

**RESOLUTION
OF THE PLENUM OF THE SUPREME COURT
OF THE RUSSIAN FEDERATION**

No. 15

In the city of Moscow

On May 21, 2026

On Preparing Civil Cases for Court Trial

In order to ensure the correct and uniform application by courts of the provisions of the Civil Procedure Code of the Russian Federation regulating the preparation of civil cases for court trial, the Plenum of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of Federal Constitutional Law No. 3-FKZ dated February 5, 2014 “On the Supreme Court of the Russian Federation”, hereby resolves to provide the following clarifications.

General Provisions

1. The preparation of a civil case for court trial (preparation of the case) constitutes a set of interrelated procedural actions of the court (judge), performed with the participation of parties to the case and other participants in the process, and aimed at ensuring the correct consideration and resolution of the case within the time limit established by law in the courts of first and higher instances.

Timely and complete preparation of the case for court trial creates the necessary conditions for solving the general tasks of civil proceedings formulated in Article 2 of the Civil Procedure Code of the Russian Federation (hereinafter also referred to as the CPC RF).

2. Preparation for court trial shall be mandatory for every civil case, regardless of its complexity, the volume of evidence, and other circumstances (Part 2 of Article 147 of the CPC RF), except for cases where its conduct is not stipulated by law.

Preparation for the consideration of a case under simplified proceedings shall be carried out with the specifics stipulated by Article 232.3 of the CPC RF.

In the event that the court, during the consideration of a case under simplified proceedings, issues a ruling on the consideration of the case under the general rules of action proceedings (Part 4 of Article 232.2 of the CPC RF), preparation for court trial shall be mandatory.

A court order shall be issued without summoning the claimant and the debtor and without conducting a court trial (Part 2 of Article 126 of the CPC RF); therefore, preparation is not required; however, the court shall be entitled to perform individual procedural actions aimed at issuing the court order.

When the claimant, after the cancellation of the court order, files a claim under action proceedings, preparation for court trial shall be mandatory.

If necessary, the judge may also undertake preparatory actions in cases of issuing separate rulings not related to the initiation of a civil case, upon petitions and applications, the consideration of which is carried out in a court session with the summoning of the parties (on the issuance of a duplicate of the writ of execution, on the deferral or installment plan of the execution of a judicial act, etc.).

3. The preparation of a civil case for trial in the court of first instance shall begin after the initiation of proceedings in the case (Article 133 of the CPC RF) and shall end, as a rule, with the issuance of a ruling on scheduling the case for trial in a court session.

The time limit for preparing a civil case for court trial shall be determined based on the circumstances of the specific case, the need to perform relevant procedural actions in order to effectively solve the tasks of preparation and to administer justice in courts within a reasonable time (Article 6.1 of the CPC RF). In doing so, courts shall be guided by the general time limits for the consideration of civil cases, including shortened ones, in particular for cases on reinstatement at work, on the recovery of alimony (Article 154 of the CPC RF).

4. The preparation of a civil case for court trial shall be also carried out in the event of:

- transition to consideration of the case under the rules of civil proceedings (Part 5 of Article 16.1 of the Code of Administrative Judicial Procedure of the Russian Federation (hereinafter – CAS RF));

- acceptance for consideration of a case transferred by an arbitration court in accordance with Part 4 of Article 39 of the Arbitration Procedural Code of the Russian Federation (hereinafter – APC RF));

- involvement of a co-defendant or co-defendants in the case (Part 3 of Article 40 of the CPC RF);

- entry of a co-plaintiff into the case (Part 4 of Article 1, Part 3 of Article 40 of the CPC RF);

- replacement of an improper defendant with a proper one (Part 1 of Article 41 of the CPC RF);

- entry into the case of a third party asserting independent claims regarding the subject matter of the dispute (Parts 1 and 2 of Article 42 of the CPC RF).

After the case is sent for a new trial by a higher court (Clause 2 of Part 1 of Article 390, Clause 2 of Part 1 of Article 390.15 of the CPC RF), preparation of the case for court trial shall be carried out, inter alia, taking into account previously performed preparatory actions, depending on the grounds for the cancellation of the judicial decision and the instructions to the lower court.

In cases of transfer of a civil case accepted by the court for its proceedings to another court of general jurisdiction (Article 33, Part 4.1 of Article 152 of the CPC RF), separation of one or more consolidated claims into separate proceedings (Part 2 of Article 151 of the CPC RF), consolidation of cases into one proceeding for joint consideration and resolution (Part 4 of Article 151 of the CPC RF), change of the subject matter or grounds of the claim (Part 1 of Article 39 of the CPC RF), replacement of the judge or several judges before the start of the court trial (Parts 5 and 6 of Article 14 of the CPC RF), entry into the case of a third party not asserting independent claims regarding the subject matter of the dispute (Parts 1 and 2 of Article 43 of the CPC RF), acceptance of a counterclaim (Article 138 of the CPC RF), replacement of the person conducting the case on behalf of a group of persons (Part 8 of Article 244.24 of the CPC RF), preparation of the case for court trial shall be carried out taking into account previously performed procedural actions. At the same time, in these cases, the judge, based on an assessment of whether the results of the previously conducted preparation correspond to the tasks defined in Article 148 of the CPC RF, and if it is necessary to resolve previously unresolved or newly arisen issues, shall be entitled to additionally perform actions to prepare the case for court trial, as stipulated by Chapter 14 of the CPC RF, including conducting a preliminary court session.

5. The court conducts the preparation of a civil case for court trial, guided by the general provisions of the Civil Procedure Code of the Russian Federation, the norms regulating the proceedings of the relevant type in the court of first instance, as well as those establishing the specifics of proceedings for certain categories of cases. For example, preparation for court trial in cases of special proceedings shall be carried out taking into account the specifics established by Chapters 28–38 of the CPC RF (Part 1 of Article 263 of the CPC RF), in cases on the protection of rights and legitimate interests of a group of persons – by Chapter 22.3 of the CPC RF (Part 1 of Article 244.25, Article 244.26 of the CPC RF).

Courts shall take into account that during the preparation of a case for court trial, a number of provisions, in particular those on the suspension of proceedings in the case (Chapter 17 of the CPC RF), on the termination of proceedings in the case (Chapter 18 of the CPC RF), on leaving the application without consideration (Chapter 19 of the CPC RF), on ordering a forensic expert examination (Articles 79, 80 of the CPC RF), on the procedure for conducting a court session using videoconferencing systems (Article 155.1 of the CPC RF), and on the break in the court session (Part 3 of Article 157 of the CPC RF), apply only in the preliminary court session.

The judge, during the preparation of the case for court trial, depending on the specifics and nature of the relations of the parties, must also take into account the norms of other laws. For example, when preparing for court trial a case containing information constituting a state secret, based on the requirements of the legislation of the Russian Federation on state secrets, the judge, in particular, warns the persons participating in the case and other persons present during the performance of procedural actions, during which information constituting a state secret may be disclosed, of liability for its disclosure, points out the inadmissibility of holding an open court session, using videoconferencing systems, web-conferencing systems, audio recording means, as well as other technical means of recording, and explains that representatives in court in such cases may be advocates (except for persons holding citizenship (nationality) of a foreign state, or persons included in the register of foreign agents) and other persons providing legal assistance who have been granted access to state secrets in accordance with the procedure established by law.

6. The rules on the preparation of a civil case for court trial are applied by the court of appeal in case of the need to perform preparatory actions during the re-examination of the case (Part 1 of Article 327 of the CPC RF).

7. Each of the tasks of preparing the case for court trial, listed in Article 148 of the CPC RF, shall be mandatory for the court. Failure to perform any of them may lead to the adoption of an illegal decision, unjustified delay of the court trial, and violation of reasonable time limits for legal proceedings.

8. Clarification of the factual circumstances relevant to the correct resolution of the case (paragraph two of Article 148 of the CPC RF) shall be understood as the actions of the judge and the persons participating in the case to determine the subject of proof in the case, that is, the set of legal facts underlying the claims and objections of the parties, taking into account the nature of the disputed legal relationship, as well as the substantive and procedural law to be applied. Clarification of the factual circumstances of the case presupposes the actions of the court and the persons participating in the case to supplement the totality of already indicated facts of legal significance for the resolution of the case with new facts or to specify them.

Based on the substantive and procedural law to be applied, the judge determines the circumstances of legal significance for the case (even if the parties do not refer to them) and explains to the parties who is to prove them (Article 56 of the CPC RF).

9. During the preparation of the case for court trial, when determining the substantive legal norms contained in laws and other regulatory legal acts to be followed in resolving the case, and when establishing the legal relations of the parties (paragraph three of Article 148 of the CPC RF), the court must proceed from the totality of data: the subject matter (substantive legal claims of the plaintiff against the defendant) and the grounds of the claim (the factual circumstances on which the plaintiff bases his/her claims against the defendant), the defendant's objections to the claim, the applicant's claims and explanations of interested persons in special proceedings cases, and other circumstances determined by the court as legally significant for the correct resolution of the case.

The court shall not be bound by the references to legal norms given by the parties in support of their claims and objections, nor shall it be limited in applying those norms that regulate the disputed legal relationship but are not cited in the statement of claim or in the objections to the claim. Attention shall be drawn to the fact that the court may go beyond the stated claims in cases stipulated by law (Part 3 of Article 196 of the CPC RF), for example,

apply the consequences of the invalidity of a void transaction on its own initiative, if this is necessary to protect public interests, and in other cases stipulated by law (Clause 4 of Article 166 of the Civil Code of the Russian Federation (hereinafter – CC RF)).

In order to ensure uniform application of substantive and procedural law, it is necessary to be guided by the legal positions contained in the resolutions of the Constitutional Court of the Russian Federation, the Plenum and the Presidium of the Supreme Court of the Russian Federation, as well as in the judicial practice reviews approved by the Presidium of the Supreme Court of the Russian Federation, clarifying the practice of applying legal norms regulating the disputed legal relationship.

10. The determination of the composition of persons participating in the case shall be carried out by the court based on the nature of the disputed legal relationship and the presumed holders of rights, duties and legitimate interests that may be affected as a result of the consideration of the case by the court (paragraph four of Article 148 of the CPC RF). Taking into account the specific circumstances of the case, the judge resolves the issue of the composition of persons participating in the case (Article 34 of the CPC RF), who have a procedural or substantive legal interest (private or public) in it. In necessary cases, the issue of admitting representatives of the parties and third parties to participate in the consideration of the case, as well as participants assisting in the administration of justice: experts, specialists, interpreters, witnesses, shall be resolved.

Incorrect determination of the composition of persons participating in the case may lead to the court making a decision on the rights and obligations of persons not involved in the case, which is a significant violation of procedural law, entailing the unconditional cancellation of the decision by the courts of appeal or cassation instances (Clause 4 of Part 4 of Article 330, Clause 4 of Part 4 of Article 379.7 of the CPC RF).

11. When preparing the case for court trial, evidence shall be presented by the parties and other persons participating in the case (paragraph five of Article 148 of the CPC RF), taking into account the nature of the legal relationship of the parties and the substantive law governing the disputed relationship. The judge determines the subject of proof, what evidence can confirm or refute the facts included in the subject of proof, and which person is to prove them (Part 2 of Article 56 of the CPC RF). The judge must ascertain what evidence the persons participating in the case can use to confirm their claims and objections, and explain that, upon the petition of the persons participating in the case, the court assists in the collection and request of evidence (Part 1 of Article 57, Clause 9 of Part 1 of Article 150 of the CPC RF).

12. One of the tasks of preparing a civil case for court trial is the reconciliation of the parties (paragraph six of Article 148 of the CPC RF), which allows the dispute to be settled by mutual agreement. Concluding the case through reconciliation, provided that the actions of the parties do not contradict the law and do not violate the rights and legally protected interests of other persons, ensures the achievement of the goals of civil proceedings in the most economical way and is the preferred means of settling a civil law dispute.

Courts shall take into account that conciliation procedures are not applied in cases stipulated by law, in particular in special proceedings cases.

When preparing a civil case for court trial, the judge shall take measures to reconcile the parties and assist them in settling the dispute, guided by the interests of the parties and the tasks of civil proceedings (Part 1 of Article 153.1 of the CPC RF).

Actions of the Judge in Preparing a Civil Case for Court Trial

13. After accepting the statement of claim (application) for court proceedings, the judge must determine the actions for preparing the case for court trial (Part 1 of Article 147 of the CPC RF). Depending on the specific circumstances of the case, the judge shall be entitled to issue a separate ruling on the preparation of the case for court trial or a ruling that simultaneously resolves two issues: on the acceptance of the statement of claim (application) (including a

statement of claim indicating the consideration of the case under simplified proceedings) and on the preparation of the case for court trial.

If the judge, during the preparation of the case for court trial, comes to the conclusion that the case shall be considered under simplified proceedings, he/she shall issue a ruling specifying the preparatory actions, in particular, sets a time limit for the parties to submit to the court and send to each other evidence and objections to the stated claims, and suggests that the parties settle the dispute independently (Parts 2, 3 of Article 232.3 of the CPC RF).

The performance by the court of procedural actions to prepare the case for court trial, such as ordering an expert examination, requesting evidence, issuing court orders, consolidating cases into one proceeding for joint consideration and resolution, and other actions mentioned in Chapter 14 of the CPC RF, before the initiation of the case in court shall be inadmissible, as it contradicts Article 147 of the CPC RF. Evidence obtained as a result of such actions by the court has no legal force and cannot be used as the basis for a court decision (Part 2 of Article 55 of the CPC RF).

14. The judge, based on the subject matter and grounds of the claim, indicates the specific preparatory actions to be performed by the parties and other persons participating in the case, the procedure and time limits for performing these actions, and other actions for preparing the case for trial. It shall be mandatory to indicate to the parties the possibility to seek assistance from the court or a mediator, including a mediator or a judicial conciliator, for the purpose of settling the dispute or using other conciliation procedures (Part 1 of Article 147, Article 153.3 of the CPC RF).

The ruling must resolve the issue of the composition of persons participating in the case, including the involvement of co-defendants, third parties not asserting independent claims regarding the subject matter of the dispute, the prosecutor, state bodies, and local self-government bodies (Articles 38, 40, 43, 45, 46, 47 of the CPC RF).

It is not required to indicate specific substantive legal norms to be applied in resolving the case in the ruling.

Copies of the ruling on the preparation of the case for court trial are sent to the persons participating in the case.

15. A ruling on the preparation of the case for court trial shall be also issued in cases where there is a need to perform additional actions to prepare the case for court trial after the cancellation of the adopted court decision and the case shall be sent for a new trial, after the resumption of the suspended proceedings in the case, after the replacement of an improper defendant with a proper one, upon transition to the consideration of the case under the rules of civil proceedings (Part 5 of Article 16.1 of the CAS RF), upon receipt of the case in court by way of transfer of jurisdiction, upon a change in the subject matter or grounds of the claim. This ruling may also be issued by the court in the event of acceptance of a counterclaim.

Taking into account the explanations of the persons participating in the case, their filed petitions, and other circumstances, the court may additionally issue a ruling on the performance of individual procedural actions not specified in the ruling on the preparation of the case for court trial.

16. The preparation of a civil case for court trial shall be conducted by the judge alone.

In the case of consideration of the case by the court of appeal in a collegiate composition, the preparation of the case shall be conducted solely by the judge-rapporteur to whom the case shall be distributed using an automated information system. If it is impossible to use an automated information system in the court, the formation of the court composition shall be permitted in another manner that excludes the influence on its formation by persons interested in the outcome of the court trial (Part 3 of Article 14 of the CPC RF).

In urgent cases (Part 6 of Article 14 of the CPC RF), the preparation of the case, including the issuance of a ruling on the preparation of the case for court trial, resolution of individual petitions, and in exceptional cases, the conduct of a preliminary court session (for

example, according to Part 6.1 of Article 152 of the CPC RF – when considering disputes about children to determine their place of residence and (or) the procedure for exercising parental rights for the period until the court decision enters into legal force), may be conducted by another judge in accordance with the replacement procedure established in the court.

17. The judge, depending on the category of the case and its specific circumstances, determines which preparatory actions from those listed in Part 1 of Article 150 of the CPC RF must be taken to solve the tasks of preparing the case for court trial listed in Article 148 of the CPC RF. At the same time, the Civil Procedure Code of the Russian Federation defines mandatory actions to be taken during preparation for court trial of certain categories of cases (Articles 244.26, 272, 278, 283, 292, 296, Part 2 of Article 420, Part 2 of Article 425 of the CPC RF).

The list of preparatory actions of the judge, enshrined in Part 1 of Article 150 of the CPC RF, is not exhaustive. The judge, if necessary, performs other procedural actions as well. For example, the judge, in cases stipulated by law, involves the prosecutor, state bodies, and local self-government bodies in the case (Parts 3 and 4 of Article 45, Part 2 of Article 47 of the CPC RF), and orders a search for the defendant (Part 1 of Article 120 of the CPC RF).

Issues that may be resolved during the preparation of the case for court trial also include: separation of one or more consolidated claims into separate proceedings (Parts 2 and 3 of Article 151 of the CPC RF); consolidation of several similar cases into one proceeding for joint consideration and resolution (Part 4 of Article 151 of the CPC RF), except when this is not permitted by law (for example, Article 244.14, Part 6 of Article 327 of the CPC RF); holding a court session using videoconferencing systems or participation in a court session using a web-conferencing system (Articles 155.1 and 155.2 of the CPC RF).

18. When preparing the case for court trial, the judge shall be obliged to check compliance with the rules of jurisdiction, in particular, the presence of a bankruptcy case concerning the plaintiff and the defendant in proceedings before an arbitration court (Part 2.1 of Article 33 of the CPC RF).

The judge also needs to check whether there are cases in civil, administrative, criminal proceedings of this or another court, or in proceedings of an arbitration or arbitration tribunal, on disputes between the same parties.

The presence of such a case in the proceedings of this court shall constitute grounds for discussing the issue of consolidating the cases into one proceeding for joint consideration and resolution or the need to suspend proceedings in the case (Part 4 of Article 151, paragraph five of Article 215 of the CPC RF). The presence of such a case in the proceedings of an arbitration court or arbitration tribunal shall constitute grounds for leaving the application without consideration (paragraphs five and six of Article 222 of the CPC RF). If the judge establishes that there is a court decision that has entered into legal force on a dispute between the same parties, on the same subject matter, and on the same grounds, or a court ruling on the termination of proceedings in the case in connection with the acceptance of the plaintiff's waiver of the claim or the approval of a settlement agreement by the parties, or there is an arbitration court decision that has become binding on the parties, adopted on a dispute between the same parties, on the same subject matter, and on the same grounds (except for cases where the court refused to issue a writ of execution for the compulsory execution of the arbitration court decision, or if the court canceled the said decision), then he/she shall terminate the proceedings in the case (Part 4 of Article 152, paragraphs three and six of Article 220 of the CPC RF).

19. When preparing for court trial a case for which a pre-trial dispute resolution procedure is established by federal law, the judge shall be obliged to check the plaintiff's compliance with such procedure (in particular, whether the documents submitted by the plaintiff comply with the requirements of the legislation on pre-trial dispute resolution). If the judge concludes that the plaintiff has not complied with the pre-trial dispute resolution procedure established by federal law for this category of cases, he/she leaves the application without consideration (Part 4 of Article 152, paragraph two of Article 222 of the CPC RF).

20. The judge explains to the persons participating in the case the obligation to conscientiously exercise all their procedural rights (Part 1 of Article 35 of the CPC RF), as well as the consequences of abuse of procedural rights and failure to perform procedural duties (for example, through repeated filing of petitions aimed solely at delaying the preparation of the case and the judicial process as a whole, at creating obstacles to the exercise of procedural rights and duties by other persons participating in the case), in particular the right of the court to attribute court costs to the person who hindered the timely preparation of the case for court trial, or not to recognize the costs incurred by that person as necessary. The judge, in the preliminary court session, shall be entitled to bring to the attention of the parties circumstances clearly indicating such bad faith behavior, even if the parties did not refer to them (Article 56 of the CPC RF). In case of systematic obstruction by a party of the timely preparation of the case for court trial, the judge may recover in favor of the other party compensation for actual loss of time according to the rules established by Article 99 of the CPC RF (Part 3 of Article 150 of the CPC RF).

Courts shall take into account that measures to secure the claim, stipulated by Chapter 13 of the CPC RF, are aimed at preventing difficulties or impossibility of executing a court decision, act as a legal guarantee of the reality of execution of court decisions, and can be taken at any stage of the proceedings, therefore the judge, during the preparation of the case for court trial, explains to the persons participating in the case the procedure and conditions for taking interim measures.

21. The judge shall be entitled, during the preparation of the case for court trial, to summon the plaintiff and (or) his/her representative for an interview (conference) on the merits of the stated claims in order to ascertain and clarify these claims, the circumstances on which they are based, and the evidence confirming these circumstances, as well as possible objections from the defendant (Clause 2 of Part 1 of Article 150 of the CPC RF).

During the preparation of the case for court trial, the judge shall be also entitled to summon the defendant and (or) his/her representative (Clause 3 of Part 1 of Article 150 of the CPC RF) for an interview (conference) on the circumstances of the case. In doing so, the judge will ascertain what objections the defendant has against the stated claim, and will propose that he/she provide evidence in support of his/her objections, and also, in necessary cases, explain his/her right to file a counterclaim under the general rules for filing a claim for joint consideration with the plaintiff's original claim (Articles 137, 138 of the CPC RF).

The judge shall be also entitled to summon other persons participating in the case for an interview (conference).

22. The need to conduct an interview (conference) with the plaintiff and the defendant shall be determined based on the circumstances of the specific case (including taking into account whether attendance at the interview (conference) is difficult for the party, whether this may lead to a delay in procedural time limits or unjustified material costs for the party, etc.). The interview (conference) may be conducted via web-conference (Article 155.2 of the CPC RF). The parties may be summoned for an interview (conference) sequentially or simultaneously at the discretion of the judge, including repeatedly (within the time limit for preparing the case for court trial, taking into account the time limits for the consideration and resolution of civil cases). The failure of one of the parties to appear does not preclude the possibility of interviewing the appearing party.

Based on the results of the interview (conference), upon satisfaction of the petitions of the parties or their representatives, the judge may request evidence from other persons that the parties or their representatives cannot obtain independently (Clause 9 of Part 1 of Article 150 of the CPC RF).

23. During the interview (conference) with the plaintiff and the defendant, as well as in other cases where it becomes necessary to record the progress and results of preparatory actions (for example, when resolving a party's petition for the request of additional evidence), recording shall be carried out using audio recording means and (or) a protocol shall be drawn up in written form.

24. In order to facilitate the reconciliation of the parties, the judge, during the preparation of the case for court trial, including during the interview (conference), proposes that the parties settle the dispute that has arisen between them, conduct a conciliation procedure, and explains the types of available conciliation procedures (Articles 153.3–153.6 of the CPC RF), their essence, conditions, procedure, advantages, and consequences of implementation. In doing so, the judge shall be not entitled to prejudge the results of the consideration of the case or to evaluate the available evidence. In particular, the judge shall explain that a settlement agreement not voluntarily performed shall be subject to compulsory execution (Part 2 of Article 153.11 of the CPC RF). The judge also explains to the parties that in the event they conclude and the court approves a settlement agreement, proceedings in the case are terminated, and re-application to court on a dispute between the same parties, on the same subject matter, and on the same grounds shall not be permitted (Part 13 of Article 153.10, Parts 2 and 3 of Article 173, Article 221 of the CPC RF), and that a certain part of the state fee paid by the plaintiff is subject to refund (Sub-clause 3 of Clause 1 of Article 333.40 of the Tax Code of the Russian Federation).

These proposals and explanations may be contained in any ruling in the case, and may also be made by the court orally during the interview (conference) or in the preliminary court session (Part 1 of Article 153.2 of the CPC RF). The judge's proposal to conduct a conciliation procedure, made orally, must be recorded in the minutes of the preliminary court session or in the ruling scheduling the case for court trial.

The judge may announce a break in the preliminary court session for the reconciliation of the parties or for them to consider the possibility of using conciliation procedures (Part 1 of Article 153.2 of the CPC RF).

25. The judge, having obtained the consent of the parties to conduct a conciliation procedure or satisfying a petition for its conduct, shall indicate in the issued ruling the subject matter of the dispute and the range of issues for the settlement of which such a procedure is applied, sets a time limit for conducting the conciliation procedure, approves the candidacy of the judicial conciliator chosen by the parties, and also determines other conditions necessary to ensure the proper conduct of the conciliation procedure (Clause 5 of Part 1 of Article 150, Part 2 of Article 153.2, Part 4 of Article 153.6 of the CPC RF).

Based on the results of reconciliation of the persons participating in the case, during the preparation of the case for court trial, a party may acknowledge the circumstances on which the other party bases its claims or objections, the judge may approve a settlement agreement or accept a partial or complete waiver of the claim (Clauses 1, 2, and 5 of Part 1 of Article 153.7 of the CPC RF). Rulings on the approval of a settlement agreement or on the acceptance of a waiver of the claim during the preparation of the case are issued by the judge in the preliminary court session (Part 4 of Article 152, Article 153.7, Part 2 of Article 153.10, Article 173 of the CPC RF).

26. When preparing for court trial, in cases where the dispute may be referred to an arbitration tribunal, the judge shall be obliged to explain to the parties their right to conclude an agreement on referring the dispute to an arbitration tribunal (Part 3 of Article 3 of the CPC RF) and the legal consequences of its conclusion.

When the parties conclude an agreement on referring the dispute to an arbitration tribunal, the judge, guided by Parts 4 and 5 of Article 152 and Article 222 of the CPC RF, issues a ruling in the preliminary court session to leave the statement of claim without consideration.

Resolution of the Issue of the Composition of Persons which are Parties in the Case and Other Participants in the Process

27. The judge, taking into account the claims made by the plaintiff and the specific circumstances of the case, resolves the issue of the composition of persons participating in the case and other participants in the process and their procedural status, namely, regarding:

– parties, third parties – in cases considered under action proceedings, except for disputes between consumers of financial services and financial organizations in the event of an appeal by the financial organization against a decision of the Commissioner for the Rights of Consumers of Financial Services that has entered into force (Part 1 of Article 26 of Federal Law No. 123-FZ dated June 4, 2018 “On the Commissioner for the Rights of Consumers of Financial Services”);

– applicants, interested persons – in special proceedings cases and in the above-mentioned cases on disputes between consumers of financial services and financial organizations;

– the prosecutor;

– state bodies, local self-government bodies;

– representatives of the parties and third parties;

– persons assisting in the administration of justice (experts, specialists, interpreters, witnesses), who are determined by the judge taking into account the factual circumstances to be proven, the types of evidence to be submitted in the case, etc., as well as the opinion of the persons participating in the case.

In the event of a change in the subject matter or grounds of the claim, the court again considers the issue of the composition of persons participating in the case and other participants in the process.

28. After the statement of claim is accepted for court proceedings (initiation of a civil case), the intention of a person to enter the case as a co-plaintiff must be objectively expressed in the statement of claim filed with the court with the attached documents (Articles 131 and 132 of the CPC RF), or in the form of a separate petition to be resolved by the court. The judge resolves the issue of the entry of a co-plaintiff into the case, taking into account the opinion of the parties, in the preliminary court session. The ruling issued in this regard (including a protocol ruling) may be part of another ruling resolving procedural issues.

The judge shall be obliged to notify persons who are presumably the holders of the contested or violated right about the pending case in court, explain to them their right to join the case as co-plaintiffs, and, with their consent, involve them in the case. In the absence of consent of such persons, the court shall be entitled to involve them in the process as third parties not asserting independent claims regarding the subject matter of the dispute, on the plaintiff's side (Part 1 of Article 43 of the CPC RF).

29. The court shall be obliged to resolve the case only with respect to those defendants indicated by the plaintiff (Part 3 of Article 196 of the CPC RF).

The court shall be entitled to involve a co-defendant or co-defendants in the case on its own initiative exclusively in cases where it is impossible to consider the case without their participation due to the nature of the disputed legal relationship (paragraph two of Part 3 of Article 40 of the CPC RF), for example, when filing a claim to declare a will invalid against one of several heirs, a claim for allocation of a share from common property against one of the participants in shared ownership, a claim to challenge a transaction against one of the parties to the transaction.

The ruling on the involvement of a co-defendant or co-defendants in the case must state the reasons why the court found it impossible to consider this case without the said persons. A copy of this ruling, together with copies of the statement of claim and attached documents, shall be sent to the persons involved in the case.

In the event of a protocol ruling being issued, these persons are sent a notice explaining their procedural status.

30. If, during the preparation of the case for court trial, the judge comes to the conclusion that the claim was filed against an improper defendant, he/she shall be entitled to propose that the plaintiff replace the defendant. At the same time, the judge explains the consequences of replacing the defendant, including those related to a possible change in the jurisdiction of the case.

The replacement of an improper defendant with a proper one shall be carried out by the court upon petition or with the consent of the plaintiff. If the plaintiff does not agree to such replacement, the preparation of the case, and then its consideration, are conducted based on the claim filed (Article 41, Part 3 of Article 196 of the CPC RF).

The judge shall resolve the issue of replacing an improper defendant with a proper one in a ruling, including a protocol ruling.

The case may be considered by the same court if the jurisdiction has not changed upon the replacement of the improper defendant with a proper one.

If, as a result of the replacement of the improper defendant with a proper one, the jurisdiction of the case to a court of general jurisdiction has changed (for example, the defendant is located in the territory of the jurisdiction of another court), the judge issues a ruling on the transfer of the case by jurisdiction to another court to which it has become subject (Clause 3 of Part 2 of Article 33, Article 41 of the CPC RF), and if it is revealed that the case is subject to consideration by an arbitration court, the court shall transfer the case to the arbitration court to whose jurisdiction it is assigned by law (Part 2.1 of Article 33 of the CPC RF). When a claim is filed against an improper defendant solely for the purpose of changing the jurisdiction of the case, the court shall be obliged to transfer the case by jurisdiction to another court to which it would have been originally subject had the claim been filed against the proper defendant.

After the replacement of an improper defendant with a proper one, the time limit for considering the case begins from the day the court issues the relevant ruling (Part 4 of Article 1, Part 3 of Article 39 of the CPC RF).

31. The law allows third parties asserting independent claims regarding the subject matter of the dispute to enter the case before the court of first instance issues a judicial decision (Part 1 of Article 42 of the CPC RF). Persons established by the judge during the preparation of the case for court trial who, based on the nature of the disputed legal relationship, may have independent claims regarding the subject matter of the dispute, must be notified of their opportunity to join the case. In doing so, the judge shall not be entitled to involve such a person in the consideration of the case on his/her own initiative.

To enter the process, a third party asserting independent claims regarding the subject matter of the dispute must file a claim for joint consideration with the claim of the original plaintiff. Such a person shall not be obliged to comply with the mandatory pre-trial dispute resolution procedure established by federal law.

32. Persons whose rights and obligations may be affected by a court decision in the case are entitled to petition to join the case as third parties not asserting independent claims regarding the subject matter of the dispute, on the side of the plaintiff or defendant, and may also be involved in the case upon the petition of the persons participating in the case, or on the initiative of the court, before the court of first instance adopts a judicial decision in the case, if it may affect their rights or obligations in relation to one of the parties (Part 1 of Article 43 of the CPC RF).

The plaintiff's indication in the statement of claim of third parties not asserting independent claims regarding the subject matter of the dispute, unlike the defendant to whom the claim is addressed, shall not be binding on the court. The content of the statement of claim (including an amended one) in this part shall be regarded as a petition to involve these persons in the case. The corresponding petition shall be subject to resolution by the judge by issuing a ruling, including a protocol ruling, or by listing the composition of persons participating in the case in the ruling on the acceptance of the statement of claim, on the preparation of the case for court trial (Part 2 of Article 133, Part 1 of Article 147, Clause 4 of Part 1 of Article 150 of the CPC RF). If the said petition is not resolved by the judge upon acceptance of the statement of claim for proceedings, it may be considered during the preparation of the case and its subsequent consideration.

Sending copies of the statement of claim and the documents attached thereto to third parties not asserting independent claims regarding the subject matter of the dispute, who are

involved in the case during the preparation of the case for judicial trial, may be carried out by the court or entrusted to the person upon whose petition they were involved in the case, with their consent.

33. The judge, during the preparation of the case for court trial, explains to the persons participating in the case their right to conduct the case through representatives, the requirements established by law for persons who may act as representatives in court (Articles 48, 49, 51 of the CPC RF), the procedure for formalizing the authority of representatives, and verifies the scope of this authority if formalized, bearing in mind that the right of a representative to perform the actions stipulated by Article 54 of the CPC RF must be specifically stipulated in the power of attorney.

If the authority of the representative is expressed in an application of the person made only orally in the preliminary court session, as indicated in the minutes of the court session, or submitted to the court in writing, in accordance with the procedure stipulated by Part 6 of Article 53 of the CPC RF, then such authority of the representative shall be valid only for the conduct of that session or for the performance of that procedural action during which the said application was made. Since after the end of the break the court session continues, a repeated application for the admission of the same representative to participate in the case after the end of the break is not required.

34. In cases affecting the rights and interests of minors under the age of fourteen, as well as citizens declared legally incompetent or partially legally incompetent by a court, the judge, during the preparation, verifies the age of the minors, the presence of court decisions declaring citizens legally incompetent or partially legally incompetent, as well as the authority of their legal representatives: parents, adoptive parents, guardians, custodians, or other persons to whom these powers are granted by federal law (Article 52 of the CPC RF).

In cases affecting the rights and interests of minors aged fourteen to eighteen, as well as citizens with limited legal capacity, the judge involves the said persons in the case (Part 3 of Article 37 of the CPC RF). The judge shall be also entitled to involve citizens declared legally incompetent in cases concerning the protection of their rights, freedoms, and legitimate interests (Part 5 of Article 37 of the CPC RF).

If the case was initiated upon the application of a minor aged fourteen to eighteen in accordance with federal law in cases arising from civil, family, labor, and other legal relations, the judge shall discuss the need to involve the legal representatives of the minor in the case: parents, adoptive parents, custodians, or other persons to whom this right is granted by law (Part 4 of Article 37 of the CPC RF), except for cases where such a minor has acquired full legal capacity as a result of emancipation or marriage.

35. In the absence of a defendant whose place of residence is unknown, the judge appoints a representative for such a defendant in accordance with Article 50 of the CPC RF, for which a ruling must be issued and sent to the relevant bar association.

It should be taken into account that a representative in court for a defendant recognized as missing may be the person to whom his/her property has been transferred on the basis of a trust management agreement concluded with the guardianship and custodianship authority (Article 43 of the CC RF).

The judge shall appoint an advocate as a representative of a third party not asserting independent claims regarding the subject matter of the dispute, whose place of residence is unknown (Part 4 of Article 1, Article 50 of the CPC RF).

36. The prosecutor, state authorities, local self-government bodies, organizations, or citizens applying to court in accordance with the law in defense of the rights, freedoms, and legitimate interests of other persons shall participate in the preparation of the case for court trial alongside the person in whose interests the case was initiated and who participates in it as a plaintiff (Part 2 of Article 38 of the CPC RF). Upon the plaintiff's waiver of the claim, the court terminates the proceedings in the case in the preliminary court session, if this does not contradict

the law or violate the rights and legitimate interests of other persons, if no collection and evaluation of new evidence and establishment of new circumstances are required.

In the event of the prosecutor filing a claim in defense of the interests of the Russian Federation, a constituent entity of the Russian Federation, a municipal formation, or an indefinite circle of persons, he/she shall participate in the preparation of the case for court trial in the legal status of a plaintiff and is vested with all his/her procedural rights and obligations, except for the obligation to bear court costs. If the prosecutor waives the claim, the court shall be entitled to terminate the proceedings in the case in the preliminary court session, if this does not contradict the law or violate the rights and legitimate interests of other persons, if no collection and evaluation of new evidence and establishment of new circumstances are required. Draw the attention of courts to the fact that if the waiver of the claim affects public interests and constitutional values, such waiver is contrary to law. If the court does not accept the prosecutor's waiver of the claim and does not see grounds for terminating the proceedings in the case in connection with this (Part 2 of Article 39, Article 220 of the CPC RF), the preparation of the case for court trial continues by the court, taking into account the claims made by the prosecutor, with his/her participation in the legal status of a plaintiff.

In cases where federal law stipulates the entry of the prosecutor into the process and the giving of an opinion on the case in order to exercise the powers vested in him/her (Parts 3 and 4 of Article 45, Articles 244.15, 273, 278, 283, 284, 288 of the CPC RF, Articles 70, 72, 73, 125, 140 of the Family Code of the Russian Federation (hereinafter – FC RF), etc.), the participation of the prosecutor in the preparation of the case for court trial, including in the preliminary court session, shall be mandatory.

37. State bodies and local self-government bodies participate in the preparation of the case for court trial in order to exercise the duties assigned to them and to protect the rights, freedoms, and legitimate interests of other persons or the interests of the Russian Federation, constituent entities of the Russian Federation, and municipal formations in accordance with Part 1 of Article 47 of the CPC RF in cases where, by virtue of federal law, cases of relevant categories are subject to consideration with their participation (for example, Articles 244.15, 273, Part 1 of Article 284, Article 288 of the CPC RF, Articles 28, 70, 72, 73, 78, Part 2 of Article 155.2 of the FC RF, etc.).

The court, on its own initiative, may involve a state body or local self-government body in the case to achieve the goals defined in Part 1 of Article 47 of the CPC RF, also in cases stipulated by federal law, and in other cases if it deems it necessary (Part 2 of Article 47 of the CPC RF).

Regarding the involvement of a state body or local self-government body in the case to give an opinion, the judge issues a ruling to be sent to the relevant body.

38. In the ruling on the preparation for court trial of a case on the protection of the rights and legitimate interests of a group of persons, the judge, in order to determine the circle of its members and attract the maximum possible number of them to the process, establishes for the person conducting the case on behalf of the group of persons a time limit for making a public proposal to other persons from this group to join the claim for the protection of the rights and legitimate interests of the group of persons (Part 2 of Article 244.26 of the CPC RF). Such a proposal, corresponding to the provisions of Part 5 of Article 244.26 of the CPC RF, must be made by publishing a message in the mass media meeting the requirements of Article 2 of Law of the Russian Federation No. 2124-I dated December 27, 1991 "On Mass Media" (Part 3 of Article 244.26 of the CPC RF). The specific place of publication of the proposal to join shall be determined at the discretion of the court, taking into account the proposals of the person conducting the case on behalf of the group of persons, based on ensuring the possibility for members of the group of persons to join the claim for the protection of the rights and legitimate interests of this group, taking into account the factual circumstances of the case.

The proposal to join the claim for the protection of the rights and legitimate interests of a group of persons, stipulated by Part 5 of Article 244.26 of the CPC RF, in addition to being made

public in the mass media, may also be published on the official website of the court on the Internet, where information on the court's activities is posted (Part 3 of Article 244.26 of the CPC RF).

The court, upon a reasoned petition of the person conducting the case on behalf of the group of persons, may request information allowing the identification of other members of the group of persons and their addresses, in order to send them a proposal to join the claim for the protection of the rights and legitimate interests of the group of persons. The specified information may be requested both from the defendant and from any person possessing the relevant information (Article 57, Part 4 of Article 244.26 of the CPC RF).

39. The joining of other persons to the claim for the protection of the rights and legitimate interests of a group of persons during the preparation of the case for court trial shall be confirmed by their written applications (Part 6 of Article 244.20, Part 6 of Article 244.26 of the CPC RF), which must contain the information stipulated by Clause 3 of Part 1 of Article 244.21 of the CPC RF. Documents confirming membership in the group of persons must be attached to the joining applications (Part 2 of Article 244.21 of the CPC RF). Such applications, according to Part 6 of Article 244.20 of the CPC RF, may be submitted to the person entrusted with conducting the relevant civil case on behalf of the group of persons, or directly to the court.

40. When preparing for court trial a case on the protection of the rights and legitimate interests of a group of persons, the judge, inter alia, verifies the compliance of the group of persons with the conditions specified in Part 1 of Article 244.20 of the CPC RF, and ascertains the belonging of a specific person to the group of persons (the presence of a common defendant for each member of the group of persons, the commonality or homogeneity of the subject matter of the dispute, the similarity of the factual circumstances underlying the rights of all members of the group of persons and the obligations of the defendant, the use by all members of the group of persons of the same method of protecting rights).

Presentation, Disclosure, and Request for Evidence

41. The burden of proving the circumstances on which the claims and objections to the claim are based shall lie with the relevant participants in the civil case: parties, third parties asserting independent claims regarding the subject matter of the dispute, the prosecutor, bodies, organizations, and citizens who filed an application in defense of other persons (Articles 4, 45, 46, 47, 56, 57 of the CPC RF).

The judge, taking into account the nature of the legal relationship of the parties and the substantive law governing the disputed relationship, shall allocate the burden of proof, explaining to the persons participating in the case which circumstances and by whom they are to be proven (Part 2 of Article 56 of the CPC RF). In doing so, the judge shall be obliged to explain to the parties the provision of Part 1 of Article 68 of the CPC RF, that if a party obliged to prove its claims or objections withholds evidence in its possession and does not present it to the court, the court shall be entitled to base its conclusions on the explanations of the other party.

In the ruling on the preparation of the case for court trial, the judge shall set a time limit within which the defendant is entitled to submit evidence in support of his/her objections (no later than the date of the preliminary court session, and if such a session is not held, the date of the court trial), and also explains the consequences of not submitting them within the specified time limit, which consist in the possibility of the court considering the case on the merits based on the evidence available in the case (Part 2 of Article 150 of the CPC RF).

The judge shall also explain to the persons participating in the case the obligation of timely disclosure of evidence, by virtue of which evidence is submitted to the court with documents confirming their dispatch to the address of other persons participating in the case, within a time limit ensuring the possibility of familiarization with them before the date of the preliminary court session, and if such a session is not held, the date of the court trial (Part 3 of Article 56 of the CPC RF).

Persons participating in the case must conscientiously fulfill their procedural duties, including the timely submission and disclosure of evidence. A person who has missed the time limit for submitting evidence to the court may file a petition to extend it, which shall be resolved by the court (Article 111 of the CPC RF).

42. During the preparation of the case for court trial, the court must explain the procedure for submitting evidence and the requirements for it: relevance, admissibility, reliability, sufficiency, and legality, as well as the interrelation of evidence in their totality (Articles 55, 59, 60, and 67 of the CPC RF).

When resolving the issue of the relevance of a specific piece of evidence, the judge must determine whether the fact for the establishment of which the evidence is presented is of significance for the case (is included in the subject of proof in the case), and also whether this evidence can confirm or refute that fact.

The admissibility of evidence means that the circumstances of the case, which by law must be confirmed by certain evidence, cannot be confirmed by any other evidence.

To establish circumstances relevant to the case, the court may use only evidence stipulated by law (explanations of parties and third parties, witness testimony, written and material evidence, audio and video recordings, expert opinions) submitted by persons participating in the case and collected by the court in accordance with the procedure established by law (Part 1 of Article 55 of the CPC RF). Persons participating in the case who have submitted to the court information about facts obtained using artificial intelligence technologies must inform the court about this.

Evidence obtained in violation of the law shall have no legal force and cannot be used as the basis for a court decision (Part 2 of Article 55 of the CPC RF). The judge shall, in all cases, suggest that the persons participating in the case indicate which specific circumstances may be confirmed by the evidence they have submitted.

In doing so, by virtue of Article 60 of the CPC RF, the court shall take into account the rules prescribing (for example, by virtue of Article 272 of the CPC RF in adoption cases, the presence of a conclusion from the guardianship and custodianship authorities on the justification and compliance of the adoption with the interests of the adopted child; by virtue of Article 283 of the CPC RF in cases on declaring a citizen legally incompetent due to a mental disorder – the conclusion of a forensic psychiatric examination) or prohibiting (for example, according to Clause 2 of Article 812 of the CC RF, challenging a loan on the grounds of being non-receipt of money by witness testimony shall not be allowed if the loan agreement must be made in writing) the use of certain evidence to establish the circumstances of the case.

43. The judge shall be entitled to propose that the persons participating in the case submit additional evidence within a specified time limit (paragraph two of Part 1 of Article 57 of the CPC RF), if he/she comes to the conclusion that the totality of available evidence does not allow establishing the circumstances relevant to the resolution of the case or a separate procedural issue (in particular, in the case of submitting a single piece of circumstantial evidence that allows only a presumptive conclusion about the fact to be proven, or evidence contradicting each other, or evidence that does not provide complete information about the fact to be proven, for example, about the amount of harm caused to the health of the victim).

In cases where the timely submission of evidence is difficult for the persons participating in the case, the judge, upon their petition meeting the requirements of Part 2 of Article 57 of the CPC RF, assists in the collection and request of written and material evidence, in particular, from organizations and citizens (Article 57, Clause 9 of Part 1 of Article 150 of the CPC RF).

The judge shall be entitled to refuse to satisfy a petition for the request of evidence that lacks justification and confirmation of the impossibility for the person participating in the case to obtain it independently.

44. In cases established by law, the court requests evidence on its own initiative (for example, Part 1 of Article 272, Part 1 of Article 278, Part 1 of Article 292 of the CPC RF).

45. In case the parties fail to provide the information necessary for the consideration of the case, placed in open and (or) closed sources, in particular in state information systems, information systems accessible on the official websites of state authorities, local self-government bodies, organizations on the Internet (for example, in the Unified State Register of Real Estate, the Unified State Register of Legal Entities, on the Bank of Russia's Know Your Client platform, in the postal tracking system on the official website of the Joint Stock Company Russian Post, in the information systems of courts of general jurisdiction and arbitration courts), including in electronic form, the judge shall be entitled to obtain them during the preparation of the case for court trial. The court may also request data through electronic information interaction (Clause 14 of Part 1 of Article 150, Part 4 of Article 1 of the CPC RF, Part 2.1 of Article 59 of the CAS RF).

The judge shall announce to the parties that the court has received information in this manner. The received information shall be attached to the case file, depending on its form, as written evidence, audio, or video recordings.

Persons participating in the case shall be entitled to present their arguments and evidence regarding the reliability of such information.

46. If, during the preparation of the case for court trial, a person participating in the case fails to fulfill the obligation to send or deliver to other persons participating in the case copies of documents submitted to the court (Part 1 of Article 57 and Article 149 of the CPC RF), if these documents are not in their possession, the court provides these persons with the opportunity to familiarize themselves with the presented evidence. The court, upon the relevant petition, may instruct the person who submitted the documents to send or deliver their copies to other persons participating in the case within a time limit set within the period for preparing the case for court trial.

47. During the preparation of the case for court trial, the judge shall be entitled, upon the petition of the persons participating in the case, to take measures to secure evidence (Article 64 of the CPC RF). The range of evidence in respect of which the court may take such measures shall not be limited by law (Articles 64–66 of the CPC RF).

48. In accordance with the requirements of Part 2 of Article 12, Part 2 of Article 56 of the CPC RF, the court shall be obliged to create conditions for the parties and other persons participating in the case that ensure the possibility of exercising their procedural rights and duties related to the use of special knowledge in order to establish the circumstances of the case, examine and evaluate evidence (ordering an expert examination, involving a specialist, interpreter, or pedagogical worker in the judicial process).

The court shall explain to the persons participating in the case their procedural rights and duties related to the use of special knowledge in civil proceedings, including the right to file a petition for an expert examination, for the involvement of a specialist in the process, as well as the consequences of evading participation in the expert examination, and the failure of the parties to submit the materials, documents, and material evidence available to them necessary for conducting the forensic examination.

49. In the absence of a petition for ordering an expert examination, the court, having come to the conclusion that its ordering is necessary for the correct resolution of the case, raises this issue for discussion by the persons participating in the case. It should be noted that in this case, the court shall be also entitled to order an expert examination on its own initiative.

An expert examination must be ordered in cases stipulated by law, for example, a forensic psychiatric examination – in cases on declaring a citizen legally incompetent due to a mental disorder if there is sufficient evidence of the citizen's mental disorder (Article 283 of the CPC RF) and on declaring him/her legally competent in case of recovery or significant improvement in health (Part 2 of Article 286 of the CPC RF).

50. The ordering of an expert examination or the resolution of the issue of involving a specialist during the preparation of the case for court trial shall be carried out by the court in the preliminary court session, taking into account the opinion of the parties and other persons participating in the case (Part 2 of Article 79, Article 188 of the CPC RF).

When ordering an expert examination during the preparation of the case for court trial, the judge, in accordance with Article 216 of the CPC RF, shall be entitled to suspend proceedings in the case and, upon receipt of the expert's conclusion, shall be obliged to resume the proceedings and continue the preparation from the moment of suspension.

51. In urgent cases, during the preparation of the case for court trial, the judge shall be entitled to conduct an on-site inspection of written and material evidence (Clause 10 of Part 1 of Article 150 of the CPC RF), for example, if it is impossible or difficult to deliver them to court (Part 1 of Article 58 of the CPC RF), or if they are subject to rapid deterioration (Article 75 of the CPC RF).

Persons participating in the case shall be notified of the time and place of the inspection of evidence, but their failure to appear does not prevent the inspection. A protocol of the inspection of written or material evidence shall be drawn up regarding the performance of this procedural action (Article 184 of the CPC RF).

52. A court order may be sent to the relevant court only in cases where the evidence relevant to the case is located in another city or district and for some reason cannot be submitted to the court considering the case (Article 62, Clause 11 of Part 1 of Article 150 of the CPC RF). Written or material evidence that may be submitted by the parties or requested by the court considering the case upon their request cannot be collected in this manner.

In accordance with Article 62 of the CPC RF, another court may be tasked only with performing certain procedural actions, interviewing parties and third parties, interrogating witnesses, inspecting and examining written or material evidence. The judge shall not be entitled to give another court an order to request from the plaintiff data confirming the validity of the claims, as well as other information that must be specified in the statement of claim in accordance with Articles 131, 132 of the CPC RF.

The judge shall be entitled to task the performance of procedural actions to secure evidence in accordance with Article 66 of the CPC RF, if the relevant procedural actions are to be performed in another city or district.

The court order shall be sent in the form of a copy of the ruling in accordance with Part 2 of Article 62 of the CPC RF. In this case, the judge shall be entitled, in the preliminary court session, to issue a ruling on the suspension of proceedings in the case (Part 4 of Article 152, Article 216 of the CPC RF) and, after the execution of the court order, shall be obliged to resume the proceedings.

Preliminary Court Session

53. When preparing the case for court trial, the judge shall be entitled to conduct a preliminary court session (Clause 13 of Part 1 of Article 150 of the CPC RF), which shall be scheduled not for every civil case, but taking into account the purposes specified in Part 1 of Article 152 of the CPC RF (securing the dispositive actions of the parties taken during the preparation of the case for court trial, determining the circumstances relevant to the correct consideration and resolution of the case, etc.).

54. The conduct of a preliminary court session shall be mandatory, in particular, for resolving issues on the suspension (Part 4 of Article 152, Articles 215, 216 of the CPC RF) or termination (Part 4 of Article 152, Article 220 of the CPC RF) of proceedings in the case, on leaving the application without consideration (Part 4 of Article 152, paragraphs two to six of Article 222 of the CPC RF), on the transfer of the case to another court of general jurisdiction, an arbitration court (Parts 1, 2, 2.1 of Article 33, Part 4.1 of Article 152 of the CPC RF), in the event of the defendant raising an objection regarding the plaintiff's omission of the statute of limitations for the protection of the right or the statutory time limit for applying to court (Part 6 of Article 152 of the CPC RF), when considering disputes about children – to determine the place of residence of children and (or) the procedure for exercising parental rights for the period until the court decision enters into legal force (Part 6.1 of Article 152 of the CPC RF), in cases

on the protection of the rights and legitimate interests of a group of persons (Part 8 of Article 244.26 of the CPC RF).

It should be taken into account that the defendant's admission of the claim, filed during the preparation of the case for court trial, shall be subject to consideration on the merits after the transition to the court trial. The court's acceptance of the defendant's admission of the claim and the issuance, in connection with this, of a decision satisfying the stated claims during the preparation of the case, including in the preliminary court session, shall not be permitted.

55. A preliminary court session shall not be held in cases considered under simplified proceedings (Part 6 of Article 232.3 of the CPC RF).

56. As a general rule, issues concerning the merits of the dispute cannot be resolved in the preliminary court session.

In the preliminary court session, the judge may establish the factual circumstances of the case, hear the explanations of the persons participating in the case, and examine the submitted evidence according to the rules established by Chapter 15 of the CPC RF, only to the extent necessary to resolve the issues that necessitated its conduct. For example, in the preliminary court session, factual circumstances affecting the calculation of the statute of limitations (including the determination of the moment it begins to run, its suspension).

57. The preliminary court session shall be conducted by the judge alone.

The judge shall notify the persons participating in the case of the time and place of the preliminary court session in accordance with the procedure stipulated by Articles 113 and 114 of the CPC RF.

The ruling scheduling the preliminary court session, sent to the persons participating in the case together with the notice of its conduct, shall explain the possibility of conducting the court trial of this case on the merits immediately after the end of the preliminary court session and the right of the said persons to petition for the case to be considered on the merits in their absence.

Receipt (delivery) of the said ruling indicates proper notification of the person participating in the case of the conduct of both the preliminary court session and the court session in the case.

Participation in the preliminary court session shall be permitted, inter alia, by using videoconferencing systems or web-conference in accordance with the procedure defined respectively by Articles 155.1 and 155.2 of the CPC RF, provided that a petition for this is filed before the expiration of the time limit set in the ruling on the preparation of the case for court trial or in the ruling scheduling the preliminary court session.

The issue of the possibility of holding the preliminary court session in the event of the failure of any of the persons participating in the case to appear shall be resolved according to the rules stipulated by Article 167 of the CPC RF.

During the preliminary court session, recording shall be carried out using audio recording means (audio recording) and a protocol shall be drawn up in writing (Part 1 of Article 228, Articles 229, 230 of the CPC RF).

58. The preliminary court session during the preparation of the case for court trial must be held in compliance with the time limits for the consideration and resolution of cases (Articles 154, 327.2 of the CPC RF). The time limit for holding the preliminary court session shall be included within the two-month time limit for the consideration and resolution of a civil case and does not imply arbitrary calculation.

In complex cases, the judge, taking into account the opinion of the parties and based on the provision of Part 1 of Article 6.1 of the CPC RF, according to which proceedings must in any case be conducted within a reasonable time, shall be entitled to set the time limit for holding the preliminary court session beyond the time limits established by the Civil Procedure Code of the Russian Federation for the consideration and resolution of cases (Part 3 of Article 152 of the CPC RF), for which a reasoned ruling shall be drawn up indicating the specific time limit for holding the preliminary court session.

The opinion of the parties on this issue may be ascertained both by explaining the provisions of Part 3 of Article 152 of the CPC RF in the ruling on the preparation of the case for court trial and proposing to report their position regarding the need to hold the preliminary court session beyond the time limits for the consideration and resolution of the case, as well as possible time limits for its conduct, and by conducting an interview (conference) with the parties during the preparation of the case.

When classifying a case as complex for the purposes of applying Part 3 of Article 152 of the CPC RF, the court may take into account, for example, the nature and scope of the claims made, a large number of persons participating in the case, the remoteness and inaccessibility of their place of residence, the participation of foreign persons in the case, the need to obtain conclusions from authorized bodies (including for consideration of issues stipulated by Part 6.1 of Article 152 of the CPC RF), the need to request a significant amount of evidence, the expected duration of the execution of court requests and court orders.

When calculating the time limit for consideration of the case, the period specified in the reasoned ruling on the conduct of the preliminary court session shall be added to the time limit stipulated by the Civil Procedure Code of the Russian Federation. Thus, the case shall be deemed to have been considered within the time limit if its duration does not exceed the sum of the time limit for consideration stipulated by the Civil Procedure Code of the Russian Federation for this category of cases and the time limit specified in the ruling.

59. If there are circumstances preventing the completion of preparation for the case and the scheduling of the case for court trial within the framework of a single preliminary court session, for example, in cases of satisfaction of a petition by the parties to apply a conciliation procedure, acceptance of a counterclaim, the need for the parties to perform actions related to ordering an expert examination, the need to submit a conclusion from the guardianship and custodianship authority (Part 6.1 of Article 152 of the CPC RF), the judge shall be entitled to adjourn the preliminary court session. The grounds, procedure, and consequences of adjourning the preliminary court session are governed by the norms regulating the adjournment of a court session (Part 4 of Article 1, Part 1 of Article 169 of the CPC RF).

In the event of the entry of a co-plaintiff, involvement of a co-defendant, replacement of an improper defendant with a proper one, procedural succession, entry into the case of a third party asserting independent claims regarding the subject matter of the dispute, or involvement of a third party not asserting independent claims regarding the subject matter of the dispute, the judge adjourns the preliminary court session and sets another date for its conduct if the said persons (their representatives) are absent from the preliminary court session.

Also, if necessary, a break may be announced in the preliminary court session (Part 4 of Article 1, Part 3 of Article 157, Part 1 of Article 153.2 of the CPC RF, Article 169.1 of the CAS RF).

The break within the day of the preliminary court session and the time when such session will be continued shall be indicated in the minutes of the preliminary court session. In the event of announcing a break for a longer period, the court shall issue a protocol ruling indicating the time and place of the continuation of the preliminary court session. After the end of the break, the judge shall announce the continuation of the preliminary court session.

Persons participating in the case who were present at the preliminary court session before the announcement of the break shall be deemed properly notified of the time and place of the preliminary court session, and their failure to appear at the preliminary court session after the end of the break shall not prevent its continuation.

60. In the preliminary court session, the defendant's objection regarding the plaintiff's omission, without valid reasons, of the statute of limitations for the protection of the right or the statutory time limit for applying to court may be considered.

The plaintiff shall be entitled to petition for the restoration of the missed time limit, including simultaneously with filing the claim, and such a petition shall be subject to satisfaction if the court finds that the omission of the time limit was due to valid reasons.

The issue of the validity of the reasons for missing the time limit for applying to court shall be resolved either in the preliminary court session (Part 6 of Article 152 of the CPC RF), or in the court session, if before its scheduling the said petition has not been considered. In doing so, the entire set of circumstances that prevented the plaintiff from timely applying to court shall be established and taken into account. The judge shall be entitled, in order to ensure the timely and correct resolution of the case, to propose that each of the parties submit relevant evidence on the issue raised (paragraph two of Part 1 of Article 57 of the CPC RF).

The judge shall determine the moment of commencement of the limitation period or the time limit for applying to court, based on the factual circumstances of the case, and if the fact of missing this time limit without valid reasons is established, he/she shall adopt a decision in the preliminary court session to dismiss the claim without examining other factual circumstances of the case. Such a court decision may be appealed on appeal (Part 6 of Article 152 of the CPC RF).

In the absence of grounds for concluding that the plaintiff missed the statute of limitations or the statutory time limit for applying to court without valid reasons, the judge schedules the case for court trial, which does not exclude the possibility of re-resolving this issue during the consideration of the case.

61. When considering disputes about children, the court may, in the preliminary court session, for the period until the court decision enters into legal force, determine the place of residence of children (change the actual place of residence of children or determine the actual place of residence of children as their place of residence for the specified period – if there are circumstances indicating that changing the actual place of residence for the period until the relevant court decision enters into legal force would be contrary to the interests of the children) and (or) the procedure for exercising parental rights (Part 6.1 of Article 152 of the CPC RF).

Resolution of these issues shall be possible upon the request of the parents (one of the parents) and with the mandatory participation of the guardianship and custodianship authority in the preliminary court session, based on the results of which a ruling shall be issued.

If the said requests of the parents (one of the parents) are made after the completion of the preparation of the civil case for court trial, they shall be subject to resolution by the court in the court session, taking into account the specifics stipulated by Part 6.1 of Article 152 of the CPC RF.

62. In the preliminary court session, when preparing for court trial a case on the protection of the rights and legitimate interests of a group of persons, the judge resolves the issue of whether the group of persons meets the conditions specified in Part 1 of Article 244.20 of the CPC RF.

If, within the time limit set by the court, the person conducting the case on behalf of the group of persons does not make a proposal to other members of the group of persons to join the claim for the protection of the rights and legitimate interests of the group of persons in accordance with Part 3 of Article 244.26 of the CPC RF, and also if the group of persons does not meet the said conditions, the judge issues a ruling to leave the statement of claim without consideration. In this ruling, the persons who joined the claim for the protection of the rights and legitimate interests of the group of persons are explained their right to file independent claims in court (Part 8 of Article 244.26 of the CPC RF).

Completing Preparation of the Case for Court trial

63. The purpose of preparing the case for court trial shall be deemed achieved after the fulfillment of the tasks listed in Article 148 of the CPC RF.

Based on the results of the preparation of the case for court trial, the judge may perform one of the following actions:

- schedule the case for court trial (Article 153 of the CPC RF);

- terminate proceedings in the case, in particular in the event of the plaintiff's waiver of the claim and its acceptance by the court, or the conclusion of a settlement agreement by the parties and its approval by the court (Part 4 of Article 152, Article 220 of the CPC RF);
- leave the application without consideration (Part 4.1 of Article 152, paragraphs two to six of Article 222 of the CPC RF);
- transfer the case by jurisdiction to another court of general jurisdiction, an arbitration court (Part 4.1 of Article 152 of the CPC RF).

The judge, in the event of considering in the preliminary court session the defendant's objection regarding the plaintiff's omission, without valid reasons, of the statute of limitations for the protection of the right or the statutory time limit for applying to court, shall adopt a decision to dismiss the claims upon establishing the relevant.

64. The case may be scheduled for court trial only after all issues raised for discussion in the preliminary court session, if held, have been considered, sufficient evidence has been collected, the filed petitions have been resolved, and the judge, taking into account the opinion of the persons participating in the case, has recognized that the case is prepared for court trial. Preliminarily, the judge, taking into account the position of the parties on the sufficiency of evidence, ascertains whether all evidence has been submitted, whether the parties have any petitions, including for the submission or request of additional evidence. Having recognized the case as prepared, the judge issues a ruling scheduling the case for court trial (Part 1 of Article 153 of the CPC RF), taking into account the statutory time limit for its consideration (Article 154 of the CPC RF).

If the court, in case of urgent circumstances (for example, in connection with the need to eliminate the consequences of emergencies), comes to the conclusion that the tasks of preparation for the case have been fulfilled (including on the day the statement of claim was accepted), and the parties have filed petitions regarding the readiness of the case for consideration on the merits, it shall be entitled to complete the preparation and schedule the case for trial in a court session.

The law may establish time limits before the expiration of which the court, taking into account the specifics of the consideration of certain categories of cases, shall not be entitled to complete the preparation of the case and schedule the case for trial in a court session. For example, the court dissolves a marriage upon mutual consent of the spouses no earlier than one month from the date they file the application (Article 23 of the FC RF).

65. The judge, when preparing a case considered by a single judge, shall be entitled to issue a ruling, including a protocol ruling, on the completion of the preparation of the case and the opening of the court session (Part 2 of Article 153 of the CPC RF) if all persons participating in the case are present in the preliminary court session (Article 34 of the CPC RF), and at the same time the parties (plaintiff and defendant) have expressed oral or written consent to proceed to consideration of the case on the merits. The consent of persons participating in the case other than the parties to proceed to consideration of the case on the merits is not required.

The judge shall be entitled to complete the preliminary court session and, with the consent of the parties present, open the court session, also in the event that the preliminary court session is held in the absence of any other persons participating in the case who were duly notified of the time and place of such session, and this person has filed a petition for consideration of the case on the merits in his/her absence.

If all persons participating in the case are absent from the preliminary court session, but they have been notified of the time and place of the preliminary court session and request that the case be considered on the merits in their absence, the judge may also proceed to the court trial.

A party's petition for consideration of the case on the merits in its absence shall be regarded as consent to proceed to court trial.

During the court session opened immediately after the completion of preparation for the case (Part 2 of Article 153 of the CPC RF), the keeping of the minutes continues, and the procedural actions stipulated by Articles 160–165 of the CPC RF are not required to be repeated.

66. The ruling scheduling the case for court trial indicates the completion of preparation of the case for court trial, and also determines the time and place of the court session in the court of first instance (Part 4 of Article 1 of the CPC RF, Part 2 of Article 137 of the APC RF), explains the rights, duties, and consequences of performing or not performing certain actions, and the possibility of concluding the case by a settlement agreement. This ruling may also indicate the involvement of third parties in the case, the acceptance of a counterclaim, the joinder or severance of several claims, and the resolution of other issues if no rulings have been issued on them during the preparation of the case.

In doing so, the judge shall be obliged to notify the parties and other persons participating in the case of the time and place of the consideration of the case, and also to summon other participants in the process in accordance with the requirements of Articles 113 and 114 of the CPC RF.

67. The ruling on the preparation of the case for court trial and other rulings issued in connection with the preparation, which do not preclude the further progress of the case, are not subject to appeal to the court of appeal, except for the cases specified in the Civil Procedure Code of the Russian Federation (Part 1 of Article 331 of the CPC RF). For example, rulings on the involvement or refusal to involve a third party not asserting independent claims regarding the subject matter of the dispute in the case, on the satisfaction or dismissal of a petition for joining a member of a group of persons to the claim for the protection of the rights and legitimate interests of this group, cannot be appealed.

Separately from the court decision, the following may be appealed to the court of appeal, in particular, a ruling issued during the preparation of the case on the transfer of the case to another court or on the refusal to transfer the case to another court, except for cases of transfer after the recusal of one or more judges or for other reasons, if the replacement of judges or the consideration of the case in this court becomes impossible (Clause 4 of Part 2, Part 3 of Article 33 of the CPC RF); a ruling on the refusal to secure evidence (Part 2 of Article 65 of the CPC RF); rulings on issues of securing the claim (Parts 1, 3 of Article 145 of the CPC RF); a ruling on the refusal to approve a settlement agreement (Part 12 of Article 153.10 of the CPC RF); a ruling on the suspension of proceedings in the case (Part 5 of Article 152, Article 218 of the CPC RF).

Rulings issued in connection with the preparation of the case that preclude its further progress, including rulings on the termination of proceedings in the case, on leaving the application without consideration (Part 5 of Article 152, Article 221, Part 3 of Article 223 of the CPC RF), may be appealed to the court of appeal.

Final Provisions

68. In connection with the adoption of this resolution, Resolution of the Plenum of the Supreme Court of the Russian Federation No. 11 dated June 24, 2008 “On Preparing Civil Cases for Court trial” shall be declared invalid.

Chairman of the Supreme Court
of the Russian Federation

I.V. Krasnov

Secretary of the Plenum,
Judge of the Supreme Court
of the Russian Federation

O.K. Zatelepin