Cross-Border Enforcement Center - Russia

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Last review date: January 2022

# Judgments

## With which jurisdictions does this country have reciprocal arrangements for enforcement of judgments?

**Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002:**

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

**Bilateral:**

Albania, Algeria, Argentina, Azerbaijan, Belarus, Bosnia & Herzegovina, Bulgaria, China, Croatia, Cuba, Cyprus, Czech Republic, Egypt, Estonia, Georgia, Greece, Hungary, India, Iran, Iraq, Italy, Kyrgystan, Latvia, Lithuania, Moldova, Mongolia, Montenegro, North Korea, North Macedonia, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Tunisia, Yemen, and Vietnam.

## If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. Foreign court judgments might be enforced on the basis of international comity and reciprocity. However, the number of judgments enforced on the basis of reciprocity is very limited.

## What is the approximate time required to register and enforce a foreign judgment if unopposed?

The statutory time period for the first instance court to consider the application is one month as from its filing with an arbitrazh (state commercial) court of a constituent entity (for commercial disputes), and two months as from filing with a district court of general jurisdiction (for non-commercial disputes).  In practice, the court review may take longer, depending on particular circumstances of the dispute and court workload.

## What is the approximate time required to register and enforce a foreign judgment if opposed?

Where the enforcement of a foreign judgment is opposed, the proceedings both at arbitrazh (state commercial) courts and courts of general jurisdiction as a rule last from 6 to 14 months. If there is no bilateral treaty, the proceedings in practice may take longer. Also, the duration of proceedings depends on the workload of judges at a particular court, which is higher in Moscow.

## What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

State duty for filing an application is USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. As a rule, expenses do not exceed USD 1,000.  The approximate amount of legal fees ranges from approximately USD 25,000 to USD 40,000.

## What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

State duty for filing an application is approximately USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. State duty for the review of court decisions is unsubstantial. Expenses will likely exceed USD 1,000 where the proceedings are lengthy, and especially in case of re-trial. The approximate amount of legal fees starts from approximately USD 45,000 and can exceed approximately USD 150,000, especially in case of re-trial.

## Are there any unusual difficulties in enforcing a foreign judgment?

If there is no relevant international treaty between Russia and a relevant foreign jurisdiction, the court might enforce the judgment on the basis of international comity and reciprocity. In such case, a party would need to prove that Russian court judgments were or at least can be enforced by the courts of the relevant foreign jurisdiction. However, this process is costly and may not be effective.  Due to a new law in effect on 19 June 2020 granting Russian state courts exclusive competence in disputes involving Russian sanctioned entities or in disputes based on sanctions, the enforcement of foreign court judgments issued in such disputes may in certain circumstances be refused based on the violation of the exclusive competence of Russian state courts and/ or public policy grounds.

# Arbitration Awards

## Is this jurisdiction a party to the New York Convention?

Yes.

## What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

The statutory time period for the court to consider the application is one month as from its filing with an arbitrazh (state commercial) court of a constituent entity (for commercial disputes), and two months as from its filing with a district court of general jurisdiction (for non-commercial disputes). In practice, such enforcement can take up to 3 - 4 months.

## What is the approximate time required to register and enforce a foreign arbitration award if opposed?

The proceedings as a rule may take from 10 months to 2 years (especially in instances where the case was sent to re-trial).

## What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

State duty for filing an application is approximately USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. As a rule, expenses do not exceed USD 1,000. The approximate amount of legal fees ranges from approximately USD 25,000 to USD 40,000.

## What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

State duty for filing an application is approximately USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. State duty for the review of court decisions is unsubstantial. Expenses will likely exceed USD 1,000 where the proceedings are lengthy, and especially in case of re-trial. The approximate amount of legal fees starts from approximately USD 45,000 and can exceed approximately USD 150,000, especially in case of re-trial.

## Are there any unusual difficulties in enforcing a foreign arbitration award?

So far there is no established court practice of enforcing awards in various types of arbitrable corporate disputes concerning Russian legal entities.  Certain difficulties may also arise in the event the dispute involves a public law element, for example, the use of public funds or a Russian legal entity as the award debtor, in which case Russian courts may consider the dispute to be non-arbitrable. Court practice on this issue is not uniform.

 Due to a new law in effect on 19 June 2020 granting Russian state courts exclusive competence in disputes involving Russian sanctioned entities or in disputes based on sanctions, the enforcement of foreign arbitral awards issued in such disputes may in certain circumstances be refused based on exclusive competence or public policy grounds.

# Limitation

## Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

## If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date of the foreign judgment's entry into force.

## If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date of the foreign arbitral award's entry into force.

# Enforcement

## Are fees and costs of enforcement typically recoverable?

Yes.

## Is seizure of goods available as an enforcement method?

Yes.

## Is attachment of earnings available as an enforcement method?

Yes.

## Is attachment of third party debts available as an enforcement method?

Yes.

## Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

## Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

## Can a receiver be appointed by way of enforcement?

Yes.

## Any other method of enforcement?

No.

# Contacts

## What papers will be needed?

For enforcement of a foreign arbitral award:

A duly certified original arbitral award or its duly certified copy.

An original arbitration agreement or its duly certified copy.

A duly certified translation of the above documents into Russian.

For enforcement of a foreign court judgment:

A certified copy thereof.

A certified document confirming that the foreign judgment entered into force, except when it is stated in the judgment.

A document certifying and confirming that a debtor was duly notified of the proceedings in the foreign court.

A power of attorney or other duly certified document confirming the signatory's authority.

Documents certifying that a copy of the application was sent to the debtor.

A duly certified translation of all the documents above into Russian.

A document certifying the payment of the filing fee.

For non-commercial disputes, the confirmation of enforcement of the foreign judgment in a foreign jurisdiction should be enclosed, if applicable.

# Rating

## Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

## Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

# Reciprocal Enforcement Maps

## Reciprocal Enforcement Maps

EMEA

Click the link below to access the reciprocal maps for Russia.

[Reciprocal Enforcement Map](https://resourcehub.bakermckenzie.com/en/-/media/cross-border-enforcement-center/files/emea/russia.pdf?sc_lang=en)

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