead to the actual impossibility for the legal entity, cited in **Article 225¹** of this Code, to exercise its activities or to major difficulties in the exercise thereof, as well as to the breach of legislation of the Russian Federation by this legal entity.

2. Provisional measures are taken by commercial courts in corporate disputes in the manner, provided by **Chapter 8** of this Code, subject to the special rules, provided by this Article.

3. Provisional measures in corporate disputes may in particular include:

1) arrest of stocks, shares in the charter (contributed) capital of business companies and partnerships, of cooperative members' share contributions;

2) ban on performing by the defendant and other persons of transactions and other actions regarding stocks, shares in the charter (contributed) capital of business companies and partnerships, cooperative members' share contributions;

3) ban on making decisions by the legal entity's bodies or performance of other actions regarding the matters, related to the subject matter of the dispute, or directly connected with it;

4) ban on the execution by a legal entity, its bodies or participants, as well as by other persons, of decisions, adopted by this legal entity's bodies;

5) ban on making of entries concerning the registration or transfer of rights to stocks and securities by the registrar of placement owners and (or) by a depository, as well as on the performance of other actions regarding the distribution and (or) circulation of securities.

4. The commercial court may take other provisional measures in corporate disputes, in particular several provisional measures simultaneously.

5. When counter indemnity is provided, its amount is determined in compliance with **Part 1 of Article 94** of this Code.

6. If the claim filed by the plaintiff is of non-property nature, the amount of counter indemnity is determined by the commercial court on the basis of the sum of the defendant's possible losses, caused by provisional measures, but it may not be less than fifty thousand roubles for natural persons and one hundred roubles for legal entities.

7. If, when considering a provisional measures application, the commercial court needs to hear explanations of the persons participating in the case, and the person that filed the provisional measures application has not provided the counter indemnity, cited in Part 4 of this Article, the judge may appoint the consideration of the provisional measures application in a court session, which is to be held within fifteen days from the receipt of such an application by the commercial court.

8. The commercial court, no later than on the day following the receipt of the provisional measures application by the commercial court, issues a ruling on the acceptance of the application by the commercial court, in which it specifies the time and place of the court session. Such a ruling is forwarded to persons participating in the case in the manner established in **Part 3 of Article 121** of this Code, no later than on the day following its issuance.

9. The commercial court may likewise specify in the ruling on the acceptance of the provisional measures application the duty of the person that filed the provisional measures application to notify the persons participating in the case and the legal entity, cited in **Article 225¹** of this Code, of the time and place of that application's consideration.

10. If the duty of notification, cited in Part 9 of this Article, is not discharged, the commercial court may impose a court fine in the manner and amount, established in **Chapter 11** of this Code, on the person that filed the provisional measures application. If a legal entity filed the provisional measures application, a court fine is imposed upon the person, exercising the functions of a sole executive body or heading the collective executive body of this legal entity.

11. The commercial court may consider the provisional measures application in the absence of persons, cited in Part 7 of this Article, if, by the beginning of the court session, it has information, that they have been notified of the time and place of consideration of the provisional measures application, and if the person filing the provisional measures application has presented evidence that it took all the necessary measures, aimed at such notification.

Article 225⁷. Consideration of Cases on Compulsion of a Legal Entity to Convene a General Meeting of its Participants

1. Where provided by federal law, a legal entity's bodies or participants may file a claim with the commercial court for the compulsion of the legal entity to convene a general meeting of its participants.

2. Cases on the compulsion of a legal entity to convene a general meeting of its participants are

considered within one month from the receipt of the statement of claim by the commercial court, including the time period for the preparation of the case for judicial proceedings and the delivery of a decision on the case.

3. The decision of a commercial court to compel a legal entity to convene a general meeting of its participants is subject to immediate execution, unless a different term is fixed in the court decision.

4. The decision of a commercial court to compel a legal entity to convene a general meeting of its participants may be appealed against to an appellate commercial court within ten days from the decision's delivery.

5. A judgement of an appellate commercial court, delivered after the consideration of an appeal against the decision to compel a legal entity to convene a general meeting of its participants, may be appealed against to a cassational commercial court within ten days from the delivery of the judgement.

Article 225⁸. Consideration of Cases Regarding the Reimbursement of Damages, Caused to a Legal Entity

1. Where provided by federal law, a legal entity's participants may apply to the commercial court with a claim for the reimbursement of damages, caused to this legal entity. Such participants enjoy the procedural rights and discharge the procedural duties of the plaintiff, as well as enjoy the right to demand the enforcement of a commercial court decision in favour of this legal entity.

2. The decision to satisfy the demands, stated in the claim for the reimbursement of damages, is delivered in favour of the legal entity, in the interests of which the claim was made. Upon the motion of the person that filed the claim for the reimbursement of damages, a writ of execution is forwarded for enforcement directly by the commercial court.

3. Judicial costs, related to the consideration of the claim of a legal entity's participants for the reimbursement of damages, caused to the legal entity, are borne by such participants in equal proportions.

4. Judicial costs are reimbursed according to the rules, established in **Article 110** of this Code.

Article 225⁹. Special Rules for Appealing against Commercial Court Rulings in Corporate Disputes

1. Commercial court rulings issued during the consideration of corporate disputes are appealed against according to the rules, established in **Article 188** of this Code. Appeals against such rulings, except for rulings on the termination of proceedings and on leaving the application without consideration are filed to an appellate commercial court within ten days from their issuance.

2. Appeals against rulings, cited in Part 1 of this Article, do not impede the commercial court's consideration of the case and the performance of certain procedural actions in the case.

Chapter 28². Consideration of Cases on the Protection of Rights and Legitimate Interests of a Group of Persons

Article 225¹⁰. Right to Apply to the Commercial Court for the Protection of Rights and Legitimate Interests of a Group of Persons

1. A legal entity or a natural person, participating in a legal relation, from which a dispute or claim arises, may apply to the commercial court for the protection of violated or disputed rights and legitimate interests of other persons, participating in the same legal relation (hereinafter - a group of persons). Bodies, organisations and individuals may likewise apply for the protection of rights and legitimate interests of a group of persons, where it is provided by federal law.

2. Cases on the protection of violated or disputed rights and legitimate interests of a group of persons are considered by the commercial court according to the rules, established by this Chapter, if by the day, on which the person, cited in Part 1 of this Article, applies to the commercial court, at least five persons have joined its claim.

3. Joining a claim for the protection of rights and legitimate interests of a group of persons is effected by filing a written application by a person or a decision of several persons, participating in the legal relation, from which such a claim arose.

Article 225¹¹. Cases on the Protection of Rights and Legitimate Interests of a Group of Persons

The following cases may be considered in the manner, established by this Chapter:

- 1) corporate disputes;
- 2) cases concerning the exercise of activities of professional participants of the securities market;
- 3) other claims, where conditions, provided by **Article 225¹⁰** of this Code, apply.

Article 225¹². Powers of the Person Applying for the Protection of Rights and Legitimate Interests of a Group of Persons

1. The person, applying to the commercial court for the protection of rights and legitimate interests of a group of persons, acts without a certificate of authority on the basis of documents on joining the claim, cited in **Part 3 of Article 225¹⁰** of this Code.

2. The person applying to the commercial court for the protection of rights and legitimate interests of a group of persons enjoys the procedural rights and discharges the procedural duties of the plaintiff. Such a person is obliged to represent the rights and legitimate interests of the group of persons in good faith.

3. The commercial court may impose a court fine on the person applying for the protection of rights and legitimate interests of a group of persons, if such a person abuses its procedural rights or fails to discharge its procedural duties.

4. The powers of the person, applying for the protection of rights and legitimate interests of a group of persons, may be terminated by the commercial court:

- 1) if this person renounces the claim;
- 2) upon demand of the majority of persons that have joined the claim of such a group, when there are solid grounds for the termination of this person's powers, in particular a gross failure of this person to discharge its duties, or if such a person manifests inability to reasonably conduct the case on the protection of rights and legitimate interests of a group of persons.

Article 225¹³. Requirements for the Statement of Claim or the Application, Filed for the Protection of Rights and Legitimate Interests of a Group of Persons

1. The statement of claim or the application, filed for the protection of rights and legitimate interests of a group of persons, must meet the requirements, provided by **Article 125** of this Code, as well as other requirements of form and contents for such applications, established by this Code for individual categories of cases. The statement of claim or application must also indicate:

- 1) the rights and legitimate interests of the group of persons, for the protection of which the claim is stated;
- 2) the circle of persons participating in the legal relation, from which a dispute or a claim arose;
- 3) names of persons, that have joined the claim, their location or, if an individual has joined the claim, the individual's place of residence, date and place of birth, place of employment or date and place of state registration in the capacity of an individual entrepreneur.

2. Documents, indicated in **Article 126** of this Code, and other documents, established in compliance with the requirements of this Code for applications regarding specific categories of cases, are attached to the statement of claim or the application. Documents, which prove that persons, cited in Item 3 of Part 1 of this Article, have joined the claim and their pertinence to the group of persons are likewise attached to the statement of claim or to the application.

Article 225¹⁴. Preparing a Case on the Protection of Rights and Legitimate Interests of a Group of Persons for Judicial Proceedings

1. When preparing a case on the protection of rights and legitimate interests of a group of persons for judicial proceedings, the judge:

- 1) defines the nature of the disputable legal relation and the applicable law;
- 2) specifies the claims of the person, applying for the protection of rights and legitimate interests of the group of persons, and the grounds for these claims;
- 3) resolves the issue regarding the composition of the group of persons and the possibility to identify other persons, participating in the disputable legal relation;
- 4) suggests that evidence, proving the pertinence of a specific person to the group of persons, is provided;
- 5) performs other actions, provided by **Article 135** of this Code.

2. The commercial court states in the ruling on the preparation of the case for judicial proceedings that the case may be considered in compliance with the rules, established by this Chapter, and fixes the term, within which the person, applying for the protection of rights and legitimate interests of a group of persons, must offer the other persons in the group to join the claim for the protection of rights and legitimate interests of a group of persons. In such a ruling the commercial court also fixes the term, within which the persons in the group may join the claim for the protection of their rights and legitimate interests, considered by the commercial court, by forwarding a document on joining the claim to the person that applies for the protection of rights and legitimate interests of the group of persons.

3. An offer to join the claim for the protection of rights and legitimate interests of a group of persons may be made publicly, through the publication of a message in mass media or in the form of a message, sent via registered letter with advice of delivery, or in some other form. The form of the offer to join the given claim is determined by the commercial court.

4. The offer to join the claim for the protection of rights and legitimate interests of a group of persons must contain the following:

- 1) the name and address of the defendant;
- 2) the name of the person, applying for the protection of rights and legitimate interests of a group of persons;
- 3) the claim of the person, applying for the protection of rights and legitimate interests of a group of persons;
- 4) the name of the commercial court, considering the case;
- 5) the term, fixed by the commercial court, within which other persons, participating in the disputable legal relation, may join the claim for the protection of their rights and legitimate interests, considered by the commercial court, by forwarding a document on joining the claim to the person, applying for the protection of rights and legitimate interests of a group of persons;
- 6) other information, determined by the commercial court.

5. The person applying for the protection of rights and legitimate interests of a group of persons, until the preparation of the case for judicial proceedings is over, reports to the commercial court the information, stated in **Item 3 of Part 1 of Article 225¹³** of this Code, concerning other persons that join the claim, and presents documents, proving the joining of the said persons to the claim and their pertinence to the group of persons.

Article 225¹⁵. Replacement of the Person, Applying for the Protection of Rights and Legitimate Interests of a Group of Persons

1. The replacement of the person, applying for the protection of rights and legitimate interests of a group of persons, is allowed if its authority is terminated for reasons, provided by **Part 4 of Article 225¹²** of this Code.

2. If the commercial court receives the application on renunciation of the claim from the

person, applying for the protection of rights and legitimate interests of a group of persons, it issues a ruling, postponing the judicial proceedings, and fixes a term not exceeding two months from the day of issuance of the ruling, within which the said person is to be replaced by another person from the group.

3. The commercial court in its ruling on the postponement of judicial proceedings cites the duty of the person, applying for the protection of rights and legitimate interests of a group of persons, to notify the persons, that have joined the claim for the protection of rights and legitimate interests of a group of persons, of the renunciation of the claim and determines the form of notification with regard to the provisions of **Article 225¹⁴** of this Code. The notification must likewise state the need for the replacement of the person, applying for the protection of rights and legitimate interests of a group of persons, by another person and information about the consequences, provided by **Part 7** of this Article. The proof of notification of the renunciation of the claim is forwarded by the person that applies for the protection of rights and legitimate interests of a group of persons to the commercial court.

4. The proof of replacement of the person, applying for the protection of rights and legitimate interests of a group of persons, must be presented to the commercial court within the term, fixed in the ruling.

5. The commercial court does not allow the renunciation of the claim, if at the time of expiry of the term, fixed in the commercial court ruling, it does not have information on the notification of persons that have joined the claim for the protection of rights and legitimate interests of a group of persons and on the replacement of the person, applying for the protection of rights and legitimate interests of a group of persons.

6. The commercial court issues a ruling on the termination of proceedings in the case in respect of the person, applying for the protection of rights and legitimate interests of a group of persons, and on the replacement thereof by another person.

7. If the person, applying for the protection of rights and legitimate interests of a group of persons, that has filed the application for the renunciation of the claim, carries out all the necessary actions regarding the notification of persons, that have joined the claim for the protection of rights and legitimate interests of a group of persons, but the said persons do not replace such a person by another one within the term, fixed by the commercial court, the commercial court accepts the renunciation of the claim and terminates the proceedings in the case on the protection of rights and legitimate interests of a group of persons in the manner, established by **Article 151** of this Code. The termination of proceedings in the case on the protection of rights and legitimate interests of a group of persons does not deprive the persons in this group of the right to apply to the commercial court for protection of their breached or disputed rights and legitimate interests in the manner, established by this Code.

8. If the majority of persons, that have joined the claim for the protection of rights and legitimate interests of a group of persons, files a motion for the replacement of the person, applying for the protection of rights and legitimate interests of a group of persons, by another one for the reason, stated in **Item 2 of Part 4 of Article 225¹²** of this Code, a candidate for the replacement of the person, applying for the protection of rights and legitimate interests of the group of persons, must be suggested in the motion. If such a motion is satisfied, the commercial court replaces the person, applying for the protection of rights and legitimate interests of a group of persons, and issues a corresponding ruling.

Article 225¹⁶. Consideration of Cases on the Protection of Rights and Legitimate Interests of a Group of Persons

1. Cases on the protection of rights and legitimate interests of a group of persons are considered by the commercial court according to the rules, provided by this Chapter.

2. Cases on the protection of rights and legitimate interests of a group of persons are considered by the commercial court within no more than five months from the day of issuance of the ruling on the acceptance of the statement of claim or application by the commercial court, including the time for the preparation of the case for judicial proceedings and the delivery of a decision on the case.

3. Persons that have joined the claim for the protection of rights and legitimate interests of a group of persons may access the case materials, make extracts from them and copy them.

4. The commercial court leaves the statement of claim or application without consideration if after accepting it, it finds that the statement of claim or application have been filed by a person that did not exercise their right to join the claim for the protection of rights and legitimate interests of a group of persons, being considered by the commercial court with the same defendant and the same subject matter. The right to join the claim for the protection of rights and legitimate interests of a group of persons in the manner, established by **Article 225¹⁰** of this Code, is explained to the said person.

5. The commercial court terminates proceedings in the case if it finds that there is an effective commercial court decision, delivered in respect of a claim for the protection of rights and legitimate interests of a group of persons, and that the statement of claim or the application are filed by a person that did not exercise its right to join that claim with the same defendant and the same subject matter.

Article 225¹⁷. The Decision of the Commercial Court on a Case on the Protection of Rights and Legitimate Interests of a Group of Persons

1. The commercial court decision on the case on the protection of rights and legitimate interests of a group of persons is delivered according to the rules, established by **Chapter 20** of this Code.

2. The facts, established by an effective commercial court decision, delivered on a case on the protection of rights and legitimate interests of a group of persons considered before, are not examined de novo, when the commercial court considers another case, based on the application of a participant of the same group against the same defendant.

3. In the decision to satisfy the claim for the protection of rights and legitimate interests of a group of persons the commercial court may cite the defendant's duty to bring information about the delivered decision to the knowledge of all the persons participating in the legal relation, from which this claim arose, within the term, fixed by the commercial court, through mass media or in another way.

Chapter 29. Consideration of Cases through Summary Proceedings

Article 226. Summary Proceedings

1. Commercial courts consider cases through summary proceedings in accordance with the general rules of adversarial proceedings, stipulated in this Code, subject to the special rules established in this Chapter.

When cases, arising from administrative and other public relations, and cases with the participation of foreign persons are considered through summary proceedings, special rules, established in Sections III and V of this Code are also respectively applied, unless otherwise stipulated in this Chapter.

2. Cases are considered through summary proceedings by a single judge within two months at most since the receipt of the statement of claim or application by the commercial court.

The term for the consideration of a case through summary proceedings may not be extended, except in the case, envisaged in Part 3 of Article 253 of this Code.

Article 227. Cases Considered through Summary Proceedings

1. The following cases are subject to consideration through summary proceedings:

1) on the recovery of money, if the amount of claim is no more than three hundred thousand roubles for legal persons or one hundred thousand roubles for individual entrepreneurs;

2) on challenge of non-normative legal acts, decisions of bodies, exercising public powers and of officials, if the said non-normative act or decision contains an order for the payment of money or envisages the recovery of the applicant's money or other property, on condition that the said acts or decisions are challenged by the applicant in the part of the order for the payment of money or recovery of the applicant's money or other property, and the challenged sum is no more than one hundred

thousand roubles;

3) on holding a person administratively liable if the administrative punishment for committing the administrative offence is envisaged only in the form of an administrative fine not exceeding one hundred thousand roubles;

4) on challenge of decisions of administrative organs on holding a person administratively liable, if the administrative punishment was imposed in the form of an administrative fine, not exceeding one hundred thousand roubles;

5) on recovery of compulsory payments and penalties, if the overall recoverable sum of money, mentioned in the application, does not exceed one hundred thousand roubles.

2. The following cases are subject to consideration through summary proceedings, independent from the amount of claims:

1) on claims, based on documents provided by the claimant and constituting the defendant's monetary liabilities, which the latter acknowledges, but does not fulfil, and (or) based on documents, confirming indebtedness according to contract;

2) on claims, based on a protest of a bill for non-payment, non-acceptance or failure to date acceptance, performed by a notary.

3. Other cases may as well be considered through summary proceedings upon the claimant's motion and by consent of the plaintiff or upon the court's initiative and by consent of the parties, unless there are circumstances stipulated in Part 5 of this Article.

4. Corporate disputes and cases on the protection of rights and legitimate interests of a group of persons are not subject to consideration through summary proceedings.

5. The court issues a ruling on consideration of the case in accordance with the general rules of adversarial or administrative proceedings, if during the consideration of the case through summary proceedings a motion of a third party to enter the case is satisfied; if a counterclaim is accepted, which cannot be considered in accordance with the rules stipulated in this Chapter; or if the court, particularly but not exclusively upon the motion of one of the parties, concludes that:

1) consideration of the case through summary proceedings may lead to the divulgence of a state secret;

2) it is necessary to conduct the inspection and examination of evidence at its location, to appoint an expert examination or hear testimonial evidence;

3) the stated claim concerns other claims, including claims against other persons, or concerns a judicial act adopted in the given case, and the rights and lawful interests of other persons may be violated;

4) the consideration of the case through summary proceedings does not comply with the aims of efficient justice, including cases in which the court deems it necessary to clarify additional circumstances or examine additional evidence.

6. The ruling on the consideration of the case in accordance with the general rules of adversarial or administrative proceedings envisages actions, which the persons participating in the case are to perform, as well as terms for the performance. After the ruling is issued the case is considered de novo, except for cases in which the transfer to the general rules of adversarial or administrative proceedings is caused by the necessity to conduct an inspection and examination of evidence at its location, to appoint an expert examination or to hear testimonial evidence.

7. If two claims are stated, arising from civil relations, where one of the claims is of property nature and concerns claims stipulated in Part 1 or 2 of this Article, while the other is of non-property nature, and the court does not single out this claim for consideration in separate procedure, based on Part 3 of Article 130 of this Code, both claims are considered through summary proceedings.

Article 228. Consideration of Cases through Summary Proceedings

1. Statements of claim or applications regarding cases, stipulated in Parts 1 or 2 of Article 227 of this Code, as well as documents attached to such statements of claim or applications may be submitted to the commercial court on paper or in digital form. Such a statement of claim or application

is placed on the official website of the commercial court in restricted access mode within five days from the day of acceptance of the statement of claim.

2. The court issues a ruling on the acceptance of the statement of claim or application and sets a term, which cannot be less than 15 days from the day of issuance of the said ruling, during which evidence and the statement of defence may be submitted by the defendant or other interested persons. Access codes, necessary to access the case materials in digital form, are forwarded to the parties together with the said ruling.

In the ruling the court may offer the parties to settle the dispute on their own, by stipulating the possibility of reconciliation.

A ruling issued by the commercial court after the resolution of issue of acceptance of the statement of claim or application is placed on the official website of the commercial court no later than on the day following the issuance of the ruling.

3. The parties may submit to the commercial court considering the case and to forward to each other evidence, which they refer to in substantiation of their claims and objections, within a term set by the commercial court in the ruling on the acceptance of the statement of claim or application or in the ruling on the consideration of the case through summary proceedings. This term cannot be less than 15 days since the day of issuance of the corresponding ruling.

The parties may submit to the commercial court considering the case and to forward additionally to each other documents containing clarifications as to the nature of the claims and objections in substantiation of their positions, within a term set by the commercial court. This term can not be less than 30 days since the issuance of the ruling on the acceptance of the statement of claim or application or in the ruling on the consideration of the case through summary proceedings. Such documents must not contain reference to evidence, which has not been disclosed within the term set by the court.

4. If the statement of defence, evidence or other documents were submitted to the court upon the expiry of the set term, they are not examined by the commercial court and are returned to the persons who submitted them, unless these persons prove they were unable to submit the documents within the set term due to circumstances beyond their control.

Statement of defence, evidence and other documents submitted to court are placed on the official website of the commercial court in restricted access mode within three days at most since the receipt of the documents by the commercial court.

5. The judge considers the case through summary proceedings without summoning the parties after the expiration of terms, set by the court for submission of evidence and other documents in accordance with Part 3 of this Article.

No preliminary court session is held in cases considered through summary proceedings.

The court examines the clarifications, objections and (or) arguments of persons participating in the case, stated in the submitted documents, and makes a decision based on the evidence, submitted within the set terms.

6. Rules stipulated in Articles 155 and 158 of this Code are not applied during the consideration of a case through summary proceedings.

Article 229. Decision on a Case Considered through Summary Proceedings

1. Decision on a case considered through summary proceedings is made according to rules, stipulated in Chapter 20 of this Code, unless otherwise stipulated in this Chapter.

Decisions on cases arising from administrative and other public relations and considered through summary proceedings are made according to rules stipulated in Articles 201, 206, 211 or 216 of this Code.

2. Decision on a case considered through summary proceedings is subject to immediate execution.

The said decision enters into force ten days after its delivery, unless an appeal is filed against it. If an appeal is filed, the decision, unless reversed or amended, enters into force on the day of

delivery of judgement by an appellate commercial court.

3. Decision on a case considered through summary proceedings may be appealed against to an appellate commercial court within ten days after its delivery.

This decision, if it has been subject to consideration by an appellate commercial court, or if the appellate commercial court refused to restore the missed term for filing an appeal, along with the judgement of the appellate commercial court delivered on the given case, may be appealed against to the cassational commercial court only on the grounds, stipulated in Part 4 of Article 288 of this Code.

Chapter 30. Consideration of Cases on Challenge of Arbitration Tribunals' Awards and on the Issue of Writs of Execution for the Enforcement of Arbitration Tribunals' Awards

§ 1. Proceedings in Cases on Challenge of Arbitration Tribunals' Awards

Article 230. Challenging the Awards of Arbitration Tribunals

1. The rules, established in this Paragraph, are applied by the commercial court during the consideration of applications for the challenge of awards of arbitration tribunals and of international commercial arbitration courts, adopted on the territory of the Russian Federation (arbitration tribunals).

2. Persons participating in arbitration proceedings may challenge the awards of arbitration tribunals in disputes, arising from civil relations in the course of entrepreneurial and other economic activities, by filing an application for the reversal of an award of an arbitration tribunal in accordance with **Article 233** of this Code, with the commercial court.

3. The application for the reversal of an arbitration tribunal award is filed with the commercial court of the constituent unit of the Russian Federation, on the territory of which the arbitration tribunal award was adopted, within a term, not exceeding three months from the day of receipt of the disputed award by the party, filing the application, unless otherwise established by an international treaty of the Russian Federation or by federal law.

4. A fee is to be paid for the application for the reversal of an arbitration tribunal award, in the amount, fixed by federal law for an application for the issue of a writ of execution for the enforcement of an arbitration tribunal award.

5. In cases, envisaged in an international treaty of the Russian Federation, a foreign arbitration award, during the adoption of which norms of the Russian Federation legislation were applied, may be challenged in conformity with this Paragraph, by filing an application for the reversal of such a decision with the commercial court of the constituent unit of the Russian Federation at the debtor's location or place of residence or, if the debtor's location or place of residence is unknown, at the location of the debtor's property, if the debtor is a party to arbitration proceedings.

Article 231. Requirements for an Application for the Reversal of an Arbitration Tribunal Award

1. An application for the reversal of an arbitration tribunal award is filed in the written form and signed by the person, challenging the award, or by its representative. The application may also be filed by filling out the form on the commercial court's official website.

2. An application for the reversal of an arbitration tribunal award must indicate:

- 1) the name of the commercial court, to which the application is filed;
- 2) the name and composition of the arbitration tribunal, which adopted the award, its location;
- 3) the names of the parties to arbitration proceedings, their location or place of residence;
- 4) the date and place of adoption of the arbitration tribunal award, its number;
- 5) the date of receipt of the disputed arbitration tribunal award by the party filing the