ANNUAL REPORT

2017

2017

2017

2018

2019

2018
2017/2018
Chronology

THE BEGINNING
OF 2018
First cases submitted
to RAC

MARCH 2018
Russian Arbitration
Day 2018

JUNE 2018
The commencement
of the 100th arbitration

APRIL 2018
The change of name
to the Russian
Arbitration Center

SEPTEMBER 2017
Opening of the Far Eastern
Division of RAC

DECEMBER 2017
V.P. Mozolin Corporate
Arbitration Moot Court
Competition

JANUARY 2018
Opening of the Western
Division of RAC

OCTOBER 2017
Launch of the project
Modern Arbitration: LIVE

JULY 2018
The launch of the version
2.0 of Online System
of Arbitration

DECEMBER 2017
V.P. Mozolin Corporate
Arbitration Moot Court
Competition

APRIL 2018
The change of name
to the Russian
Arbitration Center
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MOVING INTO A NEW STATUS

Since 12 April 2018, Russian Arbitration Center at the Russian Institute of Modern Arbitration officially operates under a new name.

An organization can employ in its name the word “Russian” only after an authorization from the Ministry of Justice upon a positive recommendation from a special governmental commission.

RIMA received such authorization on 13 March 2018 by the Order of the Russian Ministry of Justice №288-p.

This news is hard to underestimate. This is indeed a new step in the development of the Arbitration Center that is now even more responsible for the future of the Russian arbitration. We will certainly do our best.

Yuriy Pilipenko,
President of the Board of the Russian Arbitration Center and President of the Federal Chamber of Lawyers

This is not a mere formality. The authorization to be named “Russian” is granted only to the organizations which activities are unique and socially important. This is exactly what we do. We develop and promote arbitration all around Russia.

Andrey Gorlenko,
General Director of RIMA

The Russian law has a fascinating history, of which every Russian lawyer should be proud. The classic approach elaborated during the late period of the Russian empire is a major achievement in the Russian legal science. The judges of the period of the Great court statutes are examples of utter professionalism, impartiality and independence, which is almost extinct today. I desperately wish that the Russian lawyers are able to say proudly: “I am a Russian lawyer; I practice the Russian law and I trust the Russian dispute resolution system”. The fact that the arbitral institution that I have honor and privilege to be listed as an arbitrator received a right to be named “Russian” is a modest step to this major goal.

Roman Bevzenko,
Member of the Board of the Russian Arbitration Center, Partner of Pepeliaev Gourp law firm
INTERNATIONAL COOPERATION

Among the main goals of the Russian Institute of Modern Arbitration is international cooperation aimed at promoting ADR throughout the world.

Last year proved to be particularly productive and fruitful in terms of cooperation in Asia-Pacific region.
The creation of the Young IMA is a landmark event in the life of the Russian arbitration community. Now the most active, energetic and lust for knowledge young practitioners have a real possibility to contribute to the development of arbitration in Russia with support from the leading Russian arbitration institution. Regular workshops, meetings with the stars of international arbitration organised by the Young IMA as well as regular publications in leading journals enable the students to be aware of the most recent tendencies in ADR. With the help of the Young IMA they will soon join the arbitration universe as lawyers or arbitrators.

Sergey Morozov, Co-Chair of Young IMA

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Practical orientation

The results of work by the Young IMA members (scientific and practical researches, constructive proposals for improving the practice of administering arbitration and forming pro-arbitration approaches in legislative and court practice) can be applied in the arbitration and ADR practice.

Institutional cooperation

For a young practitioner, it is not always an easy task to receive a speaking engagement during a large-scale arbitration event or publish an article in a reputable magazine. That is why the Russian Institute of Modern Arbitration believes that it is important to support young generation and prioritises youth-oriented activities.

Regional integration

In arbitration, territorial borders do not matter. What matters is your role in developing arbitration in the regions of Russia as well as your perspective on how to promote Russian arbitration.

Education

Conferences, lectures, courses, workshops, moot courts, round tables, discussions

Committees

For work on various aspects of ADR

Platform for blogs

About topical issues of modern arbitration

Young IMA intends to unite young practitioners who are eager to develop arbitration in Russia. For the past half of a year more than 100 specialists joined the organisation. They participate in the conferences organised by the RIMA, coach teams for international mediation competitions and publish reports on arbitration case law. Members of the Young IMA are the future of the RIMA as well as law firms. They will soon represent the interests of Russian arbitration community in general and those of clients in proceedings administered by the RIMA in particular.

Dmitry Andreev, Co-Chair of Young IMA

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Dmitry Andreev, Co-Chair of Young IMA
Co-Chairs of Young IMA

Sergey Alkhin
Associate, Willkie Farr & Gallagher LLP, Paris

Dmitry Andreev
Lawyer, Monastyrsky, Zyuba, Stepanov & Partners, LL.M

Sergey Morozov
Associate, Beiten Burkhardt, LL.M

Olga Tsvetkova
Senior Associate, Egorov, Puginskiy, Afanasyev and partners, LL.M

Evgeniya Chervats
Head of Practice, Regionservis, LL.M
Committees of Young IMA

Committee on moot courts
- Elena Mazatova
  Senior Lawyer, Yandex

Committee on investment arbitration
- Sergey Akshin
  Associate, Willkie Farr & Gallagher LLP

Committee on sports arbitration
- Nataly Kalyakova
  Associate, KIAP

Committee on corporate arbitration
- Julia Mikhachuk
  Counsel, Saveliev, Batanov & Partners

Committee on the interaction between state courts and arbitration
- Dmitry Andreev
  Lawyer, Monastyrsky, Zyuba, Stepanov & Partners, LL.M

Committee on the topical issues of arbitration
- Vadim Kolomnikov
  Associate, Debevoise & Plimpton LLP

Committee on mediation and ADR
- Olga Tsvaltsova
  Senior Associate, Egorov, Puginskiy, Afanasyev and partners, LL.M

Committee on the regional development
- Evgeniya Chervets
  Head of Practice, Regionservis, LL.M

Sergey Morozov
  Associate, Beiten Burkhardt, LL.M

Vadim Kolomnikov
  Associate, Debevoise & Plimpton LLP
RUSSIAN ARBITRATION CENTER: FIRST RESULTS

105 disputes

7,9 bln Aggregate amount in dispute (RUB)

12 Expedited arbitration proceedings

10 Sessions of the RAC Board

0 Annulments of rendered arbitral awards or refusals to enforce them
Arbitration of domestic disputes has become cheaper: amendments to the Arbitration Rules

On 20 September 2017, the Russian Arbitration Center adopted the amendments to the Arbitration Rules 2017 that concern the arbitration fees.

Russian Arbitration Center has significantly reduced the fixed, ad valorem rates of arbitration fees for the domestic disputes.

<table>
<thead>
<tr>
<th>Value of claim (RUB)</th>
<th>Arbitration fees - previously (RUB)</th>
<th>Arbitration fees - now (RUB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 000</td>
<td>90 000</td>
<td>60 000</td>
</tr>
<tr>
<td>1 500 000</td>
<td>190 000</td>
<td>105 000</td>
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<tr>
<td>5 000 000</td>
<td>487 500</td>
<td>168 000</td>
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<td>10 000 000</td>
<td>837 500</td>
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<td>30 000 000</td>
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<td>1 937 500</td>
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<td>100 000 000</td>
<td>2 512 500</td>
<td>1 300 000</td>
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<td>3 712 500</td>
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<td>4 512 500</td>
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<td>10 912 500</td>
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</tr>
<tr>
<td>10 000 000 000</td>
<td>18 912 500</td>
<td>10 000 000</td>
</tr>
</tbody>
</table>

The parties may choose either ad valorem or hourly rates for arbitration fees

Hourly rates can be more customary for international arbitrators and parties, as well as can allow reducing arbitration fees in uncomplicated disputes with the large value of claims.
During the last year, the Russian Arbitration Center has actively engaged into the list and databases of arbitrators high profile legal practitioners from Russia and abroad.

- **239** arbitrators in the list and databases of arbitrators of the Russian Arbitration Center
- **67** international arbitrators in the international arbitration database
- **5** specialized databases of arbitrators: international arbitration, corporate disputes, financial disputes, nuclear industry disputes, IP disputes
- **77** arbitrators hold an academic degree
- **110** arbitrators are included in the list of arbitrators of the Russian Arbitration Center
- **20** countries are represented in the list and databases of arbitrators
The list and databases of arbitrators of the Russian Arbitration Center include specialists from more than 20 countries.
Among the principles of the operation of the Russian Arbitration Center is ensuring equal opportunities for all professionals, irrespective of their nationality, age or gender.

In 2017, the Russian Arbitration Center has become the first Russian permanent arbitral institution to join the international initiative Equal Representation in Arbitration Pledge, aimed at the promotion of gender balance and supporting female legal practitioners in international arbitration.

This principle also guides us in appointing the arbitrators:

- Among 16 disputes, where the arbitral tribunal was constituted according to the Arbitration Rules of the Russian Arbitration Center, females were appointed as sole arbitrators in 7 disputes, which makes up 43% of all arbitrators’ appointments;
- Among 67 disputes, where the arbitral tribunal was constituted according to the Rules of the Division for Disputes in Nuclear Field, females were appointed as sole arbitrators in 21 disputes, which makes up 31% of all arbitrators’ appointments;

Moreover, women constitute 1/3 of the Board of the Russian Arbitration Center and 53% of the Administrative Office of the Russian Arbitration Center.

RUSSIAN ARBITRATION CENTER EXPANDS ITS ACTIVITY

During last year, the Russian Arbitration Center opened 3 divisions, including 2 regional divisions and one specialized division.

Far Eastern Division

Far Eastern Division was established in Vladivostok in September 2017 and provides all necessary facilities for the efficient administration of arbitration, including modern premises equipped with audio- and videoconference.

Russian Arbitration Center has also formed the database of arbitrators for Far Eastern Division that includes 23 arbitrators from Asia-Pacific region. Far Eastern Division has another office in Petropavlovsk-Kamchatskiy.

A Moscow-based arbitral institution has opened a branch in the port city of Vladivostok to handle disputes from the economically growing Far East of Russia.
Western Division

Western Division was established in Kaliningrad at the end of 2017 with a goal to ensure comfortable framework for doing business in Kaliningrad region by providing developed infrastructure for resolution of commercial disputes.

Western Division can administer domestic arbitration proceedings between Russian individuals and companies, including corporate disputes, as well as the disputes with the parties from the Baltic regions and other European countries.

As one of only a few arbitral institutions known to have gained a licence to operate under Russia’s reformed regime, the Arbitration Center at the Institute of Modern Arbitration has spread its wings with the launch of a new division in the Baltic region.

Division for Disputes in Nuclear Field

Specialized division for disputes in nuclear field was established in November 2017.

The Division has a specialized jurisdiction – administration of the disputes between the companies from the nuclear industry and nuclear energy field.

The disputes in the Division are resolved in accordance with the special Rules.

In order to develop and popularize arbitration throughout the country, the Russian Arbitration Center also enters into cooperation agreements, attracts arbitrators from the Russian regions, and organizes seminars and roundtables.

2 agreements of cooperation with the Russian regions:
Kaliningrad region
Sakhalin region

14 Russian regions, where RAC held seminars, roundtables and lectures

41 arbitrators from the Russian regions

Pictured (from left to right):
Andrey Gorlenko, General Director of Russian Institute of Modern Arbitration
Anton Alikhanov, Governor of Kaliningrad region

Signing of Cooperation Agreement with the Government of Kaliningrad region
Kaliningrad, 24 December 2017
DISPUTE RESOLUTION IN THE DIGITAL ERA: ONLINE SYSTEM OF ARBITRATION

The Online System of Arbitration developed by the Russian Arbitration Center won the first prize at Skolkovo Legal Tech Leader 2017.

User-friendliness

During the last year, the developers of the Online System of Arbitration were receiving feedback from the users of the Online System of Arbitration – parties to arbitration and arbitrators.

We took into account the feedback from the users and improved the availability of the Online System of Arbitration.

Online System of Arbitration enables the users to:

- Commence arbitration in one click: just indicate the names of Claimant and Respondent. Once the names of the parties are filled in, the Online System automatically finds all the necessary information in the database of the Russian legal entities.
- Follow the course of arbitration: the casefile comprises all the relevant information about the participants, tasks, budget and documents.
- Upload and download the necessary documents: via laptop, tablet or smartphone.

International expansion

Our main aim in 2018 was the availability of the Online System of Arbitration not only for the Russian parties, but for the international users as well.

We have officially launched the Online System of Arbitration in English.
The discussion focused on the arbitrability of disputes arising out of corporate procurement under the Federal Law No. 223-FZ.

The panelists discussed to which extent it was possible to limit the arbitrability of disputes, that is provided by law, due to the certain public elements of dispute, as well as which approach the court practice shall adopt.

The panel of speakers comprised: Roman Bevzenko (Pepeliaev Group), Andrey Panov (Norton Rose Fullbright), Andrey Rybalov (Private Law Directorate at the Constitutional Court of Russia), Ekaterina Smirnova (Yakovlev & Partners), and Yuly Tay (Bartoliis). The moderator of the discussion was Dmitry Stepanov (Egorov Puginsky Afanasiev & Partners).

This workshop was organized with the support of law firm EPAM and the Russian Arbitration Center at the Russian Institute of Modern Arbitration.
Plenary Session
“Future of the Legal Profession”

During the plenary session, Russian Prime Minister mentioned the protection of human rights and enhancing the authority of law (e.g., safeguarding the rights of investors) as the main goals for legal professionals. Dmitri Medvedev pointed out that the recent arbitration reform played an important role in achieving these goals and ensured that arbitration in Russia meets the highest international standards.

As a result of the reform, Russian jurisdiction got rid of bad-faith corporate and so-called “pocket” arbitration courts and created an effective instrument for protecting entrepreneurs’ rights.

The Prime Minister could not help mentioning the growing importance of new technologies in law and the digitization of entire sectors of the economy. “This makes crucially important to prepare a future generation of lawyers capable to face completely new challenges. This achievement – is the reason of our pride.” – said Dmitri Medvedev. In this regard, Prime Minister praised the HSE student team’s victory in Willen C. Vis International Commercial Arbitration Moot, exceeding 360 teams from the entire world.

Francis Xavier (Rajah&Tann, Singapore, listed in RAC International Arbitration Database) shared a Singaporean point of view on the influence of new technologies on law. Importantly, Francis concluded that code could not yet replace human lawyers, as only they can solve the problems and resolve the disputes that arise from imperfectness of new technologies.

Andrey Gorlenko Is among the Winners of the Award “GQ Code”

The award ceremony for the winners of the award “GQ Code” took place in Saint Petersburg Academic State Capella. The expert committee, together with the editors of GQ, closely followed the lives of 30 prominent Russian lawyers in order to determine the winners for 10 nominations.

Andrey Gorlenko, Executive Administrator at the Russian Arbitration Center, received a prize in the nomination “Missionary” for the promotion and development of arbitration and ADR all over Russia.

Among other nominees were Olga Voytovich (Vice-President of legal department and member of board of directors at Interros) and Ruslan Ibragimov (Vice-President for Corporate and Legal Affairs at MTS PJSC).
The Russian Arbitration Center organized a discussion session on the most topical issues of international investment law and arbitration.

The first speaker, Mohamed Abdel Wahab (Zulficar & Partners, Egypt) produced an in-depth analysis of the recent reform and reconfiguration of the ISDS system.

Further, Francis Xavier SC (Rajah&Tann, Singapore) underlined the particularities of investment arbitration in Asia, while Aljona Bitkivskaya (SIAC, Singapore) highlighted the importance of the SIAC rules on investment arbitration.

Eric Bloom (Winston&Strawn, USA), shared his views on the Chevron v. Ecuador saga. Brigitte Stern (independent arbitrator, France) and Christer Soderlund (Morssing & Nycander AB, Sweden) analyzed the balance between the rights of investors and States’ regulatory powers.

Eva Kalnina (Levy Kaufmann-Kohler, Switzerland) scrutinized how to balance confidentiality and transparency in investment disputes. Maksim Kulkov (Kulkov, Kolotilov & Partners, Russia) summarized the discussion by answering the provocative question whether investment arbitration is worth it or not.

Anna Kozmenko (Schellenberg Wittmer, Switzerland) moderated the discussion.
Arbitration Food Truck Is Back on Legal Street!

This year, in the run-up to the World Cup 2018, Food Truck “Cape Kron” was stylized to the football design.

The guests of Legal Street treated themselves to traditional football fast food from all over the world: hot dogs, curry wurst, falafel, crispy vareniki and house style shkots.

SO STARTS THE GAME!

The Arbitration Battle 2.0: Team Russia v. Team World took place on 18 May.

The event happened in the format of mock arbitral proceedings, where the teams of Russian and foreign lawyers presented their case in a dispute related to the construction of football stadium “Cormoran Arena” during the preparation for the World Cup 2018.

The Claimant’s case was presented by the team Russia, comprising captain of the team Elena Trusova (Bryan Cave Leighton Paisner Russia), Evgeny Raschevsky (EFAM), Ilya Rachkov (Nektorov, Saveliev and Partners). The team World that involved Clemens Trauttenberg (Wolf Theiss), Steven Finizzio (Wilmer Hale) and Anna Kozmenko (Schellenberg Wittmar) argued the Respondent’s case.

The arbitral tribunal comprised Yulia Zagonek (White & Case), Francis Xavier SC (Rajah & Tann Asia) and presiding arbitrator Stefan Wilskie (Gleiss Lutz).

Both teams presented to the arbitral tribunal unexpected evidence, and were generally creative in their approaches to arbitration. As a result, of the Arbitration Battle, the arbitrators adjudged the victory on the jurisdictional issues to the team Russia, and praised bright performance of the counsels, as well as surprise witnesses (who were presented by the lawyers of Bryan Cave Leighton Paisner – Rimma Malinskaya, Counsel, Dispute Resolution/Arbitration practice, and Aleksander Erasov, Counsel, head of Tax disputes Group). The arbitrators also gave positive feedback regarding the issues on the merits of the dispute to the team World.
One of the most successful arbitration conferences in Russia resumed its work after a 3-year pause

30 March 2018
Moscow

One of the most successful arbitration conferences in Russia resumed its work after a 3-year pause.

The organizing committee of RAD 2018 included Russian Arbitration Center at the Russian Institute of Modern Arbitration and educational project LF Academy. Among the organizing partners were international law firms Berwin Leighton Paisner LLP, Golitsin BLF, Dobrivalov & Pimpton LLP.

The moderators of RAD 2018 were Andrey Gorlenko, Anton Asoskov, Alexander Muranov and Roman Khodykin. Prominent arbitration practitioners Constantine Partasides (UK), Stanimir Alexandrov (USA) and Michael E. Schneider (Switzerland) participated in RAD 2018 as special guests. In addition, Gary Born (UK) joined RAD 2018 with a recorded presentation on his proposal regarding the adoption of bilateral arbitration treaties.

The panelists discussed various topical issues of international commercial and investment arbitration: from the problem of illegally obtained evidence in international arbitration, to the corruption in investment arbitration and the role of psychology in a decision-making process of arbitrators.

Another prominent feature of RAD 2018 is a digest “New Horizons of International Arbitration” that comprises the articles by the participants of the conference. The digest was distributed among the attendees of RAD 2018 and is available online.

Overall, more than 200 lawyers attended RAD 2018, and more than 800 viewers followed live broadcasting of the conference online. Andrey Gorlenko, Executive Administrator of the Russian Arbitration Center at the Russian Institute of Modern Arbitration, commented: “We are enormously pleased about the success of RAD 2018. More than 1000 people joined RAD online and offline. It certainly indicates that arbitration becomes more and more interesting to the Russian audience that is eager to keep up-to-date about the recent trends in ADR. We thank the speakers, the moderators, the organizing committee and all partners of the conference, and already looking forward to RAD 2019!”

According to Anton Asoskov, Professor at Lomonosov Moscow State University, Member of the Presidium of ICAC, one of the moderators of RAD 2018, “RAD is becoming more attractive to talented speakers. It is a unique platform for young practitioners, who can present the results of their academic research as an article in the digest or as a presentation during the conference. Every and all participants of RAD 2018 significantly contributed to the development of arbitration in Russia.”
Arbitration in the Spotlight: Enforcement of Arbitral Awards and Interaction with State Courts after the Arbitration Reform

23 October 2017
Moscow

Another conference, organized by the Russian Arbitration Center together with the educational project LF Academy, addressed the preliminary results of Russian arbitration law reform, as well as the enforcement of arbitral awards and the interaction of arbitration with state courts after the reform. The Conference worked in three sessions.

During the first session, the moderator Prof. Anton Asoskov (ICAC), Andrey Gorlenko (RAC) and Fyodor Vyacheslavov (VLawyers) discussed the first outcomes of the arbitration reform. Tatyana Neshataeva (Judge, Court of the Eurasian Economic Union) and Evgeniya Goratskheva (Legal Counsel, Permanent Court of Arbitration, the Hague), as the representatives of international arbitrational and judicial institutions shared the experience of regulation of several procedural aspects that are topical in light of the recent arbitration reform.

The second session of the conference highlighted the issues of annulment of arbitral awards, as well as the recognition and enforcement in Russia and other jurisdictions. Several Russian and international legal practitioners spoke during the Session: Ilya Rachkov (Nektorov, Savelyev and partners), Yuri Babichev (Goltsblat BLP), Artem Doudko (White & Case LLP, London), Andrey Panov (Norton Rose Fullbright), Chaim Bao (Skadden, Arps, Slate, Maughr & Flom LLP, Hong Kong), Klaus Reichert (Brick Court Chambers, London). The moderator of the Session 2 was Alaksay Doudko (Hogan Lovells).

The third session proceeded as an interactive workshop, with the support of the firms KMP3, Kulkov, Kolotilov & Partners and Lidings. The leading arbitration practitioners shared their experience on how to enforce an arbitral award efficiently: how to draft an arbitration agreement, considering further annulment and enforcement proceedings in state courts, how to trace the debtor’s assets in several jurisdictions worldwide and how to counter abusive and dilatory tactics while enforcing an arbitral award.

The panel comprised Evgeniy Raschatsky (KPM3), Anna Grishchenkova (Kiap), Andrey Zelenin (Lidings), Maxim Kulkov (Kulkov, Kolotilov and partners), Ashley Maseki (GPW, London), Egor Misyura (KPM3). Alaksay Abramov (KPM3) moderated the workshop.
Competitive Law and the International Arbitration Centre in the Russian Far East

Eastern Economic Forum 2017

6 September 2017
Vladivostok

The prospects of development of ADR in the Far Eastern region were discussed during the session “Competitive Law and the International Arbitration Centre in the Russian Far East” at the Eastern Economic Forum 2017.

Among the participants of the session were: Wesley Wong — SC, Solicitor General, Department of Justice of the Hong Kong SAR, Mikhail Galperin — Deputy Minister of Justice of the Russian Federation, Akira Kawamura — President, Japan Association of Arbitrators (JAA), Alexey Kostin — Chairman, International Commercial Arbitration Court, Chamber of Commerce and Industry of the Russian Federation, Vladimir Kurilov — LL.D., Academic Supervisor, Far Eastern Federal University (FEFU); Dean, Director, School of Law, FEFU, Jose Angelo Estrella Faria — Senior Legal Officer and Head, Technical Assistance Section, International Trade Law Division, Office of Legal Affairs, United Nations, Sean Yu Chou — Partner, WongPartnership LLP, included in the database of the Russian Arbitration Center, Chen Armstrong – Partner, King & Wood Mallesons, included in the database of the Russian Arbitration Center, Aleksandr Birmolenko — Partner, FBK Legal, Pavel Komarov — Deputy General Director, Head of the Center of Monitoring and Law Enforcement Practice, Far East Development Corporation JSC, Alexander Molotnikov — Chairman of the Board, Russian-Chinese Legal Society.

Andrey Gorlenko (Executive Administrator of the Russian Arbitration Center) and Mikhail Orlov (Partner, Head of Tax and Legal of KPMG Russia) moderated the Session.

The participants also discussed the establishment of the Far Eastern Division of the Russian Arbitration Center and its potential role in attracting Russian and international investments as well as in development of competitive legal framework in the Far East region.

The foreign investors look at the legislation of a particular country when making investment decisions. But, what is more important is its application – it should be up-to-date, especially in the arbitration disputes between parties from different jurisdictions.

Andrey Gorlenko, Executive Administrator of the Russian Arbitration Center
In October 2017, Russian Arbitration Center launched a new project – “Modern Arbitration: Live. Discussing Arbitration in Comparative Perspective” - a series of seminars focused on the topical issues of international arbitration in a comparative perspective.

The main partners of the seminars are International and Comparative Law Research Center and the educational project LF Academy.

The first seminar took place on 24 October 2017, in partnership with HKIAC, and focused on the third party funding in international arbitration.

122 student teams from the law schools of more than 20 universities have registered for the moot court. 36 teams from Russia and Belarus, with higher scores for written submissions, eliminated to the oral rounds. More than 60 experts in corporate law and ADR arbitrated the teams’ pleadings.

The oral rounds took place in premises of leading legal firms such as Baker Botts, Skadden, Orrick, Eversheds, Dechert, Sirota & Partners, as well as in the office of investment company Hines. The final took place in the hall of business center Ducat Place II.

The second seminar was held on 7 February 2018 and addressed the role of the procedural «soft law» in the practice of international commercial and investment arbitration. The panelists discussed the following soft law instruments: IBA Guidelines on Conflicts of Interest in International Arbitration, IBA Rules on the Taking of Evidence in International Arbitration, IBA Guidelines on Party Representation in International Arbitration, UNCITRAL Rules on Transparency in Treaty-Based Investor-State Arbitration.

The third seminar took place on 16 May 2018, during St. Petersburg International Legal Forum 2018, in partnership with SIAC. The panelists analyzed the issue “How to Combat Due Process Paranoia in International Arbitration: Perspectives of Counsels, Arbitrators and Arbitral Institutions”.

The team from the Research Centre of Private Law under the President of Russian Federation became the winner of the moot court. Irina Akimova, the participant of this team, became the best speaker of the Moot Court.

The panel of 5 arbitrators judged the finalists’ pleadings: Dmitry Stepianov (IPAM) – the presiding arbitrator, Anton Assiskov (Lomonosov MSU), Asiyat Kurbanova (ALRUD), Oleg Zaitsev (RCPL) and Oksana Oleinik (HSE).

On 2 December 2017, the Russian Arbitration Center at the Russian Institute of Modern Arbitration organized the oral rounds of Prof. Mozolin Corporate Arbitration Moot Court.

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The Moot Court consisted of four play-off rounds. According to the results of first round, quarterfinals and semifinals, arbitrators chose four best teams for the final battle:

- Irina Akimova and Maksim Pshenichnikov (Research Centre of Private Law under the President of Russian Federation, or RCPL)
- Maria Bobekova and Elina Shimagina (Kazan (Volga region) Federal University)
- Anastasia Fitchikova and Nikol Antipanik (Tomsk State University)
- Ekaterina Markunina and Aleksey Komin (Orenburg Institute (Branch) of Kutafin Moscow State Law University).

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On 1 December 2017, the Moot Court Conference on the Current Issues of Corporate Law and Corporate Arbitration took place in the Institute of Legislation and Comparative Law under the Government of the Russian Federation, Irina Shitkina (Lomonosov MSU), Olega Petot (RFPL), Anton Assiskov (Lomonosov MSU), Sergey Kosorukov (Riznik, Gagarin and Partners) and Sergey Patriakhov (ALRUD) spoke at the Conference. The presentation of Young Institute of Modern Arbitration (Young IMA), the young arbitration specialists’ network, also took place at the conference.

The partners of the Moot Court were ALRUD and Ivanyan & Partners law firms, as well as the Institute of Legislation and Comparative Law under the Government of the Russian Federation.
SUPPORTING MOOT COURTS COMMUNITY

Preliminary rounds of international arbitration moot courts

Student arbitration competitions in the format of moot courts – one of the most efficient means of the popularization of arbitration among the students and young practitioners throughout the world.

Russian Arbitration Center also actively supports the Russian moot-court community.

First Russian Pre-Moot of FDI Moot Court

On 29-30 September 2018, for the first time in Russia, the Russian Arbitration Center, in partnership with the St. Petersburg University Moot Court Society and International and Comparative Law Research Center, held the preliminary rounds of the Foreign Direct Investments Moot Court FDI 2017 in Saint Petersburg State University.

The event was also sponsored by

Professional lawyers and experienced mooties from the leading law firms (Debevoise & Plimpton, Luther, Baker McKenzie, Herbert Smith Freehills, White & Case, Clifford Chance, Vinge, King & Wood Mallesons, Lex Navius Concordia, EPAM, Ivanov & Partners, MZS) acted as arbitrators during the FDI 2017 Pre-Moot.

On 29 September 2017, participants, arbitrators and students attended a conference dedicated to the topical issues of international investment law. The panel of speakers comprised: Nikita Kondrashov (Luther, Hamburg), Ivan Levy (Bucerius Law School, Hamburg), Wilson Antoon (King & Wood Mallesons, London), Leonid Kropotov (DLA Piper, Saint Petersburg) and Nicolas Pralica (Dechert, Paris).

Second Russian FIAMC Pre-Moot

Moscow FIAMC pre-moot organized by the Russian Arbitration Center together with international law firm Debevoise & Plimpton took place on February 9-10, 2018.

This year, 7 teams from all around the world participated in the Pre-Moot: Goethe-University (Germany), University of Ljubljana (Slovenia), Belarus State University (Belarus), Peking University School of Transnational Law (China), Lomonosov Moscow State University (Russia), National Research Center Higher School of Economics (Moscow, Russia) and Russian State University of Justice (Saint Petersburg, Russia).

On February 9, students and arbitrators attended a mini-conference that addressed the contested issues of this year’s case concerning the seizure of Portuguese and British vessels by Spain. The panel of speakers included: Diego Brian Gosis (Partner, GST LLP, Miami), Veronica Sandler

5 teams participated in the oral rounds: 4 teams from Russia (Saint-Petersburg State University, Lomonosov Moscow State University, Russian Academy of Justice and MGIMO-University) and a French team (Paris Bar School). For giving participants more opportunities to practice, 3 “unofficial” teams took part in the pre-moot, including the team of moot courts “veterans” (Veronika Lakhno and Anna Maltseva).

The winner of the 1st Russian FDI Pre-Moot was the team of MGIMO-University.
On February 10, during the entire day teams participated in oral rounds. 30 practicing lawyers from the leading law firms (Baker Botts, Freshfields, Dentons, Norton Rose Fulbright, White & Case, Dechert, Herbert Smith Freehills, Latham & Watkins, Debevoise & Plimpton, Beiten Burkhardt, Goltsblat BLP, Clifford Chance, Lex Navigus Concordia, EPAM, Ivanyan & Partners, MZS) served as extremely tough arbitrators asking challenging questions that students were forced to answer with all their intelligence and advocacy.

As a result of the preliminary rounds, the team of University of Ljubljana faced the team of Goethe-University in the finals. Veronica Sandler, Ilia Rachkov and Diego Brian Gosis presiding had a hard time deciding which team deserved a winning prize. In a remarkably close and tense round, University of Ljubljana was unanimously recognized as a winner. Best advocate award was given to Damen Tursic (University of Ljubljana).

The Team of Higher School of Economics is the Winner of Willem C. Vis Moot Court 2018

For the first time in the history of the Russian moot court community, the Russian team won the largest international moot court competition – Willem C. Vis International Commercial Arbitration Moot, and outplayed 361 teams from 82 countries. In the final round, the HSE team defeated the team from Cambridge University.

Russian Arbitration Center was one of the sponsors of the HSE team.

PROMOTING ARBITRATION THROUGHOUT RUSSIA

2018

26 May 2018

Yuzhno-Sakhalinsk
Seminar on the arbitration-related issues at the Sakhalin Bar of Attorneys

27 April 2018

Kaliningrad
Seminar “Modern Means of Dispute Resolution and the Protection of Businessmen’s Rights”

13 April 2018

Krasnoyarsk
The Russian Jurisdiction – a Factor for the Investment Attractiveness
Krasnoyarsk Economic Forum

5 April 2018

Kemerovo
Roundtable “Alternative dispute resolution: Arbitration and Mediation. New Opportunities for Business”

16 February 2018

Ekaterinburg
Arbitration Conference “Business Disputes: Criminal Law or Civil Law Way of Resolution?”

2017

28 November 2017

Moscow
Seminar “The Outcomes of Arbitration Reform and the Perspectives of its Development” (in cooperation with DLA Piper)

17-21 November 2017

Far East of Russia
Modern Means of Dispute Resolution and the Protection of Businessmen’s Rights
Conference in Petropavlovsk-Kamchatsky, seminar in Vladivostok, roundtable in Khabarovsk

15 November 2017

Moscow
Arbitration 2.0: Hottest Issues of International Arbitration in Russia/CIS disputes (in cooperation with Hogan Lovells)
COURSES BY CHARTERED INSTITUTE OF ARBITRATORS (CIARB)

On 16 December 2017, the Russian Arbitration Center, in cooperation with Chartered Institute of Arbitrators (CIarb), conducted, for the first time in Russia, the CIarb course on international commercial arbitration.

The introductory course of the Russian Arbitration Center and CIarb addressed the main issues of international arbitration: principles of arbitration, arbitration agreements, jurisdiction of arbitral tribunal, enforcement of arbitral awards etc.

The course tutors were George Lambrou (Keystone Law) and Francis Xavier (Rajah & Tann).

More than 20 lawyers participated in the Course, including from Armenia, Israel and South Africa. As a result of the course completion, the participants received the access to online test for the application for the associated membership with CIarb (ACIArb), that further allows to apply for other types of membership with CIarb – MCIArb and FCIArb.

CIarb was founded in 1915 and today comprises about 13,000 members in more than 100 countries. CIarb holds various seminars and conferences for the arbitrators, aimed at improving knowledge in the field of international cooperation.
THE END OF THE TRANSITIONAL PERIOD – NEW ERA OF ARBITRATION IN RUSSIA

On 1 November 2017, the transitional period envisaged by the new law on arbitration in Russia, enacted in September 2016, expired. As of that date, only those arbitral institutions that comply with the high standards of the new law and that have obtained an authorization from the Russian Government can administer arbitration in Russia.

Russian Arbitration Center at the Russian Institute of Modern Arbitration is one of the first arbitral institutions in Russia that obtained the status of the permanent arbitration institution (PAI). During the transitional period, the Russian Arbitration Center was actively involved in the development and popularization of arbitration in Russia.


The issues under consideration were the future of arbitration in Russia, the need to attract the Russian disputes into the Russian jurisdiction from such arbitral seats as London, Stockholm and Hong Kong, the fight against “pocket” bad faith arbitrations.

The following speakers participated in the press conference:
Yury Pilipenko - President of the Board of RAC, President of the Russian Federal Chamber of Lawyers.

Vadim Chubarov – Vice-President of the Russian Chamber of Commerce and Industry, first deputy of the Chairman of the Council for Development of Arbitration under the Ministry of Justice.

Aleksandr Kostin – President of ICAC under the Russian Chamber of Commerce and Industry, Head of the Private International and Civil Law Department of MGIMO-University.

Anna Grishchenkova – member of the Board of RAC, Partner at KIAP law firm.

Andrey Gorlenko – Executive Administrator, RAC.
INSTITUTIONAL ARBITRATION Á LA RUSSE: WHAT MAKES IT SPECIAL?

With almost one year having passed since Russia enacted its new arbitration law, Ksenia Koroteeva, Yulia Mullina and Elena Burova of the Arbitration Center at the Institute of Modern Arbitration outline the features and safeguards when choosing Russia as an arbitral seat.

On 1 September 2016, a new arbitration law in Russia came into force. According to its provisions, all Russian and foreign permanent arbitral institutions (PAI) wishing to administer institutional arbitration in Russia shall obtain an authorisation from the Russian government, in a bid to dispose of hundreds of ‘pocket’ or bad-faith arbitral institutions whose impartiality was highly questionable.

The new law introduces strict requirements and careful procedure for obtaining authorisation, so that only truly professional and independent PAIs can administer arbitration in Russia.

The law sets out different criteria for Russian and foreign arbitral institutions. For Russian PAIs, the law introduced several requirements: the PAI shall be established by a non-profit organization (NPO); arbitration rules of the PAI, its list of arbitrators and the procedure for appointment and challenge of arbitrators shall fully comply with the arbitration legislation; the documents on the founders and directors of the NPO shall be authentic; the NPO establishing the PAI shall be reputable and its financial capabilities sufficient to guarantee a high-quality administration of arbitration.

For foreign PAIs, the law is less strict and requires that a foreign PAI has an internationally acknowledged reputation.

Both Russian and foreign PAIs can obtain governmental authorisation only after recommendation by the Council on Development of Arbitration which consists of prominent Russian lawyers, academics and officials.

As of July 2017, there are only four Russian PAIs: International Commercial Arbitration Court (ICAC), Maritime Arbitration Commission at the Chamber of Commerce and Industry of the Russian Federation (MAC), Arbitration Center at the Institute of Modern Arbitration (IMA), and Arbitration Center at Russian Union of Industrialists and Entrepreneurs (RSPP). No foreign PAIs have yet been authorised. The list of authorised arbitral institutions is maintained by the Russian Ministry of Justice, where such institutions shall deposit their arbitration rules.

If a Russian PAI has not received an authorisation from the government by 1 November 2017, the awards rendered under its administration will be unenforceable. If no authorisation has been granted to a foreign PAI, the proceedings under its administration with a seat of arbitration in Russia will be considered as ad hoc.

The differences between institutional and ad hoc arbitration proceedings are striking; institutional arbitration, as follows from the new law, has several practically valuable advantages.

First, only authorised PAIs can administer arbitration of corporate disputes involving Russian companies (for example, disputes arising out of merger and acquisition deals and shareholder agreements). Second, only parties to arbitration administered by an authorised PAI may validly seek assistance from Russian state courts in obtaining evidence within the Russian territory. Third, the parties to institutional arbitration can avail of some direct (special) agreements to guarantee the efficiency of their arbitration.

Assistance and supervision of state courts in arbitration

The new Russian arbitration law has also standardised the approaches to court assistance and control, within the meaning of the UNCITRAL Model Law on International Commercial Arbitration, and made it uniform both for domestic and international commercial arbitration. Before the arbitration reform, the assistance of state courts was limited to annulment, recognition and enforcement of arbitral awards and granting interim measures. Now, the relevant provisions of the arbitration law mirror Article 6 of the UNCITRAL Model Law.

Assistance and supervision of state courts in arbitration

Another significant amendment to the Russian arbitration law concerns the mechanism of direct (special) agreements – agreements on specific procedural conditions to be explicitly included into the arbitration clause. In light of the importance of such procedural conditions for arbitration, the parties shall expressly and unambiguously agree upon them.
conditions may no longer be a part of the arbitration rules and require mutual approval by the parties to be included in arbitration agreement.

The mechanism of direct agreements is closely related to the court assistance analysed in the table overleaf. The parties to arbitration administered by PAIs may agree to waive their right to seek assistance from state courts for issues 1-4 in the table below. This can be advisable if the parties intend to shorten the time for arbitration and, therefore, waive the right to apply to the state court during arbitral proceedings.

The main idea behind the implementation of this mechanism was to ensure that the parties have an opportunity to realise their autonomy. Before the arbitration reform, certain Russian bad-faith arbitral institutions used to include in their arbitration rules the provisions on the waiver of the right to annul arbitral awards, so that the parties could not modify that procedural condition (a take-it-or-leave-it approach). The parties, who were induced by their counterparties to refer their disputes to such corrupted institutions, automatically lost the right to challenge such questionable awards in state courts, unable to opt out of those provisions.

The parties to arbitration can resort to the state courts during arbitration regarding the following matters:

1. Appointment of arbitrators
   Any party may apply for the appointment (in ad hoc arbitration) of:
   a) a presiding arbitrator, when two party-appointed arbitrators fail to choose the presiding arbitrator within 30 days from the date of their appointment;
   b) one of the wing arbitrators, when a party fails to appoint its arbitrator within 30 days from the date of the request from the other party;
   c) a sole arbitrator, when the parties fail to agree on the candidate.
   A party may also request the appointment of an arbitrator when the parties, arbitrators or arbitral institution (its appointments committee) fail to follow the procedure for the constitution of the arbitral tribunal.
   State arbitrazh (commercial court of the Russian region where arbitration takes place.
   For ICAC and MAC – President of the Russian Chamber of Commerce (the same applies for issues 2-3 below)

2. Challenge of arbitrators
   A party may apply within 30 days with a challenge to an arbitrator that had been previously denied by the arbitral institution. Such application does not preclude the arbitral tribunal from proceeding with arbitration and rendering an arbitral award.
   State arbitrazh (commercial) court of the Russian region where arbitration takes place.

3. Termination of the arbitrator’s mandate
   A party may apply for the termination of the mandate of the arbitrator who does not resign voluntarily due to inability to participate in arbitration or who fails to participate in arbitration with undue delay and the parties cannot agree on his recusal.
   State arbitrazh (commercial) court of the Russian region where arbitration takes place.

4. Challenge of jurisdiction of arbitral tribunal
   When the arbitral tribunal rules that it has jurisdiction over the dispute as a preliminary question, a party may challenge this ruling within a month from the date of the receipt of such ruling. Such challenge does not preclude the arbitral tribunal from proceeding with arbitration and rendering an arbitral award.
   State arbitrazh (commercial) court of the Russian region where arbitration takes place.

5. Taking evidence for arbitral proceedings
   Since arbitrators lack coercive powers, it might be problematic for the parties in certain circumstances to obtain evidence relevant for arbitration, e.g. when a party fails to produce important documents. The arbitral tribunal or a party, upon the tribunal’s permission, may ask a state court to order the production of:
   a) written evidence (contracts, emails)
   b) material evidence (objects)
   c) other documents (photos, audio or video-records).
   However, the application may be denied if the requested evidence concerns, inter alia, confidential information about the third persons not participating in arbitration.
   State arbitrazh (commercial) court of the Russian region where the evidence is located.
In order to eliminate such malpractice and guarantee the principle of party autonomy in arbitration, the new law allows the parties to waive their right to annul an arbitral award in state courts, as well as some other procedural rights, only by concluding direct agreement.

Moreover, direct agreements are intended to allow the parties to ‘tune’ the arbitration according to their preferences. In addition to the issues related to the assistance of state courts, the parties may reach direct agreements on other important procedural conditions. For example, if the parties decide to dispose of oral hearings and resolve their dispute through document-only arbitration, they may also reach direct agreement to that effect.

It is particularly important in practice, particularly as arbitration rules of several arbitral institutions include provisions on expedited arbitration procedure. If, for example, the parties agree that their dispute shall be resolved in accordance with the expedited procedure rules of the IMA, but fail to reach a direct agreement on the exclusion of oral hearings, the arbitral tribunal shall hold oral hearings at the request of any party.

Parties should conclude direct agreements in written form, without any further requirements to its contents, except clear expression of the intent of both parties. The most efficient way to conclude a direct agreement is to include it in the arbitration clause. The parties can also conclude it as a separate agreement, but, in any event, before the commencement of arbitration. The example of its wording in case of the waiver of the right to annul arbitral award can be as follows:

**The parties expressly agree that the arbitral award is final and binding upon the parties and is not subject to annulment in national courts at the seat of arbitration.**

**Concluding remarks**

Russia's arbitration reform has changed the landscape for institutional arbitration in Russia, making it more attractive, compared with ad hoc arbitration. Due to the amendments introduced, institutional arbitration in Russia has received distinct features that are essential to take into account while considering arbitrating in Russia.

The choice of arbitral institution in Russia is critical for ensuring the efficiency of arbitral proceedings and, eventually, the enforceability of arbitral award. The parties should make their choice based on an informed decision, which would allow to eliminate the risks related to the potential annulment and enforcement of the rendered arbitral award.

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In October 2017, the Russian Arbitration Center presented the new website – more user-friendly and informative, with a new design and interface. The home page allows finding in one click all information that may be relevant for the users, from the Arbitration Rules and calculator of the arbitration fee to the model arbitration clause and online arbitration system.