**Published: Belyakova J., Bakhin S. Res Judicata in State Courts and International Commercial Arbitration Courts: the Doctrine and Practice in the Russian Federation // Journal of Private International Law. 2015. V. 88. N 2. P. 16-27.**

**RES JUDICATA IN STATE COURTS AND INTERNATIONAL**

**COMMERCIAL ARBITRATION COURTS:**

**THE DOCTRINE AND PRACTICE IN THE RUSSIAN FEDERATION**

**© Julia Belyakova [[1]](#footnote-1)\***

**© Sergey Bakhin[[2]](#footnote-2)\*\***

**Summary**: The Article discusses the *res judicata* effect of state court judgements for international commercial arbitration courts and other arbitration tribunals and, conversely, that of decisions of international commercial arbitration courts and other arbitration tribunals on state courts.

**Keywords**: *Praejudicialis, res judicata, jurisdiction, state courts, international commercial arbitration courts and other arbitration tribunals.*

***Res judicata* and its effect**

All legal systems in matters of adjudication and dispute resolution provide, one way or another, for a legal vehicle precluding repeated adjudication of the same claim brought by the same parties. Such an instrument is aimed at the prevention of, firstly, contradicting rulings and, secondly, differing finding of the same facts. This effect is sought to be achieved not only in domestic adjudication and arbitration, but in cases of rulings by juridical authorities of different states as well.

The regulation aimed at the achievement of the above results has been realized in the legal constructions commonly referred to as *res judicata* or «claim preclusion». These institutions of procedural law are closely related, but not identical.

The formula of *res judicata,* having its origin in Roman law, provides that the final ruling of a competent court, once in force, is binding on the parties and may not be reversed.

The term «claim preclusion», originating in the Latin *praejudicialis*, embraces the whole of the circumstances not subject to proving as having been established in a court ruling in force in a prior adjudicated claim of the same parties.[[3]](#footnote-3) It may be concluded that claim preclusion is mainly designed to make impossible the carrying out of court rulings for the same parties having differing legal findings of the same facts.

Discussing the Russian procedural doctrine V.V. Yarkov concludes that claim preclusion makes unnecessary the «proving of facts established in a court ruling in force as not subject to further additional proof. By this reason, in accordance with Article 69 of the RF Code of Arbitration Procedure (*hereinafter, the “Code” – the authors*), facts established in an arbitration court ruling in force in a prior adjudicated claim require no further proof in an arbitration court proceeding on another claim of the same parties».[[4]](#footnote-4) O.Yu. Nefyodova adds hereto that claim preclusion possesses two specific aspects and effects «not only the dispensation with the requirement of proof of facts prior established, but also prohibits their rebuttal. This result is in effect unless and until there is a due process reversal of the ruling establishing such facts».[[5]](#footnote-5)

Claim preclusion stems from such «public» aspect of a court ruling as its legal force. Without specific discussion of this term in this Article, the authors only note that the entry into legal force of a court ruling produces certain legal consequences which domestic doctrine names the «characteristics of a court ruling». V.M. Semyonov and N.B. Zeider, for instance, notice that a court act, having entered into legal force, obtains the overall quality of being binding, from which follow the other, narrower characteristics of non-rebuttability, enforceability, exclusivity and the capacity of claim preclusion.[[6]](#footnote-6)

***Res Judicata* and Arbitration in Tribunals**

It should be noted that the issue of the legal force of a court ruling is referred to primarily in relation to state judicial organs and far less frequently in the case of arbitration in tribunals other than state ones. Principally, the *res judicata* effect of rulings of arbitration tribunals has been contested on the alleged ground that such arbitration is of private nature and a ruling by an arbitration tribunal is binding on the parties only.

Generally, the application of *res judicata* in arbitration practice is researched, without differentiation, in both domestic and international commercial arbitration. However, the specificity of the legal status of international commercial arbitration tribunals (hereinafter, «ICA») and the *res judicata* effect, whether full or partial, of their rulings require special assessment.

In our opinion, the said specificity has the following characteristics: In case of a dispute under (one) domestic jurisdiction, it is generally at the discretion of the parties which venue to choose, whether an adjudication in a state judicial organ or an arbitration in a tribunal. The situation is different in the case of parties that are nationals of different states. Referral to an ICA in a number of cases is mandatory in the absence of institutions of recognition and enforcement of foreign judgments between the states of nationality of the parties. In such cases, the guarantee of protection of the rights is ensured by referral to an ICA and, hence, to the system of recognition and enforcement of foreign judgments as provided for in the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958 (hereinafter, the «New York Convention»).

Despite the fact that arbitration tribunals and ICAs are of the similar nature, one may not neglect differences in their regulation. Regulation of arbitration tribunals is done at domestic level solely and differently in each state, whereas that of ICAs has complex legal character and, as a rule, is based on the provisions of the three interrelated international documents, namely, the New York Convention, the European Convention on International Commercial Arbitration of April 21, 1961, and the national laws and regulations, often drafted on the basis of the UNCITRAL Model Law on International Commercial Arbitration of 1985.

Whereas the said UNCITRAL Model Law is but a model example for national legislation, its use ensures a certain degree of unification of status of ICAs in different states. Besides, a substantial level of unification has been achieved in matters of procedure of dispute resolution in ICAs, as their regulations are based on one source, the UNCITRAL Arbitration Rules of 1976 (in its new version of 2010). That is why, in our view, one may not speak of full uniformity of the institutions of domestic arbitration tribunals and ICAs.

According to O.Yu. Skvortsov, the issue of *res judicata* as applicable to domestic arbitration tribunals is two-fold: Firstly, the effect of *res judicata* of decisions of arbitration tribunals on state courts and, secondly, the effect of *res judicata* of rulings of state courts on arbitration tribunals.[[7]](#footnote-7) One more issue should apparently be added hereto, that of such effect of a decision of one arbitration tribunal on that of the other. In the case of an ICA the matter becomes significantly more complex as the above described situation concerns foreign courts and arbitrations, when the matter of *res judicata* obtains international character.

**Doctrine on *res judicata* as applicable to ICAs**

Despite the recent nature of active discussion of the possible res judicata effect of an arbitral decision on a state court, and vice versa, the issue had been tackled by Russian jurists before the October Revolution of 1917. In his 1986 study V.A. Schening considered, referring to Article 893 of the Statute for Civil Procedure, the possibility of admission by a state court of a decision of an arbitration tribunal in evidence or in pleadings for claim dismissal in a civil law litigation, provided, however, that a state court must assess lest the decision of the tribunal contain a «capital breach of the rule of law».[[8]](#footnote-8) O.Yu. Skvortsov concludes that in prerevolutionary jurisprudence a decision of an arbitration tribunal had had no claim preclusion effect on state courts and had in fact been treated as evidence along with the other evidence presented by the parties, to be assessed by the court in the plurality of evidence.[[9]](#footnote-9)

Soviet jurisprudence had treated the discussed problem of *res judicata* effect of decisions of arbitration tribunals and ICAs as insufficiently significant, receiving only sporadic, and diverse, appraisal in domestic juridical science.

The doctrine regarding the *res judicata* effect of state court rulings on ICAs appears somewhat clearer. The following position of A.Ye. Berezyi and V.A. Musin has found scholarly support, namely that state arbitration court rulings are binding on non-state arbitration tribunals, when such a tribunal entertains a different claim of the same parties on the same subject matter. These authors found their opinion on the legal norm according to which a state arbitration court ruling upon entry into force becomes binding on «all state, (non-state) local and other authorities». A.Ye. Berezyi and V.A. Musin propose that the latter should be applicable to arbitration tribunals as well.[[10]](#footnote-10)

The situation is different in the case of foreign state court rulings. As V.V. Yarkov points out, a *conditio sine qua non* for *res judicata* is the recognition and enforcement of a foreign court judgment. Unless a judgment has been recognized, it does not and may not have any legal force on the territory of the Russian Federation, either for state courts, organizations or citizens, or for arbitration forums residing in the Russian Federation.[[11]](#footnote-11)

More complicated is the case of the binding force of rulings carried out by arbitration tribunals on state courts. A.Ye. Berezyi and V.A. Musin propose that an arbitration tribunal decision possesses, with exceptions, binding force; since the pending proceeding in an arbitration tribunal is ground for claim dismissal, as well as an arbitration court ruling carried out is ground for termination of the proceeding, one may then conclude on the *res judicata* effect of such arbitration tribunal ruling on a state arbitration court adjudicating a different claim of the same parties on the same subject matter.[[12]](#footnote-12)

N. Gromov suggests that decisions of arbitration tribunals have the *res judicata* effect as acts of a public organization vested with such *res judicata* power on state courts litigating civil law cases.[[13]](#footnote-13) V.P. Vologzhanin points out that facts established by an arbitration tribunal «may not be contested and require no further proof in a subsequent proceeding».[[14]](#footnote-14) According to Yu.K. Osipov, a court may not disregard decisions of state and other arbitration courts and tribunals, unless such court has the review jurisdiction over the legality and groundness of the decisions.[[15]](#footnote-15)

M.G. Rozenberg, in his study of the practice of the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation (ICAC), concludes that «since state courts have, by law (the RF Law On International Commercial Arbitration of 1993 – *the authors*), no review jurisdiction over substantive rulings of ICAC, substantive facts established by decision of ICAC require no further proof either in subsequent review of ICAC decisions by state general courts, or in adjudicating other disputes of the parties, either in state general courts or state arbitration courts».[[16]](#footnote-16)

The above position is not shared by S.N. Lebedev, saying that an arbitral ruling, absent the corresponding exequatur, must be treated as a private act having the quality of rebuttable presumption, and not that of non-rebuttable proof.[[17]](#footnote-17) V.M. Sherstyuk suggests that an arbitration tribunal ruling may be used by a state arbitration court as written evidence only, subject to proving as any other evidence.[[18]](#footnote-18)

S.A. Kurochkin refers to the applicable procedural law and points out that it does not list arbitration tribunals’ rulings as ground for disposition with the requirement for proof, nor does it prohibit the parties to an arbitration tribunal to dispute, or state courts to assess, facts prior established by decision of an arbitration tribunal.[[19]](#footnote-19)

According to V.V. Yarkov, the *res judicata* effect of arbitration decisions may only be obtainable in those that have been recognized and executed by state courts; that is why one may speak of the *res judicata* effect of those arbitration decisions that have been affirmed by way of issue of writ of execution and thus by way of legal force of a corresponding judicial act of a state court.

For ICA decisions that have not undergone recognition and execution, V.V. Yarkov offers different treatment. The first such instance is the appeal of an ICA decision: In the case of an unsuccessful appeal to the competent state court, such decision obtains its binding force and the *res judicata* effect due to the fact of recitation of certain facts in a dismissal ruling issued by the state court. The second instance is voluntary execution by the debtor of an arbitral award; *res judicata* may hardly be relevant here, be it the case of an ICA ruling rendered in the Russian Federation or abroad.[[20]](#footnote-20)

Both V.V. Yarkov and E.A. Vinogradova suggest that an arbitration decision that has not been recognized and executed in the Russian Federation may hardly be lawfully admitted as written evidence. Rules of evidence in state courts provide for admission and assessment of written evidence *per se*, and not its rendition in the text of an arbitration ruling.[[21]](#footnote-21)

***Res Judicata* in the Practice of ICAs**

It should be noted that the doctrine regarding *res judicata* in the case of state courts and ICAs does not always hold well with practice. Moreover, the practice itself is far from being well established.

For example, the Supreme Arbitration Court of the Russian Federation (hereinafter, the «Court») in one of its rulings rejected the claim that the lower courts had had no jurisdiction thus in fact reverting the decision of ICAC. The Court referred to Article 69 of the Code and found that the «circumstances established by decision of the arbitration tribunal have no *res judicata* effect on the case at hand and therefore must be established by the courts».[[22]](#footnote-22) Similar determination regarding the decision by an arbitration tribunal was later made by the Federal Arbitration Court for the Northwestern District (hereinafter, “FAC (NW”).[[23]](#footnote-23) However, neither the Court, nor FAC (NW), while referring to Article 69 of the Code, stated reasons for denying the application of *res judicata* in the cases heard by them.

Yet, the position taken by these Courts could be interpreted in two ways. On the one hand, the Courts stated the absence of *res judicata* effect for the «case at hand», and not so for the arbitration decision *per se*. On the other hand, the lack of any reasoning for referring to Article 69 of the Code allows for the understanding of the positions taken by the Court and FAC (NW) as refusing the *res judicata* effect to decisions of arbitration tribunals in the absence of clear language in the Article to the contrary.

The Thirteenth Appellate Arbitration Court of the Russian Federation (hereinafter, «FAAC») in its decision has stated that prior findings made by the state arbitration court and ICAC have no *res judicata* effect, «since there is no full identity of the claimants in the cases». FAAC added along, however, that the decision of ICAC «has not presently been executed on the territory of the Russian Federation and no writ of execution has been duly issued hereof as provided for in Article 30 of the Code».[[24]](#footnote-24) It may be inferred from the above reasoning that, had the decision of ICAC been duly executed in the Russian Federation - and in the absence of the abovementioned lack of identity of the parties – then it might have had the *res judicata* effect.

Rather interesting is the decision of FAC (NW) in the case of a contract on the transportation of oil products between two Russian legal persons. The parties agreed to the «English law» as the applicable law, with the arbitration clause stipulating for dispute resolution by the Arbitration Institute of the Stockholm Chamber of Commerce. The plaintiff first filed action with the Arbitration Court for Murmansk Region for unjust enrichment resulting from unlawful invoicing of the value added tax as includable in the price for the transportation, and, further, with the FAAC.

The above two courts, on ground of the arbitration clause, concluded that the claim fell under jurisdiction of the Stockholm Arbitration Institute. FAC (NW) reversed the judgments on ground that there are Russian court decisions in force in cases between the plaintiff in the underlying case and the tax authorities, with the defendant as a third party defendant. FAC (NW) further reasoned as follows: «The general and the appellate courts took no cognizance of the fact that, in adjudication of this dispute, international commercial arbitration court (*that is, the Arbitration Institute of the Stockholm Chamber of Commerce – authors’ note*) will be obliged to apply and interpret the decisions of state courts of the Russian Federation, and assess the facts established by these judicial rulings that have the *res judicata* effect, as well as apply the tax law of the Russian Federation».[[25]](#footnote-25) Having stated that this claim falls under jurisdiction of an arbitration court, FAC (NW) ordered a new trial.

It is significant that FAC (NW) did not rule as breach of law that the parties had subjected the contract of two Russian persons to foreign law, nor that the parties had agreed to submit their disputes to the Stockholm Arbitration Institute, but only noted that that the said Institute may not reassess the facts established in the judicial rulings of the Russian courts and having the *res judicata* effect.

One may find, however, a different approach in the juridical practice to the issue of *res judicata*. By decision of the Moscow City Court for Tver District the plaintiff was awarded interest accrued on a loan agreement as had prior been established by decision of ICAC. The court determined that the creditor did not perform on its obligations of repayment of the body of the debt, on the evidence of the «account statement and the decision in force of the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation».[[26]](#footnote-26) The Moscow City Court, on appeal, rejected, as contrary to law, the contention of the claimant that the facts established by decision in force of ICAC allegedly have no *res judicata* effect.[[27]](#footnote-27) The Moscow City Court dismissed the appeal and stayed the decision of the lower court, thus definitely recognizing the *res judicata* effect of the facts established by decision of ICAC. It is unfortunate, however, that this court did not state the reasons for its conclusion that it is misinterpretation of law to allege that decisions by ICAC possess no *res judicata* force.

Let us revert to the practice of *res judicata* in decisions by ICAs. Acceptance by these arbitration tribunals of the *res judicata* effect of prior state court judgments with respect to the same parties appears quite justifiable. Thus, in its 1998 decision ICAC affirmed, with respect to the same parties, the *res judicata* effect of a state arbitration court’s ruling on an assignment of collateral, by which ruling that assignment was voided.[[28]](#footnote-28)

There have been cases of recognition by ICAs of the *res judicata* effect of foreign state court judgments. For example, in its 2008 decision ICAC «took notice» of the decision of the Helsinki City Court of the First Instance and carried out its decision taking cognizance of the facts and legal conclusions established by that court.[[29]](#footnote-29) It should be noted that ICAC has recognized the *res judicata* effect of the facts and circumstances established in a foreign judgment despite the fact that the judgment had not been recognized and executed on the territory of the Russian Federation.

Quite evident are the cases of recognition by ICAs of the *res judicata* effect of own prior decisions. In 1999 ICAC in a dispute of a Russian and a Panamese companies ruled on the *res judicata* effect of the facts established in its own prior decision with regard to the same parties to the same contract.[[30]](#footnote-30) In a 2003 dispute between a Turkish and a Russian companies ICAC again affirmed the *res judicata* effect of its own prior 1999 decision on a dispute of the same parties.[[31]](#footnote-31)

More complicated appears to be the case of recognition of the *res judicata* effect of a foreign arbitration decision. One 2013 dispute resolved by ICAC is in point: A contract of a Russian and an Ukrainian parties contained an alternative arbitration clause according to which disputes of the parties were to be submitted to the «International Commercial Arbitration Court of the Chamber of Commerce and Industry of the State of residence of the Plaintiff». Pursuant to this clause, the parties initiated arbitration proceedings first at the Ukrainian ICAC and further at ICAC.

Contesting jurisdiction of ICAC over the said case, the Ukrainian party argued that, as a result of its filing the complaint with the Ukrainian ICAC, it has exercised the option in the arbitration clause of the agreement and the clause has become non-alternative. To that ICAC reasoned that the language of the arbitration clause does not preclude the option of ICAC’s entertaining the other complaint, as having different subject matter and legal ground in comparison to that prior resolved at the Ukrainian ICAC. ICAC has, however, on pleading of the Ukrainian party, admitted in evidence the previous decision by the Ukrainian ICAC.

In its ruling ICAC accepted the *res judicata* nature of the Ukrainian ICAC’s decision, that is that of a foreign ICA: «Pursuant to the principle of *res judicata*, as the legal vehicle designed for prevention and removal of contradictions of prior and subsequent decisions, according to which the facts established and the conclusions made in a prior resolved dispute may be admitted in subsequent litigation or dispute resolution, this Court, in this part, does accept the *res judicata* effect of the decision by the Ukrainian ICAC…».[[32]](#footnote-32)

The above examples are taken from the practice of domestic state courts and, mainly, ICAC, acting in the Russian Federation. Recently, however, the issue of the res judicata effect of ICAs’ decisions has clearly developed international character. One should concur with O.Yu. Skvortsov suggesting that the problem of *res judicata* of decisions by arbitration tribunals has become most urgent.[[33]](#footnote-33)

This Article attempts to demonstrate that, in both doctrine and practice, there has not evolved a unified approach in the treatment of *res judicata* in relations of state courts and ICAs. S.A. Kurochkin and O.Yu. Skvortsov suggest that there exists a gap in the law, which must be filled to allow for positive acceptance of the *res judicata* effect of decisions by ICAs and arbitration tribunals.[[34]](#footnote-34)

Having generally consented to the above approach, the authors ought to point to a number of related complications. First, whereas domestically the matters of *res judicata* may be settled in national law, a special international agreement should apparently be required for resolving these internationally. The elaboration and signing of such an agreement will, however, be rather problematic due to substantial differences in the scope and application rules of *res judicata* in different legal systems.

Last, but not least, the adoption of legal instruments for the application of *res judicata* in the case of decisions by ICAs, appears to clash irreconcilably with the recent widespread concept of the so-called «delocalization» of arbitration, according to which both the arbitration tribunal and its decisions are treated as «autonomous» and lacking connection to any legal system.

1. \* **Julia Victorovna Belyakova** is a Master of Laws student at the Law Faculty of the St. Petersburg State University. [↑](#footnote-ref-1)
2. \*\* **Sergey Vladimirovich Bakhin** is Professor and Doctor of Laws, Chair of the Department of International Law at the Law Faculty of the St. Petersburg State University. [↑](#footnote-ref-2)
3. **M.K. Treushnikov**, Evidence, Moscow, 3d ed., 2004, p. 27. **I.V. Reshetnikova**, A Course in Evidence in Russian Civil Procedure, Moscow, 2000, p. 138. **A.M. Bezrukov**, Claim Preclusion in Court Rulings, Moscow, 2007, p. 38. [↑](#footnote-ref-3)
4. **V.V. Yarkov**, Some Aspects of Interrelation of Arbitration Court and Court Proceeding, International Public and Private Law: Problems and Perspectives, *Liber Amicorum* in honor of Professor L.N. Galenskaya, Ed. S.V. Bakhin, Saint-Petersburg, 2007, p. 518. [↑](#footnote-ref-4)
5. **O.Yu. Nefyodova**, The Practice of Application of Article 58 of the RF Code of Arbitration Procedure, Arbitration Court Practice, 2001, No. 1 (13), p. 39. [↑](#footnote-ref-5)
6. **V.M. Semyonov**, Issues of Theory of a Court Ruling, Issues of Efficacy of Judicial Defense of Personal Rights: A Collection of Scholarly Works, Ed. K.I. Komissarov, Sverdlovsk, 1978, p. 143. **N.B. Zeider**, Court Ruling in a Civil Law Proceeding, Moscow, 1966, p. 138. [↑](#footnote-ref-6)
7. **O.Yu. Skvortsov**, Op. cit., p. 491. [↑](#footnote-ref-7)
8. **V.A. Schening**, On the Legal Force of Arbitral Decisions, Journal of the Ministry of Justice, 1869, No 6 (June), p. 68. [↑](#footnote-ref-8)
9. **O.Yu. Skvortsov**, Arbitration of Commercial Disputes in Russia: Problems, Trends, Perspectives, Moscow, 2005, p. 490. [↑](#footnote-ref-9)
10. **A.Ye. Berezyi and V.A. Musin**, On Claim Preclusion of Court Rulings, the Bulletin of the Supreme Court of Arbitration of the Russian Federation, 2001, No 6, p. 68. [↑](#footnote-ref-10)
11. **V.V. Yarkov**, Juridical Facts in Civil Law Litigation, Moscow, 2012, p. 178. [↑](#footnote-ref-11)
12. **A.Ye. Berezyi and V.A. Musin**, Op. cit., p. 68. [↑](#footnote-ref-12)
13. **N. Gromov**, Application of *Res Judicata* in Civil Law Litigation on Newly Discovered Evidence, Zakonnost (Justice), 1998, No 2, p. 36. [↑](#footnote-ref-13)
14. **V.P. Vologzhanin**, Out-of-court Disposition of Civil Law Disputes, Sverdlovsk, 1974, p. 137. [↑](#footnote-ref-14)
15. Civil Law Procedure, Ed. Yu.K. Osipov, Moscow, 1995, p. 165 (author of Chapter). [↑](#footnote-ref-15)
16. Practice of International Commercial Arbitration Court, A commentary of doctrine and practice, M.G. Rozenberg (compilation and commentary), Moscow, 1997, p. 231. [↑](#footnote-ref-16)
17. **S.N. Lebedev**, International Trade Arbitration, Moscow, 1965, p. 22. [↑](#footnote-ref-17)
18. **V.M. Sherstyuk**, Commentary to Statements of the Plenum of the RF Supreme Court of Arbitration on Issues of Arbitration Procedure, Moscow, 2000, pp. 32-33. [↑](#footnote-ref-18)
19. **S.A. Kurochkin**, State Courts in Domestic Arbitration and International Commercial Arbitration, Moscow, 2008, p. 129. [↑](#footnote-ref-19)
20. **V.V. Yarkov**, Op. cit., pp. 176-177. [↑](#footnote-ref-20)
21. Id., p. 177. Arbitration Procedure Textbook, 2nd ed., ed. V.V. Yarkov, Moscow, 2003, p. 734 (authored by E.A. Vinogradova). [↑](#footnote-ref-21)
22. Decision of the Court of November 8, 2010 No VAS-13578/10 in the matter No A82-559/2009-8, available at Consultant Plus databases. [↑](#footnote-ref-22)
23. Decision of FAC (NW) of February 7, 2012 in the matter No A21-8337/2010, available at Consultant Plus databases. [↑](#footnote-ref-23)
24. Decision of FAAC of July 26, 2011, in the matter No A21-7031/2010. [↑](#footnote-ref-24)
25. Decision of the FAC (NW) of October 30, 2009 in the matter No A42-6966/2008, available at Consultant Plus databases. [↑](#footnote-ref-25)
26. Interestingly, both the decision by the Moscow City Court for Tver District and the decision by the Moscow City Court regarding the decision by ICAC use the language “decision in force”. [↑](#footnote-ref-26)
27. Decision of the Moscow City Court of October 12, 2012 in the matter No 11-20450, available at Consultant Plus databases. [↑](#footnote-ref-27)
28. The 1998 Practice of the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation, M.G. Rozenberg (compilation), Moscow, 1999, p. 105. [↑](#footnote-ref-28)
29. The 2007-2008 Practice of the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation, M.G. Rozenberg (compilation), Moscow, 2010, pp. 259-265. [↑](#footnote-ref-29)
30. The 1999-2000 Practice of the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation, M.G. Rozenberg (compilation), Moscow, 2002, p. 135. [↑](#footnote-ref-30)
31. On the Decision of the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation of February 27, 2003 in the matter No 82/2002, available at Consultant Plus databases. [↑](#footnote-ref-31)
32. Decision of the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation of September 2, 2013 in the matter No 225/2012, available at Consultant Plus databases. [↑](#footnote-ref-32)
33. **O.Yu. Skvortsov**, Op. cit., p. 490. [↑](#footnote-ref-33)
34. **S.A. Kurochkin, O.Yu. Skvotsov**, Op. cit., pp. 493-494. [↑](#footnote-ref-34)