

# BIRCH LEGAL

Legal Alert  
from Dispute Resolution Team  
Amendments to the State  
Commercial (Arbitrazh) Procedural  
Code

# On 04 January 2024, changes to the State Commercial (Arbitrazh) Procedural Code (SCPC) came into force.

What has changed?

## Changes in procedural time limits

1

The maximum duration of recess in a court hearing has been increased.

before	now
5 days	10 days

2

The maximum duration of adjournment of a court hearing which cannot be held for practical reasons (due to illness of the judge or for other similar reasons) has been increased.

before	now
10 days	1 month

3

The maximum time limit for preparing a judgement or ruling (as a separate judiciary act) with a statement of reason has been increased.

before	now
5 days	10 days

4

The maximum term for the consideration of appeals and cassation appeals has been increased.

	before	now
General procedure	2 months	3 months
Appeal under the rules of first instance	3 months	6 months

5

Chairperson and deputy chairperson of state commercial (arbitrazh) court are entitled to extend the term of consideration of cases on challenging actions (inaction) of bailiffs for up to 3 months (Clause 1 of Article 200 of the SCPC).

Deputy chairperson of state commercial (arbitrazh) court have the right to extend the general term of consideration of cases (from 6 to 9 months), as well as the term of consideration of appeal and cassation complaints (from 3 to 6 months) on par with the chairperson (Clause 2 of Article 152, Clause 2 of Article 267, Clause 2 of Article 285 of the SCPC).

## Procedure for revoking interim measures

It is now impossible to appeal against court rulings on the application of interim measures. In order to lift interim measures, it is necessary to file a motion for their cancellation with the court that imposed them (Clause 7 of Article 93 of the SCPC). It is still possible to appeal against the refusal to impose interim measures.

The rule according to which filing a motion to cancel interim measures does not suspend their application has been retained.

## Leaving the appeal without movement

Clause 1 of Article 263 of the APC excluded the rule allowing for a separate challenge to a ruling that an appeal should be left without movement. Now, only the ruling on the return of the appeal can be appealed.

It should be noted that it is also inadmissible to appeal against rulings on the dismissal of a cassation appeal.

## Changes in the procedure for the consideration of cases by the Supreme Court

Now, as a general rule, a cassation appeal to the Supreme Court does not need to be accompanied by copies of the acts under appeal certified by lower courts. This requirement is retained only in case of a non-public consideration of the case in the lower courts (Paragraph 1, Clause 5 of Article 291.3 of the SCPC).

Article 291.16 of the SCPC has been newly introduced, which establishes the rules for consideration by the Supreme Court of cassation appeals in cases considered in a simplified procedure or in writ proceedings. As a general rule, the Supreme Court considers such appeals without summoning the Parties. However, the Court may summon the Parties to the case based on their procedural activity and the complexity of the case.

## Mandatory attachment of a diploma

Each statement of claim, appeal, cassation or supervisory complaint shall be accompanied by a copy of a document evidencing the representative's higher legal education or scientific degree (Paragraph 5 of Clause 1 of Article 125, Paragraph 1 of Clause 1 of Article 125, Paragraph 4 of Clause 4 of Article 260, Paragraph 4 of Clause 4 of Article 277, Paragraph 4 of Clause 4 of Article 277, Paragraph 3 of Clause 5 of Article 291.3, Paragraph 3 of Clause 5 of Article 291.3, Clause 3 of Article 308.2 of the SCPC). Previously, this rule was not clearly expressed in the law but was contained in the Resolution of the Plenum of the Supreme Court No. 46 of 23.12.2021.

The rule does not apply to lawyers, bankruptcy managers, company directors and patent attorneys. Such representatives must only confirm their status.

Furthermore, the requirement to attach documents confirming the registration of a legal entity or sole proprietorship to a statement of claim has been removed.

## Recovery of court costs and indexation

Now, applications for indexation of awarded amounts and for the recovery of court costs, filed after the issuing of the final judicial act, will be considered without a court hearing or notification of the parties (Clause 2 of Article 112, Clause 2 of Article 183 of the SCPC).

At its discretion, the court may hold a summons hearing.

## The digitalization process

A number of amendments were made to the SCPC to enhance the role of electronic technologies in the consideration of cases.

Thus, arbitration courts are exempted from the need to issue separate rulings on holding a session in the VCCS format but are obliged to send the information necessary for participation in the session to the participants of the case in advance (Clause 1 of Article 153.2 of the APC).

Clause 9 of Article 155 of the SCPC establishes the rule, according to which a copy of the minutes or an audio recording of a court session may be made electronically at a litigant's request.

In addition, it is established that persons in places of detention or places of imprisonment may participate in court hearings using the VCCS systems of the respective institutions (Paragraphs 1, 2.1 of Article 153.1 of the APC).

## Simplified proceedings

- 1 The maximum amount of the claims for consideration under the simplified procedure has been increased (in RUB).

	before		now
for legal entities	800k	→	1,2m
for individual entrepreneurs	400k		600k

- 2 The procedure has also changed:

The court may now summon the parties to a court hearing, without proceeding to consideration under the general rules, as was previously the case (Clause 5 of Article 228 of the SCPC). If the court decides to hold simplified proceedings, the term of consideration is increased from 2 to 3 months (Clause 2 of Article 226 of the SCPC).

- 3 The categories of cases that are granted summary judgment regardless of the amount have been expanded:

- 1) claims for recovery of contributions from NPO members
- 2) claims for reimbursement of legal expenses following the outcome of a case

## Writ proceedings

- 1 The amount of the claims for which a case is considered in writ proceedings has been increased from RUB 500k to RUB 750k (Article 229.2 of the SCPC).

Exception: the upper threshold for the recovery of mandatory payments and sanctions in writ proceedings remains the same – RUB 100k

- 2 An application for the issuance of an order for the recovery of periodic payments must now be formulated in greater detail: it must specify the period of indebtedness, the amount and its calculation (Paragraph 4, Clause 2 of Article 229.3 of the SCPC).

# Key contacts for further information



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