Legal Alert
March 2015

The Administrative Court Proceedings Code of the Russian Federation Is Signed into Law

On 8 March 2015 Federal Law No. 21-FZ, the Administrative Court Proceedings Code of the Russian Federation (the “ACPC”) was passed.

The ACPC establishes procedures for consideration of administrative cases at the Supreme Court of the Russian Federation and at courts of general jurisdiction.

Also signed into law was Federal Law No. 23-FZ of 8 March 2015 which introduces changes to active legislation including the Civil Procedure Code, the Tax Code, and the Law on Court Enforcement Proceedings.

Federal Law No. 22-FZ, “On the entering into force of the Administrative Court Proceedings Code of the Russian Federation,” establishes the procedures and timelines for the implementation of the ACPC.

Entry into force of the ACPC

The ACPC enters into legal force on 15 September 2015 with the exception of provisions which enter into legal force on 15 September 2016 or 1 January 2017.

Cases that are to be resolved at the Supreme Court of the Russian Federation and at courts of general jurisdiction before 15 September 2015 shall be subject to review in accordance with the ACPC.

Pending appellate, cassation or supervisory appeals or representations that have not been resolved before 15 September 2015 shall be considered in accordance with procedural laws applicable at the time.

Scope of application of the ACPC

The ACPC sets forth the order and procedure for trials of administrative cases involving rights and/or freedoms that have been infringed or are in dispute, and cases involving the legal interests of citizens or organizations arising from administrative or other public legal relationships. Among these administrative cases may be cases concerning:

- challenges to normative legal acts;
- challenges to decisions, actions or omissions by state authorities, local authorities, other bodies or organizations vested with various state or other public powers, officials, and/or state or municipal public servants;
Dispute Resolution

Legal Alert

March 2015

awards of compensation for violation of the right to a trial within a reasonable period of time, or for violation of the right to the timely enforcement of a court decision;

challenges to assessments of cadastral values.

In particular, cases concerning the following matters are subject to regulation under the ACPC: challenges to decisions of the administration of the subject of the Russian Federation, recovery of tax arrears, insurance payments and fines, assessment or correction of the cadastral value; these include cases involving claims brought by legal entities and individual entrepreneurs. The matters mentioned were previously subject to regulation under the Civil Procedure Code.

Additionally, the ACPC establishes procedures for trials of administrative cases involving the courts’ observance of human and civil rights and freedoms, the rights of organizations when executing various orders issued by administrative authorities to private individuals and organizations, cessation or suspension of activities of non-commercial organizations, and recovery of monetary assets from individuals towards obligatory payments and penalties.

The provisions of the ACPC do not cover disputes reviewed in accordance with the provisions of the Arbitration Procedure Code. It should also be borne in mind that the provisions of the ACPC do not apply to disputes involving administrative liability under the provisions of the Code of Administrative Offences.

Conclusion

A significant part of the rules of the ACPC was taken from the Civil Procedure Code. However, you should be aware of several changes that the ACPC has introduced to the provisions of the Civil Procedure Code for the consideration of relevant disputes.

Main changes that were introduced in the ACPC include the following: the ability to file a claim for fast-track proceedings; the submission of claims, petitions and other court documents in electronic form; the formation and serving the enforcement orders in electronic form; and simplified court proceedings that do not require a hearing. However, these are just a few of the changes, and we recommend that you become familiar with the other changes envisaged by the ACPC.

This LEGAL ALERT is issued to inform Baker & McKenzie clients and other interested parties of legal developments that may affect or otherwise be of interest to them. The comments above do not constitute legal or other advice and should not be regarded as a substitute for specific advice in individual cases.