

Russia Practice

June 2017

New rules for the calculation of the deadlines for filing writs of execution for enforcement

On 9 June 2017, amendments on calculating the timeframes for filing a writ of execution previously withdrawn by the enforcement creditor, came into effect.

On 10 March 2016, the RF Constitutional Court, in its Judgment No. 7-P, held that a claimant's actions aimed at extending the timeframe for the enforcement of a court order may constitute the abuse of rights. This applies to situations when the timeframe for the enforcement of the court order is extended for an indefinite period through the recall of the writ of execution by the claimant. This view of the RF Constitutional Court has now resulted in corresponding amendments to the Law on Enforcement Proceedings.

In the past, the commencement of enforcement proceedings interrupted the timeframe for the filing of the writ of execution for enforcement even in cases where these enforcement proceedings were subsequently ended on the initiative of the claimant. Such an interruption of the period resulted in the re-granting of the full deadline for filing the writ of execution.

If enforcement under a previously filed writ of execution ends on the initiative of the claimant (the claimant recalled the writ or prevented enforcement), then, in accordance with the new rules, the timeframe for filing the writ of execution for enforcement is not interrupted. Moreover, periods during which the proceedings were conducted under the writ of execution are deducted from this term.

Consequently, the legislators implemented the position of the RF Constitutional Court. Claimants independently waiving the execution of the court order are no longer able to extend deadlines for the enforcement of a writ.



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Imprint

This publication is issued by
BEITEN BURKHARDT Rechtsanwalts-gesellschaft mbH

Ganghoferstrasse 33, D-80339 Munich
Registered under HR B 155350 at the Regional Court Munich /
VAT Reg. No.: DE811218811

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