



On 24 June 2021 the Board of the Chamber of Commerce and Industry of the Russian Federation approved Regulations on the Certification by Authorised Chambers of Commerce and Industry of Force-Majeure Circumstances under Contracts Concluded within the Framework of Russian Economic Activity (hereinafter the “**Regulations**”).

At the height of the spread of the novel coronavirus infection in 2020, the Chamber of Commerce and Industry of the Russian Federation published methodological recommendations on the certification of force-majeure circumstances between Russian subjects of entrepreneurial relations. The Regulations clarify the previously recommended procedure on the issue of force-majeure opinions by regional chambers of commerce and industry and other issues.

In this letter you can find out about the most important issues reflected in the Regulations.

Selection of a competent chamber of commerce and industry

The issue of an opinion on the presence of force-majeure circumstances is based on the territorial principle, in other words, such competence is assigned to the chamber of commerce and industry of the constituent entity of the Russian Federation where the force-majeure circumstance occurred.

Procedure to be followed to obtain an opinion

To obtain an opinion on the presence of force majeure, it is necessary to apply in accordance with the form established by the Regulations. The application should contain a note of the applicant that the latter is liable for the truthfulness of the documents submitted to the chamber of commerce and industry. The applicant must submit the following set of documents:

- Copy of the contract with annexes, supplemental agreements, specifications thereto, pertaining directly to the obligations of the applicant;
- Information on the volumes of obligations which had been performed under the contract at the time of the filing of the application;
- Copies of the documents of the competent authorities confirming the events cited by the applicant as force-majeure circumstances;
- Copy of the charter of the legal entity;
- Excerpt from the Unified State Register of Legal Entities obtained from the official website of the Federal Tax Service of Russia;
- Document confirming the appointment or election of the chief executive officer of the applicant.

Timeframe for the consideration of an application – ten business days from the date of its receipt, where necessary this timeframe may be extended by a maximum of ten more days.

After considering the application, the regional chamber of commerce and industry issues an opinion certifying the presence of the force-majeure circumstances, or a reasoned refusal. The opinion is issued for a fee in accordance with the tariffs of the RF Chamber of Commerce and Industry.

Situation where a certification of force-majeure circumstances is not carried out

Regional chambers of commerce and industry do not certify force-majeure circumstances which arose:

- under non-contractual relations;
- under a contract where one of the parties is an individual who does not have the status of individual entrepreneur;
- in foreign trade transactions.

Kind regards

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