

LAW OF THE REPUBLIC OF TAJIKISTAN ON THE COURT OF ARBITRATION

CHAPTER 1. GENERAL PROVISIONS

Article 1. Scope of the present Law

1. The present Law regulates an order of formation and activity of the court of arbitration in the Republic of Tajikistan.
2. In the court of arbitration under the agreement of parties arbitration trial (further - the parties) the dispute following from civil and economic of legal relationship if other is not established by the law can be transferred.
3. Action of the present Law does not extend on the international commercial arbitration.

Article 2. The basic concepts

In the present Law following basic concepts are used:

- The arbitration court - constantly operating arbitration court or the single arbitration court formed by the parties for the decision of concrete dispute;
- The arbitration judge - the judge of constantly operating arbitration court, or the physical person selected the parties or appointed in an order co-ordinated by the parties for the resolution of dispute in the single arbitration court;
- Arbitration trial - process of the resolution of dispute and decision-making in the arbitration court;
- The arbitration agreement - the agreement of the parties on dispute transfer on the arbitration court permission;
- The arbitration reservation - the reservation provided in the contract on dispute consideration in the arbitration court;
- Rules of constantly operating arbitration court - charters, positions and the regulations containing rules of arbitration trial which are confirmed by the legal body who has formed constantly operating arbitration court;
- Rules arbitration of handling norm, resolutions of dispute regulating an order in the arbitration court, including reference rules in the arbitration court, elections (appointment) of arbitration judges and procedure of arbitration trial;

- The parties arbitration of juridical handling persons, individual businessmen and physical persons who have made in the arbitration court the claim in protection of the rights and interests or to which the claim is made;
- Competent court - economic court of the Republic of Tajikistan on the disputes subordinated to economic courts, regional (city) court on the disputes subordinated to courts of the general jurisdiction, the Republic of Tajikistan established by the legislation.

Article 3. An order of formation and activity of the arbitration courts

1. In Republic Tajikistan constantly operating arbitration courts and the single arbitration courts can be formed.
2. Constantly operating arbitration courts are formed by the noncommercial organizations - legal bodies.
3. Constantly operating arbitration courts cannot be formed at public authorities and local government.
4. Constantly operating arbitration court is considered formed when the legal body has made the decision on formation of constantly operating arbitration court, has confirmed Position about constantly operating arbitration court and the list of arbitration judges.
5. The legal body who has formed constantly operating arbitration court, directs to the competent court which is carrying out the judicial power in that territory where constantly operating arbitration court is located, copies of the documents testifying to formation of constantly operating arbitration court, provided by a part of fourth present article.
6. The order of formation of the single arbitration court is defined under the agreement of parties which cannot contradict positions by article 7, 8, 10, 12 and 13 present Laws. If in the agreement of the parties the order of formation of the single arbitration court positions of articles 7-13 of the present Law are applied is not defined.

Article 4. Dispute transfer on the arbitration court permission

1. Dispute can be transferred to the permission of the arbitration court in the presence of the arbitration agreement entered into between the parties or the arbitration reservation in the contract.
2. The arbitration agreement on transfer of the arisen or arising civil and economic dispute on the arbitration court permission consists in a kind of the separate written contract.

3. The arbitration agreement can be concluded the parties concerning all or certain disputes which have arisen between the parties in connection with concrete правоотношением.

4. The arbitration agreement on the resolution of dispute under the contract which conditions are defined by one of the parties, can be recognized by valid if it is accepted other party precisely by joining to the offered contract in whole (the joining contract), under a condition if such agreement is concluded after occurrence of the bases for a claim presentation.

Article 5. Legal bases of regulation on the activity of the Courts of arbitration

The arbitration court resolves disputes on the basis of the Constitution of the Republic of Tajikistan, the present Law and other standard legal certificates of the Republic of Tajikistan, the international legal certificates recognized as Tajikistan, and also according to treaty provisions and with the account of traditions of a business turn.

CHAPTER 2. THE ARBITRATION AGREEMENT

Article 6. The form and the maintenance of the arbitration agreement

1. The arbitration agreement consists in writing. The arbitration agreement is considered the prisoner in writing if it contains in the document signed by the parties, or is concluded by an exchange of letters, messages by teletype, to telegraph or with use of other means of the electronic or other communication providing the statement of such agreement.

2. The arbitration agreement should contain:

- The name of the parties;
- A dispute subject;
- The arbitration court name (if dispute is transferred in constantly operating arbitration court);
- Number, surnames, names and patronymics of the selected arbitration judges;
- Position about applied rules;
- Term of consideration of dispute;
- A place and time of the conclusion of the contract.

3. Under the consent of the parties in the arbitration agreement can be provided and other requirements.

4. The arbitration agreement on dispute transfer on consideration of the single arbitration court should provide in addition rules of arbitration trial in the given arbitration court.
5. The arbitration agreement should contain a condition about payment of the penalty for default of the obligations following from it.
6. If the parties have not agreed about other by transfer of dispute to constantly operating arbitration court of a rule of constantly operating arbitration court are considered as an integral part of the arbitration agreement.

CHAPTER 3. ARBITRATION COURT STRUCTURE

Article 7. The present of requirements to the arbitration judge of the court of arbitration

1. The arbitration judge it is selected the physical person, capable to provide the impartial resolution of dispute which expressly or by implication has been not interested in issue of a suit, being independent of the parties and agreed to discharge of duties of the arbitration judge in an order co-ordinated by the parties (is appointed).
2. The arbitration judge of the arbitration court resolving dispute individually, should have the higher juridical education. In case of the joint resolution of dispute the chairman of structure of the arbitration court should have the higher juridical education.
3. The requirements shown to qualification of the arbitration judge of the arbitration court, can be co-ordinated the parties directly or are defined by rules of arbitration trial.
4. The physical person who is not possessing full capacity, or consisting under guardianship or the guardianship, having a previous conviction which is not extinguished or removed in the order established by the law cannot be the arbitration judge of the arbitration court.
5. The arbitration judge of the arbitration court cannot be the physical person who according to the law, cannot be selected (is appointed) by the arbitration judge of the arbitration court, (the judge, the employee of Office of Public Prosecutor and other persons).

Article 8. Number of arbitration judges

1. The parties can independently define number of arbitration judges which should be odd.
2. If the parties have not agreed about other for the resolution of dispute in the single arbitration court are selected (are appointed) three arbitration judge.

3. If rules of constantly operating court of arbitration do not define number of arbitration judges are selected (are appointed) three arbitration judges.

Article 9. Formation of structure of the arbitration court

1. Formation of structure of the arbitration court is made by election (appointment) of arbitration judges (the arbitration judge).

2. In constantly operating arbitration court the arbitration court structure is formed in an order established by rules of constantly operating arbitration court.

3. In the single arbitration court the arbitration court structure is formed in an order coordinated by the parties.

4. If the parties have not agreed about other the structure of the single arbitration court is formed in a following order:

- At formation of structure of the arbitration court consisting of three arbitration judges, each party selects one arbitration judge, and two arbitration judges selected by such order select the third arbitration judge;

- If one of the parties does not select the arbitration judge within 15 days after reception of the petition for election of the arbitration judge from other party or two selected arbitration judges within 15 days after their election do not select the third arbitration judge dispute in the arbitration court is not subject to consideration, and the given dispute can be transferred to the permission of competent court;

- If dispute is subject to the permission the arbitration judge individually and after the reference of one party to another with the offer on election of the arbitration judge of the party within 15 days do not select the arbitration judge dispute in the arbitration court is not subject to consideration, and the given dispute can be transferred to the permission of competent court.

Article 10. The bases for tap of the judge

1. The court of arbitration cannot take part in a legal investigation, and after its appointment or election is subject to tap or rejection, if:

- It is expressly or by implication interested in result of a legal investigation;

- Is the relative of one of the parties or other persons who are taking part in business, or is with these persons or the parties in special relations;

- Dispute is expressly or by implication connected with performance of office powers by it;

- The party has learnt about interest or the biased relation of the arbitration judge to business, after its election or appointment;
 - After one month from the date of appointment or election the arbitration judge does not carry out the duties connected with considered business;
 - Discrepancy of the arbitration judge to the requirements established by article 7 of the present Law is revealed;
 - Took part as the arbitration judge in considered business earlier, but has been taken away as the party, the representative of the party or in any other quality, or has declared rejection.
2. In the single arbitration court the agreement of the parties the additional bases for tap or rejection of the arbitration judge can be established.

Article 11. An order of tap of the arbitration judge

1. In case of the reference to any physical person, in connection with its possible election (appointment) as the arbitration judge, the specified person should inform on presence of the circumstances which are the bases for its tap, according to article 10 of the present Law.

If the specified circumstances have arisen during arbitration trial, the arbitration judge should inform immediately on it to the parties and declare rejection.

2. The party can declare tap to the arbitration judge selected it, according to article 10 of the present Law only in case the circumstances which are the bases for tap, became known to the party after election of the taken away arbitration judge as it.

3. If procedure of tap of the arbitration judge is not co-ordinated by the parties or not defined by rules of constantly operating arbitration court written мотивированное the statement for tap of the arbitration judge should be submitted by the party within five days after the party knew that the arbitration court structure is generated.

If the judge of the arbitration court to whom tap is declared, does not take rejection or other party does not agree with tap of the arbitration judge the question on tap of the arbitration judge is authorized other arbitration judges who are a part of the arbitration court, in ten-day term from the moment of reception written мотивированного party statements. The question on tap of the arbitration judge resolving dispute individually, is authorized this arbitration judge.

Article 12. The termination on powers of the court of arbitration

1. Powers of the court of arbitration terminated after 15 days since the moment of decision-making under the resolution of dispute, and in case of the appeal or the

reference, according to the requirements provided by articles 34-37 of the present Law, after their consideration.

2. Powers of the arbitration judge can be stopped under the agreement of parties, in connection with rejection of the arbitration judge or tap of the arbitration judge on the bases provided by articles 10 and 11 present Law, and also in case of death of the arbitration judge.

3. The bases for the termination of powers of the court of arbitration under the agreement of parties, and also for rejection of the court of arbitration are the legal or actual impossibility of its participation in dispute consideration, other reasons on which the court of arbitration cannot participate in consideration of dispute during long term.

4. On the termination of powers of the court of arbitration definition is taken out.

Article 13. Replacement of the court of arbitration

In case of the termination of powers of the court of arbitration other court of arbitration is selected appointed) according to rules which were applied at election (appointment) of the replaced court of arbitration.

CHAPTER 4.

THE EXPENSES CONNECTED WITH THE RESOLUTION OF DISPUTE IN THE COURT OF ARBITRATION

Article 14. The expenses connected with the resolution of dispute in the court of arbitration

1. The expenses connected with the resolution of dispute in the court of arbitration, include:

- The fee of court of arbitration ;
- The expenses suffered by court of arbitration in connection with participation in arbitration trial, including expenses on journey payment to a place of consideration of dispute;
- The sums which are subject to payment to experts and translators;
- The expenses suffered by court of arbitration in connection with survey and research written and material evidences on a place of their finding;
- The expenses suffered by witnesses;
- Expenses on fee of the representative of the party in which advantage dispute is resolved;

- Expenses on organizational, material and other maintenance of arbitration trial;
- Other expenses defined by the arbitration court.

2. The arbitration court after its formation has the right to demand from each party to grant the equal sums as advance payment on a covering of expenses.

If demanded advance payment is not completely brought within 30 days after reception of the petition for it, the arbitration court notifies on it the parties so that one or other party could make demanded payment.

If advance payment is not brought by the parties that size and on those conditions which have been defined, the arbitration court can give up in carrying out of arbitration trial or suspend it.

3. The arbitration court independently solves all questions on distribution between the parties of the expenses connected with consideration of dispute in the arbitration court if other is not established by the agreement of the parties.

4. Distribution between the parties of the expenses connected with consideration of dispute, is underlined in the decision or definition.

5. Position about distribution between the parties of the expenses connected with consideration of dispute, is a component of the decision of the arbitration court, and is subject to obligatory execution.

6. The size of the fee of arbitration judges is defined taking into account the price of the claim, complexity of dispute, time spent by arbitration judges on arbitration trial, and any other relevant circumstances.

7. In constantly operating arbitration court the size of the fee of arbitration judges is defined by arbitration court structure, according to a scale of fees of the arbitration judges, provided by rules of constantly operating arbitration court, and in the absence of that - taking into account requirements of present article.

8. In the single arbitration court the size of the fee of arbitration judges is defined under the agreement of parties, and in the absence of such agreement - the single arbitration court, taking into account requirements of present article.

Article 15. Distribution of expenses between the dispute parties

1. Distribution of the expenses connected with the resolution of dispute in the arbitration court, between the parties is made by the arbitration court according to the agreement of the parties, and at absence same pro rata to the satisfied and rejected requirements.

2. Expenses on fee of the representative of the party in which advantage the arbitration court decision is accepted, and also other expenses connected with arbitration trial, can be carried under the arbitration court decision on other party if the requirement has been declared compensation of the suffered expenses during arbitration trial and is satisfied by the court of arbitration.

3. Distribution of the expenses connected with the resolution of dispute in the court of arbitration, is underlined in the decision or court of arbitration definition.

CHAPTER 5. ARBITRATION TRIAL

Article 16. The Statement of claim

1. The claimant states the requirements in the statement of claim and transfers in the court of arbitration. The copy of the statement of claim is transferred by the court of arbitration to the respondent.

2. In the statement of claim should be specified:

- Date of the statement of claim;
- The name and the locations of the organizations which are the parties of arbitration trial;
- Surnames, names, patronymics, residences, places of work of individual businessmen and other physical persons who are the parties of arbitration trial;
- The arbitration agreement or the arbitration reservation on dispute transfer on the permission of court of arbitration;
- Requirements of the claimant;
- Circumstances on which the claimant bases the requirements;
- The proofs confirming the bases of claim requirements;
- The claim price;
- The list of documents applied on the statement of claim and other materials.

3. The statement of claim should be signed the claimant or its representative. If the statement of claim is signed by the representative of the claimant, the power of attorney or other document certifying powers of the representative should be enclosed to the statement of claim.

4. Rules of arbitration trial additional requirements to an essence and the maintenance of the statement of claim can be provided.

Article 17. A response on the statement of claim

1. The respondent has the right to present to the claimant and to the arbitration court a response on the statement of claim, having stated in it the objections against the claim. The response on the statement of claim is represented to the claimant and in the arbitration court the terms provided by rules of arbitration trial are perfectly in order also.
2. If rules of arbitration trial term of representation of a response on the statement of claim is not defined, the specified response is represented before the first session of the court of arbitration.
3. During arbitration trial the party has the right to change or add the claim requirements or objections against the claim.

Article 18. Counterclaim

1. The respondent has the right to show to the claimant the counterclaim provided that there is an interconnection of the counterclaim with requirements of the claimant and also provided that the counterclaim can be considered the court of arbitration according to the arbitration agreement.
2. The counterclaim can be shown during arbitration trial before decision-making by the court of arbitration.
3. The counterclaim should correspond to requirements of a part of second article 16 of the present Law.
4. The claimant can present objections against the counterclaim as it should be and terms which are provided by rules of arbitration trial.
5. If the parties have not agreed about other the respondent has the right, according to the the Republic of Tajikistan legislation, to demand offset of the counterclaim with observance of requirements of present article.

Article 19. Reception of documents and other materials

1. Documents and other materials go to the parties in the order co-ordinated by them and to the addresses specified by them.
2. If the parties have not co-ordinated other order documents and other materials go on last known location of the organization which are the party of arbitration trial, or a residence of the individual businessman, or the physical person who are the party of arbitration trial, the certified mail with the assurance of receipt or the different way providing fixing of delivery of specified documents and materials. Documents and other materials are considered received in day of their delivery.

Article 20. The court of arbitration

1. The court of arbitration, with observance of requirements of the present Law, independently solves a question on presence or absence at it the competence for considered dispute.
2. The party has the right to declare absence at the arbitration court of the competence concerning the dispute transferred to its decision to the legal investigation beginning.
3. The party has the right to declare excess by the court of arbitration of powers if in the course of consideration of dispute by the court of arbitration there will be a question which consideration is not provided by the arbitration agreement or which cannot be a subject of such consideration according to regulations of the court of arbitration or the present Law.
4. In the cases provided by parts of second and third present article, the court of arbitration should postpone a legal investigation or suspend a legal investigation in essence to the decision it of a question concerning presence at it the corresponding competence.

Concerning presence or absence of the competence, the court of arbitration in the specified cases takes out reasoned definition.

5. If the arbitration court comes to conclusion concerning impossibility of consideration by it of the given dispute owing to absence at it the competence, arbitration consideration stops, and the expenses suffered by the court of arbitration , are compensated by the parties in equal parts.
6. At claim acceptance, the court of arbitration solves a question on presence and the agreement validity on dispute transfers on arbitration court consideration. If the court of arbitration comes to conclusion about absence or invalidity of the specified agreement, it should give up in dispute consideration.
7. On refusal in a legal investigation it is taken out reasoned definition which is sent to the parties. In this case, to the claimant together with definition claim materials come back.

Article 21. Principles of arbitration trial

Arbitration trial is carried out on the basis of principles of legality, voluntariness, confidentiality, independence and impartiality of arbitration judges, *ДИСПОЗИТИВНОСТИ*, competitiveness and equality of the parties.

Article 22. Definition of rules of arbitration trial

1. Constantly operating court of arbitration carries out arbitration trial according to rules of constantly operating court of arbitration if the parties have not agreed on application of other rules of arbitration trial.
2. The single court of arbitration carries out arbitration trial according to the rules co-ordinated by the parties.
3. The rules of arbitration trial co-ordinated by the parties according to parts of first and second present article, cannot contradict obligatory positions of the present Law according to which, the right to agree on separate questions is not represented to the parties.

Not co-ordinated by the parties, not defined by rules of constantly operating court of arbitration and the present Law of a rule of arbitration trial, are defined by the arbitration court.

Article 23. A place of arbitration trial

1. In the single court of arbitration of the party can agree about a place of arbitration trial at own discretion. If between the parties there is no such arrangement the place of arbitration trial is defined by the court of arbitration taking into account circumstances of business, including the factor of convenience to the parties.
2. In constantly operating court of arbitration the place of arbitration trial is defined according to rules of constantly operating court of arbitration. If in rules of constantly operating court of arbitration the place of arbitration trial, or an order of its definition the place of arbitration trial is defined by structure of the court of arbitration taking into account circumstances of business is not specified, including the factor of convenience to the parties.

Article 24. Language of arbitration trial

1. If the parties have not agreed about other arbitration trial is conducted in a state language.
2. The party representing documents and other materials not in language of arbitration trial, is obliged to provide their transfer.
3. The court of arbitration can demand from the parties of transfer of documents and other materials on language of arbitration trial.

Article 25. Confidentiality of arbitration trial

1. The court of arbitration has not the right to disclose the data which have become known it during arbitration trial, without the consent of the parties or their representatives.

2. The arbitration judge cannot be interrogated as the witness about the data which have become to it known during arbitration trial.

Article 26. Powers of the court of arbitration on acceptance of providing measures

If the parties have not agreed about other, the arbitration court under the statement of any party within the limits of positions of the legislation of the Republic of Tajikistan can undertake such providing measures which considers necessary. The court of arbitration can demand on the parties appropriate maintenance of the claim in connection with such measures.

Article 27. Representation of proofs

Each party should prove those circumstances on which she refers as to a substantiation of the requirements and objections. The court of arbitration has the right, if considers the presented proofs insufficient, to demand from the parties of representation of additional proofs.

Article 28. Participation of the parties in court of arbitration session

1. If the parties have not agreed on other arbitration trial is carried out in session of the arbitration court with participation of the parties or their representatives.
2. The notice on time and a place of session of the arbitration court should be beforehand directed the parties. The notice goes and handed over in an order provided by article 19 of the present Law.
3. Copies of all documents and other materials, and also other information which are represented to the court of arbitration of one of the parties, should be transferred the court of arbitration to other party. Copies of expert's statements on which the court of arbitration bases the decision, should be transferred the court of arbitration to the parties.
4. If the parties have not agreed on other the court of arbitration considers case in a private meeting.
5. Equal possibilities for a statement of the position and protection of the rights and interests should be given each party.

Article 29. Consequences of unrepresented parties of documents and other materials, or absences of the parties

1. Unrepresented documents and other materials, also absence on session of the court of arbitration of the parties, or their representatives properly notified on time and a place of session of the court of arbitration, are not an obstacle for arbitration trial and decision-making by the court of arbitration if the reason unrepresented documents and

other materials, either absence of the parties, or their representatives on court of arbitration session is recognized by them by disrespectful.

2. Unrepresented by the respondent of objections against the claim it can not be considered as a recognition of requirements of the claimant.

Article 30. Appointment and examination carrying out

1. For the purpose of the correct decision of dispute, the court of arbitration has the right to oblige the parties or one of the parties to examine for an explanation of questions which demand special knowledge, of what the court of arbitration takes out corresponding definition. The consequence of default by the party of these requirements is defined by regulations of the court of arbitration or the arbitration judge of the single court of arbitration .

2. The bases and an order of tap of the expert are defined by regulations of the court of arbitration or the agreement of the parties of arbitration trial.

Article 31. The report of session of the court of arbitration

1. The report of session on the arbitration court is conducted only in case of agreement presence between the parties on conducting the report or in the cases provided by regulations of the court of arbitration .

2. For report conducting under the consent of arbitration judges (the arbitration judge) the parties the secretary of arbitration trial can be appointed. In case of its absence arbitration judges can select the secretary on court of arbitration structure (except the chairman) which resolves dispute.

3. In the report on session of the court of arbitration are marked:

- Date and a legal investigation place;
- Surnames, names and patronymics of arbitration judges and the secretary;
- A dispute essence;
- The name of the parties, their representatives, witnesses, experts, other persons which take part in a legal investigation;
- Statements and petitions of the parties;
- Instructions and requirements to the parties on the business, put forward by the court of arbitration;
- The schedule on sessions of the court of arbitration;

- The maintenance of explanations of the parties and other persons who are taking part in business;
 - Granting of proofs, data on their review during arbitration trial;
 - The coordination on the parties of a question to necessity of preservation and conditions of preservation of decisions on the court of arbitration;
 - The expenses suffered by the parties.
4. The report subscribes secretary and all arbitration judges who considered case.
 5. The bases and an order of tap of the secretary are defined by regulations of the arbitration court or the agreement of the parties of arbitration trial.

CHAPTER 6. THE COURT OF ARBITRATION DECISION

Article 32. Decision-making by the court of arbitration

1. After research of circumstances of business, the court of arbitration the majority of voices of the arbitration judges who are a part of the court of arbitration, makes the decision.

The decision appears in court of arbitration session.

The court of arbitration has the right to declare only a final part of the decision. If the parties have not co-ordinated term for a decision direction, the decision should be directed the parties in time, not exceeding 15 days from the date of the announcement of a final part of the decision.

2. The court of arbitration can if necessary, postpone decision-making and cause the parties on additional session with observance of positions of a part of third article 28 of the present Law.

3. Under the petition of the parties the court of arbitration makes the decision on the statement of the agreement of lawsuit if the agreement of lawsuit does not contradict laws and other standard legal certificates and does not break the rights and legitimate interests of other persons. The maintenance of the agreement of lawsuit is stated in the court of arbitration decision.

4. The court of arbitration decision is considered accepted in a place of arbitration trial and in day when it is signed by the arbitration judges who are a part of the court of arbitration.

Article 33. The form and the maintenance of the decision on the court of arbitration

1. The court of arbitration decision is stated in writing and subscribes the arbitration judges who are a part of the court of arbitration, including the arbitration judge having special opinion. The special opinion of the arbitration judge is applied on the court of arbitration decision. If arbitration trial was carried out jointly the decision can be signed the majority of the arbitration judges who are a part of the court of arbitration, under condition of instructions of a good reason of absence of signatures of other arbitration judges.

2. In the court of arbitration decision should be specified:

- Decision-making date;
- The place of arbitration trial defined according to article 23 of the present Law;
- Structure of the court of arbitration and an order of its formation;
- Names and the locations of the organisations which are the parties of arbitration trial;
- Surnames, names, patronymics, places of births, residences and places of work of individual businessmen - the physical persons who are the parties of arbitration trial;
- The arbitration agreement or the arbitration reservation;
- Requirements of the claimant and objection of the respondent, the petition of the parties;
- The circumstances of business established by the court of arbitration, proofs on which court of arbitration conclusions about these circumstances are based, laws and other standard legal certificates, the international certificates recognised as Tajikistan and tradition of a business turn by which the court of arbitration was guided at decision-making.

The final part of the decision should contain court of arbitration conclusions on satisfaction or refusal in satisfaction of each declared claim requirement. In a final part the expenses connected with the resolution of dispute in the court of arbitration, distribution of the specified expenses between the parties, and if necessary - term and an order of execution of the made decision are specified.

3. After decision-making to each party should be handed over, or its copy is directed.

Article 34. The additional decision

1. If the parties have not agreed on other any of the parties, having notified on it other party, can within 10 days after reception of the decision of the arbitration court address in the same arbitration court with the statement for acceptance of the additional decision concerning requirements which have been declared during arbitration trial,

but have found reflex ion in the decision. The specified statement should be considered the structure of the arbitration court which has resolved dispute, within 10 days after its reception.

2. By results of consideration of the corresponding statement definition about refusal in satisfaction of the statement for acceptance of the additional decision is accepted or the additional decision which is a component of the decision of the arbitration court, or.

Article 35. A decision explanation

1. If the parties have not agreed about other any of the parties, having notified on it other party, can within 10 days after reception of the decision of the arbitration court address in the same arbitration court with the statement for a decision explanation. The statement for a decision explanation should be considered within 10 days after its reception by structure of the arbitration court which has resolved dispute.

2. The arbitration court has the right to explain the decision made by it, not changing its maintenance.

3. By results of consideration of the corresponding statement definition about refusal in a decision explanation is taken out or definition about an explanation of the decision which is a component of the decision of the arbitration court, or.

Article 36. Correction описок, typing errors, arithmetic errors in the decision

1. The arbitration court under the statement of any of the parties or under the initiative corrects admitted slip, typing errors, arithmetic errors in the decision.

2. On correction slip, typing errors, arithmetic errors in the arbitration court decision definition which is a decision component is taken out.

Article 37. The court of arbitration definition

On the questions which are not mentioning a being of dispute, the arbitration court takes out definition.

Article 38. The termination of arbitration trial

The arbitration court takes out definition about the termination of arbitration trial, if:

- The claimant refuses the requirement, and the respondent will not declare objection against the termination of arbitration trial;
- The parties have reached agreements on the termination of arbitration trial;
- Dispute not amenable to the arbitration court;

- The arbitration court has accepted definition about the statement of the agreement of lawsuit;
- The organisation which is the party of arbitration trial, is liquidated;
- The individual businessman, or the physical person, being the party of arbitration trial, has died, either is declared by died or recognised unknown by gone;
- There is entered the validity, accepted on dispute between the parties, about the same subject and on the same bases a decision of court of the general jurisdiction, economic court or the arbitration court.

Article 39. Storage of decisions and affairs

1. The business considered by the single arbitration court, surrenders it for storage in the state body in an order defined by the Law of the Republic of Tajikistan "On National archival fund and archival establishments".
2. The business considered by constantly operating arbitration court, is stored in this arbitration court in a current of 5 years from the date of decision-making if other is not established by rules of constantly operating arbitration court.

CHAPTER 7. THE APPEAL OF THE DECISION OF THE ARBITRATION COURT

Article 40. The appeal of the decision of the arbitration court in the competent court

If in the arbitration agreement it is not provided, that the arbitration court decision is definitive the arbitration court decision can be appealed against the party participating in business by a filing of application about decision cancellation in competent court within three months since the date of reception of the decision of the arbitration court.

Article 41. An order of the appeal of the decision of the arbitration court

The order of the appeal of the decision of the arbitration court in competent court, considerations by competent court of the statement for cancellation of the decision of the arbitration court and decision-making on satisfaction or refusal in satisfaction of the statement is defined by the legislation of the Republic of Tajikistan.

Article 42. The bases for cancellation of the decision of the arbitration court

The arbitration court decision can be cancelled competent court in the cases provided by the Code of the Republic of Tajikistan on economic legal proceedings.

Article 43. Consequences of cancellation of the decision of the arbitration court

In case of cancellation of the decision of the arbitration court by competent court, any of the parties has the right to address repeatedly according to the arbitration agreement in

the arbitration court. If the arbitration court decision is cancelled in full or in part owing to invalidity of the arbitration agreement or because the decision is accepted on the dispute which has been not provided by the arbitration agreement, or not falling under its conditions, or the decision it is accepted on the questions which are not covered by the arbitration agreement, corresponding dispute in the arbitration court is not subject to the further consideration.

CHAPTER 8. EXECUTION OF THE DECISION OF THE ARBITRATION COURT

Article 44. Compulsion of the decision of the arbitration court

The parties which have entered into the arbitration agreement, take up a duty voluntary to execute the arbitration court decision. The parties and the arbitration court use reasonable efforts the arbitration court decision was completed legally.

Article 45. Execution of the decision of the arbitration court

1. The arbitration court decision is executed as it should be and in time, established by the given decision.
2. If in the decision of the arbitration court term is not established, it is subject to immediate execution.

Article 46. Compulsory execution of the decision of the arbitration court

1. The decision of the arbitration court which is not executed voluntary, is subject to compulsory execution in an order established by the legislation of the Republic of Tajikistan.
2. The executive document which has been given out on the basis of the decision of the arbitration court, can be shown to compulsory performance in the terms established by the legislation of the Republic of Tajikistan.

Article 47. The bases for refusal in court order delivery

1. By consideration of the statement for court order delivery the competent court has not the right to investigate the circumstances established by the arbitration court, or to reconsider the arbitration court decision in essence.
2. The competent court takes out definition about refusal in court order delivery in an order established by the civil remedial legislation and the legislation on economic legal proceedings.
3. In case of removal by competent court of definition about refusal in delivery of the court order, the party have the right to address according to the arbitration agreement

in the arbitration court, or competent court with observance of rules of jurisdiction and jurisdiction, except for the cases provided by article 44 of the present Law.

CHAPTER 9. FINAL PROVISIONS

Article 48. Introduction in action of the present Law

The present Law was introduced since April 1, 2008.

The president of The Republics of Tajikistan E.Rakhmonov

Dushanbe city, January 5, 2008 № 344

Decision of Majlisi Namoyandagon

Majlisi Oli of the Republics of Tajikistan

On the law of the Republic of Tajikistan "On the arbitration courts"

Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan validated:

To introduce the Law of the Republic of Tajikistan "On the arbitration courts".

The Chairman of Majlisi Namoyandagon

Majlisi Oli of the Republic of Tajikistan

S.Hairulloev

Dushanbe, December 12, 2007 № 816

DECISION OF MAJLISI MILLI

MAJLISI OLII THE REPUBLIC OF TAJIKISTAN

On the Law of the Republic of Tajikistan "On the arbitration court"

The Law of the Republic of Tajikistan was considered "On the arbitration court",

MAJLISI MILLI MAJLISI OLII OF THE REPUBLIC OF TAJIKISTAN validated :

To approve the Law of the Republic of Tajikistan "On the arbitration court".

The chairman of Majlisi milli Majlisi oli of the Republic of Tajikistan

M.Ubaidulloev, Dushanbe city, On December 19, 2007

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