

LAW OF THE REPUBLIC OF UZBEKISTAN
on Amendments and Additions to Certain Legislative Acts of the Republic of
Uzbekistan in connection with the adoption of the Law of the Republic of
Uzbekistan on International Commercial Arbitration

Adopted by the Legislative Chamber on 28 December 2021

Approved by the Senate on 28 April 2022

Article 1: Make the following amendments and additions to the **Economic Procedural Code of the Republic of Uzbekistan**, approved by the Law of the Republic of Uzbekistan LRU-461 of January 24, 2018 (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 2018, Annex 2 to No. 1, No. 7, Article 433, No. 10, Article 672; 2019, No. 3, Article 166, No. 5, Art. 261, 266, No. 9, Art. 592, No. 10, Art. 671, No. 11, Art. 791, No. 12, Art. 880; 2020, No. 1, Art. 1, No. 3, Art. 198, No. 10, Art. 593; 2021, No. 1, Art. 10, Annex 4, No. 8, Art. 803, No. 9, Art. 903):

1) in **Article 20, paragraph 2**, the words “arbitral court judge” shall be replaced by the words “arbitral court judge, arbitrator”;

2) in **Article 25**:

part one shall be supplemented with **paragraph 4¹** to read as follows:

“4¹) cases relating to arbitration proceedings”;

part seven, after the words “in paragraphs”, shall be amended by adding “4¹”;

(3) supplement article 28¹ to read as follows:

“Article 28¹. Cases relating to arbitration proceedings

Cases relating to arbitration under the Law of the Republic of Uzbekistan on International Commercial Arbitration shall include cases involving applications for:

- 1) appointment of an arbitrator;
- 2) on satisfaction of a challenge to an arbitrator
- 3) to make a decision on termination of the mandate of an arbitrator
- 4) decisions on the issue of the jurisdiction of the arbitration tribunal;
- 5) recognition and enforcement of interim measures;
- 6) granting interim measures;
- 7) assistance in obtaining evidence;
- 8) to set aside an arbitral award;
- 9) on recognition and enforcement of the arbitral award.

Cases listed in Paragraph one of this Article shall be examined by economic courts under the general rules of economic proceedings, taking into account the specifics indicated in Chapter 29¹ of this Code.

The cases listed in paragraphs 1 to 4, 7 and 8 of part one of this article shall be heard by the economic courts only if the place of arbitration is in the Republic of Uzbekistan”;

4) **Article 32, part two**:

supplement the **third paragraph** to read as follows:

“related to arbitration proceedings”;

the **third paragraph** shall be deemed to be **the fourth paragraph**;

(5) In **article 37**:

supplement the **fifth** and **sixth paragraphs** to read as follows:

“An application for the appointment of an arbitrator, the satisfaction of a challenge to an arbitrator, a decision as to the termination of the mandate of an arbitrator, decisions on the jurisdiction of the arbitration tribunal, assistance in obtaining evidence and the setting aside of an award shall be made to the economic court at the place of arbitration.

An application for recognition and enforcement of interim measures, interim measures on a claim considered by the arbitration tribunal shall be filed with the economic court at the place of arbitration or state registration of the debtor or, if the place of state registration of the debtor is unknown, at the location of its property”;

Parts **five** and **six** shall be deemed parts **seven** and **eight**, respectively;

6) in the **second paragraph** of **Article 53**:

supplement the **third paragraph** to read as follows:

“arbitrators, experts appointed by the arbitration tribunal, employees of the arbitral institution, arbitrators - about circumstances which have become known to them in the course of arbitral or arbitration proceedings”;

Paragraph three shall be deemed to be **paragraph four**;

7) **Article 93** shall be supplemented by a **sixth paragraph** to read as follows:

“Interim measures for a claim considered by an arbitration tribunal may be taken by an economic court upon an application of a party to the arbitral proceedings”;

8) in **Article 99**:

supplement part eight to read as follows:

“An arbitral award dismissing a claim shall be grounds for the economic court to set aside interim measures.”

Part eight shall be replaced by **part nine**;

9) In **article 107**:

Paragraph 1, after the words “arbitral court”, shall be supplemented by the words “arbitration tribunal”;

Paragraph 2 shall be worded as follows:

“2) there is an agreement of the persons involved in the case to refer the dispute to an arbitral court or an arbitration tribunal and the possibility to refer the dispute to an arbitral court or an arbitration tribunal is not lost and if the respondent objecting to the economic court proceeding makes an application to refer the dispute to an arbitral court or an arbitration tribunal not later than its first statement made on the merits of the dispute”;

10) **Article 110** shall be supplemented by paragraph 31 to read as follows

“3¹) there is an enforceable arbitral award issued in respect of a dispute between the same persons, about the same subject matter and on the same grounds, except where an economic court has refused to recognise and enforce the arbitral award”;

11) in the first part of **Article 154**:

Paragraph 3, after the words “arbitral court”, shall be supplemented with the words “arbitration tribunal”;

Supplement **paragraph 4¹** to read as follows:

“4¹) there is an enforceable arbitral award made in a dispute between the same persons, about the same subject matter and on the same grounds, except where the economic court has refused to recognise and enforce the arbitral award”;

supplement **paragraph 5¹** to read as follows:

“5¹) there is a ruling to terminate arbitral proceedings in a dispute between the same persons, on the same subject matter and on the same grounds, except where the arbitral proceedings have been terminated due to the lack of competence of the arbitration tribunal to hear the dispute.”

12) supplement **chapter 29¹** to read as follows:

“Chapter 29¹. Proceedings in cases involving arbitration proceedings

§ 1 Proceedings in cases relating to the facilitation of arbitration proceedings

Article 232¹. General rules for proceedings in cases involving the assistance of arbitration proceedings

The rules set out in this Chapter shall apply when an economic court examines applications by parties to arbitration proceedings for the appointment of an arbitrator, the satisfaction of a challenge to an arbitrator, a decision as to the termination of the mandate of an arbitrator, decisions on the jurisdiction of the arbitration tribunal, the recognition and enforcement of interim measures, the adoption of interim measures, assistance in obtaining evidence.

Article 232². Form and content of application

Applications referred to in Article 232¹ of this Code shall be made in writing and must be signed by a party to the arbitral proceedings or its representative, while an application for assistance in obtaining evidence filed by the arbitration tribunal shall be signed by the presiding arbitrator.

The application shall state:

- 1) the name of the economic court to which the application is made;
- 2) the name of the arbitration tribunal, the seat of arbitration and its composition;

- 3) the names (surnames, first names, middle names) of the parties to the arbitral proceedings and their location (postal address) or domicile;
- 4) the circumstances on which the claim is based;
- 5) evidence supporting the grounds of the claim;
- 6) the list of documents to be attached.

The request for assistance in obtaining evidence must also state what circumstances relevant to the case can be established by the evidence, identify the evidence and state its location.

The application may include telephone and fax numbers, e-mail address and other information of the parties.

If the application is submitted by the representative of a party to the arbitral proceedings, the application shall be accompanied by a power of attorney attesting that the representative has the authority to sign the application.

An application for appointment of an arbitrator, satisfaction of the challenge to the arbitrator, making decisions on the jurisdiction of the arbitration tribunal may be submitted within the period of time specified in Articles 16, 18 and 21 of the Law of the Republic of Uzbekistan on International Commercial Arbitration. If the above period is missed for reasons deemed valid by the economic court, the missed period may be restored.

If the requirements set out in Article 232³ of this Code, Parts one, two, three and five of this Article are not met, the application shall be returned to the applicant in accordance with the rules set out in Article 155 of this Code.

Article 232³. Documents to be attached to the application

The application referred to in Article 232¹ of this Code shall be accompanied by

- 1) the original of the arbitration agreement or a duly certified copy thereof;
- 2) documents evidencing payment of postage in the prescribed manner and amount;
- 3) a notice of service or any other document confirming that a copy of the application has been sent to the other party to the arbitration proceeding.

In addition to the documents referred to in paragraph one of this Article, the application shall be accompanied by:

- 1) on appointment of an arbitrator - evidence of the submission of the claim to the arbitration tribunal; evidence of the appointment of an arbitrator by the claimant (parties to the arbitration proceedings) or non-compliance with the procedure for appointment of an arbitrator;
- 2) on satisfaction of the challenge to the arbitrator - proof of filing the claim with the arbitration tribunal; a certified copy of the arbitration tribunal's ruling following the review of the application for a challenge to the arbitrator. A copy of the ruling of the permanent arbitral institution shall be certified by the head of that

arbitral institution, the signature of the arbitrator on the copy of the ruling of the arbitration tribunal established to resolve a particular dispute shall be notarized;

3) on making a decision on the termination of the mandate of the arbitrator - proof of the claim before the arbitration tribunal; proof of the impossibility of the arbitrator to perform his functions or proof of the failure of the arbitrator to perform his functions without undue delay;

4) on the issue of the jurisdiction of the arbitration tribunal, a certified copy of the arbitration tribunal's ruling on its jurisdiction. A copy of the ruling of the permanent arbitral institution shall be certified by the head of that arbitral institution, the signature of the arbitrator on the copy of the ruling of the arbitration tribunal established to resolve a particular dispute shall be notarized;

5) on recognition and enforcement of interim measures - a certified copy of the ruling of the arbitration tribunal on interim measures. A copy of the ruling of the permanent arbitral institution shall be certified by the head of the arbitral institution, the signature of the arbitrator on the copy of the ruling of the arbitration tribunal established for resolution of the particular dispute shall be notarised;

6) on interim measures - evidence of the claim filed with the arbitration tribunal;

7) on assistance in obtaining evidence - proof of the existence of a dispute before the arbitration tribunal, for resolution of which evidence is needed, the assistance in obtaining whereof has been applied for.

Documents drawn up in a foreign language when submitted to the economic court shall be accompanied by a duly certified translation into the state language or the language of the economic proceedings.

Article 232⁴. Proceedings in cases related to the facilitation of arbitration proceedings

Cases regarding applications for recognition and enforcement of interim measures and granting interim measures shall be considered no later than the day following the receipt of the application.

The cases regarding the applications on appointment of an arbitrator, satisfaction of the challenge to the arbitrator, decision on termination of the arbitrator's mandate, decisions on the issue of jurisdiction of the arbitration tribunal, assistance in obtaining evidence shall be examined within twenty days from the date of the ruling on preparing the case for the court proceedings.

Cases involving assistance in arbitration shall be considered by the judge alone in accordance with the general rules of economic procedure, subject to the specificities set out in this Chapter.

When examining the cases referred to in the second part of this Article, the court may require the information about the arbitrators included in the list of arbitrators of the permanent arbitral institution, as well as the case materials, which

are related to the case examined by the economic court. The arbitral institution shall be obliged to submit to the economic court the requested documents no later than the day following the receipt of the request.

The economic court shall issue a ruling based on the results of the examination of the case.

The ruling of the economic court made based on the results of examination of the application on recognition and enforcement of interim measures and on adoption of interim measures may be appealed (protested) in the procedure prescribed by the present Code.

§ 2 Proceedings on appeal against an arbitral award

Article 232⁵. An appeal against an arbitral award

An arbitral award may be appealed by a party to the arbitration proceedings by filing an application to set aside the award with the Economic Court.

An arbitral award may also be appealed by persons not involved in the case, whose rights and obligations are affected by the award.

Application for setting aside an award may not be submitted after three months from the date on which the party who submitted the application received the award or, if a request was made under Article 49 of the Law of the Republic of Uzbekistan on International Commercial Arbitration - from the date of the arbitration tribunal's decision on the request, or if a person not involved in the case, on whose rights and obligations the award was made, became aware or should have become aware of the circumstances constituting the basis of the arbitral award.

Where an application to set aside an award has been made, the Economic Court may, in an appropriate case and at the request of a party, suspend the proceedings relating to the setting aside of the award for a period of time specified by it in order to enable the arbitration tribunal to resume the arbitral proceedings or to take such other action as the arbitration tribunal considers will eliminate the grounds for setting aside the award.

Article 232⁶. Form and content of an application for setting aside an award

An application to set aside an award shall be made in writing and shall be signed by a party to the arbitration proceedings or a person not party to the proceedings whose rights and obligations are affected by the award or their representative.

An application to set aside an award shall state:

- 1) the name of the economic court to which the application is made;
- 2) the name of the arbitration tribunal, the seat of arbitration and its composition;

- 3) the names (surnames, first names, middle names) of the parties to the arbitration and their location (postal address) or domicile;
- 4) the date on which the award was made;
- 5) the date on which the appealed award was received by the party requesting the setting aside of the award;
- 6) the request for setting aside of the award and the grounds on which it is appealed against.

An application for the setting aside of an award may include the telephone and fax numbers, e-mail address and other particulars of the parties.

The application of a party to the arbitration proceedings to set aside an award shall be accompanied by:

- 1) a certified copy of the arbitral award. A copy of the award of the permanent arbitral institution shall be certified by the head of that arbitral institution, the signature of the arbitrator on the copy of the award of the arbitration tribunal established to resolve a particular dispute shall be notarized;
- 2) the original of the arbitration agreement or a duly certified copy thereof;
- 3) the documents submitted in support of the request for setting aside the arbitral award;
- 4) documents confirming payment of the state duty and postage in the established order and amount;
- 5) document confirming sending a copy of the application for setting aside the arbitral award and the documents attached thereto to the other party to the arbitration proceeding.

Documents drawn up in a foreign language, when submitted to the economic court, shall be accompanied by a duly certified translation into the state language or the language of the economic court proceedings.

The documents referred to in Paragraphs 3, 4 and 5 of part four of this Article shall be attached to the application for setting aside of an arbitral award of a person not involved in the case, whose rights and obligations are affected by the arbitral award.

If the application for setting aside the arbitral award is submitted by the representative of the party to the arbitration proceedings or the representative of the person not involved in the case on whose rights and obligations the award is made, the power of attorney shall be attached to the application confirming the authority of the representative to sign it.

If the requirements set out in paragraphs one and two of Article 232⁵ of this Code have not been complied with, the application for setting aside an arbitral award shall be rejected in accordance with the rules set out in Article 154 of this Code.

If the requirements set out in paragraph five of Article 37 of this Code, parts one, two, four and seven of this Code are not met, the application for setting aside an arbitral award shall be returned to the applicant pursuant to the rules set out in Article 155 of this Code.

Article 232⁷. Consideration of an application for setting aside an award

An application to set aside an arbitral award shall be heard by a single judge in accordance with the rules set out in Chapter 28 of this Code.

Article 232⁸. Grounds for setting aside an award

An arbitral award shall be subject to setting aside by the economic court if a party or a person not involved in the case on whose rights and obligations the arbitral award is made provides evidence that:

1) the arbitration agreement is invalid under the law to which the parties have subjected it or, in the absence of any indication of such law, under the law of the Republic of Uzbekistan;

2) one of the parties to the arbitration agreement referred to in Article 12 of the Law of the Republic of Uzbekistan on International Commercial Arbitration has been incapacitated in some respect;

3) the party was not duly notified of the appointment of the arbitrator or of the arbitration proceedings or for other reasons was unable to present its arguments;

4) an award is made in respect of a dispute not contemplated by or not falling within the terms of the submission to arbitration or contains decisions on matters outside the scope of the arbitration agreement. Where, however, if the rules on matters submitted to arbitration can be separated from those not subject to arbitration, only that part of the award which contains rules on matters not subject to arbitration may be set aside;

5) the composition of the arbitration tribunal or the arbitration procedure was not in accordance with the agreement of the parties, unless such agreement is contrary to any provision of the Law of the Republic of Uzbekistan on International Commercial Arbitration from which the parties may not derogate or, in the absence of such agreement, was not in accordance with the Law of the Republic of Uzbekistan on International Commercial Arbitration.

An arbitral award shall be set aside if the economic court determines that:

1) the subject matter of the dispute is not arbitrable under the legislation of the Republic of Uzbekistan;

2) the arbitral award is contrary to the public policy of the Republic of Uzbekistan.

Article 232⁹. Ruling on a case for setting aside an award

The economic court shall, after considering the case for setting aside an arbitral award, make a ruling in accordance with the rules prescribed by this Code for making a decision.

The ruling of the economic court to set aside an arbitral award or to refuse to set aside an arbitral award shall also contain

1) particulars of the arbitral award appealed against and the place where it was made;

2) information on the name and composition of the arbitration tribunal which made the award being appealed against;

3) the names (surnames, first names, middle names) of the parties to the arbitration

4) indication of the setting aside of the arbitral award in full or in part or refusal to satisfy the claimant's claim in full or in part.

The setting aside of an arbitral award shall not prevent the parties to the arbitration proceedings, in accordance with the arbitration agreement, from reapplying to arbitration, unless the possibility of applying to arbitration is lost, or from applying to the economic court under the general rules provided for in this Code.

If the arbitral award is set aside by the economic court in whole or in part due to the invalidity of the arbitration agreement, or the award has been made on a dispute not covered by the arbitration agreement, or does not fall under its terms, or contains conclusions on issues not covered by the arbitration agreement, the parties to the arbitration proceedings may apply to the economic court for resolution of such dispute under the general rules stipulated in this Code.

The ruling of the economic court in the case of setting aside the arbitral award may be appealed (protested) in the procedure provided for in this Code;

13) supplement **Article 248** with **part five** to read as follows:

“Issues of recognition and enforcement of an arbitral award, if the place of arbitration is located in the Republic of Uzbekistan, shall be resolved in the manner prescribed by this Chapter, taking into account the peculiarities provided for in the Law of the Republic of Uzbekistan on International Commercial Arbitration”;

14) in **part two** of **Article 334** the words “of a foreign court or arbitration” shall be replaced by the words “of a foreign court, arbitration”.

Article 2: Introduce to the Law of the Republic of Uzbekistan of January 6, 2020 № LRU-600 “On state dues” (Bulletin of Chambers of the Oliy Majlis, 2020, № 1, art. 1, № 3, art. 201, № 5, art. 298, № 10, art. 593, № 12, art. 691; 2021, № 1, art. 13, Annex, № 4, № 7, art. 800, 803, No. 10, art. 968) the following amendments and additions:

1) **paragraph 2** of **Article 5** shall be worded as follows:

“2) from claims filed with economic courts, from applications to declare organisations and individuals bankrupt, from applications to intervene in a case as a third party asserting independent claims on the subject matter of a dispute, from applications to establish facts relevant to the emergence, change or termination of

the rights of legal entities and individual entrepreneurs in the economic sphere, from appeals, cassation and supervisory review appeals against economic court decisions, on rulings to dismiss the case, to leave the claim without consideration, on the imposition of judicial fines, on applications to challenge arbitration tribunal awards, on appeals against arbitral awards, on issuing writs of execution for the enforcement of arbitral awards from appellate, cassation and supervisory review appeals against rulings of the economic court in cases of challenging arbitral awards of arbitration tribunals, appealing arbitral awards and issuing a writ of execution for compulsory enforcement of arbitral awards from applications for recognition and enforcement of foreign court decisions, arbitration, from appellate, cassation and supervisory appeals against court rulings on cases of recognition and enforcement of foreign court decisions, arbitration, as well as for issuance by economic courts of duplicates and copies of documents”;

2) in **paragraph 2** of the annex:

in **subparagraph “j”**, after the words “concerning challenging an arbitral award of arbitral courts”, add the words “concerning appealing an arbitral award of arbitration tribunal”;

in **subparagraph “z” in the Russian language**, replace the words “иностранных судов (арбитражей)” with the words “иностранных судов и арбитражей”.

Article 3. For the Cabinet of Ministers of the Republic of Uzbekistan:

bring government decisions into conformity with this Law;

ensure revision and annulment by public administration bodies of their normative legal acts contradicting this Law;

provide for the implementation, communication and explanation of the essence and meaning of this Law to the public.

Article 4. This Law shall come into force from the day of its official publication.

**President of
the Republic of Uzbekistan**

Sh. Mirziyoyev

Tashkent

May 16, 2022

No. LRU-769