

RUSSIAN FEDERATION
FEDERAL CONSTITUTIONAL LAW

On Commercial Courts in the Russian Federation

28 April 1995

No. 1

Adopted by the State Duma on 5 April 1995
Approved by the Federation Council on 12 April 1995

[\[Translated as of July 2023\]](#)

Chapter 1. General Provisions

Article 1. Commercial Courts in the Russian Federation

Commercial courts in the Russian Federation are federal courts, a part of the judicial system of the Russian Federation.

Article 2. Legislation on Commercial Courts in the Russian Federation

1. In accordance with the Constitution of the Russian Federation, legislation on commercial courts lies within the jurisdiction of the Russian Federation.

2. The powers, manner of establishment and activities of commercial courts in the Russian Federation are stipulated in the federal constitutional law on the judicial system, in this Federal Constitutional Law and other federal constitutional laws.

The manner of judicial proceedings in commercial courts in the Russian Federation is established in this Federal Constitutional Law, in the Commercial Procedure Code of the Russian Federation and other federal laws, adopted in accordance therewith.

Article 3. System of Commercial Courts in the Russian Federation

The system of commercial courts in the Russian Federation is composed of:

- abrogated
- commercial courts of circuits (commercial courts of cassation);
- appellate commercial courts;

- commercial courts of first instance in republics, territories, regions, federal cities, in an autonomous region, in autonomous circuits (hereinafter referred to as commercial courts of constituent entities of the Russian Federation);
- specialized commercial courts.

Article 4. Administration of Justice by Commercial Courts in the Russian Federation

Commercial courts in the Russian Federation administer justice by resolving economic disputes and considering other cases, referred to their competence by this Federal Constitutional Law, the Commercial Procedure Code of the Russian Federation and other federal laws, adopted in accordance therewith.

Article 5. Main Tasks of Commercial Courts in the Russian Federation

The main tasks of commercial courts in the Russian Federation, in consideration of disputes within their competence, are:

- to protect the violated or disputed rights and lawful interests of enterprises, establishments, organisations (hereinafter referred to as organisations) and citizens in the sphere of entrepreneurial and other economic activities;
- to contribute to the strengthening of the rule of law and the prevention of violations of law in the sphere of entrepreneurial and other economic activities.

Article 6. Main Principles of Activity of Commercial Courts in the Russian Federation

The activity of commercial courts in the Russian Federation is based on the principles of lawfulness, independence of judges, equality of organisations and citizens before the law and the court, adversarial proceedings and equality of the parties, public consideration of cases.

Article 7. Binding Nature of Judicial Acts

Effective judicial acts – decisions, decrees, rulings of commercial courts are binding for all state bodies, local self-government bodies, other bodies, organisations, officials and citizens and are subject to execution on the whole territory of the Russian Federation.

Article 8. Judges of Commercial Courts in the Russian Federation

1. Abrogated

2. Presidents, deputy presidents, judges of commercial courts of circuits, of commercial courts of constituent entities of the Russian Federation and of specialized commercial courts are appointed in the manner stipulated in Federal Constitutional Law No. 1 of 31 December 1996 “On the Judicial System of the Russian Federation” and in Law of the Russian Federation No. 3132-1 of 26 June 1992 “On the Status of Judges in the Russian Federation”.

Presidents, deputy presidents and judges of appellate commercial courts are appointed in accordance with the requirements and in the manner stipulated in Federal Constitutional Law No. 1 of 31 December 1996 “On the Judicial System of the Russian Federation” and in Law of the Russian Federation No. 3132-1 of 26 June 1992 “On the Status of Judges in the Russian Federation” for presidents, deputy presidents and judges of commercial courts of circuits.

The age limit for presidents of commercial courts of circuits is 76 years.

3. No person may be proposed for appointment to judicial office without the consent of the corresponding qualification board of judges.

Judicial powers may only be terminated by virtue of a decision of the corresponding qualification board of judges. If judicial powers are terminated as a result of a disciplinary offence, such a decision may be appealed against before the Disciplinary Chamber of the Supreme Court of the Russian Federation.

The powers of presidents, deputy presidents and judges of commercial courts of circuits, appellate commercial courts, of the Intellectual Property Rights Court are also terminated by the Federation Council of the Federal Assembly of the Russian Federation upon proposal of the President of the Russian Federation, if they commit an act discrediting the honour and dignity of the judge, as well as in other situations stipulated in a federal constitutional law, demonstrating that it is impossible for the judge to exercise her/his powers.

Chapter 2. Powers, Manner of Establishment and Activities of the Supreme Commercial Court of the Russian Federation

Abrogated

Chapter 3. Powers, Manner of Establishment and Activities of Commercial Courts of Circuits

Article 24. Commercial Courts of Circuits

1. Commercial courts of circuits are courts that check, in cassation, the lawfulness of effective judicial acts of commercial courts of constituent entities of the Russian Federation and of appellate commercial courts. Where stipulated in federal laws, commercial courts of circuits check the lawfulness of judicial acts adopted by courts of cassation, unless otherwise stipulated in this Federal Constitutional Law. Commercial courts of circuits also act as courts of first instance in considering compensation claims for the violation of right to trial within a reasonable time, as regards cases considered by commercial courts, or for the violation of right to execution of judicial acts within a reasonable time, where such acts were adopted by commercial courts.

2. The following commercial courts of circuits act in the Russian Federation:

1) Commercial Court of the Volga-Vyatka Circuit, which checks the judicial acts adopted by commercial courts of Vladimir Region, Ivanovo Region, Kirov Region, the Republic of Komi, Kostroma

Region, the Republic of Mari El, the Republic of Mordovia, Nizhny Novgorod Region, Chuvashi Republic – Chuvashia, Yaroslavl Region, as well as the judicial acts of appellate commercial courts established in this judicial circuit;

2) Commercial Court of the East Siberian Circuit, which checks the judicial acts adopted by commercial courts of the Republic of Buryatia, Irkutsk Region, Krasnoyarsk Territory, the Republic of Sakha (Yakutia), the Republic of Tyva, the Republic of Khakasia, Transbaikalia Territory, as well as the judicial acts of appellate commercial courts established in this judicial circuit, and also the judicial acts adopted by the Commercial Court of Chita Region before 1 January 2010;

3) Commercial Court of the Far East Circuit, which checks the judicial acts adopted by commercial courts of Amur Region, Jewish Autonomous Region, Kamchatka Territory, Magadan Region, Primorye Territory, Sakhalin Region, Khabarovsk Territory, Chukotka Autonomous Circuit, as well as the judicial acts of appellate commercial courts established in this judicial circuit, and also the judicial acts adopted by the Commercial Court of Kamchatka Region before 1 January 2009;

4) Commercial Court of the West Siberian Circuit, which checks the judicial acts adopted by commercial courts of the Republic of Altai, Altai Territory, Kemerovo Region, Novosibirsk Region, Omsk Region, Tomsk Region, Tyumen Region, Khanty-Mansi Autonomous Circuit – Yugra, Yamalo-Nenets Autonomous Circuit, as well as the judicial acts of appellate commercial courts established in this judicial circuit;

5) Commercial Court of the Moscow Circuit, which checks the judicial acts adopted by commercial courts of the City of Moscow and of Moscow Region, as well as the judicial acts of appellate commercial courts established in this judicial circuit;

6) Commercial Court of the Volga Circuit, which checks the judicial acts adopted by commercial courts of Astrakhan Region, Volgograd Region, Penza Region, Samara Region, Saratov Region, the Republic of Tatarstan (Tatarstan), Ulyanovsk Region, as well as the judicial acts of appellate commercial courts established in this judicial circuit;

7) Commercial Court of the North-Western Circuit, which checks the judicial acts adopted by commercial courts of Arkhangelsk Region, Vologda Region, Kaliningrad Region, the Republic of Karelia, Murmansk Region, Novgorod Region, Pskov Region, the City of Saint-Petersburg and Leningrad Region, Tver Region, as well as the judicial acts of appellate commercial courts established in this judicial circuit;

8) Commercial Court of the North Caucasus Circuit, which checks the judicial acts adopted by commercial courts of the Republic of Adygea (Adygea), the Republic of Dagestan, the Republic of Ingushetia, Kabardino-Balkarian Republic, the Republic of Kalmykia, Karachayevo-Cherkessian Republic, Krasnodar Territory, Rostov Region, the Republic of North Ossetia – Alania, Stavropol

Region, Chechen Republic, as well as the judicial acts of appellate commercial courts established in this judicial circuit;

9) Commercial Court of the Urals Circuit, which checks the judicial acts adopted by commercial courts of the Republic of Bashkortostan, Kurgan Region, Orenburg Region, Perm Territory, Sverdlovsk Region, Udmurtian Republic, Chelyabinsk Region, as well as the judicial acts of appellate commercial courts established in this judicial circuit, and also the judicial acts adopted by commercial courts of Komi-Perm Autonomous Circuit and of Perm Region before 30 June 2007;

10) Commercial Court of the Central Circuit, which checks the judicial acts adopted by commercial courts of Belgorod Region, Bryansk Region, Voronezh Region, Kaluga Region, the Republic of Crimea, Kursk Region, Lipetsk Region, Oryol Region, Ryazan Region, the City of Sevastopol, Smolensk Region, Tambov Region, Tula Region, as well as the judicial acts of appellate commercial courts established in this judicial circuit.

3. The composition of judicial circuits may be altered by virtue of a federal law.

Article 25. Composition of a Commercial Court of a Circuit

1. A commercial court of a circuit acts in the composition of:

- the presidium of the commercial court of a circuit;
- the chamber for disputes arising from civil and other legal relations;
- the chamber for disputes arising from administrative legal relations.

2. Abrogated

Article 26. Powers of a Commercial Court of a Circuit

A commercial court of a circuit:

- checks, in cassation, the lawfulness of effective judicial acts in cases previously considered by commercial courts of constituent entities of the Russian Federation and by appellate commercial courts. Where so stipulated in federal laws, a commercial court of a circuit checks the lawfulness of judicial acts adopted by courts of cassation, unless otherwise stipulated in this Federal Constitutional Law;
- reviews effective judicial acts, adopted by that commercial court of a circuit, due to newly discovered facts;
- addresses the Constitutional Court of the Russian Federation with a request to check the constitutionality of a law, applied or subject to application in the case under its consideration;
- studies and generalizes the judicial practice;
- elaborates suggestions regarding the improvement of laws and other normative legal acts;

- analyzes judicial statistics;
- as a court of first instance, considers compensation claims for the violation of right to trial within a reasonable time, as regards cases considered by commercial courts, or for the violation of right to execution of judicial acts within a reasonable time, where such acts were adopted by commercial courts.

Article 27. Presidium of a Commercial Court of a Circuit

1. The presidium of a commercial court of a circuit is composed of the president of the commercial court of a circuit, her/his deputies, heads of panels of judges and judges.
2. Judges of a commercial court of a circuit, sitting as members of the presidium of that commercial court, are appointed by the Plenary Session of the Supreme Court of the Russian Federation on proposal of the president of that commercial court.

Article 28. Powers of a Presidium of a Commercial Court of a Circuit

The presidium of a commercial court of a circuit:

- 1) appoints the members of judicial chambers and the heads of panels of judges of the commercial court of a circuit on proposal of the president of that commercial court;
- 2) considers other issues pertaining to the organisation of the work of the court;
- 3) considers issues of judicial practice.

Article 29. Manner of Work of the Presidium of a Commercial Court of a Circuit

1. The presidium of a commercial court of a circuit is convened by the president of that court as deemed necessary.
2. The presidium of a commercial court of a circuit is competent to resolve issues if the majority of its members is present.
3. Rulings of the presidium of a commercial court of a circuit are adopted in open voting by a majority of the present members of the presidium and signed by the president of that commercial court. Members of the presidium have no right to abstain from voting.

Article 30. Judicial Chambers of a Commercial Court of a Circuit

1. Judicial chambers are created within a commercial court of a circuit, composed of judges of that court, on proposal of the president of the court. The composition of the chambers is approved by the presidium of the court.
2. The judicial chambers are headed by chairpersons – deputy presidents of the court.

3. If necessary, the president of the court may direct a judge of one of the judicial chambers to consider cases as a member of another judicial chamber.

4. Judicial chambers of a commercial court of a circuit check, in cassation, the lawfulness of effective judicial acts in cases considered by commercial courts of constituent entities of the Russian Federation and by appellate commercial courts, unless otherwise stipulated in this Federal Constitutional Law, study and generalize judicial practice, elaborate suggestions regarding the improvement of laws and other normative legal acts, analyze judicial statistics.

Article 31. Panels of Judges of a Commercial Court of a Circuit

1. Panels of judges may be formed within a judicial chamber of a commercial court of a circuit, composed of judges of the corresponding judicial chamber.

2. Panels of judges are formed by the president of the commercial court of a circuit.

3. A panel of judges is presided by a head of the panel, appointed by the presidium of the commercial court of a circuit for a three-year term. A judge may be appointed head of a panel of judges multiple times.

Article 32. President of a Commercial Court of a Circuit

1. The president of a commercial court of a circuit is a judge exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.

2. The president of a commercial court of a circuit:

1) organizes the activities of the commercial court of a circuit;

2) distributes duties among the deputy presidents of the commercial court of a circuit;

3) forms panels of judges from the ranks of judges of the commercial court of a circuit;

4) convenes the presidium of the commercial court of a circuit and presides over its sessions; submits issues, referred to the competence of the presidium by this Federal Constitutional Law, for its consideration;

5) performs the general management of staff of the commercial court of a circuit, appoints and dismisses members of the court staff;

6) represents the commercial court of a circuit in its relations with state, public and other bodies;

7) exercises other powers stipulated in this Federal Constitutional Law.

3. The president of a commercial court of a circuit issues orders and instructions.

Article 33. Deputy Presidents of a Commercial Court of a Circuit

1. Deputy presidents of a commercial court of a circuit are judges exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.
2. In accordance with the distribution of duties, deputy presidents of a commercial court of a circuit head judicial chambers, organise the activities of structural units of the court staff.
3. In case of absence of the president of a commercial court of a circuit, the powers of the president are exercised by one of the deputy presidents, according to the president's instructions.

Chapter 3.1. Powers, Manner of Establishment and Activities of Appellate Commercial Courts

Article 33.1. Appellate Commercial Courts

1. Appellate commercial courts are courts that check, in appeal, the lawfulness and substantiation of judicial acts adopted in first instance by commercial courts of constituent entities of the Russian Federation.

2. The following appellate commercial courts act in the Russian Federation:

1) in Volga-Vyatka Judicial Circuit:

- the First Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Vladimir Region, the Republic of Mari El, the Republic of Mordovia, Nizhny Novgorod Region, Chuvashi Republic – Chuvashia;
- the Second Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Ivanovo Region, Kirov Region, the Republic of Komi, Kostroma Region, Yaroslavl Region;

2) in the East Siberian Judicial Circuit:

- the Third Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Krasnoyarsk Territory, the Republic of Tyva, the Republic of Khakasia;
- the Fourth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of the Republic of Buryatia, Irkutsk Region, the Republic of Sakha (Yakutia), Transbaikal Territory, as well as the judicial acts adopted by the Commercial Court of Chita Region before 1 January 2010;

3) in the Far East Judicial Circuit:

- the Fifth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Kamchatka Territory, Primorye Territory, Sakhalin Region, as well as the judicial acts adopted by the Commercial Court of Kamchatka Region before 1 January 2009;

- the Sixth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Amur Region, Jewish Autonomous Region, Magadan Region, Khabarovsk Territory, Chukotka Autonomous Circuit;

4) in the West Siberian Judicial Circuit:

- the Seventh Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of the Republic of Altai, Altai Territory, Kemerovo Region, Novosibirsk Region, Tomsk Region;
- the Eighth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Omsk Region, Tyumen Region, Khanty-Mansi Autonomous Circuit – Yugra, Yamal-Nenets Autonomous Circuit;

5) in Moscow Judicial Circuit:

- the Ninth Appellate Commercial Court, which checks the judicial acts adopted by the Commercial Court of the City of Moscow;
- the Tenth Appellate Commercial Court, which checks the judicial acts adopted by the Commercial Court of the Moscow Region;

6) in Volga Judicial Circuit:

- the Eleventh Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Penza Region, Samara Region, the Republic of Tatarstan (Tatarstan), Ulyanovsk Region;
- the Twelfth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Astrakhan Region, Volgograd Region, Saratov Region;

7) in the North-Western Judicial Circuit:

- the Thirteenth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Kaliningrad Region, the Republic of Karelia, Murmansk Region, the City of Saint-Petersburg and Leningrad Region;
- the Fourteenth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Arkhangelsk Region, Vologda Region, Novgorod Region, Pskov Region, Tver Region;

8) in the North Caucasus Judicial Circuit:

- the Fifteenth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of the Republic of Adygea (Adygea), Krasnodar Territory, Rostov Region;
- the Sixteenth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of the Republic of Dagestan, the Republic of Ingushetia, Kabardino-Balkarian Republic, the

Republic of Kalmykia, Karachayevo-Cherkessian Republic, the Republic of North Ossetia – Alania, Stavropol Region, Chechen Republic;

- abrogated

9) in the Urals Judicial Circuit:

- the Seventeenth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Perm Territory, Sverdlovsk Region, Udmurtian Republic, as well as the judicial acts adopted by commercial courts of Komi-Perm Autonomous Circuit and of Perm Region before 30 June 2007;
- the Eighteenth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Republic of Bashkortostan, Kurgan Region, Orenburg Region, Chelyabinsk Region;

10) in the Central Judicial Circuit:

- the Nineteenth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Belgorod Region, Voronezh Region, Kursk Region, Lipetsk Region, Oryol Region, Tambov Region;
- the Twentieth Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of Bryansk Region, Kaluga Region, Ryazan Region, Smolensk Region, Tula Region;
- the Twenty-First Appellate Commercial Court, which checks the judicial acts adopted by commercial courts of the Republic of Crimea, of the City of Sevastopol.

3. The composition of judicial circuits may be altered by virtue of a federal law.

Article 33.2. Composition of an Appellate Commercial Court

1. An appellate commercial court acts in the composition of:

- the presidium of the appellate commercial court;
- the chamber for disputes arising from civil and other legal relations;
- the chamber for disputes arising from administrative legal relations.

2. A remote court office, located outside of the permanent location of an appellate commercial court, may be created within the composition of an appellate commercial court by a federal law.

Article 33.3. Powers of an Appellate Commercial Court

An appellate commercial court:

- 1) checks, in appeal, the lawfulness and substantiation of judicial acts that have not yet entered into force, adopted in cases considered by commercial courts of constituent entities of the Russian Federation in first instance, thereby considering the case anew;
- 2) reviews effective judicial acts, adopted by that appellate commercial court, due to newly discovered facts;
- 3) addresses the Constitutional Court of the Russian Federation with a request to check the constitutionality of a law, applied or subject to application in the case under its consideration in appeal;
- 4) studies and generalizes the judicial practice;
- 5) elaborates suggestions regarding the improvement of laws and other normative legal acts;
- 6) analyzes judicial statistics.

Article 33.4. Presidium of an Appellate Commercial Court

1. The presidium of an appellate commercial court is composed of the president of the appellate commercial court, her/his deputy presidents, heads of panels of judges and judges.
2. Judges of an appellate commercial court, sitting as members of the presidium of that commercial court, are appointed by the Plenary Session of the Supreme Court of the Russian Federation on proposal of the president of that commercial court.

Article 33.5. Powers of the Presidium of an Appellate Commercial Court

The presidium of an appellate commercial court:

- appoints the members of judicial chambers and the heads of panels of judges of the appellate commercial court on proposal of the president of that commercial court;
- considers other issues pertaining to the organisation of the work of the court;
- considers issues of judicial practice.

Article 33.6. Manner of Work of the Presidium of an Appellate Commercial Court

1. The presidium of an appellate commercial court is convened by the president of that court as deemed necessary.
2. The presidium of an appellate commercial court is competent to resolve issues if the majority of its members is present.
3. Rulings of the presidium of an appellate commercial court are adopted in open voting by a majority of the present members of the presidium and signed by the president of that commercial court. Members of the presidium have no right to abstain from voting.

Article 33.7. Judicial Chambers of an Appellate Commercial Court

1. Judicial chambers may be created within an appellate commercial court, composed of judges of that court, on proposal of the president of the court. The composition of the chambers is approved by the presidium of the court.
2. The judicial chambers are headed by chairpersons – deputy presidents of the court.
3. If necessary, the president of the court may direct a judge of one of the judicial chambers to consider cases as a member of another judicial chamber.
4. Judicial chambers of an appellate commercial court check, in appeal, the lawfulness and substantiation of judicial acts in cases considered in first instance by commercial courts of constituent entities of the Russian Federation, thereby considering the case anew; study and generalize judicial practice; elaborate suggestions regarding the improvement of laws and other normative legal acts; analyze judicial statistics.

Article 33.8. Panels of Judges of an Appellate Commercial Court

1. Panels of judges are formed within an appellate commercial court, composed of judges of the corresponding judicial chambers, or, if there are no judicial chambers – composed of judges of that court.
2. Panels of judges are formed by the president of the appellate commercial court.
3. A panel of judges is presided by a head of the panel, appointed by the presidium of the appellate commercial court for a three-year term. A judge may be appointed head of a panel of judges multiple times.

Article 33.9. President of an Appellate Commercial Court

1. The president of an appellate commercial court is a judge exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.
2. The president of an appellate commercial court:
 - 1) organizes the activities of the appellate commercial court;
 - 2) distributes duties among the deputy presidents of the appellate commercial court;
 - 3) forms panels of judges from the ranks of judges of the appellate commercial court;
 - 4) convenes the presidium of the appellate commercial court and presides over its sessions; submits issues, referred to the competence of the presidium by this Federal Constitutional Law, for its consideration;
 - 5) performs the general management of staff of the appellate commercial court, appoints and dismisses members of the court staff;
 - 6) represents the appellate commercial court in its relations with state, public and other bodies;

7) exercises other powers stipulated in this Federal Constitutional Law.

3. The president of an appellate commercial court issues orders and instructions.

Article 33.10. Deputy Presidents of an Appellate Commercial Court

1. Deputy presidents of an appellate commercial court are judges exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.

2. In accordance with the distribution of duties, deputy presidents of an appellate commercial court head judicial chambers; preside over remote court offices located outside of the permanent location of the appellate commercial court; organise the activities of structural units of the court staff.

3. In case of absence of the president of an appellate commercial court, the powers of the president are exercised by one of the deputy presidents, according to the president's instructions.

Article 33.11. Remote Court Office of an Appellate Commercial Court

1. In order to administer justice closer to the location or place of residence of persons participating in the case, located or residing in remote areas, taking into account the number of cases considered by an appellate commercial court in a certain area, a remote court office may be created within the composition of an appellate commercial court outside of its permanent location by virtue of a federal law.

2. A remote court office of an appellate commercial court is a separate department of the corresponding appellate commercial court, located outside of the court's permanent location and exercising its powers.

Chapter 4. Powers, Manner of Establishment and Activities of Commercial Courts of Constituent Entities of the Russian Federation

Article 34. Commercial Courts of Constituent Entities of the Russian Federation

1. Commercial courts of republics, territories, regions, federal cities, of an autonomous region and of autonomous circuits act in the constituent entities of the Russian Federation.

2. A single commercial court may exercise judicial power on the territory of several constituent entities of the Russian Federation. Several commercial courts may exercise judicial power on the territory of the same constituent entity of the Russian Federation.

3. Commercial courts in the Russian Federation are created by virtue of a federal law.

Article 35. Composition of a Commercial Court of a Constituent Entity of the Russian Federation

1. A presidium acts in a commercial court of a constituent entity of the Russian Federation. Judicial chambers for the resolution of disputes arising from civil and other legal relations and for the resolution of disputes arising from administrative legal relations may be created in a commercial court.

2. Remote court offices, located outside of the permanent location of a commercial court of a constituent entity of the Russian Federation, may be created within the composition of that commercial court by a federal law.

Article 36. Powers of a Commercial Court of a Constituent Entity of the Russian Federation

A commercial court of a constituent entity of the Russian Federation:

1) considers, as a court of first instance, all cases within the competence of commercial courts in the Russian Federation, except for cases within the competence of the Supreme Court of the Russian Federation, of commercial courts of circuits and of specialized commercial courts;

2) abrogated

3) reviews effective judicial acts, adopted by that commercial court, due to newly discovered facts;

4) addresses the Constitutional Court of the Russian Federation with a request to check the constitutionality of a law, applied or subject to application in the case under its consideration in any instance;

5) studies and generalizes the judicial practice;

6) elaborates suggestions regarding the improvement of laws and other normative legal acts;

7) analyzes judicial statistics.

Article 37. Presidium of a Commercial Court of a Constituent Entity of the Russian Federation

1. The presidium of a commercial court of a constituent entity of the Russian Federation is composed of the president of that court, her/his deputy presidents, heads of panels of judges and judges.

2. Judges of a commercial court of a constituent entity of the Russian Federation, sitting as members of the presidium of that commercial court, are appointed by the Plenary Session of the Supreme Court of the Russian Federation on proposal of the president of that commercial court.

Article 38. Powers of the Presidium of a Commercial Court of a Constituent Entity of the Russian Federation

The presidium of a commercial court of a constituent entity of the Russian Federation:

- appoints the members of chambers of judges and the heads of panels of judges of the commercial court on proposal of the president of that court;
- considers other issues pertaining to the organisation of the work of the court;

- considers issues of judicial practice.

Article 39. Manner of Work of the Presidium of a Commercial Court of a Constituent Entity of the Russian Federation

1. The presidium of a commercial court of a constituent entity of the Russian Federation is convened by the president of that court as deemed necessary.
2. The presidium of a commercial court of a constituent entity of the Russian Federation is competent to resolve issues if the majority of its members is present.
3. Rulings of the presidium of a commercial court of a constituent entity of the Russian Federation are adopted in open voting by a majority of the present members of the presidium and signed by the president of that commercial court. Members of the presidium have no right to abstain from voting.

Article 40. Judicial Chambers of a Commercial Court of a Constituent Entity of the Russian Federation

1. Judicial chambers may be created within a commercial court of a constituent entity of the Russian Federation, composed of judges of that court, on proposal of the president of the court. The composition of the chambers is approved by the presidium of the court.
2. The judicial chambers are headed by chairpersons – deputy presidents of the court.
3. If necessary, the president of the court may direct a judge of one of the judicial chambers to consider cases as a member of another judicial chamber.
4. Judicial chambers of a commercial court of a constituent entity of the Russian Federation consider, in first instance, all cases within the competence of commercial courts in the Russian Federation, except for cases within the competence of the Supreme Court of the Russian Federation, of commercial courts of circuits and of specialized commercial courts; study and generalize judicial practice; elaborate suggestions regarding the improvement of laws and other normative legal acts; analyze judicial statistics.

Article 41. Panels of Judges of a Commercial Court of a Constituent Entity of the Russian Federation

1. Panels of judges are formed within a commercial court of a constituent entity of the Russian Federation, composed of judges of the corresponding judicial chambers, or, if there are no judicial chambers – composed of judges of that court.
2. Panels of judges are formed by the president of the commercial court of a constituent entity of the Russian Federation.
3. A panel of judges is presided by a head of the panel, appointed by the presidium of the commercial court of a constituent entity of the Russian Federation for a three-year term. A judge may be appointed head of a panel of judges multiple times.

Article 42. President of a Commercial Court of a Constituent Entity of the Russian Federation

1. The president of a commercial court of a constituent entity of the Russian Federation is a judge exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.

2. The president of a commercial court of a constituent entity of the Russian Federation:

- 1) organizes the activities of the commercial court of a constituent entity of the Russian Federation;
- 2) distributes duties among the deputy presidents;
- 3) forms panels of judges;
- 4) convenes the presidium of the commercial court of a constituent entity of the Russian Federation and presides over its sessions; submits issues, referred to the competence of the presidium by this Federal Constitutional Law, for its consideration;
- 5) performs the general management of staff of the commercial court of a constituent entity of the Russian Federation, appoints and dismisses members of the court staff;
- 6) represents the commercial court of a constituent entity of the Russian Federation in its relations with state, public and other bodies;
- 7) exercises other powers stipulated in this Federal Constitutional Law.

The president of a commercial court of a constituent entity of the Russian Federation issues orders and instructions.

3. The president of a commercial court of a constituent entity of the Russian Federation has the right to participate in sessions of public authorities of the corresponding constituent entity of the Russian Federation.

Article 43. Deputy Presidents of a Commercial Court of a Constituent Entity of the Russian Federation

1. Deputy presidents of a commercial court of a constituent entity of the Russian Federation are judges exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.

2. In accordance with the distribution of duties, deputy presidents of a commercial court of a constituent entity of the Russian Federation head judicial chambers, organise the activities of structural units of the court staff.

3. In case of absence of the president of a commercial court of a constituent entity of the Russian Federation, the powers of the president are exercised by one of the deputy presidents, according to the president's instructions.

Article 43.1. Remote Court Office of a Commercial Court of a Constituent Entity of the Russian Federation

1. In order to administer justice closer to the location or place of residence of persons participating in the case, located or residing in remote areas, taking into account the number of cases considered by commercial courts of constituent entities of the Russian Federation in certain areas, remote court offices may be created within the compositions of commercial courts of constituent entities of the Russian Federation outside of permanent locations of such courts by virtue of a federal law.

2. A remote court office of a commercial court of a constituent entity of the Russian Federation is a separate department of the corresponding commercial court, located outside of the court's permanent location and exercising its powers.

Chapter 4.1. Powers, Manner of Establishment and Activities of the Intellectual Property Rights Court

Article 43.2. Intellectual Property Rights Court

The Intellectual Property Rights Court is a specialized commercial court that considers, within the framework of its competence, cases regarding the protection of intellectual property rights, as a court of first instance and in cassation.

Article 43.3. Composition of the Intellectual Property Rights Court

1. The Intellectual Property Rights Court acts in the composition of judges, panels of judges and of the presidium.

2. When the Intellectual Property Rights Court acts as a court of first instance, cases are considered in panel.

3. When the Intellectual Property Rights Court acts as a court of cassation, cases are considered:

1) by the presidium of the court – during review of cases considered by the Intellectual Property Rights Court in first instance;

2) in panel – during review of cases considered by commercial courts of constituent entities of the Russian Federation and by appellate commercial courts.

Article 43.4. Powers of the Intellectual Property Rights Court

1. The Intellectual Property Rights Court considers as a court of first instance:

1) cases on challenge of normative legal acts of federal executive bodies in the sphere of patent rights and rights to achievements of breeding, integrated circuit layouts, rights to secrets of production (know-how), rights to the means of individualisation of legal persons, goods, works, services and enterprises, rights of use of intellectual activity results in the system of unified technology;

1.1) cases on challenge of acts of federal executive bodies in the sphere of patent rights and rights to achievements of breeding, integrated circuit layouts, rights to secrets of production (know-how), to means of individualisation of legal persons, goods, works, services and enterprises, rights of use of intellectual activity results in the system of unified technology that contain legislation interpretation and have normative features;

2) cases concerning the granting or termination of legal protection of results of intellectual activity and of means of individualisation of legal persons, goods, works, services and enterprises (except for objects of copyright and neighbouring rights, integrated circuit layouts), including:

- challenge of non-normative legal acts, decisions and actions (failures to act) of the federal executive bodies for intellectual property and for achievements of breeding, of their officials, as well as of bodies authorised by the Government of the Russian Federation to consider applications for the issue of patents for secret inventions;
- challenge of decisions of the federal antimonopoly body, recognising actions involving the obtainment of exclusive rights to means of individualisation of legal persons, goods, works, services and enterprises as unfair competition;
- cases on the establishment of a patent holder;
- cases on nullification of a patent for an invention, utility model, industrial design or an achievement of breeding; on nullification of a decision to grant legal protection to a trademark, designation of place of origin of goods and to grant the exclusive right to such a designation, unless another manner of their nullification is stipulated in federal law;
- cases on early termination of legal protection of a trademark as the result of its non-use.

2. Cases referred to in Item 1 of this Article are considered by the Intellectual Property Rights Court independent of whether the parties of the legal relationships that gave rise to the dispute are organisations, individual entrepreneurs or citizens.

3. The Intellectual Property Rights Court considers as a court of cassation:

1) cases considered by it in first instance;

2) cases regarding the protection of intellectual property rights considered by commercial courts of constituent entities of the Russian Federation, appellate commercial courts.

4. The Intellectual Property Rights Court reviews effective judicial acts, adopted by it, due to new and newly discovered facts.

5. The Intellectual Property Rights Court:

1) addresses the Constitutional Court of the Russian Federation with a request to check the constitutionality of a law, applied or subject to application in the case under its consideration;

- 2) studies and generalizes the judicial practice;
- 3) elaborates suggestions regarding the improvement of laws and other normative legal acts;
- 4) analyzes judicial statistics.

Article 43.5. Presidium of the Intellectual Property Rights Court

1. The presidium of the Intellectual Property Rights Court is composed of the president of the Intellectual Property Rights Court, her/his deputies, heads of panels of judges and judges, appointed to the presidium of the Intellectual Property Rights Court in accordance with Item 2 of this Article.
2. Judges of the Intellectual Property Rights Court, sitting as members of the presidium of that court, are appointed by the Plenary Session of the Supreme Court of the Russian Federation on proposal of the president of the Intellectual Property Rights Court.

Article 43.6. Powers of the Presidium of the Intellectual Property Rights Court

1. The presidium of the Intellectual Property Rights Court checks, in cassation, the lawfulness of effective judicial acts of the Intellectual Property Rights Court, adopted by it in first instance.
2. The presidium of the Intellectual Property Rights Court:
 - 1) appoints the heads of panels of judges of the Intellectual Property Rights Court on proposal of the president of that court;
 - 2) considers other issues pertaining to the organisation of work of the Intellectual Property Rights Court;
 - 3) considers issues of judicial practice.

Article 43.7. Manner of Work of the Presidium of the Intellectual Property Rights Court

1. The presidium of the Intellectual Property Rights Court is convened by the president of that court as deemed necessary.
2. The presidium of the Intellectual Property Rights Court is competent to resolve issues if the majority of its members is present.
3. Rulings of the presidium of the Intellectual Property Rights Court are adopted in open voting by a majority of the present members of the presidium and signed by the president of the Intellectual Property Rights Court. Members of the presidium have no right to abstain from voting.
4. When the presidium of the Intellectual Property Rights Court checks, in cassation, the lawfulness of effective judicial acts of the Intellectual Property Rights Court, this activity is regulated by the provisions of the Commercial Procedure Code of the Russian Federation regarding proceedings in a commercial court acting as a court of cassation.

5. If a judge, who is a member of the presidium of the Intellectual Property Rights Court, took part in the consideration of a case in first instance, that judge cannot participate in the consideration of that case in cassation.

6. A ruling of the presidium of the Intellectual Property Rights Court is adopted by a majority vote. If the votes are equally divided, the cassation appeal is left without satisfaction, and the challenged judicial act – without amendment.

Article 43.8. Judicial Chambers of the Intellectual Property Rights Court

1. Judicial chambers may be created within the Intellectual Property Rights Court upon decision of the Plenary Session of the Supreme Court of the Russian Federation. The composition of the chambers, composed of judges of the Intellectual Property Rights Court, is approved by the presidium of the court on proposal of the president of the court. The judicial chambers are headed by chairpersons – deputy presidents of the Intellectual Property Rights Court.

2. Abrogated

Article 43.9. Panels of Judges of the Intellectual Property Rights Court

1. Panels of judges are formed within the Intellectual Property Rights Court by the president of the court. The panels are composed of judges of the court, with regard to their specialization.

2. A panel of judges is presided by a head of the panel, appointed by the presidium of the Intellectual Property Rights Court for a three-year term. A judge may be appointed head of a panel of judges multiple times.

Article 43.10. President of the Intellectual Property Rights Court

1. The president of the Intellectual Property Rights Court is a judge exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.

2. The president of the Intellectual Property Rights Court:

- 1) organizes the activities of the Intellectual Property Rights Court;
- 2) distributes duties among the deputy presidents of the Intellectual Property Rights Court;
- 3) forms panels of judges from the ranks of judges of the Intellectual Property Rights Court;
- 4) convenes the presidium of the Intellectual Property Rights Court and presides over its sessions; submits issues, referred to the competence of the presidium by this Federal Constitutional Law, for its consideration;
- 5) performs the general management of staff of the Intellectual Property Rights Court, appoints and dismisses members of the court staff;
- 6) represents the Intellectual Property Rights Court in its relations with state, public and other bodies;

7) exercises other powers stipulated in this Federal Constitutional Law.

3. The president of the Intellectual Property Rights Court issues orders and instructions.

Article 43.11. Deputy Presidents of the Intellectual Property Rights Court

1. Deputy presidents of the Intellectual Property Rights Court are judges exercising the procedural powers stipulated in the Commercial Procedure Code of the Russian Federation.

2. In accordance with the distribution of duties, deputy presidents of the Intellectual Property Rights Court organise the activities of structural units of the court staff and head judicial chambers, if judicial chambers are formed.

3. In case of absence of the president of the Intellectual Property Rights Court, the powers of the president are exercised by one of the deputy presidents, according to the president's instructions.

Chapter 5. Closing Provisions

Article 44. Organisational Support of Activities of Commercial Courts in the Russian Federation

1. Organisational support of activities of commercial courts in the Russian Federation is as a set of financial, personnel, material and technical, informational and other measures aimed at creating the conditions for the full and independent administration of justice.

2. Organisational support of activities of commercial courts in the Russian Federation is provided by the Judicial Department at the Supreme Court of the Russian Federation.

3. Federal executive bodies and executive bodies of constituent entities of the Russian Federation are obliged to render assistance in the organisational support of activities of commercial courts in the Russian Federation.

Article 45. Staff of a Commercial Court

1. The organisational support of activities of a commercial court in the administration of justice is performed by the staff of that court.

2. The general management of activities of the staff of a commercial court is performed by the president of the corresponding court.

2.1. The direct management of activities of the staff of a commercial court is performed by the chief of staff – administrator of the corresponding commercial court (hereinafter – chief of staff of the court).

2.2. The chief of staff of the court is appointed and dismissed by the president of the commercial court and is directly subordinated to the president of that court. A person that has higher legal education is appointed to the position of the chief of staff of the court.

2.3. The model duty regulations for a federal state civil servant occupying the position of the chief of staff – administrator of a federal commercial court in the federal state civil service are adopted by the Judicial Department at the Supreme Court of the Russian Federation.

3. The staff of a commercial court:

- 1) organises the pre-trial reception of persons participating in the case;
- 2) ensures the processing of cases in the commercial court, the records management and archive-keeping, in particular accepts and issues documents, certifies the copies of documents of the commercial court, performs the forwarding and service of documents, checks whether the state fees and court costs that are to be deposited into the commercial court's bank account, as well as the court fines have been paid;
- 3) assists the judges in preparing the cases for consideration in court sessions;
- 4) registers the movement of cases and the time of their processing by the commercial court; stores the cases and documents;
- 5) studies and generalises the judicial practice;
- 6) elaborates suggestions regarding the improvement of laws and other normative legal acts, performs information and reference tasks;
- 7) performs statistical service in the sphere of activities of the commercial court;
- 8) performs material and technical support of the commercial court, maintains the social welfare of judges and members of staff of the commercial court;
- 9) performs the work of handing over the judicial acts of the commercial court for enforcement;
- 10) exercises other powers in ensuring the activities of the commercial court in accordance with the instructions of the president of that court.

4. The staff regulations of a commercial court are approved by the Judicial Department at the Supreme Court of the Russian Federation.

5. In order to study special matters that may arise in the consideration of certain cases within the competence of a specialized commercial court, a group of advisors with qualifications corresponding to the specialisation of the court is formed within the staff of the court.

6. The total number of staff members of commercial courts (excluding the transport, building security and maintenance staff) is stipulated in the federal law on the federal budget for the next financial year and the planning period and must ensure the possibility of the full and independent administration of justice.

7. The staff structure, the number of members of staff and the staff schedule of a commercial court are stipulated by the president of the corresponding court upon approval of the Judicial Department at the Supreme Court of the Russian Federation, within the limits of the total number of staff members of commercial courts and the amount of budgetary allocations stipulated in the federal budget for the corresponding financial year and the planning period.

8. Members of staff of a commercial court are federal state civil servants, occupying positions of the federal state civil service. Members of staff of a commercial court may occupy positions that are not positions of the federal state civil service.

8.1. Members of staff of a commercial court that have class ranks are provided with official uniform.

8.2. Wearing official uniform is obligatory for the members of staff of a commercial court participating in court sessions, as well as engaged in direct (personal) interaction with citizens and representatives of organisations in performance of their duties pertaining to the organisation of court proceedings and organisational support of consideration of received addresses.

8.3. The manner and norms of providing the members of staff of a commercial court having class ranks with official uniform, as well as the rules of wearing it are adopted by the Judicial Department at the Supreme Court of the Russian Federation with approval of the Council of Judges of the Russian Federation.

8.4. The technical description of specimen items of official uniform of members of staff of a commercial court having class ranks is adopted by the Judicial Department at the Supreme Court of the Russian Federation with approval of the Council of Judges of the Russian Federation and the Heraldic Council of the President of the Russian Federation.

9. The rights and duties of members of staff of a commercial court, who are federal state civil servants, as well as the manner of their service in the federal state civil service, are stipulated in the federal laws and other normative legal acts regarding the federal state service. The aforementioned staff members receive class ranks of the state civil service of the Russian Federation.

10. The rights and duties of members of staff of a commercial court, who occupy positions that are not positions of the federal state civil service, are stipulated in the labour legislation of the Russian Federation.

Article 46. Financing of Commercial Courts

1. The commercial courts are financed at the expense of the federal budget. The financing must ensure the possibility of full and independent administration of justice in accordance with federal law.

2. The expenses for the financing of commercial courts are indicated in a separate line in the federal budget.

3. The amount of expenses for the financing of commercial courts of circuits, specialized commercial courts, appellate commercial courts and commercial courts of constituent entities of the Russian Federation is established by the Supreme Court of the Russian Federation with due regard to the opinion of the Judicial Department at the Supreme Court of the Russian Federation.

Article 47. Number of Staff, Staff Structure and Schedule of Commercial Courts

1. The total number of judges and staff members of commercial courts in the Russian Federation is stipulated in the federal law on the federal budget for the next financial year and the planning period.

2. The number of judges and staff members of commercial courts of circuits, specialized commercial courts, appellate commercial courts and commercial courts of constituent entities of the Russian Federation is established by the Supreme Court of the Russian Federation within the limits of the total number of judges and staff members of commercial courts in the Russian Federation.

3. Abrogated

4. Abrogated

Article 48. Abrogated

Article 49. Abrogated

Article 50. Seal of a Commercial Court

A commercial court is a legal person; it has a seal with its name and an image of the State Coat of Arms of the Russian Federation.

Article 51. Symbols of Judicial Power of a Commercial Court

1. The State Flag of the Russian Federation is displayed over buildings occupied by commercial courts.

2. An image of the State Coat of Arms of the Russian Federation and the State Flag of the Russian Federation are placed in courtrooms of commercial courts.

3. Judges of a commercial court administer justice in gowns.

Article 52. Permanent Location of Commercial Courts

1. Abrogated

1.1. The permanent location of a commercial court of a circuit, specialized commercial court, appellate commercial court, of a remote court office of a commercial court is stipulated in a federal law.

2. Abrogated

2.1. Abrogated

3. A commercial court of a constituent entity of the Russian Federation is located in the administrative centre of the corresponding constituent entity of the Russian Federation.

3.1. Abrogated

4. Abrogated

Chapter 6. Transitional Provisions

1. Abrogated

2. Abrogated

3. Abrogated

4. Judges of all commercial courts, elected (appointed) prior to the entry of this Federal Constitutional Law into force retain their judicial powers until the expiration of terms for which they were elected (appointed).

Chairpersons of judicial chambers of all commercial courts, acting prior to the entry of this Federal Constitutional Law into force, retain their powers of judges of the corresponding courts until the expiration of terms for which they were elected.

5. Abrogated

6. The federal commercial courts of circuits, referred to in Article 24 of this Federal Constitutional Law, are to be formed no later than by 1 January 1996.

Abrogated

The Government of the Russian Federation shall foresee, in the draft federal budgets for the years 1995 and 1996, additional allocations to the Supreme Commercial Court of the Russian Federation, for the purpose of financing of commercial courts, on the basis of increase of the number of judges by 500 persons and increase of the number of staff members of commercial courts by 500 persons.

Chapter 7. Entry of This Federal Constitutional Law into Force

1. This Federal Constitutional Law enters into force on 1 July 1995.

2. From the day of entry of this Federal Constitutional Law into force, the following are abrogated:

- Law of the RSFSR of 4 July 1991 "On the Commercial Court" (Gazette of the Congress of the People's Deputies of the RSFSR and of the Supreme Soviet of the RSFSR, 1991, No. 30, Art. 1013; Gazette of the Congress of the People's Deputies of the Russian Federation and of the Supreme Soviet of the Russian Federation, 1992, No. 34, Art. 1965; 1993, No. 32, Art. 1236);

- Resolution of the Supreme Soviet of the RSFSR No. 1544-1 of 4 July 1991 "On Entry into Force of the Law of the RSFSR "On the Commercial Court" (Gazette of the Congress of the People's Deputies of the RSFSR and of the Supreme Soviet of the RSFSR, 1991, No. 30, Art. 1014).

President of the Russian Federation

Boris Yeltsin

Moscow, the Kremlin

28 April 1995

Federal Constitutional Law No. 1