



**ARBITRATION
CENTRE**

at the Russian Union
of Industrialists
and Entrepreneurs

Key Facts and Figures

Table of contents

About the RSPP	3
History and legal status	5
Arbitrators and structure	5
Arbitration Rules and technical facilities	7
International activity	8
Other activities	9
Key figures	10
Personalities	11
Contacts	15

Appendix 1:

Comparative table of the Arbitration Centre Rules with the rules of other leading arbitration institutions

About the RSPP

The Arbitration Centre at the RSPP is an independent body functioning within the **Russian Union of Industrialists and Entrepreneurs (RSPP)**. RSPP is a non-political organisation established in June 1990, which was set up to promote Russian business interests in Russia and abroad, to help make Russia more business-friendly and attractive to investors, and to maintain the balance of interests of business, government and society.

Alexander Shokhin, the President of the RSPP, Doctor of Economics, Honorary Professor of the Lomonosov Moscow State University (MSU) and President of the National Research University "Higher School of Economics" (HSE), received a number of honorary state awards: the Order "For Merit to the Fatherland" II degree (Russia), the Order of Alexander Nevsky (Russia), and the Order of the Rising Sun (Japan). He also holds the title of Knight of the National Order of the Legion of Honor (France) and of the Order of the Star of Italy.

Today, the RSPP brings together around 100 sectoral and regional associations, which unite thousands of major companies representing key sectors of the economy such as fuel and energy, mechanical engineering, investment banking and military industry sectors, as well as construction, chemical production, consumer goods and food industries.

The management of the RSPP is based on the principles of collegiality and transparency. The highest governing body, Congress, elects the Managing Board consisting of more than 170 members, which supervises the general management of the RSPP between the annual congresses. The operational management is carried out by the Bureau of the Management Board (which has more than 30 members). Within the framework of the RSPP, there are also different committees and commissions.

The RSPP often conducts a public examination of legislative drafts, and organises various forums on major economic problems at the highest levels. The RSPP expert opinions are often considered to be decisive in a number of questions related to the legal and economic policy of the Russian Federation.

The RSPP has concluded **bilateral co-operation agreements** with business associations from over 50 countries, including the Chinese Council for the Promotion of International Trade (CCPIT), the US-Russia Business Council (USRBC), the American Chamber of Commerce in Russia (AmCham Russia), MEDEF International (France), the German Committee on Eastern European Economic Relations and the General Confederation of Italian Industry (Confindustria), etc.

With regard to **multilateral co-operation**, the RSPP actively interacts with foreign partners, primarily within the framework of such platforms as Business Twenty (B20), Business in the OECD (BIAC), the EAEU Business Council, the North East Asian Business Association and the APEC Business Advisory Council. In addition, the RSPP interacts with many other international bodies and organisations of the UN system, including BRICS, SCO, ASEAN, IMF, WTO, World Bank etc.

The RSPP acts as the co-ordinator for the International Council for Co-operation and Investment (ICSI). ICSI is an important platform that ensures the interaction of Russian and foreign businesses with Russian state authorities. Currently the RSPP is involved in the creation of the Business Association of Greater Eurasian Partnership, which will unite the leading business associations of the macro-region.

In addition, the RSPP pays special attention to the institutions of alternative dispute resolution (ADR), which were historically created under business associations. There are **three main ADR services** functioning within the RSPP: the Arbitration Centre at the RSPP, the Mediation Centre, and the Commission on Corporate Ethics. The Commission considers disputes arising out of breach of the principles set out in the Charter of Corporate Business Ethics. In case of non-compliance with the Commission's decision, the guilty party might be subject to public pressure measures or inclusion on the list of unreliable corporate partners. The Commission has resolved a number of high-profile cases; for example, the Starbucks Corporation case on a complaint against a group of Russian companies in connection with violation of corporate ethics principles due to the registration of trademarks that are deceptively similar to the Starbucks trademark, as well as several other high-profile cases involving retail chains IKEA and Billa.

The RSPP initiated arbitration reform in Russia. As a result of negotiations between the RSPP and the Government, on 14 December 2012 the Prime Minister of the Russian Federation ordered the creation of a working group on development of arbitration, which is now considered as the starting point of the arbitration reform.

History and legal status

In 2006, the Arbitration Court was established under the Russian Union of Industrialists and Entrepreneurs. Since 1 November 2017, as a result of the large-scale arbitration reforms, the exercise of the functions of an arbitral institution became possible only on the basis of a special right granted by an authorised state authority. The RSPP became the first organisation to obtain such an authorisation under the Russian Federal Government Resolution No. 798-p, 27 April 2017.

The Arbitration Court at the RSPP was then reorganised into the Arbitration Centre at the RSPP. The Arbitration Centre became the only arbitration institution, the legal successor of arbitral institutions formed by other organisations, such as the Arbitration Commission at the Moscow Exchange PJSC (established in 1994) and the Arbitration Court of the National Association of Securities Market Participants (NAUFOR) (formed in 1997). With the consent of the Central Bank of the Russian Federation, the arbitration clause of the Arbitration Centre was incorporated into the Rules of Trading of the Moscow Exchange and National Mercantile Exchange.

The Arbitration Centre may administer **any disputes**, provided that such disputes may be subject to arbitration pursuant to applicable laws and international treaties. The Arbitration Centre exercises its functions pursuant to the Federal Law “On Arbitration (Arbitral Proceedings) in the Russian Federation” and the Law of the Russian Federation “On International Commercial Arbitration”.

According to the Regulation on the Arbitration Centre, the Arbitration Centre’s bodies and authorised individuals perform their functions **independently from the RSPP**, its members, bodies and officers. Performance of the functions of the Arbitration Centre is provided at the cost of arbitration fees.

Arbitrators and structure

The recommended list of arbitrators from the Arbitration Centre at the RSPP includes 100 leading lawyers, attorneys, well-known scholars and representatives of the business community. For the convenience of the parties, **an additional list** of more than 600 associate arbitrators has been created. Associate arbitrators form territorial and specialised panels.

The Arbitration Centre pays close attention to the issues of gender equality. Women hold key positions in the office and make up 40% of the total number of arbitrators. In 2021, the Arbitration Centre joined the Equal Representation in Arbitration.

tration Pledge (ERA Pledge) initiative aimed at increasing the number of women arbitrators and achieving gender parity in arbitration.

The Arbitration Centre at the RSPP has set up nine **specialised panels** to resolve disputes that require specific professional knowledge in narrow fields of law: a panel for financial and exchange trading disputes, a panel for construction disputes, a panel for corporate disputes, a panel for banking disputes, a panel for international disputes, a panel for investment disputes, a panel for intellectual property disputes, a panel for transport disputes and a unique panel for digital economy disputes which resolves blockchain technology disputes and those concerning smart contracts and other digital assets.

The General Meeting of Arbitrators elected Viktor Blazheev, Honoured Lawyer of the Russian Federation and Rector of the Kutafin Moscow State Law University (MSAL), Co-Chairman of the Association of Lawyers of Russia as the Chairman of the Arbitration Centre at the RSPP. The Chairman exercises representative powers and resolves some procedural issues arising in the course of case administration.

The Presidium of the Arbitration Centre consists of nine members. The position of the Presidium Chairman is held by Lidia Mikheeva, Doctor of Law, Honoured Lawyer of the Russian Federation, Chairman (Head) of the Council at Research Centre of Private Law under the President of the Russian Federation and Chairman of the Civic Chamber of the Russian Federation. The Presidium is authorised to analyse and summarise case practice and to devise standards and recommendations intended to raise the efficiency of the Arbitration Centre's performance.

The Nomination Committee, consisting of six members, deals with questions related to the nomination, challenge and replacement of arbitrators. The Committee Chairman is Honoured Lawyer of the Russian Federation and ex-Chairman of the Supreme Arbitrazh Court of the Russian Federation Alexander Arifulin.

The Administration (Secretariat) provides organisational and technical support to arbitration proceedings and renders any necessary assistance and support to arbitral tribunals, parties to arbitration and bodies of the Arbitration Centre, ensuring liaison between them. The central office of the Arbitration Centre, located in Moscow, has 15 employees, including 11 qualified lawyers. Key staff members of the Arbitration Centre have more than 10 years of experience in arbitration and have been trained at the Chartered Institute of Arbitrators (CI Arb). They are able to provide the management of cases in English and French.

Aside from the main office in Moscow, the Arbitration Centre at the RSPP has **9 regional branches** in each Federal District of Russia and **40 offices** throughout Russia. All regional branches have supplementary panels of arbitrators. And furthermore, to represent the Arbitration Centre at the RSPP in the territory of the People's Republic of China, a representative (Ambassador) has been appointed in **Beijing**.

Arbitration rules and technical facilities

The Arbitration Rules of the Arbitration Centre at the RSPP combine the best domestic and foreign practices in the field of arbitration, and also reflect the Arbitration Centre's long-term experience in dispute administration (q.v. Appendix 1). The Arbitration Rules are applied both to domestic and international arbitration, and specify some features of the cross-border and corporate disputes administration.

The Arbitration Centre has become the first arbitration institution in Russia to sign the Prague Rules. Arbitrators encourage the parties' option to apply non-binding instruments to their proceedings.

Rules on Independence and Impartiality of Arbitrators of the Arbitration Centre at the RSPP take into account the approaches reflected in the IBA Guidelines on Conflicts of Interest in International Arbitration and other modern agreements on the conflict of interest in arbitration.

The Regulation on Fees and Costs governs the scope, amount and method of payment and allocation of fees and costs. Arbitration fees are set at a fixed amount within the price scale. Therefore, if the amount in dispute increases but does not exceed the same range, the claimant does not need to pay an additional fee. This feature creates an obvious advantage over the arbitral institutions where fees are set as a percentage of the amount in dispute. Consequently, even a small change of the amount in dispute entails an increase in the fee. Arbitration fees may be reduced by 30% in the case of expedited proceedings based on written submissions, in the event of conclusion of a settlement agreement, and in a case where the arbitration is terminated because an arbitral tribunal has accepted the claimant's withdrawal of its claim or the parties have agreed to terminate the arbitration.

The parties have the option to participate in the arbitration proceedings remotely. **The modern video-conferencing system** 'Mind' provides advanced methods and procedures to ensure the protection of confidential information. A new online-filing system, 'ArbCloud', ensures the safe submission, storage and tracking of case materials, significantly reducing the duration of the proceedings and thereby the parties' expenses.

The Arbitration Centre also provides facilities for **oral hearings** in the centre of Moscow. Up to four hearings can be held simultaneously in specially-equipped rooms. In addition, the parties also have access to comfortable meeting rooms.

International activity

In 2020, the **Panel of Arbitrators for International Disputes** was formed at the Arbitration Centre at the RSPP. The Panel consists of more than 130 prominent experts from Russia and 26 other countries from all over the world. The arbitrators of the Panel have already resolved several cross-border disputes. Some of them have already been enforced in the Czech Republic, the People's Republic of China, the Republic of Belarus, the Republic of Cyprus, the Republic of Kazakhstan and the United Kingdom.

The Chairman of the Panel is Alexander Grebelsky, Ph.D., Associate Professor of the Department of Private International and Civil Law at **Moscow State Institute of International Relations of the Ministry of Foreign Affairs of the Russian Federation** and Managing Partner at Grebelsky and Partners Law Firm ('Advocate Bureau').

The Arbitration Centre, in partnership with arbitral institutions and local law associations from Brazil, China, India and South America, largely contributes to establishing the **BRICS+ Arbitration Mechanism**. This aims to create a supranational system of arbitration, functioning according to common arbitration rules respecting international standards and the public policies of all the member states. The case management will be ensured by separate units created in the BRICS member states on the basis of existing national arbitration institutions. The main goal of the Mechanism is to provide parties to arbitration with the guarantee of independence and impartiality and to ensure protection from possible misconduct or abuse by one national jurisdiction.

The delegates from the Arbitration Centre regularly participate in the sessions of the UNCITRAL Working Group II (Arbitration and Conciliation/Dispute Settlement) as a part of the official Russian delegation.

The Arbitration Centre has concluded **co-operation agreements** with a number of leading international arbitral institutions, including the International Center for Dispute Resolution (ICDR-AAA), the Hong Kong International Arbitration (HKIAC), the Harbin Arbitration Commission (HRBAC), the Korean Commercial Arbitration Board (KCAB), the Qingdao Arbitration Commission (QDAC) and the Xiamen Arbitration Commission (XMAC), the Guangzhou Arbitration Commission (GZAC). Within the scope of these agreements, the Arbitration Centre often holds joint seminars and meetings dedicated to the most important problems of international arbitration. The Arbitration Centre is always ready to provide assistance beyond the scope of agreements. For instance, in 2020 it provided assistance to the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), which administered an ad

arbitration with a seat of arbitration in Moscow. The oral hearings of the case were held on the premises of the Arbitration Centre at the RSPP. In addition to the hearing room, the parties' representatives were also provided with two meeting rooms and other organisational and technical assistance in connection with the arbitration. The Arbitration Centre at the RSPP also accepted the arbitration case files for safe-keeping. The award rendered in this case was then enforced by the Supreme Court of the Russian Federation.

Other activities

The Arbitration Centre at the RSPP actively interacts with the judicial system of Russia. A great number of arbitrators and representatives of the Arbitration Centre are included in the scientific advisory councils of the state arbitrazh courts. The commentaries and initiatives on the arbitration legislation, elaborated on by the Arbitration Centre, were taken into account when drafting the resolution of the Plenum of the Supreme Court of the Russian Federation № 53, "On the performance by the courts of the Russian Federation of the functions of assistance and control in relation to arbitration proceedings, international commercial arbitration". The significant contribution of the Arbitration Centre to the drafting of the said resolution was particularly noted by the judges of the Supreme Court of the Russian Federation.

The Arbitration Centre has established a special platform, **the Russian Arbitration Debate**, aiming at discussing the most interesting court judgements and practical issues in the field of arbitration. The participants, who represent a wide range of experts on arbitration, are divided in advance into two groups: the first group presents all possible arguments in favor of the thesis under discussion, and the second presents against it.

Since 2016, the Arbitration Centre in co-operation with Kutafin Moscow State Law University (MSAL) organises the **international moot-court competition "International Commercial Arbitration Moot"**. The Moot brings together students from top universities of Russia and CIS countries. The case problem changes every year and addresses the most interesting issues of not only international sales contracts but also carriage of goods contracts, construction and service contracts etc.

In 2018, with the assistance of the Arbitration Centre, the textbook "International Commercial Arbitration" was published. The publication was compiled by a group of well-known Russian and foreign researchers, arbitrators at the Arbitration Centre.

Key figures: 2020-2023

Total new cases

1944

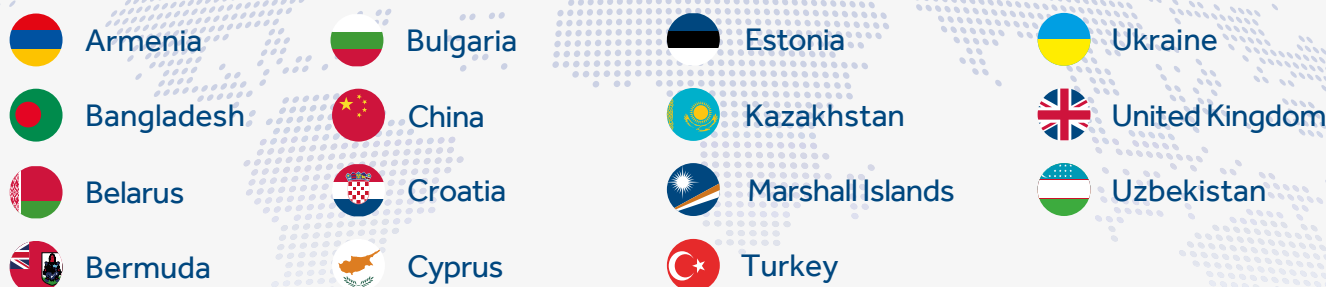
Total amount in dispute

USD >1,2 BLN

Types of disputes



Geography of international disputes



Tribunal constitution

▶ 1 669 cases
Considered by a sole arbitrator

▶ 192 cases
Considered by a panel of arbitrators

Online arbitration

1030 cases held virtually via video-conference system

Expedited (simplified) arbitration

412 considered cases

Personalities



President of the RSPP Alexander Shokhin

Ambassador of France to Russia
Sylvie-Agnès Bermann awarding
A. Shokhin the National Order
of the Legion of Honor



Ambassador of Italy to Russia
Pasquale Terracciano awarding
A. Shokhin The Order
of the Star of Italy



Secretary-General of Hong Kong International Arbitration Centre (HKIAC) Sarah Grimmer and President of the RSPP A. Shokhin at the signing ceremony of co-operation agreement

Chairman of the Arbitration Centre at the RSPP Viktor Blazheev at the conference



Welcome speech of the Chairman of the Arbitration Centre at the RSPP Viktor Blazheev at the international moot-court competition "International Commercial Arbitration Moot"



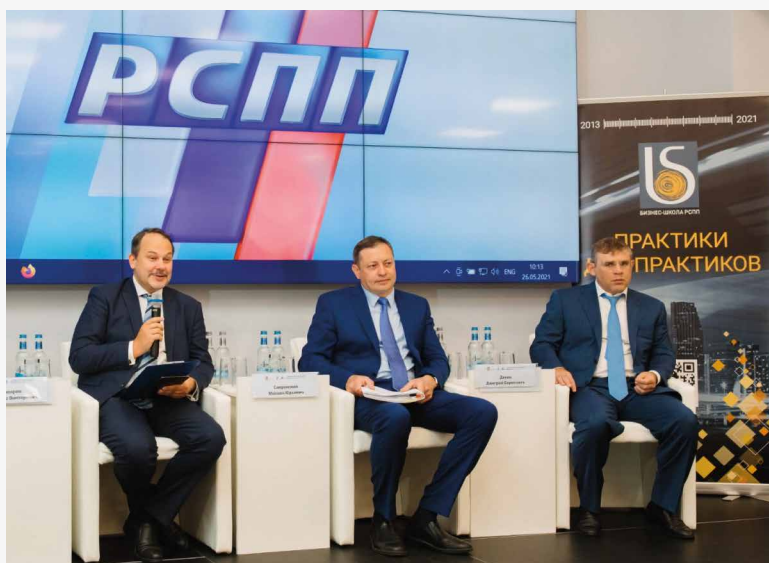
Chairman of the Presidium of the Arbitration Centre at the RSPP, Doctor of Law, Honored Lawyer of the Russian Federation and Chairman of the Civic Chamber of the Russian Federation Lidia Mikheeva

(L-R) Chairman of the Presidium of the Arbitration Centre at the RSPP Lidia Mikheeva, Doctor of Law, Professor, Vice-President of the Russian Academy of Sciences Taliya Habrieva and Doctor of Law, Chairman of the Committee on State Construction and Legislation of the State Duma Pavel Krasheninnikov at the conference



(L-R) Director for International Co-operation and Regional Development D. Mikshis, Managing Director A. Zamaziy and Vice-President of the Arbitration Centre M. Savranskiy presenting "International Commercial Arbitration" to Gary B. Born

(L-R) Vice-President for Legal Regulation and Law Enforcement of the RSPP A. Varvarin, Vice-President of the Arbitration Centre M. Savranskiy and Member of the Arbitration Centre Presidium D. Dyakin at RSPP Seminar Series



Managing Director and Chief of Staff of the Arbitration Centre Alexander Zamaziy at the UNCITRAL session

Managing Director and Chief of Staff of the Arbitration Centre Alexander Zamaziy at the ICCA Conference 2018



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