ALRUD

RECOGNITION AND ENFORCEMENT OF RUSSIAN JUDGMENTS ABROAD

2025

GUIDEBOOK

GUIDEBOOK

Note: please keep in mind that the analysis presented is based on open source data as well as information provided by consultants from the respective countries. Legislative regulation and judicial practice can change rapidly. This study is for informational purposes only and its authors are not responsible for the consequences resulting from any decisions based on it. This study is current as of February 07, 2025. The analysis of Russian judicial practice is current as of June 03, 2025.

DEAR READERS,

We all know that a granted claim is only the first step towards an actual result, especially if the debtor and its assets are located abroad. Hence, the main factor that determines whether it is expedient to apply to a Russian court is the prospect of having the judgment recognised and enforced outside Russia.

Recently, we have seen a growing interest in the recognition of Russian judicial acts against the assets of foreign debtors located in jurisdictions with which Russia maintains close economic and political ties.

Our research is presented in the format of a guidebook to help you choose the right direction and provide answers to the key questions you will face on this interesting and challenging path. For each of the countries studied, the general procedural aspects of the recognition and enforcement of foreign judgments are covered in detail, as well as the existing experience of mutual recognition and enforcement of court judgments between Russia and the countries studied.

We would like to express our special gratitude for assistance in the preparation of this guidebook to Fangda Partners (Mainland China and Hong Kong), Braddell Brothers (Singapore), Khaitan & Co (India), Tukulov & Kassilgov Litigation (Kazakhstan), Horizons & Co Law Firm (UAE), Hergüner (Türkiye), Herzog Fox & Neeman (Israel), and Patrikios Legal (Cyprus). Without their assistance this study would not have been possible.


FANGDA PARTNERS
方達津師事務所
BraddellBrothers
1883
FANGDA PARTNERS
方達津師事務所
KHAITAN
&CO ADVOCATES SINCE 1911
TKS
DISPUTES
HORIZONS &CO
LAW FIRM
Hergüner
HERZOG
HERZOG FOX & NEEMAN
PATRIKIOS
LEGAL

FANGDA PARTNERS
www.fangdalaw.com

HONG KONG 4

BRADDELL BROTHERS
braddellbrothers.com

SINGAPORE 12

FANGDA PARTNERS
www.fangdalaw.com

MAINLAND CHINA 20

KHAITAN & CO.
www.khaitanco.com

INDIA 28

TUKULOV & KASSILGOV LITIGATION
www.tks.law/en

KAZAKHSTAN 36

HORIZONS & CO.
www.horizlaw.ae

UAE 44

HERGÜNER
herguner.av.tr

TÜRKIYE 52

HERZOG FOX & NEEMAN
herzoglaw.co.il/en

ISRAEL 60

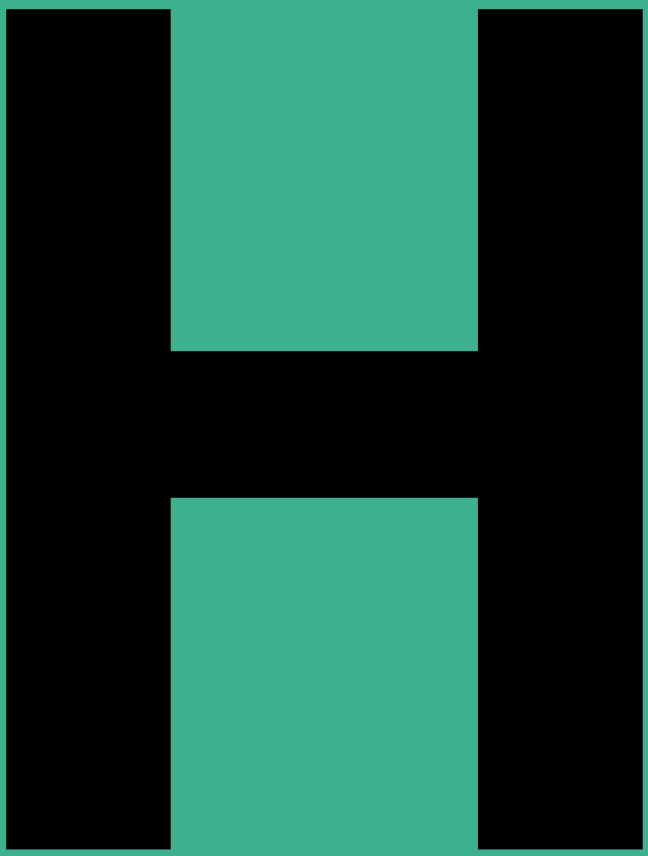
PATRIKIOS LEGAL
www.pavlaw.com

CYPRUS 68





HONG KONG



HONG KONG

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

In Hong Kong, different regimes for the recognition of foreign judgments apply depending on whether or not there is a statutory provision for the recognition of judgments of particular jurisdictions:

1.1.1 **Statutory regime** – a simplified procedure for the recognition of the foreign judgments of individual states under the Foreign Judgments Reciprocal Enforcement Act (Chapter 319 of the Laws of Hong Kong, ***FJREO***) and the principle of reciprocity[1].

1.1.2 **Common law regime**[2] – applicable where a foreign judgment cannot be recognised under the FJREO or the principle of reciprocity. Under common law recognition, the creditor initiates an independent legal proceeding in Hong Kong and claims to recover the debt evident in the foreign judgment. Since the foreign judgment is the primary evidence of the existence and amount of the debt in such a case, the court does not, as a general rule, review the merits of the case. Given that this regime effectively initiates an independent judicial proceeding, the principle of reciprocity is not required.

1.2 Basis for recognition of Russian judgments

Russian judgments are not subject to the simplified recognition regime established by the FJREO. Therefore, Russian judgments are recognised through the common law procedure and require the initiation of independent court proceedings to recover the debt from the judgment. Although establishing of reciprocity is not a prerequisite for the recognition of a judgment under the common law regime, it is a criterion to be taken into account when the courts consider the relevant applications.

Given the inapplicability of the statutory regime to the recognition and enforcement of Russian judicial acts, this analysis will cover recognition under the common law regime.

1.3 Limitation period for filing an application for recognition

There is ambiguity in case law as to the time within which an application for recognition of a foreign judgment under common law may be filed. It is therefore safer to file a claim within 6 years of the entry into force of the judgment by analogy with the statutory recognition regime. However, the general period of limitation is 12 years.

1 *Currently applies to judgments of courts in Australia, Austria, Belgium, Bermuda, Brunei, France, Germany, India, Israel, Italy, Malaysia, the Netherlands, New Zealand, Singapore and Sri Lanka. Mainland Chinese judgments are recognised under the Mutual Recognition of Judgments in Civil and Commercial Matters Act.*

2 *Similar treatment is available in many other jurisdictions that apply common law, including Singapore, Cyprus, and the UAE free zone courts discussed below.*

1.4 Term for consideration

Under the common law regime, there is no specific term for recognition and enforcement proceedings. However, the proceedings may be (i) ordinary, (ii) *in absentia* (if, as a general rule, the defendant fails to confirm its notice within 14 days), or (iii) summary (if the defendant challenges the creditor's claims based on a foreign judgment but its defences do not appear to be persuasive). A hearing may still be held in summary proceedings.

1.5 Features and trends

Reciprocity is not necessary for the recognition and enforcement of a common law judgment. As a consequence, judgments rendered in a jurisdiction that does not recognise Hong Kong court judgments may be recognized. In addition, one of the prerequisites for the recognition and enforcement of a foreign judgment under common law is that the dispute be heard by a competent court. However, Hong Kong courts analyse the issue based on domestic law rather than the foreign regulation of the state that rendered the foreign judgment.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

A foreign judgment may be recognised under common law if the following conditions are met:

(A) the judgment must be final for the parties involved and enforceable;
(B) the judgment is rendered between the same persons involved in the application for recognition in the Hong Kong court;
(C) the judgment stipulates the payment of a certain monetary sum;
(D) the judgment was rendered by a competent foreign court.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

Recognition of a foreign judgment under common law may be refused in the following instances:

(A) the foreign court did not have jurisdiction to hear the dispute;
(B) the judgment is not final or does not stipulate the amount of the claim;
(C) the foreign judgment was rendered in conflict with Hong Kong courts' notions of natural justice (substantial justice);
(D) the judgment was obtained by fraud;
(E) the foreign judgment concerns matters of public law;
(F) the foreign judgment is contrary to Hong Kong public policy;
(G) the foreign judgment conflicts with an earlier judgment of a Hong Kong court or a foreign judgment recognised in Hong Kong.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 General practice of recognising the judgments of Russian courts

There is only one case in which a Russian court judgment has been recognised in Hong Kong. By the Judgment of the High Court of the Hong Kong Special Administrative Region ***CACV 163/2021, NCA 359/2019*** dated December 03, 2021, was recognised the judgment of the Russian court on the claim of the ANO "Organizing Committee of the XXII Olympic Winter Games and XI Paralympic Winter Games of 2014 in Sochi against Pico Projects (International) Limited.

The court recognised the judgment of the Russian court against the Hong Kong company for the recovery as unjust enrichment of an unpaid profits tax that was subsequently additionally charged to the plaintiff by the tax authority. Notwithstanding the defendant's objections that a judgment recovering tax payments cannot be recognised in civil proceedings, in this case, the courts noted that the refund of tax payments did not relate to the legislation on taxes and levies but to relations under civil law.

4.2 Impact of sanctions on the possibility of recognising Russian court judgments

4.2.1 Hong Kong law does not expressly stipulate that sanctions have any impact on the recognition and enforcement of Russian court judgments in Hong Kong. Moreover, there are no real examples of court judgments raising the issue of such an influence.

We assume that Hong Kong courts are likely to investigate the merits of a dispute in the Russian court in their proceedings over recognising a Russian judgment, as well as verify whether the Russian court has jurisdiction to hear the dispute. If a dispute in a foreign court was adjudicated in violation of the dispute resolution clause, even if a Hong Kong party participated in the dispute without recognising the competence of the foreign court, the Hong Kong court has grounds not to recognise the foreign court's judgment.

4.2.2 A foreign judgment rendered in violation of an anti-suit injunction issued by the Hong Kong court will not be enforced on the grounds of contravening public policy.[3]. In a case where a party applied to the Hong Kong court for the anti-suit injunction, the Hong Kong court considered the provisions of Article 248.1(4) of the Arbitrazh Procedure Code of the Russian Federation (APC RF) and concluded that, in the presence of an arbitration clause, literal interpretation of Article 248.1 APC RF did not indicate the exclusive jurisdiction of the Russian courts[4]:

"<...> On a plain reading of Article 248.1, the exclusive jurisdiction of the Russian Court may not apply if there is an agreement between the parties to submit their dispute to international arbitration."

4.2.3 In another anti-suit injunction case against a Russian plaintiff who initiated a dispute in a Russian state commercial court under Article 248.1 APC RF, bypassing the arbitration clause, the Hong Kong court indicated that, in issuing the injunction, it did not interfere with the jurisdiction of the Russian court, as the injunction was directed against the Russian plaintiff and not the Russian court. The provisions of Article 248.1 APC RF are irrelevant when the parties have clearly and unambiguously indicated in their contract a shared will to submit the dispute to arbitration[5].

4.2.4 In our opinion, these conclusions would also be applicable to other situations where Hong Kong courts would need to comment on the issue of jurisdiction of Russian courts in relation to Articles 248.1 and 248.2 APC RF.

5 RECOGNITION OF HONG KONG COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

There is a limited number of examples of the recognition of Hong Kong court judgments in the Russian Federation. For example, in the Ruling of August 10, 2016, in case ***No. A51-14965/2016***, the Arbitrazh Court of Primorsky

3 *Paragraph 9.091 of the Hong Kong Collision Law, 3rd edition (citing Phillip Alexander Securities & Futures Ltd v Bamberger [1997] ILPr 73).*

4 *Decision of the High Court of the Hong Kong Special Administrative Region dated September 27, 2023, in Case **No. 19/2023.***

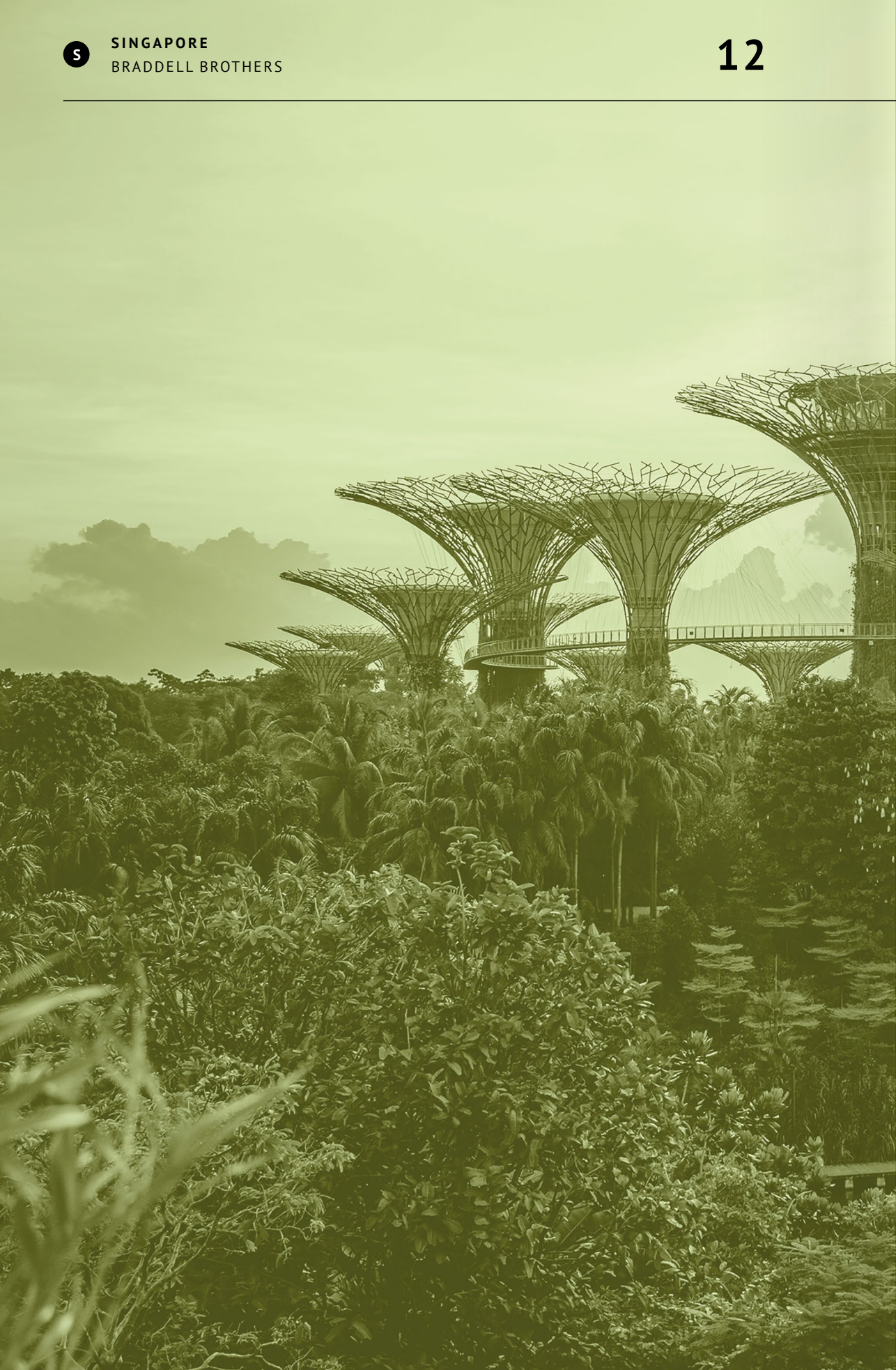
5 *Judgment of the High Court of the Hong Kong Special Administrative Region dated September 24, 2024, in Case **Nos. 73/2023, 16/2024.***

Territory granted the application of a company registered in the British Virgin Islands for recognition in Russia of a Hong Kong court judgment against a Hong Kong company. The debt arose due to a late payment for the fuel bunkering of a vessel, while the defendant had a vessel arrested in Vladivostok, Russian Federation. In granting the claim, the court erroneously applied the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, so the issue of reciprocity was not examined.

Given the developing practice of Russian courts, where they find the Hong Kong dispute resolution clauses unenforceable[6], the possibility of recognising Hong Kong court judgments in the Russian Federation will most likely depend on the circumstances of a particular case, including, to a large extent, the influence of sanctions.

6

For example, Ruling of the Arbitrazh Court of St. Petersburg and Leningrad Region dated April 15, 2024, in case ***No. A56-13299/2024,*** *Ruling of the Arbitrazh Court of St. Petersburg and Leningrad Region dated December 11, 2023, in case* ***No. A56-103943/2023.***





SINGAPORE



SINGAPORE

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

In Singapore, different regimes for the recognition of foreign judgments apply depending on whether or not there is a statutory provision for the recognition of the judgments of specific jurisdictions:

1.1.1 Recognition under the Reciprocal Enforcement of Foreign Judgments Act of 1959 (***REFJA***)[1]. Recognition under REFJA requires:

(A) adherence to the principle of reciprocity;
(B) an application to the General Division of the High Court of the Republic of Singapore, which must be made within 6 years of the date of the foreign judgment.

1.1.2 Recognition under the Choice of Court Agreements Act of 2016 (the ***CCAA***). Recognition under the CCAA requires:

(A) compliance with the principle of reciprocity, the participation of the country from which the foreign judgment originates in the Hague Convention on the Choice of Court Agreements of June 30, 2005[2], and the existence of an exclusive choice of court agreement between the parties;
(B) filing an application for recognition with the application supported by an affidavit with the General Division of the High Court of the Republic of Singapore. The application may be made at any time as long as the foreign judgment is valid in the originating country and can be enforced there.

1.1.3 ***Common law***[3] recognition, which involves the initiation of separate proceedings in which the foreign judgment is sufficient evidence of debt, and therefore the courts in a given case do not review the foreign judgments on the merits. Recognition on the basis of common law is granted where REFJA and CCAA are not applicable. This regime can only be a basis for recognition if the foreign judgment is for a definite or determinable sum of money.

1 *States include Australia, Brunei, Hong Kong, India, Malaysia, New Zealand, Pakistan, Papua New Guinea, Sri Lanka, and the United Kingdom of Great Britain and Northern Ireland.*

2 *The Contracting States are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Slovakia, Singapore, Spain, Sweden, Estonia, and the United Kingdom of Great Britain and Northern Ireland.*

3 *Similar to the regime under Hong Kong law (see paragraph 1.1.2 of the Hong Kong Guide).*

1.2 Grounds for recognition of Russian judgments

Given the impossibility or difficulty of establishing reciprocity and since the Russian Federation is not a party to the Hague Convention on the Choice of Court Agreements of June 30, 2005, recognition of Russian judicial acts is possible on the basis of common law.

Given the inapplicability of the REFJA and CCAA regimes to the recognition and enforcement of Russian judicial acts, the following analysis will be given in relation to the recognition under the common law regime.

1.3 Limitation period for filing an application for recognition

An application for recognition and enforcement of a foreign judgment shall be filed with the Singapore court within 6 years of the date of the foreign judgment.

1.4 Term for consideration

The term for consideration of an application for recognition of a foreign judgment depends on the complexity of the dispute and the existence of objections to the judgment from the debtor.

An approximate idea of the terms can be formed by looking at the timeframes for consideration of the statement of claims. Generally, a new claim filed in the High Court of Singapore as an original application (which does not involve a factual dispute but only legal issues) will take at least 3 months to be heard at the first instance. A new claim filed in the Singapore High Court as an original application, which involves disputes of fact, will normally take between 1.5 and 2 years at first instance. If an application for summary judgment is granted, summary judgment may be granted less than 1 year from the date the action is filed.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

Under common law, a foreign judgment may be recognised and enforced in Singapore subject to the following conditions:

(A) the judgment was rendered by a foreign court in civil proceedings;
(B) the foreign judgment is executory, which implies (i) non-reviewability and (ii) the finality of the judgment according to the approach of the court in the jurisdiction where the judgment was rendered.
(C) the foreign court is a competent court in accordance with generally recognised international principles[4]. This condition implies that, under Singapore's private international law, the foreign court must have jurisdiction to hear the dispute in the generally internationally recognised sense. The existence of competence of a foreign court in the generally recognized international sense may be evidenced by one of the following circumstances[5]:

(i) the defendant has conducted business ("instituted and present" – in the case of a natural person, by physical presence, in the case of a legal person, by incorporation under the laws of a foreign country) in the State offering the judgment[6];
(ii) the defendant was the plaintiff or a plaintiff in a counterclaim in the proceedings in a foreign court;
(iii) the defendant consented to the jurisdiction of the foreign court by voluntarily participating in the proceedings and by failing to object to the court's jurisdiction;
(iv) the defendant consented to the jurisdiction of the foreign court prior to the commencement of proceedings in that jurisdiction;

(D) There are no substantive arguments against recognition by the defendant.

4 *Humpuss Sea Transport Pte Ltd (in compulsory liquidation) v PT Humpuss Intermoda Transportasi TBK and another [2016] 5 SLR 1322 at [71].*

5 *Giant Light Metal Technology (Kunshan) Co Ltd v Aksa Far East Pte Ltd [2014] 2 SLR 545 at [13] and [22].*

6 *In practice, however, a Singapore court may, in determining whether a foreign court has jurisdiction, consider the rules on the close connection of the dispute with the jurisdiction applied by the foreign court: the place of fulfillment of the obligation; the location of the property to which the dispute relates, and others.*

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

Under common law, recognition and enforcement of a foreign judgment may be refused if:

(A) the defendant was not notified of the proceedings;
(B) the foreign judgment was obtained by fraud;
(C) the foreign judgment was obtained in violation of the settlement agreement;
(D) the foreign judgment is contrary to principles of fairness, for example, where no notice was given or the right to present a position was violated;
(E) the foreign judgment is contrary to the public policy of Singapore, when:

(i) enforcement of the judgment would lead to a violation of Singapore's principles of fairness or its entrenched traditions;
(ii) Singaporean society would be offended by the recognition of the judgment;
(iii) recognising the judgment would violate the principles of morality, decency, human freedom, or justice;
(iv) recognition would be contrary to regulations that are designed to protect the public interest.

(F) the foreign judgment conflicts with an earlier judgment of the Singapore courts or an earlier foreign judgment on the same subject matter between the same parties which may be recognised under Singapore law;
(G) enforcement of the foreign judgment would amount to the direct or indirect enforcement of foreign criminal, tax, or other public laws.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

To date, there is no information on court judgments recognising and enforcing Russian court judgments.

At the same time, there are pending court proceedings over the recognition of international arbitration awards, which were initiated by Russian applicants in Singapore.

5 RECOGNITION OF SINGAPOREAN COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

The practice of recognising the judgments of Singapore courts in Russia has yet to be formed.

However, there are examples of Russian courts granting applications for injunctions against continuing proceedings initiated in Singaporean courts given Singapore's inclusion in the list of unfriendly states[7].

7 *See, for example, the Ruling of the Arbitrazh Court of Moscow city of March 29, 2024, in Case No. A40-270407/2023 (JSC Gazpromneft-Moscow Refinery v. Lummus Technology Heat Transfer B.V.). In this case, the court drew attention to the effect of personal sanctions against the applicant and the inability of the European bank to make a payment under guarantee at the applicant's request.*





MAINLAND CHINA



MAINLAND CHINA

!

Given the features of its legal regulation, the Hong Kong Special Administrative Region of the PRC has been studied separately above.

1

Articles 298, 299, 300, and 301 of the PRC CPC. The requirements for recognition are also disclosed in Articles 541–542 of the Interpretation of the Supreme People's Court on the Application of the Civil Procedure Law of the PRC.

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

Foreign judgments are recognised in the People's Republic of China (***PRC***) on the basis of (i) the PRC Civil Procedure Code (***PRC CPC***)[1], (ii) international treaties, or (iii) the principle of reciprocity.

1.2 Grounds for recognition of Russian judgments

Judgments of Russian courts may be recognised in the PRC on the basis of the Treaty between the Russian Federation and the People's Republic of China on Legal Assistance in Civil and Criminal Matters (signed in Beijing on June 19, 1992, ***the Treaty***). In considering whether to recognise a Russian judgment, the competent PRC court is most likely to take the existence of reciprocity into account.

1.3 Limitation period for filing an application for recognition

An application for recognition and enforcement of a foreign judgment shall be filed within 2 years of (i) the last day of the time limit for enforcement set by the foreign judgment, (ii) the date of expiration of the time limit for the final stage of enforcement, or (iii) the date of entry into force of the foreign judgment if the foreign judgment does not specify a time limit for enforcement. If an application for the recognition but not enforcement of a judgment is pending, the time limit for seeking enforcement is calculated as 2 years from the date of the PRC court judgment on recognition. In practice, applications for recognition and enforcement are filed simultaneously.

1.4 Term for consideration

There is no time limit in PRC law for consideration of an application for the recognition and enforcement of a foreign judgment, except in Taiwan, where the judgment on recognition must be issued within 6 months.

1.5 Alternative options

If it is difficult to enforce a foreign judgment in the PRC, in order to expedite the procedure for obtaining a judgment, the option of filing a new stand-alone lawsuit and using the foreign judgment as the basis and key evidence for that lawsuit may be used. The re-filing of the lawsuit may be faster than the procedure for recognising and enforcing the judgment, as PRC courts do not have time limits for recognising and enforcing foreign judgments. This option is available if (i) the PRC court has jurisdiction over the case and (ii) the parties have not entered into a valid arbitration agreement. The time limit for the consideration of the application is 6 months.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

A foreign judgment may be recognised in the PRC if the following conditions are met:

(A) the existence of an international treaty or compliance with the principle of reciprocity;
(B) the judgment is enforceable;
(C) the judgment does not violate the basic principles of PRC law and does not prejudice the sovereignty, security, or public interests of the State;
(D) judgment was rendered by a competent foreign court;
(E) compliance with due process (proper notice to the defendant and the right to object).

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

Recognition and enforcement of a foreign judgment in the PRC may be refused on the following grounds:

(A) the foreign judgment is unenforceable;
(B) lack of competence of the foreign court to hear the dispute in accordance with the applicable law, PRC civil procedure rules, or the parties' agreement;
(C) failure to follow due process (the defendant was not notified of the proceedings or otherwise deprived of the right to object);
(D) the judgment was obtained by fraud;
(E) the existence of a PRC court judgment or a PRC-recognised judgment from the court of a third country on the same dispute;
(F) the judgment is contrary to public policy.

These grounds apply in the absence of an international treaty between the PRC and the requesting state. If there is an international treaty, the grounds for refusal of recognition and enforcement provided for in the international treaty apply.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 General practice of recognising the judgments of Russian courts

4.1.1 There is a treaty in force between Russia and the PRC which takes precedence over the PRC CPC. The Treaty provides for a narrower list of grounds for the refusal to recognise and enforce Russian court judgments rather than the grounds established in the PRC CPC[2]:

(A) the judgment is unenforceable;
(B) the judgment violates the exclusive jurisdiction of the PRC courts;
(C) a party was not duly serviced of the proceedings or deprived of the right to raise objections;
(D) the existence of parallel proceedings in a PRC court or a PRC-recognised judgment from the court of a third country;
(E) the judgment is contrary to public policy.

However, only parties with permanent residence (place of registration) in the PRC may directly apply to the PRC court for the recognition of the Russian judgment. In the absence of permanent residence (place of registration) in the PRC, a party must send a request to the Russian court that issued the judgment, which will send a corresponding request to the authorised bodies for subsequent recognition.[3]

4.1.2 There are a limited number of examples of the recognition of Russian court judgments in the PRC. For example, in the Judgment of the People's Court of Chifeng District of Inner Mongolia Autonomous Region in Case Nei 04 Xie Wai Ren No. 1 (2018), dated December 18, 2018 (Havest Taim LLC v. Inner Mongolia Daqiaofang Food Co, Ltd), the PRC court recognised a Russian state commercial court's judgment to recover an advance payment of USD 224,000 and USD 29,000 in lost profits from a Chinese company for a breach of supply obligations, finding that the Russian court had jurisdiction over the case, the court's judgment did not violate China's sovereignty, security or public policy, and met the conditions under Chinese law for the recognition and enforcement of foreign judgments.

There is also a case of the refusal in recognition and enforcement of the Russian court judgment. In 2020, The Fourth Intermediate People's Court of Beijing, in case 04 Xie Wai Ren No. 2 refused to recognise a judgment of the Arbitrazh (State Commercial) Court of the Republic of Udmurtia in favour of JSC Chepetsky Machine-Building Plant due to improper notification of the party[4]. The Chinese court noted that three attempts to notify the Chinese defendant were made at intervals of less than

2 *Grounds for refusal under the PRC CPC, such as (i) having obtained the judgment by fraud, (ii) lack of jurisdiction of the court to hear the dispute in accordance with the applicable law, and (iii) the lack of jurisdiction of the court in accordance with the parties' agreement — are not applicable.*

3 *Ministry of Justice of the Russian Federation and the Office of the Prosecutor General of the Russian Federation.*

4 ***List** of China's Cases on Recognition of Foreign Judgments (accessed on June 03, 2025).*

6 months, as required by the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (concluded in The Hague on November 15, 1965).

At the same time, there are more requests for the recognition of ICAC judgments against Chinese companies than requests for recognition of the judgments of state courts. The practice of recognising awards of ICAC under the CCI RF in China is generally positive.

4.2 Impact of sanctions on the possibility of recognising Russian court judgments

Russian judgments involving sanctions, including those issued under Article 248.1 APC RF, may be recognised and enforced if (i) such judgments do not violate the exclusive competence of the PRC courts with respect to the subject matter of the dispute, (ii) the sanctions are not related to the award by the Russian court of compensation that clearly exceeds the actual damages, (iii) the sanctions do not entail a violation of PRC public policy[5].

In view of this, even if the Russian court's judgment violates the jurisdiction of the arbitral court under the arbitration clause, there is the potential possibility of recognition of such judgment in the PRC.

[5] *Public policy in this case may be violated if the sanctions are related to the content of a foreign court judgment imposing sanctions on the PRC.*

5 RECOGNITION OF PRC COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

Judgments of PRC courts are recognised in Russia, which is confirmed by the current practice of recognising the court judgments of PRC courts on the approval of settlement agreements (Resolution of the Arbitrazh (State Commercial) Court of Ural Circuit dated August 03, 2022, No. F09-4371/22 in case ***No. A60-11498/2022***).

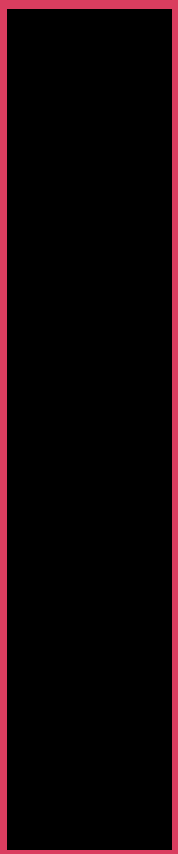
At the same time, there are examples of the refusal in recognition and enforcement of PRC court judgments. For example, the Resolution of the Arbitrazh (State Commercial) Court of the North-Caucasus Circuit dated May 24, 2024, No. F08-2539/2024 in case ***No. A53-27506/2023*** denied recognition of the PRC court judgment due to a violation of contractual jurisdiction and the lack of evidence of proper notification: the notification was made by e-mail, and no evidence of servicing to the company's address was presented.

On the basis of the Treaty between the Russian Federation and the PRC, which is formally incorrect, the judgments of arbitration institutions are also recognised. Thus, the Resolution of the Arbitrazh (State Commercial) Court of Volgo-Vyatsky Circuit dated April 21, 2023, No. F01-1346/2023 in case ***No. A43-28882/2022*** confirmed the recognition and enforcement of the arbitration award of the China International Trade and Economic Arbitration Commission (CIETAC) on the claim of Beijing Hengjiu Chemical Industry Corporation Ltd against Ekosnab LLC for debt recovery.





INDIA



INDIA

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

Foreign judgments are recognised in India on the basis of (i) the Code of Civil Procedure of the Republic of India, 1908, (ii) international treaties, or (iii) the principle of reciprocity.

However, the laws of the Republic of India provide for the division of countries into those with the status of "territory of reciprocity" ***(Group A)***, which means that there is no need to initiate separate proceedings for the recognition and enforcement of a foreign judgment and effectively equate the judgments of the courts of these countries with the judgments of Indian courts, and those that do not have such status ***(Group B)***[1]. It is for the Government of India to determine the list of Group A countries. This distinction affects only the procedure to be followed in recognising a foreign judgment, but it does not affect the conceptual possibility or impossibility of recognising a foreign judgment.

1.2 Grounds for recognition of Russian judgments

Treaty between the Republic of India and the Russian Federation on Legal Assistance and Legal Relations in Civil and Commercial Matters (signed in New Delhi on October 03, 2000, hereinafter – the ***Treaty***).

However, Russia is not one of the countries with the status of the territory of reciprocity. Therefore, the simplified recognition regime is not applicable to Russian court judgments. Given the inapplicability of the simplified regime to the recognition and enforcement of Russian judicial acts, the following analysis will be given regarding recognition under the regime for Group B jurisdictions.

1.3 Limitation period for filing an application for recognition

The application for recognition of a foreign judgment for Group B countries shall be filed within 3 years of the date of entry into force of the judgment. At the same time, a recognised foreign judgment may be enforced within the framework of enforcement proceedings within 12 years of the date of recognition.

1 *The names of the groups are given by the authors of this material for the reader's convenience and are not stipulated in the Indian legislation.*

1.4 Term for consideration of the application for Group B countries can take no less than 1–2 years.

1.5 Alternative options

As an alternative to the recognition and enforcement procedure, it is possible to initiate new proceedings, provided that the limitation period is met, notwithstanding the existence of a foreign judgment on the same grounds between the same persons.

1.6 Features and trends

1.6.1 The specifics of recognition and enforcement in India depend on whether reciprocity has been established with the State in which the foreign judgment was rendered. The procedure for the recognition of a foreign judgment for Group B countries is characterised by the following features:

(A) the applicant files a statement of claim on the basis of a foreign court judgment and/or on other grounds, with the judgment attached as evidence;
(B) the Treaty would then be relevant as evidence of reciprocity for purposes of recognising the judgment;
(C) once the Indian court judgment is rendered, the applicant may enforce the judgment.

1.6.2 A common feature of the recognition and enforcement procedure in India is the lack of detailed regulation, which complicates the proceedings and can lead to long delays. The procedure for the recognition of foreign arbitral awards is clearer and faster.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

2.1 Any final judgment in respect of any matter directly litigated between the same parties may be recognised and enforced in India.

Indian law does not define the types of judgments that are considered "final" while providing for types of judgments that are not considered as such and are thus not enforceable. Judgments are not considered final if they are subject to circumstances preventing recognition and enforcement (see para. 3 below).

2.2 Pursuant to Article 25 of the Treaty, the review of applications for authorization of execution is within the competence of the courts of the Contracting Party in which the execution is to be carried out.

An application for authorization of execution has to be filed with the competent court. The procedure for filing the application is to be determined by the law of the Contracting Party in which the execution is to be carried out. Thus, prior application to a Russian court is not required.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

Recognition and enforcement of a foreign judgment in India may be refused if the judgment:

(A) was rendered by a court without jurisdiction to hear the dispute;
(B) contains rulings beyond the merits of the dispute;
(C) is based on a misconception of international law or in refusing to apply Indian law where it is applicable;
(D) was adjudicated as a result of a procedure contrary to natural justice;
(E) was obtained by fraud;
(F) granted a claim which is based on a violation of any law in force in India.

Meanwhile, the Treaty is silent as to the grounds for refusing to recognise foreign judgments.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

To date, there is no information on court judgments recognising and enforcing Russian court judgments.

However, the recognition and enforcement of foreign court judgments are not usually linked to the operation of sanctions regimes. Under Indian law, there is a rebuttable presumption that the judgment was rendered by a competent foreign court. If the presumption is rebutted, an Indian court will investigate the jurisdiction of the foreign court.

At the moment, there is no information on judicial practice where the judgments of Russian courts on sanctions disputes, including those under Article 248.1 APC RF, have been recognised and enforced.

5 RECOGNITION OF INDIAN COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

5.1 Despite the existence of an international treaty, there is no established practice of recognition of Indian court judgments in Russia.

5.2 At the same time, when a Russian company filed a claim against an Indian company, the Russian court recognised its lack of jurisdiction to consider the dispute in accordance with the Treaty and terminated the proceedings (Ruling of the Arbitrazh Court of Krasnodar Region of June 26, 2014, in case ***No. A32-14347/2014***). Interestingly, the Russian court considered that the Indian court had exclusive jurisdiction to hear the dispute due to the fact that the defendant is located and established in India, despite the existence of contractual jurisdiction of the Arbitrazh Court of Krasnodar Region over the dispute.

The Russian court interpreted Articles 16(1) and (2) of the Treaty together:

"1. The Court of the Contracting Party have competence to give judgments on civil if the defendant resides in its territory. As far as claims against a legal person are concerned the courts of the Contracting Party where this legal person is situated, registered or has its branch or carries on business for gain shall have competence. 2. Exclusive competence of courts may not be changed by the agreement of litigants."

It seems that, regardless of how it is interpreted, these provisions do not establish the exclusive competence of Indian courts for all disputes where an Indian legal entity is a defendant in a suit brought by a Russian person.





KAZAKHSTAN



KAZAKHSTAN

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

Foreign judgments may be recognised in Kazakhstan on the basis of the provisions of (i) the Civil Procedure Code of the Republic of Kazakhstan (*CPC RK*), (ii) international treaties, or (iii) the principle of reciprocity.

1.2 Basis for the recognition of Russian court judgments

Russian court judgments are recognised in Kazakhstan on the basis of the Convention on Legal Aid and Legal Relations in Civil, Family, and Criminal Cases (signed in Chisinau on October 07, 2002, the *Chisinau Convention*), as well as the Agreement of the CIS member states On the Procedure for Settling Disputes Related to Commercial Activities (signed in Kiev on March 20, 1992, the *Kiev Convention*)[1]. The principle of reciprocity does not apply due to the existence of international agreements, but it is possible to establish reciprocity given the current practice.

[1] *There have also been cases of application of the Convention on Legal Aid and Legal Relations in Civil, Family, and Criminal Cases (concluded in Minsk on January 22, 1993, the Minsk Convention) as courts do not always differentiate between the Minsk and Kiev Conventions.*

1.3 Limitation period for filing an application for recognition

An application for recognition and enforcement of a foreign judgment must be filed within 3 years of the date of expiration of the period for voluntary execution of the foreign judgment.

1.4 Term for consideration

An application for recognition and enforcement shall be considered within 15 days of the date it is filed with the court.

1.5 Alternative options

As an alternative to the process of recognition and enforcement of a foreign judicial act, it is possible to initiate a new dispute on merits in the courts of Kazakhstan. This is possible even if a foreign court has previously considered and ruled on a similar dispute between the same parties, provided that there is no international treaty between Kazakhstan and the state whose court rendered the judgment. In this case, the authority of the Kazakhstan court must follow from the law or the agreement between the parties.

1.6 Features and trends

Courts of Kazakhstan, as a rule, do not suspend recognition proceedings to notify a foreign debtor on the basis of the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (concluded in The Hague on November 15, 1965). Notice is given by e-mail.

The judgment on recognition is issued together with a writ of execution and can be executed immediately. The term for presenting a writ of execution is 3 years.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

Foreign court judgments may be recognised in Kazakhstan if the following conditions are met:

(A) availability of a duly certified copy of the court judgment with a certified translation into Kazakh or Russian;
(B) existence of an official document confirming the entry into legal force of the judgment, if it does not follow from the text of the judgment itself;
(C) evidence of servicing the other party of the proceedings before the court that issued the foreign judgment;
(D) providing evidence that the debtor has assets in Kazakhstan.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

3.1 The CPC RK does not contain an exhaustive list of cases.

However, based on the text of the law and court practice, they can be summarised as follows:

(A) absence of any law or international treaty ratified by Kazakhstan, as well as a lack of evidence of compliance with the principle of reciprocity;
(B) lack of evidence that the debtor has assets in Kazakhstan;
(C) inadequate notice to the debtor of the proceedings that led to the foreign judgment;
(D) the applicant did not submit a complete set of documents and (or) the documents were not certified or translated.

Also, according to the CPC RK, by analogy, the grounds specified in the article on the recognition and enforcement of foreign arbitration awards apply.

3.2 On the basis of the Chisinau Convention[2], the grounds for the refusal to recognise and enforce are as follows:

(A) the judgment was rendered in violation of the provisions established by the Convention;
(B) under the law of the Contracting Party in the territory of which the judgment was rendered, the judgment has not entered into legal force and is not enforceable (except in cases where the judgment is enforceable before it enters into legal force);
(C) the defendant did not take part in the proceedings because they or their authorised representative were not duly and timely served;
(D) in a case between the same parties, on the same subject matter and the same grounds, in the territory of the Contracting Party in which the judgment is recognised and enforced, an enforceable judgment has previously been rendered or there is a recognised judgment from the court of a third state, or, if the justice institution of that Contracting Party has previously initiated proceedings in the case, which were not completed at the time of receipt of the application for the recognition and enforcement of the judgment by the justice institution of the other Contracting Party;
(E) under the provisions of the Convention and, in cases not provided for by it, under the law of the Contracting Party in whose territory the judgment is recognised and enforced, the case falls within the exclusive competence of its judicial institution;
(F) there is no document confirming the agreement of the parties to the case over the contractual jurisdiction;
(G) the statute of limitations for enforcement under the law of the given Contracting Party has expired;
(H) the recognition and enforcement of the judgment is contrary to the public policy of the given Contracting Party.

2

The Chisinau Convention replaced the Minsk and Kiev Conventions in terms of subject matter. Given that the Kazakh courts confuse the conventions, the grounds for refusal under each convention should be considered.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 General practice of recognising judgments of Russian courts

Judicial practice on the issue of recognising Russian court judgments in Kazakhstan is quite extensive. At the same time, most of the judgments on economic disputes recognised by Kazakhstan courts were rendered by Russian courts before 2022:

(A) Resolution of the Karaganda Regional Court of May 23, 2022, in Case *No. 3599-22-00-2am/396* (Global Auto Group Ltd. v. KSK LLC): the court rejected the arguments of the appeal, indicated that the applicant provided all necessary documents, duly notified the debtor who is registered in the Republic of Kazakhstan. The Minsk Convention was applied;
(B) Resolution of the Atyrau Regional Court dated March 04, 2021, in Case *No. 2399-21-00-2am/14* (Pao Chelyabinsk Tube Rolling Plant LLC v. Agata LLC, Gaz Stroy Montage KZ LLC, Pao, and Asia Caspian Construction LLC): the court dismissed the debtor's arguments about the lack of notification of the court proceedings in the Russian Federation and applied the Kiev Convention;
(C) Resolution of the Almaty City Court dated February 18, 2020, in case *No. 7599-20-00-2a/1259* (Toledo LLC vs. Ahmedov R. R., individual entrepreneur), Resolution of the Almaty City Court dated February 03, 2020, in case *No. 7599-20-00-2a/1540* (Medintorg LLC vs. Ar-Abat LLC): the court pointed out that the applicants provided all necessary documents. The Kiev Agreement was applied;
(D) Resolution of the Supreme Court of the Republic of Kazakhstan dated March 02, 2020, in case *No. 6001-20-00-3g/459* (Kanmash DSO LLC v. Tabys-2014 LLC): the court refused to recognise and enforce the Russian judgment due to a failure to provide the original judgment and a notarised copy of the agreement, the absence of the judge's signature on the judgment, and absence of evidence of notification of the debtor. The Kiev Convention was applied.

4.2 Impact of sanctions on recognition of Russian court judgments

There are no positive examples of cases of the recognition of Russian judgments issued under Article 248.1 APC RF or in general for disputes involving sanctions[3]. At the same time, we assess the probability that the issue of the Russian court's jurisdiction will be tested by a Kazakh court in the absence of an *ex officio* argument by a party as relatively low.

3 *It should be kept in mind that the judgments of the courts of first instance are not published.*

In this context, it is interesting to note a case in which the court refused to recognise a Russian judgment rendered under Article 248.1 APC RF on the basis of Article 503(1) CPC RK with reference to the fact that, although the defendant (debtor) has property in Kazakhstan, the defendant is not registered there and has no branches or representative offices. The judgment was upheld by the court of appeal.

In this case, the court applied Article 503(1) CPC RK[4] not to justify the refusal to recognise the Russian judgment, considering its substance, but in the context of the procedural violation committed when applying for recognition of the judgment. The court did not comment on the application of Article 248.1 APC RF, leaving the possibility for the Supreme Court of the Republic of Kazakhstan to form a position on this issue.

5 RECOGNITION OF KAZAKHSTAN COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

Kazakhstan's court judgments are consistently recognised in the Russian Federation[5].

Meanwhile, one should note two Rulings of the Altai Regional Court of general jurisdiction of November 01, 2024, on cases ***Nos. 13-265/2024 and 13-266/2024***[6]. The court refused to recognise the judgment of the Court of the International Financial Centre of Astana, because this body is not a justice institution of the Republic of Kazakhstan, despite the established practice of recognising judgments of the courts of Kazakhstan and the existence of the Chisinau Convention, according to which the judgments not only of state courts but also other institutions of justice are executed, which in accordance with the legislation of the Republic of Kazakhstan includes the Court of the AIFC.

Although these rulings were rendered by a court of general jurisdiction, they are worth considering in arbitrazh proceedings. One should be ready to prove that under the Chisinau Convention, and in accordance with the position of the competent authorities in Kazakhstan, the AIFC Court is an institution of justice.

4 *IIn accordance with 503(1) CPC RK, if the judicial acts specified in Article 501(1) APC RK are not executed voluntarily within the time limits established therein, the party of judicial, arbitration proceedings, in favor of which these acts were issued, has the right to apply with a petition for their enforcement to the court at the place for considering the dispute, at the place of residence of the debtor, or at the location of the legal entity, or if the place of residence or location is unknown, then at the location of the debtor's property.*

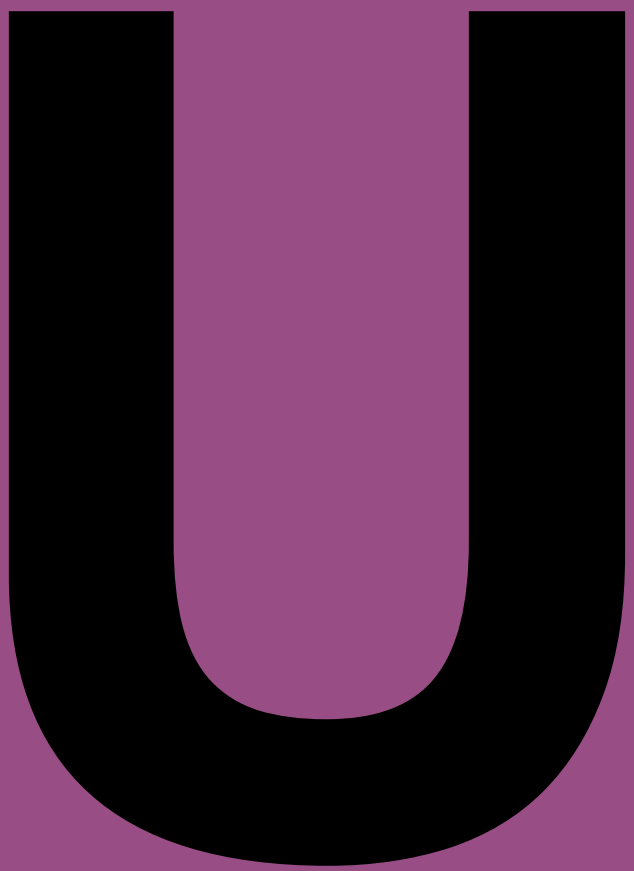
5 *Resolution of the Arbitrazh (State Commercial) Court of West Siberian Circuit of October 17, 2024, No. F04-3476/2024 in case* ***No. A45-39415/2023****, Resolution of the Arbitrazh (State Commercial) Court of Volgo-Vyatsky Circuit of May 18, 2023, No. F01-2115/2023 in case* ***No. A43-33611/2022****, and others.*

6 *The texts of the judicial acts were published in the Telegram channel "Collisions: jurisdictions, law, arbitration" on December 6, 2024.*





UAE



UAE

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

Foreign judgments can be recognised in the UAE on the basis of international treaties that apply to the main jurisdiction of the UAE, as well as to the special Free Economic Zones: the Dubai International Financial Centre (DIFC) and the Abu Dhabi Global Market (ADGM). The latter two cannot independently enter into international agreements.

In the absence of international treaties, recognition is granted on the basis of:

1.1.1 **National laws** applied by the courts of the main jurisdiction of the UAE[1];

It should be taken into account that federal laws take precedence in 5 of 7 emirates: Abu Dhabi, Sharjah, Ajman, Fujairah, and Umm al-Qaiwain. The emirates of Dubai and Ras al-Khaimah have their own courts and procedures. Federal Law applies to these emirates to the extent that it does not conflict with local law.

1.1.2 **The common law** applied by the DIFC and ADGM free zone courts. The DIFC handles commercial disputes and the ADGM handles financial and commercial disputes.

Common law recognition refers to an independent action in the appropriate court to recover the amount owed under a foreign judgment, which serves as evidence of the existence of the debt[2]. The court proceedings are governed by separate rules – DIFC Court Rules and ADGM Court Procedure Rules respectively.

1.2 Grounds for recognition of Russian judgments

There are no international treaties on the recognition of judgments between the Russian Federation and the UAE. The courts will apply the principle of reciprocity, which, to date, is largely in force.

It should be noted that the UAE is a party to Treaties on Legal Assistance in Civil and Commercial Matters with the Republic of Kazakhstan and the People's Republic of China in 2009 and 2004, respectively. These treaties contain detailed regulations for the procedures for the recognition of court judgments and may serve as a guide for courts when considering the recognition of Russian judicial acts.

1.3 Limitation period for filing an application for recognition

An application for the recognition and enforcement of a foreign judgment shall be filed: (1) for courts in the main jurisdiction of the UAE, within 15 years of the date of the enforceable

!

This study takes into account three jurisdictions that exist within the UAE: UAE mainland and free economic zones: the DIFC (Dubai International Financial Centre) and the ADGM (Abu Dhabi Global Market).

1

Civil Procedure Law No. 42/2022, Cabinet Resolution No. 57/2018 (amended by Resolutions Nos. 33/2020 and 75/2021).

2

Similar to the regime under the law of Hong Kong (see paragraph 1.1.2 of the Hong Kong Guide) and Singapore (see paragraph 1.1.3 of the Singapore Guide).

judgment, the time limit for enforcement proceedings depends on the circumstances of each particular case; (2) for DIFC and ADGM, within 6 years of the date of the enforceable judgment.

1.4 Term for consideration

Applications for the recognition and enforcement of foreign judgments are considered by the courts of the main part of the UAE within 5 days of the filing of the application. However, this period may last up to 3 months. For the DIFC and ADGM courts, there is no specific time limit for processing an application for the recognition of foreign judgments, but it is likely to take longer than 5 days.

1.5 Alternative options

As an alternative to the recognition and enforcement procedure, it is possible to initiate new proceedings in the courts of the main jurisdiction of the UAE, but the recognition process is likely to be faster and more efficient. For the DIFC and ADGM, options available include filing a debtor's bankruptcy petition based on a foreign judgment. Such a precedent on the basis of a Russian court judgment exists in England[3] and English precedents are applied by the DIFC and ADGM courts.

1.6 Features and trends

1.6.1 Before choosing a legal regime, it is necessary to locate the debtor's assets. Enforcement in each jurisdiction is subject to its own specific rules.

1.6.2 The DIFC and AGDM court systems allow for an appeal to an appellate court, while the courts of the main jurisdiction of the UAE provide for cassation appeal. In any case, the grounds for appeal to a higher instance in all three jurisdictions are limited to procedural violations. That said, in the case of an appeal against a DIFC judgment, the court may find a violation of UAE public policy as grounds for setting aside the judgment. It is not uncommon for a first-instance appeal to the DIFC to involve the submission of opinions under the law of the country in which the judgment was rendered. For the creditor, this has the effect of increasing the cost of the proceedings.

1.6.3 It is not uncommon for debtors to raise the issue of improper jurisdiction of the DIFC court due to the fact that they are not registered with the DIFC and have no assets there. Disputes about the competence of Dubai and DIFC courts are resolved by a special superior court. That said, historically, these procedures have been lengthy, with debtors using them to delay proceedings. In the recent past, the procedure has been simplified, and the Dubai legal community expects competence disputes to be resolved more quickly.

3

Drelle v Servis-Terminal LLC [2024] EWHC 521 (Ch) considered in the High Court of England and Wales. An interesting analogy with Russian law, which expressly provides for the possibility to apply to the court for inclusion of claims in the register on the basis of a judgment of a foreign court or arbitration, i.e., a separate recognition proceeding need not be initiated (paragraph 3 of the Information Letter of the Presidium of the Supreme Arbitrazh Court of the Russian Federation of December 22, 2005 No. 96, see also the Ruling of the Arbitrazh Court of Moscow city dated November 05, 2024 in case ***No. A40-46865/2024****). However, the judgment was revised in Servis-Terminal LLC v Drelle [2025] EWCA Civ 62 (31 January 2025) (Court of Appeal) where the court established that the foreign judgment should first be recognized and enforced. Anyway, the court did not reject the possibility of recognition of Russian judgments in principle.*

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

2.1 For courts of the UAE mainland

(A) the case lacked the exclusive jurisdiction of the UAE courts and a foreign court was competent to hear the dispute;
(B) the judgment is rendered in accordance with the law of the country of the court and is duly executed;
(C) the parties to the case in which the foreign judgment was rendered have been subpoenaed and duly represented;
(D) the foreign judgment or resolution has the force of ***res judicata*** under the ***lex fori*** if such judgment has acquired the force of ***res judicata*** or is so provided in the judgment;
(E) the foreign judgment is not contrary to a judgment or order issued by a UAE court, or to public policy and morality.

Public policy and morality in the practice of the Courts of Cassation are understood as anything that serves as the fundamental principles reflecting the social and economic factors that influence legislation. These concepts are interpreted as per the development of society and the economy. Examples include real estate activities; rights granted to employees; the institutions of marriage, family, and guardianship; and matters the proceedings of which are contrary to the principles of Shariah. For example, the Dubai Court of Cassation refused to recognise and enforce an English court's judgment to divide marital property on divorce because it was contrary to Shariah principles.

Reciprocity may also increase the chances of recognition and enforcement of a foreign judgment but is not a key circumstance.

2.2 For DIFC courts

(A) the finality of the foreign judgment;
(B) the rendering of the foreign judgment by a court of competent jurisdiction.

2.3 For ADGM courts

In making an order recognising and enforcing a foreign judgment, the ADGM court is guided by the principles of civil law, such as the need for the judgment to be rendered by a "recognized" court of a country that is a party to the relevant international agreements. If a country is not a party to agreements with the UAE on the recognition and enforcement of judgments, the ADGM may still order that the courts of the country be treated as courts the resolutions of which can be recognized.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

The list of grounds for the refusal to recognise and enforce a judgment partly depends on the legal regime of the territory in which the foreign judgment is to be recognised and enforced.

3.1 Courts of the UAE mainland

Grounds for refusal are non-compliance with the conditions specified above in the list of conditions for recognition (see para. 2.1 of this section).

3.2 The DIFC

(A) the foreign judgment was obtained by fraud;
(B) the foreign judgment was obtained in proceedings contrary to natural justice;
(C) the foreign judgment is contrary to the UAE public policy.

3.3 The ADGM

(A) ADGM rules do not apply to a foreign judgment or a judgment was rendered in violation of such rules;
(B) the foreign court did not have jurisdiction over the circumstances of the case;
(C) the debtor was not duly served with the documents on the basis of which the proceedings were initiated in time sufficient to provide a defense;
(D) the foreign judgment was obtained by fraud;
(E) the rights under the foreign judgment do not belong to the person who applied for recognition of the judgment;
(F) execution of the judgment would be contrary to the public policy of the Emirate or ADGM.

A judgment of recognition and enforcement may be set aside, even before the judgment is presented for recognition if the matter in dispute had previously been the subject of a final and uncontested judgment by a court having jurisdiction over the matter.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 There is no agreement between the UAE and the Russian Federation governing recognition and enforcement. However, the courts in the main jurisdiction of the UAE, generally, follow the principle of reciprocity and recognise Russian judgments.

In our opinion, at the stage of court proceedings for the recognition of a Russian court judgment, sanctions are unlikely to become an obstacle to the recognition of the judgment. In practice, sanctions are not necessarily an obstacle to enforcement of the judgment, either.

At the same time, the courts of the main jurisdiction of the UAE will verify the jurisdiction of the Russian court when considering the issue of recognition.

Recently, a trend of Russian judgments increasingly being recognised in the UAE has been observed. For example, a UAE court recently recognised the Russian judgment in a lawsuit brought by a Russian bank against two Russian businessmen who own real estate and businesses in the UAE. The dispute arose out of unliquidated obligations under various loan agreements. The Russian court ruled in favor of the plaintiff and the judgment was upheld on appeal, becoming final and enforceable. The judgment of the Russian court was successfully recognised and enforced in the UAE.

4.2 DIFC courts also recognise Russian court judgments on the basis of common law principles, focusing on the practice of English courts, which have well-known examples of recognising Russian judgments[4].

The DIFC and ADGM take the effect of sanctions imposed by the UAE and UN sanctions into account. However, so far, the issue of sanctions has not come up in proceedings to recognise foreign court judgments. It is likely that the DIFC and ADGM courts will be guided by the approach of the English courts.

The question of the competence of the Russian court will also be the subject of inquiry. Thus, the court may consider that the debtor has accepted the jurisdiction of the Russian court if it has appeared in court and defended itself on the merits of the claims, but it is more likely to consider the debtor's procedural actions in the proceedings aimed at expressing disagreement with the jurisdiction of the Russian court.

5 RECOGNITION OF THE UAE COURT JUDGMENTS (UAE MAINLAND COURTS AND FREE ZONE COURTS) IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

The practice of recognition of the UAE court judgments has not formed yet. In one of the cases, Russian court, having refused to recognise the UAE court judgment due to the existence of an agreement on contractual jurisdiction, nevertheless did not conclude that the UAE court judgment could not be recognised in the Russian Federation. The court of cassation appeal sent the case for a new trial (Resolution of the Arbitrazh Court of the North-Caucasus Circuit of January 31, 2025, No. F08-10859/2024 in case ***No. A53-23536/2024***),[5] which resulted in recognition.

4 *For example, Drelle v Servis-Terminal LLC [2024] EWHC 521 (Ch) revised in Servis-Terminal LLC v Drelle [2025] EWCA Civ 62 (31 January 2025) (Court of Appeal) where the court still did not reject the possibility of recognition of Russian judgments in principle.*

5 *The Court stated that there were no grounds for the application of the public policy clause. Its application in practice is due to the violation by foreign courts of the rules on the exclusive jurisdiction of the Russian court, which were not invoked by the parties in the present case.*


GÜVERCIN BALLOONS
TC-BGE
GÜVERCIN BALLOONS



TÜRKIYE

ALRUD



TÜRKIYE

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

Foreign judgments are recognised in Türkiye on the basis of (i) the International Private Law and Procedure Code No. 5718, (ii) international treaties, and (iii) the principle of reciprocity.

1.2 Grounds for recognition of Russian judgments

There is no international treaty between the Russian Federation and the Republic of Türkiye; however, some attempts have been made in the past to agree on the terms of one. The principle of reciprocity is established on a case-by-case basis. At present, this principle is more likely to apply to Russian judgments.

1.3 Limitation period for filing an application for recognition

Turkish law does not stipulate a specific time limit for the recognition of foreign judgments, however, if the law of the state where the judgment was rendered stipulates such a time limit, it may be taken into account for enforcement. In the case of Russian court judgments, as per Russian legislation, such a period will be 3 years.

Also, considering that under Turkish law, a Turkish court judgment can be enforced within 10 years, it is recommended to initiate enforcement proceedings against a foreign judgment within 10 years.

1.4 Term for consideration

In practice, the term of review of an application for recognition and enforcement of a foreign judgment by a Turkish court varies from 6 to 18 months but may last up to 2 years. Considering an appeal to the court of appeal and cassation instance, the term of consideration may be up to 3 years.

1.5 Features and trends

1.5.1 An application for the recognition of a foreign judgment must be filed at the location of the debtor in Türkiye. If the debtor is not located in Türkiye, the application may be filed with a court in one of the three largest cities in Türkiye: İzmir, İstanbul, or Ankara.

1.5.2 An appeal against the judgment of the court of first instance is possible in two courts of appeal consecutively, which may postpone the execution of the judgment.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

A foreign judgment may be recognised in Türkiye under the following conditions:

(A) the judgment is final and binding without the possibility of appeal or other similar review procedures under the law of the country where such judgment was rendered;
(B) there is legal (an international treaty or statute) or ***de facto*** reciprocity with Türkiye;
(C) the dispute does not fall within the exclusive jurisdiction of Turkish courts (e.g., disputes over real estate rights in Türkiye);
(D) compliance with due process under the law of the country where the foreign judgment was rendered (adequate notice and full opportunity for representation);
(E) the absence of a previous judgment of a Turkish court in a case between the same parties and in respect of the same subject matter or a foreign judgment that is enforceable in Türkiye;
(F) the absence of a clear contradiction with Turkish public policy, which the Turkish court will check ***ex officio***.

1

For example, if a foreign judgment conflicts with another judgment rendered by a Turkish court involving the same parties, on the same subject matter and legal basis. A contradiction can be found in the case of the release of receivables under a judgment the enforcement of which was requested by the creditor, etc.

2

The states signed the Agreement on Mutual Assistance in Civil, Commercial and Criminal Matters (Ankara, December 15, 1997). The Russian Federation declared that it does not intend to become a party to the agreement on the basis of the Order of the President of the Russian Federation No. 428-rp dated December 30, 2015, Resolution of the Government of the Russian Federation No. 1399 dated December 22, 2015.

3

Judgment of the 8th Commercial Court of Ankara dated July 7, 2021 in case No. 2020/347 recognising the judgment of the Russian arbitrazh Court to recover a debt of over USD 123,000 from a Turkish debtor; Judgment of the 15th Commercial Court of Istanbul dated April 21, 2022 in case No. 2022/118; Judgment of the 1st Commercial Court of Istanbul dated March 17, 2022 in case No. 2020/484 to recover a debt of over RUB 16 million.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

(A) failure to meet the conditions for the recognition and enforcement of foreign judgments referred to in para. 2 above;
(B) full or partial enforcement of a foreign judgment;
(C) there are obstacles to the recognition of the foreign judgment[1].

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 Despite the absence of an international treaty between Russia and Türkiye[2], the practice of recognition on the basis of the principle of reciprocity is rather developed between the states. In recognising a Russian court judgment, the Turkish court will examine whether the Russian court had jurisdiction to the extent that the Russian court, in rendering its judgment, has not infringed upon the jurisdiction of the Turkish court.

The practice of Turkish courts on applications on the recognition of Russian court judgments has developed quite consistently and uniformly. The possibility of recognising judgments has been confirmed by various Turkish courts[3]. At the same time, refusals to recognise the judgments of Russian courts are based not so much on the principle of reciprocity, but rather on formal grounds[4].

4.2 Reciprocity has been confirmed after February 2022 in the Judgment of the Istanbul Commercial Court dated April 21, 2022. The judgment of the Russian court was recognised on a second round of review after the initial finding of the first instance court that there was no reciprocity between the Russian Federation and the Republic of Türkiye[5].

At the appellate court level, reciprocity has been reaffirmed repeatedly[6]. However, in 2023, a different court of appellate instance came to opposite conclusions in a case concerning the recognition of Russian court judgments on the recovery of a debt[7]. In this case, the court, through inquiries to the Turkish Ministry of Justice and the Directorate General for Foreign and EU Relations, found that since there was no international treaty between the Russian Federation and the

4 *Judgment of the 13th Civil Chamber of the Istanbul Regional Court of Appeal of January 26, 2023 in Case No. 2022/2406: the court refused to recognise the judgment of the Russian court due to its lack of jurisdiction to hear the dispute; Judgment of the 11th Civil Chamber of the Court of Appeal of February 7, 2011 in Case No. 2009/8462, Judgment of October 4, 2011 in Case No. 2011/8672: recognition of the judgment was refused due to improper notification of the respondent, the burden of proof of proper notification rests on the applicant.*

5 *Judgment of the 15th Istanbul Commercial Court dated April 21, 2022 in Case No. 2022/118.*

6 *Judgment of the 13th Civil Chamber of the Istanbul Court of Appeal dated November 28, 2024 in case No. 2024-1759: the court confirmed the existence of reciprocity between the countries; Judgment of the Istanbul Commercial Court No. 12 dated April 10, 2023 in case No. 2022/845: the judgment of the Russian arbitrazh Court to recover a debt of about 100,000 euros was recognized.*

7 *Judgment of the 23rd Civil Chamber of the Ankara Court of Appeal of March 1, 2023 in case No. 2022-1228.*

Republic of Türkiye, the establishment of reciprocity was left to the discretion of the court in a particular case. The Turkish court considered that the issue of debt collection could be related to the issues of liquidation or insolvency of the Turkish debtor and refused recognition. Interestingly, one of the judges expressed a dissenting opinion in which he noted that the ties between the two countries had become so strong that even if the dispute involved issues of liquidation or insolvency, the Turkish court should take the first step in establishing reciprocity on those issues.

Thus, the principle of reciprocity between states has largely been rather confirmed for the time being, but the practice is still not entirely uniform: much depends on the substance of the relations of the parties to a particular dispute.

It is important to take into account that the principle of reciprocity is not a static category, so it is tested by Turkish courts in every dispute, i.e., deterioration of the practice in the Russian Federation with respect to Turkish judgments is highly likely to entail a consistent deterioration of the situation with the recognition of Russian judgments in the Republic of Türkiye.

4.3 It should be noted that the Turkish court raised the issue of the distinction between arbitration and state commercial courts, which was the reason for the refusal to recognise the Russian judgment[8]. At the same time, in a judgment rendered in 2023, the Turkish court confirmed that the Russian state commercial court is a court similar in its status to the state commercial court of the Republic of Türkiye, and as such recognised the judgment of the Russian cour[9] .

This is a frequent problem encountered in foreign economic transactions, which once again emphasizes the need for a clear distinction between the terms ***"state commercial court"*** / ***"state arbitrazh court"*** for Russian state commercial courts and ***"arbitration"*** for arbitration courts.

4.4 There are currently no formal obstacles to recognising a Russian judgment involving sanctions.

8

Judgment of the 11th Civil Chamber of the Court of Appeal dated October 26, 2015 in case No. 2015/3987: the court refused to recognise the award of a Russian arbitrazh Court due to uncertainty whether the award was a judgment of a state court or an arbitral court, without the applicant providing an official certified judgment.

9

Judgment of the 8th Ankara Commercial Court dated July 7, 2021 in Case No. 2020/347; Judgment of the Istanbul Commercial Court No. 12 dated April 10, 2023 in Case No. 2022/845.

5 RECOGNITION OF TURKISH COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

There is only a limited number of cases where Russian courts have considered the recognition and enforcement of Turkish judgments. In one of them, the Russian court refused to recognise a Turkish judgment due to the consideration of the dispute by an incompetent court (the Istanbul Commercial Court) in the presence of an arbitration clause and improper notification of the Russian defendant of the debt collection proceedings (Resolution of the Arbitrazh (State Commercial) Court of Moscow Circuit dated March 09, 2017, No. F05-1362/2017 in case ***No. A40-210814/2015***).

Given the fact that there are stable economic ties with the Republic of Türkiye, it seems that at this point, the Russian court would rather have no obstacles to recognising judgments of the Turkish court. This is indirectly confirmed by the fact that the Russian court leaves claims without consideration if there is a reservation on the consideration of a dispute in the Turkish forum[10].

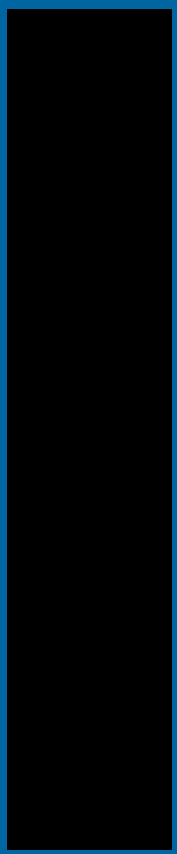
10

Resolution of the Tenth Arbitrazh (State Commercial) Appeal Court dated January 17, 2024, No. 10AP-28057/2023 in case ***No. A41-65476/2023*** *(ITOTAM arbitration).*





ISRAEL



ISRAEL

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

Foreign judgments may be recognised in Israel on the basis of (i) the Enforcement of the Foreign Judgments Law of 1958, (ii) international agreements, or (iii) the principle of reciprocity.

1.2 Grounds for recognition of Russian judgments

There are no international treaties between the Russian Federation and Israel, and judgments are recognised on the basis of the principle of reciprocity. In order to apply the principle of reciprocity, it is not necessary to confirm the existence of a stable, positive practice from specific cases. It is sufficient to demonstrate the existence of a reasonable potential for recognition of the judgment. Doctrinal sources, expert opinions, and precedents may be presented as evidence of such potential. Israel displays a generally positive practice with respect to Russian court judgments.

1.3 Limitation period for filing an application for recognition

An application for the recognition and enforcement of a foreign judgment shall be filed within 5 years of the date of the foreign judgment, which is not subject to further appeal, unless otherwise provided by an international treaty or the court has found other special circumstances justifying an extension of the limitation period.

1.4 Term for consideration

An application for recognition and enforcement is considered by the court within 3–6 months in the absence of objections from the opposing party.

1.5 Alternative options

As an alternative to the standard recognition and enforcement procedure, in a situation where it is difficult to enforce a foreign judgment in Israel, or where it is possible to obtain higher compensation in this way, one may file a new independent claim in an Israeli court based on common law, in which the foreign judgment will be the basis for the claim and the key evidence.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

A foreign judgment may be recognised in Israel under the following conditions:

(A) the judgment was rendered by a competent foreign court (under the ***lex fori***);
(B) the judgment is not subject to further appeal[1];
(C) the judgment is enforceable in the jurisdiction in which it was rendered;
(D) the judgment can be enforced in accordance with Israeli law and is not contrary to public policy;
(E) the judgment was rendered in a jurisdiction where similar judgments of Israeli courts are recognised on the principle of reciprocity.

1

Exception: an alimony judgment may be recognised before the expiration of the time limit for appeal if the Israeli court deems it just and fair.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

Recognition of a foreign judgment in Israel may be refused if:

(A) the judgment was obtained by fraud;
(B) the defendant was not given a reasonable opportunity to present its arguments and evidence before the judgment was rendered;
(C) the judgment was rendered by a court that did not have jurisdiction under Israel's private international law, and the debtor must express disagreement with the jurisdiction of the foreign court, even if it participated in the proceedings before that foreign court in at least one of the following ways:

> **(i)** challenging the court's jurisdiction;
> **(ii)** filing a motion to terminate or suspend the trial;
> **(iii)** application for the release of assets seized, pending seizure, or other protection.

(D) the judgment conflicts with a previous judgment rendered in the same case between the same parties and remains in force;
(E) at the time of the filing of the action in the foreign court, a dispute in the same case and between the same parties was pending before a court or tribunal of the State of Israel;
(F) enforcement of a foreign judgment may prejudice Israeli sovereignty or Israeli security[2].

2

An exceptional ground, interpreted rather narrowly and applied only in cases where enforcement would cause significant harm to the overriding interests of the State and would conflict with Israel's fundamental social and moral values and state interests.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 General practice of recognising the judgments of Russian courts

4.1.1 In relation to the recognition of a Russian judgment, the Israeli Supreme Court has adopted the approach that the requirement of reciprocity is met when there is a reasonable potential for enforcement of Israeli judgments in the country that rendered the judgment, even where there are no actual examples ***(Civil Appeal 3081/12 Double K Oil Products (1996) Ltd v Gazprom Transgaz Ochta (Nevo 9.9.2014).***

4.1.2 Most Russian court judgments recognised in Israel were rendered before 2022. Such judgments have been recognised in the following cases:

(A) ***Case in civil action 7251/20 dated December 20, 2021*** (Raiffeisenbank v. Katsiv J.).

The Israeli Supreme Court recognised the judgment of the Russian Court of general jurisdiction to recover some USD 16 million from Y. Katsiv on the basis of a judgment in a criminal case, despite objections of contravening public policy.

(B) ***Case in civil action 1948/15 dated March 06, 2017*** (VTB Bank v. Margulis E.).

The Israeli Supreme Court overturned the judgment of the Circuit Court of Israel to refuse recognition of the Russian judgment, holding that E. Margulis' arguments that he was not provided with adequate guarantees of legal protection in the Russian proceedings. The Court noted that Mr. Margulis had evaded the Russian proceedings in bad faith.

(C) ***Case in civil action 36715-10-18 19 dated November 20, 2021*** (VTB Bank v. Babel M.).

An Israeli district court recognised the judgment of the Russian state commercial court, despite M. Babel's objections that the principle of reciprocity had not been observed.

4.2 Impact of sanctions on the possibility of recognising Russian court judgments

4.2.1 There are no examples of cases where Russian judgments rendered under article 248.1 APC RF have been recognized. However, in general, recognition of Russian judgments that involve sanctions is possible:

Case on civil claim 40733-11-21 dated August 07, 2024 (BM-Bank[3] v. Ismailov A., within the framework of the bankruptcy case of Tropicano Business Club LLC, Ismailov A. was imposed with subsidiary liability):

"The Tel Aviv District Court has recognised the judgment of the State Commercial Court of Moscow on the claim of the Russian bank BM-Bank against Alekper Telman Oglu Ismailov, according to which the latter had to pay a debt of about USD 293 million.

The defendant argued that international sanctions would be violated if the Russian judgment was recognised and enforced due to the fact that BM-Bank was under these sanctions. However, this argument was rejected because Israel did not impose sanctions against the Russian Federation."

3

BM-Bank is sanctioned by major jurisdictions that impose anti-Russian sanctions.

4.2.2 At the same time, there may be difficulties with the actual enforcement of judgments involving sanctioned persons due to the refusal of banks to cooperate with the sanctioned entities. However, there are no formal restrictions on the assignment of the right of claim. If there are doubts about the possibility of obtaining enforcement of a court judgment awarding money, the assignment option may be one of the solutions to the problem.

5 RECOGNITION OF ISRAELI COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

There are few instances of Russian courts considering the recognition of Israeli court judgments.

The Ruling of the Arbitrazh Court of Moscow city dated February 13, 2024, in case ***No. A40-107975/2023*** refused to recognise the judgment of the Tel Aviv Magistrates' Court due to a failure to comply with the procedure for notifying the defendant of the court proceedings. The court also considered that the defendant in the dispute was not a party to the contract regarding which the dispute arose.

Resolution of the Arbitrazh Court of Moscow Circuit dated February 14, 2008, No. KG-A40/9619-07 in case ***No. A40-73830/2006***[4] refused to recognise a judgment of the Tel Aviv-Jaffa District Court on the grounds that there was no international treaty with Israel and that the principle of reciprocity had not

4

The judicial act is not available in the kad.arbitr.ru system but can be found in legal reference systems.

been developed (which may indeed have been the case at the time of the judgment in 2007–2008).

Despite the existence of negative judicial practice, it would be premature to state that Russian courts have developed a somewhat definite approach toward Israeli court judgments. As a matter of fact, one may not declare the complete impossibility of enforcing such judgments in Russia.





CYPRUS



CYPRUS

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

In the Republic of Cyprus, depending on the source regulating the recognition procedure, there are several regimes by which judgments can be recognised:

1.1.1 EU Council Resolutions Nos. 44/2001, 1215/2012, 805/2004, and 1346/2000 apply to judgments rendered by EU Member States.

1.1.2 In respect of judgments rendered by countries with which the Republic of Cyprus has concluded a bilateral or multilateral treaty on mutual recognition and enforcement of judgments, in particular, those with the Russian Federation – The Judgments of Foreign Courts (Recognition, Registration, and Enforcement) Law of 2000 (Law 121(I)/2000).

1.1.3 In respect of judgments rendered in Great Britain, the British Dominions and Mandate Territories, and the Commonwealth, The Foreign Judgments (Reciprocal Enforcement) Law of 1935.

1.1.4 For judgments that were rendered in countries that are not part of the EU and with which no international treaties have been signed – common law[1].

1

The procedure for recognition of foreign judgments under common law is similar to that in Hong Kong (see paragraph 1.1.2 of the Hong Kong Guide) and Singapore (see paragraph 1.1.3 of the Singapore Guide).

1.2 Grounds for recognition of Russian court judgments

Judgments of Russian courts are recognised in the Republic of Cyprus on the basis of the Treaty between the Republic of Cyprus and the Union of Soviet Socialist Republics on Legal Aid in Civil and Criminal Matters of 18 January 1984, which was ratified as Law No. 172/86 (*Treaty*). The principle of reciprocity is generally followed by the courts.

1.3 Limitation period for filing an application for recognition

In recognising a foreign judgment on the basis of common law, the 15-year limitation period provided for in the Limitation of Claims Act (Act No. 66(I)/2012) applies from the date on which the judgment became final.

1.4 Term for consideration

The statutory time limits for the consideration of applications for recognition and enforcement of foreign judgments vary from 1–2 weeks for recognition of judgments from courts of EU member states to 4 weeks from the moment of submission to the court of an application for recognition and enforcement of a foreign judgment on the basis of The Judgments of Foreign Courts (Recognition, Registration, and Enforcement) Law of 2000. In practice, however, the processing time is usually between 6 and 18 months.

1.5 Features and trends

The debtor under a foreign judgment has the opportunity to object to recognition by submitting a position at least 2 days before the hearing.

The costs of the recognition procedure may be reimbursed by the losing party, but the reimbursement is awarded at the fixed rates of the court, which often does not cover all the costs.

The authentication of the judgment must be done both under the law of the country where the judgment was rendered and the law of the Republic of Cyprus. Special licensed translators should be used to translate the judgment. The courts are extremely sensitive about the formal authentication and translation of the judgment.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

2.1 Under the Treaty, an application for recognition and enforcement may be made directly to the competent court of the Republic of Cyprus if the applicant is permanently or temporarily resident there. If this requirement is not met, the application is filed with the justice institution in the place where the judgment was rendered, followed by a request to the court of the Republic of Cyprus.

2.2 The judgment is recognised subject to the following conditions of the Treaty:

(A) the judgment under the laws of the Contracting Party in which it was rendered has entered into legal force and may be enforced;
(B) the party against whom the judgment was rendered, that did not appear and did not take part in the proceedings, was timely and duly notified under the laws of the Contracting Party in which the judgment was rendered;
(C) the case does not fall within the exclusive competence of the institution of the Contracting Party in which the judgment is recognised and enforced;
(D) in the same legal dispute between the same parties within the Contracting Party where the judgment is to be recognised or enforced, there has not previously been an enforceable judgment;
(E) the same legal dispute between the same parties has not been previously initiated by a justice institution of the given Contracting Party.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

The most common grounds for refusing recognition and enforcement are:

(A) a lack of jurisdiction of a court of the Republic of Cyprus to entertain an application for recognition and enforcement;
(B) incompleteness and incorrectness of the application for recognition and enforcement of a foreign court judgment;
(C) the grounds as per the Treaty are similar to the grounds provided for by Russian legislation[2]:

(i) the judgment under the law of the state in the territory of which it was made has not entered into legal force;

(ii) the party against whom the judgment was made was not timely and properly notified of the time and place of consideration of the case or for other reasons could not submit its explanations to the court;

(iii) consideration of the case in accordance with an international treaty of the Russian Federation or federal law falls within the exclusive competence of a court in the Russian Federation, except for cases specified in 248.1(5) APC RF;

(iv) there is an enforceable court judgment in the Russian Federation on a dispute between the same persons, on the same subject matter and on the same grounds;

(v) the court in the Russian Federation has a case pending before it on a dispute between the same persons, on the same subject matter and on the same grounds, proceedings in respect of which were initiated prior to the initiation of proceedings in the foreign court, or the court in the Russian Federation was the first to accept an application for proceedings on a dispute between the same persons, on the same subject matter and on the same grounds;

(vi) the limitation period for enforcement of the foreign court's award has expired and this period has not been restored by the state commercial court;

(vii) execution of a foreign court judgment would be contrary to the public policy of the Russian Federation.

2

Under Article 29 of the Treaty, the debtor may raise objections to enforcement before the competent court of the Contracting Party in which the application for enforcement is made, on grounds that are permitted under the law of the Contracting Party the institution of which rendered the judgment. Practice shows that such objections need not relate to the merits of the dispute.

3

Judgment of the Supreme Court of the Republic of Cyprus dated June 12, 2020 in case No. 206/14 (VTB PJSC v. Alekseevich and Arrowcrest Ltd): the court refused in recognition and enforcement because the application for such recognition and enforcement was directly filed by a person who does not have temporary or permanent residence in Cyprus, it is necessary to follow the application procedure through the Russian court and the Ministry of Justice; Judgment of the Circuit Court of Nicosia dated January 12, 2021 in case No. 138/20 (Promsvyazbank PJSC v. Holatore Trading Limited); Judgment of the Circuit Court of Nicosia dated February 25, 2021 in case No. 139/20 (Promsvyazbank PJSC v. Holatore Trading Limited) Case No. 138/20 (PJSC Promsvyazbank v. Holatore Trading Limited); Judgment of the Circuit Court of Nicosia dated February 25, 2021 in Case No. 139/20 (PJSC Promsvyazbank v. Wallersteiner Holding Limited): the applicant proved the possibility of direct application to the court due to the existence of a branch office of the debtor in Cyprus.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 General practice of recognising the judgments of Russian courts

All acts that deal with the recognition and enforcement of Russian courts were issued before 2022[3].

4.2 Impact of sanctions on the possibility of recognising Russian court judgments

4.2.1 There are no examples of cases with recognition of Russian judgments rendered pursuant to Article 248.1 APC RF.

4.2.2 Taking into account the adoption of the 15th sanctions package[4] by the EU Council on December 16, 2024, Russian court judgments rendered on the basis of Article 248.1-248.2 APC RF[5] cannot be recognised within the European Union.

It appears that these restrictions are a continuation of the European Union's sanctions policy: for example, in the summer of 2024, as part of the 14th package of sanctions, the EU Council introduced a new category of persons to be included in a separate sanctions list, with whom persons from the European Union are prohibited from directly or indirectly conducting any transactions – such persons include plaintiffs/applicants who have applied to Russian courts on the basis of Article 248 APC RF or similar rules[6].

4.2.3 In view of the negative practice of refusals to recognise the judgments of the courts of the Republic of Cyprus in the Russian Federation after February 2022 (see section 5), there are concerns that if the Cypriot courts are faced with the question of recognising a Russian judgment, it may be viewed negatively, given that the Treaty between the countries is based on the principle of reciprocity[7].

4.2.4 It should also be taken into account that if the applicant is under the sanctions of the European Union, they will not be able to obtain execution until the sanctions are lifted if the judgment is recognized. If, however, the sanctioned person is the debtor, they can obtain special authorisation to unblock funds in order to enforce the judgment.

4

See pg. 4/27 the Council Decision (EU) of December 16, 2024 No. 2024/3187 amending the Judgment of July 31, 2014. 2014/512/CFSP (accessed on June 03, 2025).

5

Formally, the Decision refers to Art. 248 APC RF and similar provisions of Russian legislation. However, based on the teleological interpretation of the provisions of the sanctions acts of the European Union, it can be concluded that the provisions referred to are Art. 248.1-248.2 APC RF.

6

Article 5ab of the Council Regulation (EU) of the Council of the European Union of June 24, 2024 No. 2024/1745 amending Regulation of the European Union of July 31, 2014 No. 833/2014 (accessed on June 03, 2025).
We believe that this act also mistakenly refers to Article 248 APC RF, since the preamble of the act amending the Rules explicitly refers to the amendments made to the APC RF in 2020, i.e., specifically to Articles 248.1 and 248.2 APC RF.

7

See the preamble to the Treaty: "...wishing to regulate, on the basis of reciprocity, the legal assistance in civil and criminal matters, have decided to conclude the present Treaty".

5 RECOGNITION OF CYPRIOT COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

5.1 Due to the existence of the Treaty, the judgments of Cypriot courts have long been recognised in the Russian Federation.

For example, the Resolution of the Arbitrazh (State Commercial) Court of Moscow Circuit dated June 01, 2021, No. F05-1647/2020 in case ***No. A40-189018/2019*** recognised the judgment of the District Court of Limassol on the recovery of funds from a foreign company. The ruling of the Moscow Arbitrazh (State Commercial) Court dated September 12, 2022, in case ***No. A40-54820/2022*** recognised the judgment of the Nicosia court to declare a Cypriot company bankrupt.

5.2 However, the existence of an international treaty has been disavowed in some judicial acts. Thus, the Arbitrazh (State Commercial) Court of Moscow city in its Ruling of December 17, 2024, in case ***No. A40-125309/2024*** refused to recognise the judgment of the District Court of Nicosia. The Court considered that a judgment made by the Cypriot court against the Russian companies could not be recognised due to the lack of evidence of proper notification of the Russian defendant companies about the proceedings in Cyprus, and due to the fact that the judgment was "actually" made in respect of the property of the Russian Federation owned by the applicants under the right of economic management, which falls within the exclusive competence of a Russian court.

In addition, the Russian court noted that recognising the Cypriot judgment under sanctions would be contrary to Russian public policy:

"The imposition by foreign States of restrictive measures (bans and personal sanctions) on Russian persons knowingly puts them in an unequal position with other persons, in view of which doubts are justified as to whether a dispute involving a person located in a State that has applied restrictive measures will be heard in a foreign State that has also applied restrictive measures, in compliance with fair trial guarantees, including those relating to the impartiality of the court, which is an element of a fair trial.

Consequently, given that the contested judgment was adopted in the context of sanctions and the imposition of measures of a restrictive nature extended to the applicants, the Court has no reason to believe that the dispute was examined impartially and the applicants were not deprived of access to fair justice".

5.3 Therefore, recognition of a Cypriot court judgment in a Russian court may face difficulties that go beyond the formal grounds for refusing to recognise the judgment. However, the outcome of the dispute will largely depend on who the applicant and debtor are, as the case above shows.

SERGEY PETRACHKOV
Partner, Advocate, PhD in Law

E: SPetrachkov@alrud.com



MAGOMED GASANOV
Partner, Advocate, PhD in Law

E: MGasanov@alrud.com



DMITRY KUPTSOV
Partner, Advocate, LL.M.

E: DKuptsov@alrud.com



“All his recommendations turned out well and we like how he arranges work with the client. He anticipates solutions and is also good in client relations.”

Chambers Europe

“He’s very communicative, very fast at replying, very hands-on and also quite creative.”

Chambers Europe

“We would recommend Dmitry Kuptsov as being highly dedicated, competent and flexible in providing his excellent legal services.”

Chambers Europe

ABOUT US

ALRUD is one of Russia's leading law firms, providing a full range of services at the highest standards.

Established in 1991 by Senior Partners Maxim Alekseyev and Vassily Rudomino.

The ALRUD Dispute Resolution Practice is among the largest, most experienced, and most sought-after in the Russian market for legal services. We represent clients in Russia and abroad in proceedings regarding the recognition and enforcement of judicial decisions and arbitral awards, among other matters.

AREAS OF WORK

- Litigation
- Arbitration and Cross-Border Disputes
- Restructuring and Insolvency
- White Collar Crime, Compliance and Investigations

PRAVO 300 · Kommersant · Expert · ALRUD LAW FIRM Best Lawyers RECOGNIZED BY 2022 · WWL AWARDS Russia

RANKED IN Chambers Global 2022 ALRUD Law Firm · TOP RANKED Chambers Europe 2021 ALRUD Law Firm · TOP RANKED Chambers High Net Worth 2021 ALRUD Law Firm · THE LAWYER European Awards 2020 WINNER Law firm of the year: Russia and the CIS ALRUD · The LEGAL 500 EMEA TOP TIER 2021 · IFLR 1000 RECOGNISED FIRM 2021-22



Learn more about ALRUD's Dispute Resolution practice.

ALRUD

ALRUD

alrud.com