

Digitalisation of the justice system: Changes in the Russian codes of procedure



Amendments to the Russian Commercial Procedure Code, Civil Procedure Code, and Administrative Judicial Procedure Code went into force on 1 January 2022; these changes are aimed at governing remote participation in the judicial process [\[1\]](#) .

The key amendments are as follows:

1. Statements of claim, petitions, appeals, disclosures, and other documents may be filed with the court in electronic form via:

- the federal *Gosuslugi* [State Services] system, or
- another unified information system, as established by the Supreme Court or Russia, or
- the electronic document exchange systems of participants in the arbitration process, using the unified interagency electronic communications system.

Documents sent via the *Gosuslugi* system may be signed with a simple electronic signature. Exceptions are applications for granting interim measures and motions in arrest of judgment: these should be signed by an enhanced encrypted and certified digital signature.

2. Claimants that are legal entities must also indicate their taxpayer identification number (INN), while individuals must indicate one of several identifiers (individual insurance account number ("SNILS"), INN, or the series and number of their passport, driver's license, or vehicle registration certificate).

3. The claimant has the right to send other parties to the case a copy of the statement of claim with attachments through the *Gosuslugi* system **instead of** sending it by mail. The respondent has a similar right when sending his/her response to the claim.

4. Notices of process and acts of the court in electronic form are sent to participants of commercial arbitration proceedings using the *Gosuslugi* system. In order to receive notices via *Gosuslugi*, participants in the proceedings should give their consent using the same system.

5. If the commercial court has evidence of the receipt of rulings on the acceptance of a statement of claim for proceedings, the initiation of case proceedings and information on the time and place of the first court session by parties to a case, then court rulings that set the time and place of subsequent court sessions are sent to parties by posting these court rulings to the information system determined by the Supreme Court of Russia, in limited-access mode.

The commercial courts also have the right to notify the given parties of subsequent sessions by sending information by email or using other means of communications.

6. A list of cases in which a notice is considered to have been received has been added to the Civil Procedure Code of the Russian Federation: (1) if it has been hand-delivered to the authorised official of a branch and representative office; (2) if it has been hand-delivered to the **representative** of a party to a case; (3) if there is proof of the delivery of the electronic court notice.

7. The procedural codes now foresee holding court sessions and receiving submissions in web conference format. A petition must be filed to participate in a web conference. The court issues a ruling on the party's

participation in the session via web conference; this ruling indicates the time of the session. Information necessary to participate in the session is sent to the participants in advance.

8. The identity of the parties participating in a court session via web conference is to be established using a unified biometric system.

9. Web conference participants may file statements, motions, and other documents in electronic form.

10. The commercial court obtains signatures from witnesses, experts, and translators participating in the court session via web conference to attest that their rights and obligations have been explained to them and that they have been warned of their liability for violating them; these signatures are to be provided to the commercial court in the form of an electronic documents signed with an enhanced encrypted and certified digital signature.

11. When a web conference system is used, minutes are taken and the court session is recorded on video. A physical copy of the video recording is to be attached to the minutes of the court session.

For the practical implementation of the new provisions, the Russian Supreme Court has to establish requirements on the hardware and software to be used when organising web conferences.

All amendments will apply contingent on whether the specific court has the necessary technical facilities.

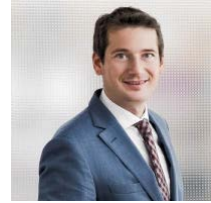
[1] Federal Law No. 440-FZ dated 30 December 2021 "On Amending Certain Legislative Acts of the Russian Federation".

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